

**Town of Alpine
March 17, 2009
Town Council Minutes**

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Minutes are a brief summary only of this meeting.

Mayor DeCora called the meeting to order at 7:04pm. Pledge of allegiance was held and roll call was taken, establishing a quorum: Troy Johnson, Shirley Brown, Victoria DeCora, Beau Taylor, Don Jorgensen, Attorney Stefan Fodor, and Treasurer Brenda Bennett were present for the meeting.

Mayor DeCora asked for a motion to approve the March 3, 2009 Town Council Minutes. **Don Jorgensen so moved. Beau Taylor seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Mayor DeCora asked for a motion to approve the February 24th, 2009 Planning & Zoning Minutes. **Don Jorgensen so moved. Beau Taylor seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Planning & Zoning report to council. Pat Marolf was present from the Commission. He stated the last and final draft of the Land Use & Development Code has been discussed and is the main issue for right now. Most changes were wording, and the new addition is the subdivision code. There were still issues with parking and signage. The Commission also reviewed the Steve Chichinski replat/rezone matter which will be discussed next.

Steve Chichinski: Portion of Lot 28 Riverview Meadows Rezone permit REZ-01-09, wants approval.

Pat Marolf said they looked at the proposal & recommendation from Surveyor Scherbel, and talked with Riverview Meadows home owners about their concerns. The complaints from the home owners were appeased. Mr. Chichinski has agreed to all revisions from the Planning & Zoning Commission and from Surveyor Scherbel. Snow removal and parking are still somewhat of an issue. Mr. Chichinski pointed out places to store snow on the plat and said if need be it can and will be hauled away, this will be taken care of and paid for by the home owners association. Mr. Chichinski had discussions at the last meeting in regards to shared parking to help with this issue. He wanted it noted the day care would not have vehicles parked there all day long it was pretty much a drop off area. Attorney Fodor stated if this gets approved it is a non conforming issues, it goes against our codes. He feels an agreement or possible a variance needs to be made for the shared parking before this goes any further. **Mayor DeCora asked for a motion to move forward with the rezone/replat with contingencies. Troy Johnson motioned to approve this with the contingencies to abide by Surveyor Scherbel's recommendations, all comments and deed restrictions need to be on the new plat, and it needs to include the verbage for the parking agreements. Don Jorgensen seconded. VOTE: 3 Yes, 1 No, 1 Abstain, 0 Absent. Motion carried.**

Diggs Lewis: De-annexation questions.

Mr. Lewis has some question on the de-annexation, the reason they want to be de-annexed is because they don't feel their commercial property has a chance to be sold right now under the current financial situation the town is in, they see too much of the commercial property across the river being sold, they just don't feel like they can compete. They started the clock on de-annexation so his first question is; it seems to them the way they read the ordinance the town should not or should cease to pass any more ordinances until this de-annexation process is completed. Mayor DeCora said her interpretation of the statute is not that, but she will let the attorney answer this. Attorney Fodor asked Mr. Lewis where in state statute 15-1-421 does he find it stated the town cannot pass any ordinances. Mr. Lewis said the way they read this is the county commissioners have 60 days to

file a report which they are working on, they have already had a preliminary meeting with the county commissioners, they found out the county planning person does not have a problem with their property being put back into the county they meet all the standards that the county has set up. They also understand that the city cannot do anything for 60 days till the process is complete, that is their interpretation, and they do not think it is fair for the city to continue to pass ordinances. He also understands they are not alone in the de-annexation that there are going to be more to follow down the pike. Mayor DeCora stated that was fine, but her understanding is that the town cannot take any action with the de-annexation for 60 days but for the rest of it it's business as usual, it has to carry on. Attorney Fodor read the statute. Mr. Lewis stated okay that was fine, his next question is what is going to be the town's position down the road. Mayor DeCora stated we will see down the road. Troy Johnson said we could not discuss this or take any action on this for the next 60 days until the county has given us their report.

