



**TOWN OF ALPINE
COUNCIL MEETING
MINUTES**

Minutes are a summary only of a tape recorded meeting

DATE: May 5, 2009

TIME: 7:00 p.m.

PLACE: Town Hall

TYPE: Regular Meeting

Call to Order: Mayor Victoria DeCora called the meeting to order at 7:04 p.m.

Pledge of Allegiance: Mayor DeCora led attendees in the Pledge of Allegiance

Roll Call: Office Assistant Christine Wagner conducted roll call: Present: Troy Johnson, Shirley Brown, Beau Taylor, Don Jorgensen and Mayor Victoria DeCora. A quorum was established. Also in attendance were Attorney Stefan Fodor and Deb Wolfley.

Minutes:

- (a) Town Council - Approval of Town Council Minutes for meeting on April 21, 2009. Don Jorgensen motioned to approve minutes of the April 21st council meeting. Beau Taylor seconded the motion. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.
- (b) Approval of P&Z Minutes for meeting on April 14, 2009. Beau Taylor motioned to approve the P&Z Minutes of April 14, 2009. Don Jorgensen seconded the motion. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.
- (c) Planning & Zoning Report: Ms. Carla Stone, Representative of the P&Z commission gave the following report, from the April 28th meeting. The commission approved Mr. Steve Chichinsky's written request for extension of his permit application, as his property is currently under way to be re-zoned, which will delay his development project. Mr. Chichinsky also submitted a letter that he is encouraged by the recommended changes, of the Planning & Zoning Board to the subdivision, on the land use and development codes, pointing out that the proposed restrictions would close down existing businesses and would prevent new businesses from moving into town, thereby restricting economic growth for Alpine. They approved the sign permit for the medical clinic, and stated there was no report from the town inspector. They tabled a complaint about the Bull Moose sign, so that the panel can review all lighted signs currently existing in Alpine, for codes violations, similarities and submit their opinions at the next P&Z meeting. To date, there have been no requests for building permits, either residential or commercial.

New Business:

- (a) Ron Dickamore of the US Forest Service (USFS) & Scott Nield of Lincoln County Weed & Pest (LC W&P) – Weed Abatement. Mr. Dickamore was the first to address the council, he stating he received some information about a weed problem around Alpine, whether it is private land or National Forest lands. He met with Scott Nield, LC W & P Supervisor, over the weed control but they could not come up with any weed problem on USFS or BOR land in Alpine that they knew of, at the present time. So he asks the council if there is a weed problem on National Forest Land and/or private land in the area that they are not aware of. Along with him tonight is Mr. Dusty Hinks, who is over the weed program for the Palisades District. Again, it asked "Do we have a weed problem

that needs action?" Mr. Hinks stated, "They do not have a big problem, but anytime you have weeks, it is a problem!" They are aware of a variety of noxious weeds, here that they treat every summer. Knapweed is pretty prevalent in the area, and they fight it every year. They are mostly concerned about forest lands and they are treating everything they know about. So if there is an area they don't know about, please contact them. Mr. Scott Nield – from LC W&P - Passed out flyer on Spotted Knapweed. Alpine is inundated with spotted knapweed. He hopes that all residents will be concerned and aware of this noxious weed. He would like everyone to realize, regardless of where you live in Alpine, he can guarantee, unless you are vigorously trying to control Spotted Knapweed, it is on your property. Now because of the seriousness of the Knapweed problem, LC W&P furnishes the chemical at no cost to the public. LC will be glad to meet with people and give you more information.

Public comment/questions were given by Jeff Atwood and Jace Walsh. Councilwoman Brown commented on Knapweed, in the area and surrounding subdivision. Councilman Johnson asked if he would be able to get together with Maintenance Supervisor to discuss weed abatement issues. Town Administrator, Mr. Deb Wolfley stated that the Town is in the process of sending out a newsletter with a Spotted Knapweed Flyer inserted.

