



TOWN COUNCIL MEETING MINUTES

January 21, 2025, at 7:00 PM / 250 River Circle - Alpine, WY 83128

CALL TO ORDER: Mayor Green called the January 21st, 2025, Town Council regular meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Green led the attendees in the Pledge of Allegiance.

ROLL CALL: Clerk Chenault conducted roll call. Present: Councilman Jeremiah Larsen, Councilman Andrea Burchard, Councilman Shay Scaffide, Councilman Emily Castillo, and Mayor Eric Green. A quorum was established.

ADOPT THE AGENDA: The Council reviewed the agenda prior to the meeting. Councilman Larsen made a motion to approve the agenda. Councilman Castillo seconded the motion. Voting Yea: Councilman Emily Castillo, Councilman Andrea Burchard, Councilman Scaffide, Councilman Jerney Larsen, Mayor Eric Green.

APPROVAL OF CONSENT AGENDA: Items listed on the consent agenda are considered to be routine and will be enacted by one motion in the form listed hereafter. There will be no separate discussion of these items unless a Council member or citizen requests, in which case the item will be removed from the Consent Agenda and will be considered on the Regular Agenda.

CONSENT AGENDA

- a. **Approval of Town Council Minutes:** December 17, 2024, Town Council Regular Meeting Minutes and January 7, 2025, Town Council Special Meeting Minutes. Councilman Larsen made a motion to approve the listed Town Council meeting minutes. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.
- b. **Approval of Planning & Zoning Commission Minutes:** October 8, 2024, Planning and Zoning Commission Meeting. Councilman Larsen made a motion to approve the listed Town Council meeting minutes. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.
- c. **Design Review Committee Minutes:** November 14, 2024, Design Review Committee Meeting Minutes. Councilman Larsen made a motion to approve the listed Design Review Committee meeting minutes. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.
- d. **Bills to Pay Report: 10/16/2024 through 11/19/2024:** Councilman Larsen made a motion to approve the Bills to Pay Report for the period December 18, 2024, through January 22, 2025. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.
- e. **Precision Pay Application No. 4 - Precision Electrical Services – Pretreatment:** Councilman Larsen made a motion to approve Precision Pay Application No. 4 - Precision Electrical Services -

Pretreatment. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.

- f. **Change Order No. 2 - Precision Electrical Services – Pretreatment:** Councilman Larsen made a motion to approve Change Order No. 2 - Precision Electrical Services – Pretreatment. Councilman Castillo seconded. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.

SWEARING IN CEREMONY: Rachael Stewart, Town of Alpine’s newest Planning and Zoning Commission member, participated in a swearing-in ceremony led by Mayor Green.

Mayor Green administered the oath of office, Ms. Stewart affirming her commitment to uphold the Constitutions of the United States and the State of Wyoming and to discharge their duties faithfully. The ceremony concluded with applause and congratulations.

REPORTS

- a. **Mayor’s Report:** Mayor Green announced an upcoming **joint work session with the Planning and Zoning Commission** for February 4, 2025, focusing on updates to Town of Alpine Land Use and Development Code as well as training for Council and Commission members on the meeting management website.
- b. **Clerk/Treasurer Report:** Clerk Chenault provided information on the TextMyGov system: The system would allow residents to request documents like agendas via text. Due to remaining credits on the current system, the switch was postponed to the next fiscal year budget discussions.
- c. **Public Works Director Report:** Craig Leseberg, Public Works Director, reported on the Town’s **skid steer** with a blower attachment has failed due to significant hydraulic system issues. Repairs were estimated at \$30,000-\$45,000. Renting equipment for \$3,000/month was a temporary solution, but leasing a new machine was deemed more cost-effective and was his recommendation. Council decided to place the decision as an action item for the February meeting unless urgent circumstances required a special session.
- d. **Events Committee Report:** Councilman Burchard provided an overview of the Winter Jubilee schedule:
- **Friday (January 31st):** Hot dog roast sponsored by Farm Bureau and Alpine Standard Chevron, followed by a parade, fire dancers, and a family movie.
 - **Saturday (February 1st):** Children’s activities, sledding, cross-country skiing, and Casino Night benefiting the Alpine Scholarship Fund. The event features raffles and entertainment.
- e. **Engineering Report – Jorgensen Engineering:** Kevin Meagher reported on the Radio Read Project pre-construction meeting, Alpine Village subdivision requests, and annexation reviews. Furthermore, Mr. Meagher provided an update on the Wastewater Treatment Plant progress, noting that substantial completion is targeted for August 1, 2025. Additionally, some equipment and piping parts are pending *[A detailed engineering report is included in the meeting packet, which can be accessed on our website at alpinewy.gov.]*
- f. **Planning & Zoning Report:** Mr. Dan Schou discussed the Snake River Junction Annexation and development permits. The Commission reported 27 active permits compared to 48 the previous year. He informed the Council that several projects were tabled due to incomplete plans at the last Planning and Zoning Commission meeting (01/14/2024).