Kay Gogle: Child Development Center. Kay Gogle and Jerry Meyers have updates on the CDC Center. Mr. Meyer's feels that we need to keep the original plans for the CDC Center but give them back to the Architect and have them try to scale it down, make it less frilly to keep it in budget. If the original Architect does not want to do this his services would be available for the project. They are asking the council to revamp the plans, make the adjustments then put it out to bid for a general contractor. They would like a proposal for both a stick built and a modular building, although a modular would be more difficult to expand on if need be down the road. At a past council meeting the sewer and water connections fees were forgiven. The library, fire department, and medical clinic pay their monthly sewer/water fees, as would the Child Development Center. Kay then explained to all just what the Child Development Center will do for our children. **Mayor DeCora asked for a motion from the council. Troy Johnson motion to talk with the present Architect to see if he is willing to make the changes that have been requested, if he is not then we can retain the service's of Jerry Meyers Architect firm to make the changes so we can get this building put out to bid and get it built. Beau Taylor seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Jim Blittersdorf/Juline Chrstofferson: Water/sewer rates and the proposed water/sewer ordinance. Mr. Blittersdorf feels that they are being overcharged for their water/sewer bill. He feels that they are paying 3 times as much as the grocery store to use 1/3 the water. He wants his water bill adjusted back to what they have paid for water in that 12 month period. The Kringle's property, Gunnar's, Jim Sandner, commercial duplexes behind them are all paying a fraction of what they are paying. Their bill right now is running about 800 a month, 9600.00 a year, when nobody in this town is paying anywhere near that. He wants credits or refunds to get it evened out and taken care of. He wants to pay for water that is actually used, he wants his water meter read every month, and he wants to pay for his gallons used. Residential and commercial should be the same, everything by gallons used. He wants this done this week, he wants these credits figured out and adjusted back. His other issue is in the spring of 2004 they were told with the permitting of the motel their water & sewer connection fees would be reversed as part of a stimulus to get commercial development in town. He knows for a fact that the Alpine Market & Car Wash got their money back. When it came to their property they said that they had changed the policy but it was after they permitted and started their motel. They want their money back on that. Public comment was taken about fairness, adjusting their bill, meter readings, seasonal usage, working together. Mr. Blittersdorf feels that this town is seasonal and bills need to be adjusted to that. He feels that the Bull Moose will have paid 1/5 of a million dollars just on the current rate, it is ridiculous. He was against the sewer plant from the beginning. When they bought the business they paid off their sewer assessment and were told that that was it, your sewer rate is your sewer rate. He feels that there has been a real fraud committed by previous town people, town government and what they

told the state about the growth. Don Jorgensen feels that he needs to be treated fair; the Bull Moose should not be paying anything more than someone that is using more water. Treasurer Bennett said the paper work they are looking at is from the billing system. There are sheets for the Bull Moose and for the Motel plus one for the Market. If you look at them the only ones that can be compared equally would be the bar and the market as they both have 1" lines and are charged the same base rate. The motel has a 2" line so it has a different base rate. Beau Taylor stated that the water base rate has nothing to do with gallons used over as it is for the infrastructure, it has to be paid before extra gallons are charged, everyone needs to pay for the infrastructure to keep the system going and to make sure we can fill that water line to your business or house. Troy Johnson would like to look into this, do more research so he can understand more about it. Mr. Blittersdorf stated he has not paid his bills since November and won't pay them until this is resolved and he gets his rebates or credits taken care of. If we shut him off he will sue us in district court. Troy Johnson asked if Mr. Blittersdorf agreed with the bar bill, the evidence shows that he is paying the same on the bar for water and sewer as the Market. Troy Johnson said that if you have a problem with your bills you still need to pay them, pay the one without the problem then try to fix the other one. You still have to pay your bills. Beau Taylor suggests that they have a meeting this week to look this over to get it taken care of. They will have a meeting Thursday at 6:00pm.

Mayor DeCora called a recess at 8:26 pm.

Mayor DeCora called the meeting back to order at 8:35 pm.