- (b) 188 – Ordinance No. 2009 – 44: Business License 3rd and **FINAL** Reading – Mayor DeCora asked if any council members had questions and asked for a motion to approve. **Councilman Taylor made a motion to pass, #188 Ordinance 2009-44: Business License Codes. Councilwoman Brown seconded the motion.**

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (d) 187 – Ordinance No. 2009 – 43: Amended Town of Alpine General Budget for Fiscal Year 2008/2009 - 2ndst Reading. – Mayor DeCora asked for a motion to approve 2nd reading of ordinance. **Councilwoman Brown motioned to approve the ordinance #187 No. 2009-43. Councilman Taylor seconded the motion.**

Public comments were given by Ms. Tiphany Gayhart, about the professional fee budget increase.

Vote: 4 yes, 0 no, 1 abstain, (Don Jorgensen) 0 absent. Motion carried.

- (e) Maintenance Shop – Letter to Nelson Engineering – Town Administrator, Deb Wolfley addressed the council about a letter to contract Nelson Engineering finish the proposal and get project out to bid, regarding the Alpine Maintenance Shop project building, in phase two. Would like to address a change in the original size of the building, council requested a downsized of the building to three bays. In talks with the engineer he suggested to have the bid go out with four bays, the engineer felt this bid would fit our budget, if it comes in greater we could modify the size of building down, with the lowest contractor, so if the council is ok with changing the advertisement, a motion is need to allow the three door bay to a four door bay, authorize the mayor to sign the contract finished the engineering proposals and get it out to bid. Councilman Johnson asked a few question on the amount of the bays, and why they are needed, Councilman Jorgensen, asked if we charged for the use of the building. The Town administrator could probably be able to work something out. Mayor DeCora stated that this a consensus block grant, it is specifically allocated for capital improvements. If we don't maximize the potential, we will lose it. If we ad for four bay, does not come in within the grant budget, then let's size it down, and if we ad for a three bay and we are not utilizing a certain percentage of our allocated grant we will lose it. It cannot be used for anything else. Unused monies will go back to the County and then back to the State. Councilman Johnson re-iterated this is

only for the maintenance shop, not phase two. His only concern is if we had four bays and it comes in right at budget, you know there is going to be overages. Mayor DeCora stated we then can down size it to three. Councilman Johnson asked if there was a way, we could put a stipulation into it, if it is within 10% then we can go to the three doors.

Public comment given by Steve Chichinsky and Tiphany Gayhart in regards to the size of the building, money allocation, public meeting of council decision and the grant percentage.

Councilman Johnson motioned to bid the four door maintenance shop unless the bid comes in more than ninety (90) percent of the allocated budget, the project will then go to a three door, and the project will go back out to bid. Motion also includes authorization for Mayor DeCora to sign contract. Councilman Jorgensen seconded the motion.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

(f) ERU's for Area Businesses – Information & Discussion – Mayor DeCora would like to give Councilman Taylor, one hundred percent credit for this project. He evaluated twenty four business and their ERU allocations for sewer billing in this town. It is completely one hundred (100) percent based on water usage, over the last 24 to 36 months. Of the twenty-four (24) that he evaluated, he narrowed the list down to three (3) that could possibly have adjustments: Council discussed this issue, it was stated that if the business had two (2) years of water history, if not they went off the model. That is why these justify a possible adjustment. Councilman Taylor stated that there is more that we need to look into and need to get more data.

(At this time, we had a tape malfunction.)

Public comments: Mr. Kennis Lutz commented on max daily flows, average daily flows and the amount allotted to Northstar Utility for that thirty-three dollar monthly payment, and the base ERU's. Mr. Lutz brought along a big graph that he referred to. In discussions with Stefan Fodor they discussed 250 average daily flow vs. 350 max daily flow. Councilman Taylor agrees that this is off and understands Mr. Lutz's point, in the end when it gets towards to capacity we have to have the capacity for those overages. The parties agree to disagree on some issues. Attorney Fodor commented on user rates, the town will charge an appropriate rate. The rate will be based on the same formula currently used by the town, in determining sewer service rates of existing town residents, formulas might change from time to time. According to exhibit "A" they are obligated to 521 ERU's. Mr. Lutz commented let's get close to what they are using, let's bill them for what they are actually using. We are not in a fear of over-running the plant right now, but we are in a fear of losing our businesses. Just wants you to consider it.