- g. **Economic Development Report:** Councilman Larsen reported that a trail system development initiative was discussed, aiming for countywide expansion to support activities like the high school mountain bike program.
- h. **Alpine Travel & Tourism Board Report:** Councilman Larsen informed attendees that the Alpine Travel & Tourism is accepting applications for event funding until March 15, 2025.
- i. **Lincoln County Sheriff's Report:** was submitted in writing and can be viewed in the meeting packet on our website alpinewy.gov.

ACTION ITEMS

RESOLUTION NO. 2025-003: OFFICIAL APPOINTMENTS FOR CALENDAR YEAR 2025:

Councilman Larsen made a motion to approve Resolution No. 2025-003: Official Appointments for calendar year 2025. Councilman Castillo seconded the motion. After further review, Councilman Larsen noted an error in the term expirations for the Travel and Tourism Board Committee. Councilman Larsen amended his motion to reflect the following: **Dave Walters: Three-year term, expires 12/31/2027; Jeremiah Larsen: One-year term, expires 12/31/2025; Vacant Seat: Two-year term, expires 12/31/2026.** The amended motion was seconded by Councilman Castillo. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.

RESOLUTION NO. 2025-004: SNAKE RIVER JUNCTION ANNEXATION PETITION CERTIFICATION

Councilman Larsen made a motion to approve Resolution No. 2025-004: Snake River Junction Annexation Petition Certification. Councilman Castillo seconded the motion. Clerk Chenault confirmed the petition was reviewed and verified as complete. A public hearing was scheduled for March 18, 2025. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green.

ALPINE AIRPARK COMMUNITY FUND DISTRIBUTION:

The Alpine Airpark Community Fund was established in 2021 with contributions from Airpark residents and community members, raising \$220,000 to support critical local needs. Initially, the fund was designated for four primary areas: the Fire Department and EMS, the Library, Mosquito Abatement, and Hospital and Health Services. Over time, the scope of the fund expanded to include smaller community projects, allowing residents to apply for funding. While this flexibility benefited various initiatives, it also created an administrative burden for town staff.

As of January 21, 2025, the remaining balance of the fund was \$44,865. Past distributions included \$50,000 to Star Valley Health for EMS support and firefighting equipment, \$35,000 to Alpine Fire EMS for equipment needs, \$10,000 to Alpine Trails and Pathways for trail maintenance, and \$10,000 to the Friends of the Alpine Library for programming and improvements. Additional amounts supported youth education programs and other minor community initiatives.

During the meeting, Mayor Green and Council members discussed the remaining funds, emphasizing the importance of aligning with the fund's original purpose. The Fire Department was identified as a high priority, with specific needs for equipping a new ladder truck. The Hospital Foundation was also highlighted, as it is fundraising for a \$150,000 mobile x-ray machine to expand local healthcare services.

The Friends of the Alpine Library, which had no specific funding requests but numerous projects in progress, were recognized for their ongoing contributions to the community.

After deliberation, the Council approved the distribution of the remaining funds as follows: \$30,000 to the Fire Auxiliary for ladder truck equipment, \$10,000 to the Hospital Foundation for the x-ray machine, and \$4,865 to the Friends of the Alpine Library for community projects. Councilman Larsen abstained from the vote due to a potential conflict of interest due to sitting on the Hospital Foundation Board. Voting Yea: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Mayor Green. Abstained: Councilman Larsen. The Council also suggested that future community funds be managed through an independent organization to alleviate administrative strain on town staff.

TABLED ITEMS

ORDINANCE NO. 2024-007 (NOISE CONTROL – 2nd READING)

The Council briefly addressed Ordinance No. 2024-007, noting it would be more productive to revisit the item after the **February 4, 2025, joint work session** with the Planning and Zoning Commission. This work session will focus on land use development codes, which may clarify certain provisions related to noise control. No motion was made to remove the ordinance from the table, so it remained tabled.

ORDINANCE NO. 2024-008 (ALPINE LAKES ANNEXATION – 3rd READING).

Councilman Larsen made a motion to remove Ordinance No. 2024-008 from the table. Councilman Castillo seconded.

On November 18, 2024, Town Attorney James Sanderson provide Council with a report that outlines the history, status, and implications of agreements made between the Town of Alpine and Excel Development/WJW Holdings. The agreements were aimed at expanding the town's population to increase tax revenue allocation based on the 2020 Census. Several agreements, including a Memorandum of Understanding (MOU) and subsequent Development Agreements, were analyzed for their potential of impact to the town and enforceability. All of the Agreements are part of the public record.

Mr. Sanderson presented his conclusions from his analysis of the agreements. He recommended denying approval of the 3rd reading of Ordinance 2024-008 - Alpine Lakes Annexation.