Draft Language for Sewer Ordinance: Stefan Fodor – Attorney Fodor reiterated his comments from last meeting regarding requirements for the inspection from the home to the stub out. How many people do you want to be able to inspect, how much are they going to be paid, what kind of a fine are you going to impose if it is done wrong or not inspected at all. Beau Taylor feels we could save a lot of money if inspections are done during the week as Val could be there to do it during his regular hours Monday through Friday so it would not cost the Town or the residents an extra inspection fee. Troy Johnson agrees and feels that if for some reason there needs to be an inspection on the week end the Town should pay that cost. He feels if a line is buried before it has been inspected it will need to be dug back up so it can be inspected at the owners own cost. Public wanted to know if they would need to pull remodel permits for this, the answer was no. Council would like to have it in the ordinance that the inspections should be Monday through Friday to save money and if you burry your line prior to inspection you will have to dig it up at your own expense to get it inspected.

185 - ORDINANCE NO. 2008-41 – Discussion: Mayor DeCora stated that we needed to get this ordinance moving along and done so we can get the drop dead date of April 1st removed and or changed. Beau Taylor and Troy Johnson went over the committee's proposal (see attached). There was much discussion and questions from the audience. Mayor DeCora asked for a motion for the second reading of 185 – Ordinance No. 2008-41 to replace & amend 178 – Ordinance No. 2008-34. **Beau Taylor motioned to accept the committee plan to keep this moving along. Troy Johnson agreed with the comment that he feels we are really close to something that will really work and keep in our budget. Beau Taylor motioned to pass the 2nd reading of the ordinance with changes that were talked about. Troy Johnson seconded. Vote: 3 Yes, 2 No, 0 Abstain, 0 Absent. After more discussion Beau Taylor amended his motion to accept the 2nd reading with the financial plan inserted and also to have a special meeting on Tuesday the 31st of March for the 3rd reading of the ordinance. Troy Johnson seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Mayor DeCora called recess at 10:35 pm.

Mayor DeCora called the meeting back to order at 10:40 pm.

Department Updates:

Town Administrator / Deb Wolfley:

Deb wanted to know if he has permission from the council to put the bid out for the Civic Center for a general contractor. **Troy Johnson Motioned to have bid go out for a general contractor with plan D on the parking and to include a 2" water line to run the auto toilets. Don Jorgensen seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried. This will go out for advertizing the first week of April.**

Deb talked about the maintenance shop project, the conceptual design is for a bigger shop then the one we have now, and we are looking at a \$169,480.00 grant for the project. If we remove 2 of the 14 foot doors and make one side so it can be expanded on, we should be able to keep in line with the budget. **Troy Johnson motioned to cut back the two 14 foot doors, make the one end so it can be expanded on to get it going and done. Beau Taylor seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Deb talked about the stimulus packages, the projects we have that would be great for this are the new line from the well house to the tanks and also to get new water lines on the bottom flat. Any project that can be started within 18 months has a better chance of being approved. We should also look for matching grants for Phase II of the sewer collection system. Deb would like permission to submit the applications for these projects. **Don Jorgensen so moved to submit the applications for the water lines and also for help with phase II of the collection system. Beau Taylor seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Deb informed all about information we received from the Forest Service regarding a 46,000 acre burn across the river up the Grey's. He asked if the council would like for them to come to visit and give more details. **Don Jorgensen moved to have the Forest Service come to one of the next meetings to explain what and where in more detail. Shirley Brown seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Deb informed all that there was an asbestos inspection done on the Civic Center to see if we need to handle the demolition of the building differently. There was no asbestos found so we are good to go.

The stimulus monies may not be used for any kind o road work or parking lots.