Public comments: Mr. Steve Chichinsky expressed his concerns to Northstar Utility's pre-payment of their ERU's and it is reasonable to understand that Northstar Utility is the cost of the debit that is now being burden by the businesses and locals on this side of the river. Mr. Donn Wooden commented he suggested Council relook at their figures, he also agrees with Mr. Lutz let's make this thing work, so we can all be part of it, we will not overrun that plant for several years. Help our businesses stay here and alive, because of the economy it will take years to really come back to where we have been, if we want this town to survive we have to make it work for these people.

Councilman Jorgensen state would like a copy of Exhibit "A". Mr. Jeff Atwood restated to the council is all Kennis is asking is charge us what we are using. Read the meters, don't worry about plant capacity. The other thing to take meter readings over the past two (2) years totally hoses us, at the RV Park because of a serious leak for over a year. Last year we were at full capacity and that has never

happened before. Take the average at the RV park capacity over the last the ten (10) to fifteen (15) years and average it out over a year period. Councilman Taylor commented on RV parks ERU usage, so he asked if they were in to deal to adjust their ERU's. He further talked about ERUS's based on a sheet, that might not have any real value it would "behoove" the town to come up with a reasonable amount as a starting point, we already have seven (7) month history and after eighteen (18) months reevaluate it, this is what you use; this is what your ERU's is, instead of just trying to extrapolate it out of a sheet. Mr. Atwood agrees and stated you are trying and that actually sounds reasonable and that will save them a huge tie in fee. Mr. Atwood stated there is another problem, their infrastructure on a huge RV park, they do not have the money to spend two hundred thousand dollars (200,000) but they will have to they upgrade their water and electric because it is all tied in together. Councilman Johnson and Mr. Atwood discussed the responsibilities of each party by updating infrastructure and hooking into the sewer system. Mr. Atwood commented again, it is not as simple as you think the best scenario for us and what they want to do is to honor our permit and not make it temporary. This gives them a chance to pay their loans and time to hook into the sewer system in the future. Mayor DeCora stated they have no permit, they have no permit for their septic and leach field. Much discussion ensued at the legalities of the permit, being a temporary permit and no signatures. Mr. Atwood stated does not understand why it is temporary, they put it in before the plant was completed and had it inspected by your town inspector. Then you say it is no good, "well will take that to court".

Mayor DeCora called for a motion to adjust the three businesses. Councilman Johnson made a motion to move forward with those adjustments on the three businesses. Attorney Fodor asked if the council could explain for the public, why they are making those adjustments. Councilman Taylor stated the Coffee Cabin has only used three hundred thousand (300,000) gallons over the last twenty four (24) months based on a average daily flow of two hundred fifty (250) for 1.68 ERU's, they are being charged for 3.84 ERU's at this point, which is off the model and now we have history. The Car Wash has only used one million nine hundred forty thousand (1,940,000) in the last 24 months, for 6.08 allowing an evaporation rate of ten (10%) percent the change should be to 5.74 ERU's. Mr. Lutz asked if he could be a flow meter on his old line, then you would know exactly what he is using. Council feels that is a good idea. The Texaco was being charged 4.31 and they are using 1.094. There is more that they are working on but that will take more time. **Councilman Johnson again stated his motion, to approve those three businesses, based on the last two years water consumption, and that the ERU's are reduced and we continue looking at area businesses as we get more data. Councilman Jorgensen seconded the motion.**