(Attached: Mr. Sanderson's Memorandum concerning conclusions from the analysis of agreements with Excel Development/WJW Holdings)

Memorandum to the Governing Body of the Town of Alpine, Wyoming

Concerning

Conclusions from the Analysis of Agreements with Excel Development/WJW Holdings

Date: January 21, 2025
Prepared by: James K. Sanderson, Alpine Town Attorney

Overview:

The information contained in the attorney/client privileged report, dated November 18, 2024, outlines the history, status, and implications of agreements made between the Town of Alpine and Excel Development/WJW Holdings. The agreements were aimed at expanding the town's population to increase tax revenue allocation based on the 2020 Census. Several agreements, including a Memorandum of Understanding (MOU) and subsequent Development Agreements, were analyzed for their potential of impact to the town and enforceability. All of the Agreements are part of the public record.

Key Conclusions:

1. Historical Context and Purpose:

Previous administrations entered into agreements with Excel Development/WJW Holdings with the goal of increasing the town's population to secure greater tax revenue distributions. This strategy included expanding infrastructure and providing development incentives.

2. Authority and Validity of Agreements:

The Town had the statutory authority to enter into these agreements. However, questions remain regarding the continuing validity of these obligations, particularly the extent to which they can bind future councils.

- See *Coulter v. City of Rawlins*, 662 P.2d 888 (Wyo. 1983), *Rupp v. Grantsville*, 610 P.2d 338 (Utah 1980), W.S. §§ 15 – 1 – 103, 15 – 1 – 601, 15 – 3 – 305, 15 – 7 – 101, 15 – 7 – 407, 15 – 7 – 502, 15 – 7 – 512, et. seq.

- See *Mariano & Associates, P.C. v. Board of County Com'rs of Sublette County*, 737 P.2d. 323 (Wyo. 1987).

3. Development Agreements and Obligations:

The 2018 MOU and subsequent agreements established roles and responsibilities for both the Town and the Developer, including infrastructure development and maintenance, as well as financial credits.

A significant portion of these agreements have been superseded by later documents, particularly the 2020 Development Agreement and its 2022 amendment.

4. Current Obligations:

The Town was obligated to honor certain development credits and infrastructure agreements, though the terms have been adjusted and clarified over time. These credits are only valid if the property is annexed to the town. The agreements **do not** obligate the Town to annex properties.

The Town should implement a system to manage and track development credits and ensure compliance with the terms of the agreements.

5. Recommendations for Action:

It is advised to engage with the Developer to define ambiguous terms where possible and clarify outstanding issues regarding accounting accuracy and quantity of credit assignments and obligations.

A final, clear agreement should be documented to avoid future disputes.

6. Potential Legal and Financial Implications:

While there is an option to litigate the validity of these obligations through a declaratory judgment action, this route will be lengthy and costly.

The Town should explore all avenues to meet with the parties to the Agreements and define the ambiguous terms, accounting issues, and settle on a defined number of developer credits.

Next Steps:

The Town should hold a meeting with the Developer to address these concerns and work towards a more definite arrangement. Ensuring proper documentation and control measures will be critical in managing these agreements moving forward.

Town Concerns:

- Council members expressed concerns about the financial and operational implications of honoring the credits.
- Allowing the annexation under less stringent county development rules could jeopardize the town's ability to ensure adequate infrastructure and services.
- The agreements were ambiguous and lacked sufficient clarity to protect the town's interests.

Public Input:

- **Heather Goodrich (Community Member):**
 - Requested clarity on the findings in Town Attorney Jim Sanderson's report regarding infrastructure credits and how they were calculated.
 - Suggested delaying a vote on the annexation until the community could review a public summary of the legal findings.
 - Expressed confusion about the implications of past agreements and questioned whether the infrastructure installed by the developer provided a clear benefit to the community.
- **Mayor Eric Green's Response:**
 - Clarified that the infrastructure in question was installed to support prior developments and connected to the town's existing water and sewer systems.
 - Reiterated that annexation credits could only be used if the property was annexed into Alpine, ensuring that the infrastructure serves both current and future community needs.
- **Council Member Castillo's Input:**
 - Highlighted that the town no longer reimburses developers for infrastructure under current policies, ensuring greater financial stability for the town in future agreements.
 - Noted that ambiguous terms in the original agreements created significant challenges in understanding the town's obligations.
- **Dan Schou (Planning and Zoning Commission Member):**
 - Stressed the importance of clear, transparent agreements moving forward.
 - Pointed out that the disputed credits represented a financial burden of over \$2 million, emphasizing the need for thorough documentation and accountability.

Councilman Larsen made a motion to approve Ordinance No. 2024-008 on third reading and seconded by Councilman Castillo. After discussion, the Council unanimously voted against approval. Voting Nay: Councilman Castillo, Councilman Burchard, Councilman Scaffide, Councilman Larsen, Mayor Green. The Council encouraged the developer to submit a revised annexation petition and work with the town to clarify all outstanding issues.

ANNEXATION AGREEMENT FOR PALISADES INVESTMENTS, LLC

No motion was made to remove this agreement from the table. Mayor Green clarified that if no action is taken, the agreement will "die on the table." No further discussion or public input was provided on this item. By remaining tabled indefinitely, the annexation agreement is effectively nullified unless revisited in the future.

PUBLIC COMMENT: No additional public comments were made.

MINUTES ARE A SUMMARY OF THE MEETING

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