Deb would like permission to put a proposal package together for Snow Shoot 2010. Four different snow mobile manufactures get together and film for their advertisements for the year. There is a possibility they may be able to come to Alpine next year to do this, that is why we would need to put together a proposal for them. Letting them know about motels, restaurants, etc. **Beau Taylor motioned to go forward with the package to see if they will choose us. Don Jorgensen seconded. VOTE: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion carried.**

Town Attorney / Stefan Fodor:

Stefan would like to get direction from the council for verbiage to waive connection fees for "non-profit" organizations or whomever as he would like to get it into the new ordinance. Do you want it to be all non-profits, or public non-profits like the Library, CDC Center, or School's? This would be to waive the

connection fee not the monthly user fee. Deb Wolfley said he would get Jackson's ordinance on that as it lines it out pretty clearly then he will give it to Attorney Fodor.

Stefan has some serious problems with Planning & Zoning right now. There have been two big issues lately, one is the deck that still has not been resolved and two is they are making recommendations that don't make the codes. The other thing is two of the members abstaining from the approval of the Land Use and Development Code because of de-annexation proceedings. The two are separate and complete items. They have a duty to go ahead and make decisions. The last thing is now they want to advertise the Land Use Code for public comment with flyers and an ad in the news paper. This is a representative form of government you don't stick your hand out for a common vote every time. These people elected you to make decisions like you made tonight, difficult decisions that are going to upset some people. They also elected you to nominate people to Planning & Zoning to also make difficult decisions. This Land Use Code has been up to public debate since before he came to the town in July of 2007. How much time and effort does it take to make a decision, he would encourage the council to mention to Planning & Zoning that they need to make these difficult decisions and that they also need to separate their personal from public obligations. He is concerned that they have made some serious errors in the last couple of months and they may subject the town to legal ramifications if this continues. Let's get it done and dusted. If members are not going to do their duty because of personal reasons then they need to be asked to leave the commission.

Parks & Rec. Department:

Treasurer Bennett let all know that the American Legion is planning on having the 4th of July parade again this year. They would like to change the route a little and end up at the ball field. They would also like to end it by having a big town picnic/BBQ to celebrate the town's 20th anniversary. Maybe do extra fireworks this year or do something extra special for the anniversary. It would be great if everyone would be able to help out with something, ride on a float, flip burgers or whatever.

Police Department:

Chief Phillips passed out his department update and wanted to continue discussing hiring a new officer. The hiring of a new officer is a budget item so it does not need to go into executive session. There was a decision made to delay the hiring of a new officer due to budget constraints, however since then there is a grant that is available that would be perfect for this situation. James passed out a packet with all information regarding the reasons why we need to hire another officer. According to James there is no town with a population of our size in the state that has only one officer. The most important thing he feels the council needs to look at is the expectations and the quality of service they are receiving. There is information in the packet from Kip McMillan, Lincoln County Sheriff, and Kent Connelly. There are two different types of grants that are out there. One of them we are not eligible for the other one Brenda has emailed to all, this is our best possibility. He has downloaded it and started to work on it already. This is the one that is available for the next three years. In his professional opinion we need to hire on the officer that we have selected as he does not want to lose him, he is our best candidate, our number two candidate is non-certified. It is imperative that we move along as quickly as possible. It could take until June before we find out about the grants and he does not feel we have that long to wait. He wants the council to look at all the information and get back to him with any questions they may have. Sheriff Johnson would be glad to come and talk to the council in regards to what options may be available from them. If we have Sheriff Johnson come to the next council meeting or the special council meeting we

will have to advertise it as is. Deb is going to call and see if he will be able to come to the special council meeting.

Beau Taylor made a motion to pay the bills. Don Jorgensen seconded. VOTE: 5 yes, 0 No, 0 Abstain, 0 Absent. Motion carried.

Don Jorgensen made a motion to adjourn the meeting. Beau Taylor seconded. VOTE: 5 yes, 0 No, 0 Abstain, 0 Absent. Motion carried.

Meeting adjourned at 11:28 pm.

Victoria DeCora 4-21-09

Mayor Victoria DeCora

Date

ATTEST:

Brenda Bennett 4/21/09

Brenda Bennett, Treasurer

Date