Public comments: Carla Stone stated in the minutes of council meeting from April 21, 2009, under water and sewer "Councilman Taylor has an abundance of information for the council on ERU's of area businesses that he would like to discuss the council. Mayor DeCora suggested that everyone to get a copy of the material so that they time to review it and then they can discuss it at the next council meeting. She contacted the town office and was told that the material was not available and that this item was going to be tabled for this evening." She owns three (3) businesses's in this town, and has not seen a copy of this ERU schedule yet. Mayor DeCora commented that this is not a schedule; it is analysis of each individual business owner's water use. Ms. Stone commented that she would like to see that, Mayor DeCora stated that she has a folder of information that she is welcome to. Ms. Stone again restated that she called today to get a copy of it, and was told that it was not available and the issue was tabled for tonight. Mayor DeCora asked to a new motion to table this issued. **Councilman Johnson stated that he is going to make his motion stand**, but he is going to address this problem that we had today. If a public person calls the office and requests information that is available and is public information. It needs to be made available, or relayed that they will get them the information at their earliest possible convenience. As far as saying this issue was going to be tabled, when it is still on the agenda. We have solid information those three businesses tonight if we table this, it will be another

month before we can make any changes. So that is why it does not want to table this tonight. Would like to find out, why you were held off on getting the information, and told you it was going to be tabled, because they did not have the right to tell you that, unless it is this Council. This needs to be cleared up for future meeting. Staff needs to be more accommodating to the public, if possible!

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

At this time Mayor DeCora called at five minute recess at 8:30 pm. Mayor DeCora re-convened the meeting back to order at 8:45 pm. She reminded the public of the council meeting rules, we will have a presenter, council discussion, a motion, and a second and then it will be up for public discussion, then the council vote. Interrupters will be given one warning, second time, you will be asked to leave the meeting. Everyone will have a chance to be heard.

(g) Steve Chichinsky – Building Application Extension Request, Request for Shared Parking, (Buffalo Sage Project) and Development Friendly Alpine (attached letters). Steve is looking for additional parking spaces for his Buffalo Sage project so that he can move forward with his re-plat. He would like the council to review it, ask any questions and if not move forward with a vote on this.

Public comments were made by Mr. Donn Wooden, as to the setting of the town land and how property was platted by Underground Inc. This is a town house setting, all three pad share the parking, would or should have been platted with the total amount of the parking spaces. Attorney Fodor commented on the making agreements on the common areas without the consent of the other land owners. Councilman Johnson and Councilman Taylor are fine with the shared parking, but cannot do anything until they find out all the information about the common area. It was stated that the town and two other property owners, own the land out in front of the building. Mr. Wooden commented that the town owns another piece of land to the north of the town building, which might serve as overflow parking and with some participation with Mr. Chichinsky to develop it. Councilman Johnson asked what the Town attorney thoughts were. More discussion was made. Council stated most likely it will be changed with the PUDC, but right now he needs intend from the town for the shared parking, so that he can move forward with is re-plat. By then the new plan use and development will be worked out, and he possible might not be needed. Councilman Taylor would like the property not paved if it is needed for the future. Councilman Johnson made a motion to grant Mr. Steve Chichinsky the right to improve the parking lot for shared parking, if he needs it, for so long as the ordinance requires. **Councilman Johnson made the following motion - The Town of Alpine agrees to enter into a shared parking agreement with Steve Chichinsky for that parcel of land, located north-east of the town building for parking only. In consideration the town requires Steve Chichinsky to improve that parcel of land. The property will be graded with pit run and crush in exchange for that shared parking agreement, in so far, as the ordinance requires, or until the town needs the property. A six month notice will be given to Mr. Steve Chichinsky should the town need that property. Councilman Taylor seconded the motion.**

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Mr. Steve Chichinsky discussed is letter for development friendly Alpine. He believes that if we all work together, communicate and try to understand the issues, we need to keep that in mind. Hopes the town will promote Alpine as a great place to live and open your business here.

(h) Kennis Lutz – Alpine Streets & Roads (specifically Trail Drive) – The collection line is being finished on Trail Drive, they stripped the chip seal on the east end of Trail Drive, and then go down to the west end of Trail Drive all the way to the highway, construction is anticipated to go through

July. And not red-chip seal! He has two issues, first, it would a lot less evasive to people, if you did this end of town (west end). That is where the major of the homes that are being affected and where the Car Wash is. They only have a few months to make a living. When we built that car wash, there were a couple of things in the business plan that were real critical. (1) You have paved access; (2) you have ingress and egress. If you put a dirt road behind the car wash, I might as well be closed. If you tear up the chip seal and not replace it, he does not understand that! The project should be done at this end (west end) first, this would be a good time while it is slow and with the current weather conditions, get it to the middle and then work the other side where it is vacant. There are only four (4) homes on the south side and at this end there are seventeen (17) homes and a business. I want to know you are going to re-pave it or chip seal it? Are you going to get bids? What are you going to do?

Councilman Johnson agreed with Kennis on this. How can we not re-chip seal or asphalt the road. The problem with where they start their work and end their work, after it has been contracted, the contractor schedules their work accordingly, it is hard for us to dictate how to do the job for the amount of money they bid it for, sometimes that does not go over very well. The equipment has already been set up and they would require a change order and an additional sum of money to make the change, from what he understands. As far as that being changed, he understands how he feels, as far as the chip seal or asphalt he is in favor of that. Mr. Lutz stated that when you get the bid for the chip seal, get an asphalt bid at the same time, most of the work has already done. Sometimes a bandage is not the right fix, however he does understand the financial issues and that there is only so much money to work with. Councilman Jorgensen agreed with his comments on maintenance costs and up keep of the roads. A couple of the councilmen talked about making sure to set the monies aside for that. Town Administrator, Deb Wolfley will check with the State to make sure; he will find out about the road and the change order to start at this end and work to that end, he will also be checking in with Johanson. Councilman Jorgensen commented on the locates that they have already done, pulling up the chip seal which eliminated the locates, so the locates have to be re-done and they are to start tomorrow morning on the project. We do need to stress to them that there is a business back there, the business should be accommodated. Mr. Lutz asked the council to let us know?

(i) Jeff Atwood – Town Concerns (Water & Sewer) - Mr. Atwood addressed the letter to the newspaper, written by the previous Mayor Dave Lloyd.

Councilman Taylor responded to the letter, he spoke in regards to the annexation that could have happened while he was in office. The water projects that were referred to would raise everyone's water bills about seven (7) dollars a month. Do you guys want that? We have secured loans for that, this is what they are working towards! Mr. Atwood said, "I'm not saying that he is correct, my point is that he does not feel that the town council and the administrators are supporting the will of the people in the Town of Alpine, that they are not letting us (public) vote on important issues that we ask to vote on." Councilman Taylor address the municipal bond, the bottom line is that should have been brought to a vote he agrees with that. Mr. Atwood stated that the council refuses to let the town people vote on which plan they want to pay for the sewer. Several councilmember's stated that they held workshops; Mayor DeCora further stated that this is representative form of government, with a minimal amount of people in the room, it would not be fair. A person voting is an election. Mr. Atwood asked, "Why can't you send stuff to the people?"

Mr. Donn Wooden commented on the newspaper letter, stating Northstar Utility was formed 2004 and that was the fatal date to the annexation efforts, once they (Halpin) got Northstar Utility they had no incentive left to come into the town. That is not this administrations fault, or our fault the mess started when as the steward of this town, he has a letter to send to him, duty bound to get the people on board

the train before it went down the track, getting everyone together, that we have a chance to get this sewer system but it is going to cost us. Keep that dialogue open, before you ever get into the final agreement. That was at his finger tips; numerous letters have been written and documented on. We cannot compete, we could not – that is his business he has attorneys very skilled, the town was poorly represented, by law council at that time, he feels that he can say that fairly, with a new attorney was still trying to learn the ropes and get all his information from Halpin attorney, he is not trying to throw any rocks or stones, it was already pre-conceived it was already done. And he felt that he could talk the people into it. And they will come along, but we have to give them something.

It was his duty (duty bound) to get the people together over here and avoid that train before it left the track.

We have done everything else with the special improvement district, by vote when we took on big obligations, and everyone know exactly what the bottom line was. We never did know, the last two years what the scientific formula was telling us for business. I thought all the time that it was a 5000 connection for everyone. How wrong he was, when he saw the formula it is made for big cities. He started on the alpine water system back in '74, everyone signed on, and that's what it took. So he shares in this!! If the town council would have objected to that pfc permit they speak for this community, then Mr. Halpin would have to come to the town and the town could have cooperated better with Mr. Halpin on their own terms. Mr. Atwood agreed with Mr. Wooden's comments, and he does think that Dave's letter is out of line to try to throw everything onto the present council, but his point is that the council is not doing the will of the people right now. They are using scare tactics – reg. letters you sign up now, or it will cost you more down the road. It is because they are driven by the past agreement, this council should be more workable with people. The council should give you your permit for the septic under the circumstances and diffuse this volatile situation, and get us moving forward again.

Public Comments: Mr. Darrel Beck stated his dissatisfaction with the sewer issues. He received his certified letter, but how can he hook up, if no one knows how it is going to happen. Councilman Taylor was under the impression that he did not want to hook into the system. Councilman Johnson said it has been discussed that they were going to contact the five homeowners, in that area, and see if there is a feasible way to put the line in, either through the park or an easement through the properties. It was agreed that this is a discussion for a later date. Councilman Taylor stated that he hoped the certified letters that were sent were not scare tactics; this was a way to inform Phase I property owners of the sewer connections and the possibility of getting a rebate on the hook-up fees. He hopes that people understand that they are trying to work with people. If we all work together, we will be able to achieve the common goal. It was re-iterated by Councilman Johnson, that if you sign up now you have three (3) years to hook into the system, but you will be paying the ready to serve fee. Again, we need to sit down and explore the options for those five homeowners.

Jeff Atwood would respectfully ask the council to make a motion, to make their sewer permit a valid permit and not temporary. **Councilman Jorgensen made the motion to approve the sewer permit for SALL Enterprises. Discussion followed, it was stated that there are two separate issues here, one is a septic tank permit and other is a leach field permit. There was not final inspection done, we need to pull the correspondence to double check the file. Much more discussion followed. Councilman Jorgensen re-stated his motion, to move SALL Enterprise's sewer permit from temporary standing to permanent standing. Councilman Taylor seconded the motion.**

Vote: 2 yes, 1 no, 2 abstain, 0 absent. Not passed. Councilman Johnson asked for the file to be pulled, so that he can review it.

(j) Tiphany Gayhart – Maintenance Shop Engineering Plans, WWTP Funding/Halpin, Excessive spending of the towns peoples money and who’s running this town. Ms. Gayhart asked the council, why is Nelson Engineering doing structural engineering plans and other projects for the Town, when we have a new town engineering. Councilman Taylor stated it is because they started the project, they will be finishing their contract. It was asked again, why they are doing the engineering for the maintenance shop. Council responded that the project was started over a year ago, when they were the town engineer and they are finishing out their contract. Ms. Gayhart would like to ask the Council where are we with annexation across the river and the impact study that needs to be done? It was emphasized that this was brought up before. As of 2004 there is a utility company across the river, but in order for a town to let another utility company offer services to their citizens, there needs to be a franchise agreement in place. That agreement has been in the works for the last year and a half. There has to be one for water and one for sewer, and until we get those agreements in place with Northstar Utility we can not even attempt to annex the property. Ms. Gayhart commented on the sewer plant, the whole build out, and any new growth in Alpine, if they do not annex in North Alpine. Mayor DeCora stated it is a work in process. Ms. Gayhart further stated that is what she is getting at, this whole waste water treatment plant was not built for this town, it was built for North Alpine. Councilman Taylor suggested that she go down and check out the plant capacity and the flows last summer. Ms. Gayhart declined; she has been reading the data from the engineers. Ms. Gayhart would like to know where the town is at with the re-negotiations with Mr. Halpin and his 71 ERU’s that are due. This issue was discussed in great length, between Ms. Gayhart, the Town Attorney and the Council as to the contract with Northstar Utility with the pre-purchased of eru’s and if there were to be front loaded or back loaded. Attorney Fodor expressed, “I can understand your frustration about the amount of information coming from the Town. Trust me this is part of his job is that nothing is hidden and that you are getting the information you request. Ms. Gayhart asked numerous questions of the Town Attorney, such as: number of years practicing law, municipal law vs. general practice, affiliation with Mr. Halpin or Northstar Utility or any entity he has been affiliated with and salary rates. Attorney Fodor responded, not sure of the relevance, but answered the questions that she did have. Further stating this information was disclosed and discussed with the council; it was also discussed in an open council meeting when he first started in June or July of 2006. Attorney Fodor asked, “Is there something behind this?” Ms. Gayhart responded; I just want to know where our money is going and what type of services that we are paying for with our monies. This is public information. Ms. Gayhart also had some questions for council; they were the fourteen inch transmission line that is being put in for the water infrastructure. Is there going to be a fee for this new water line, how will this be paid for. Councilman Taylor, stated that this has not been approved, they have applied for stimulus funds, to cover the loan. At this point, the ground work is being done. Councilman Johnson re-iterated that this has not been approved.

(k) Jim Blittersdorf – Water and Sewer Concerns (Bull Moose Saloon and Bull Moose Motel) - He met with Councilman Taylor and Town Administrator regarding the bar/saloon building Councilman Taylor indicated that the sewer could possible need an adjustment on the bar building. So he would like to get the sewer ERU’s reduced; the base water rate was adjust last fall, so he has no problems with that. He has a real problem with the meter reading, the meter is inside his building, go and read it every month. He does not understand why that cannot be done. Same with the motel read it every month. He purposely put it in the mechanical room, leaves it unlocked, so that they can read it every month and they don’t. Council questioned him about the statement that they can’t go on his property. Mr. Blittersdorf stated that they can go on his property anytime they want. Councilman Taylor exchanged statements with Mr. Blittersdorf in regards to allowing town individuals on his property to read meters. Mr. Blittersdorf stated he is running his motel on a half inch copper line to a 5/8 inch garden hose. He rented out fifteen (15) units on Friday & Saturday night the pressure is

great. He further stated that he argued in the beginning that he did not need the two (2) inch line, but Mr. Joe Sender (septic/site inspector) was adamant that he pay for a two (2) inch line. He is not sure what his qualifications are but, he has proven that he can run the motel on a 5/8 inch line. Councilman Taylor stated you might be able to run it on that water line, but he does not agree with his constant slandering of Mr. Sender. Councilman Taylor reiterated that his engineering report stated that he needed a two inch water line. Blittersdorf stated that is because they did not know how much he had to pay for a gallon of water through a two (2) inch line, rather than a ¾ inch line. It was again stated that his engineering reports indicated what size of line needed to be installed. Mr. Blittersdorf further discussed the fairness with other area motels. It was explained that there is a size difference in the lines. He again stated he was not allowed by the Town of Alpine to do that, and again it all gets back to the engineering report. Councilman Taylor reiterated bottom line is you signed up for a two (2) inch line, perhaps a different size line would have worked, but that was required by the ordinance, the same structure was in effect and has been in effect for twenty (20) years, you signed up for it, so why do you have to be so confrontational about this! He has been trying to do this for two (2) years. It was stated, he did not ask the current administration he asked the previous administration. He stated he wants the meter read every month. He has his own log on the meter and he knows what he uses. **He is not even going to let him inside to read the meter, because he is sick and tired of the staff.** He stated "Just read his meter." Councilman Taylor stated he was a little confused, so you just gave them permission to read the meter. Mr. Blittersdorf and Councilman Taylor exchanged comments, in regards to what each other said and didn't say out on the property site. Mr. Blittersdorf said what he said because you said that you were going to shut the water off. Councilman Taylor we were over there trying to not get you shut off he was trying to work with him. Councilman Johnson stated that Jim was going to take care of the bill and work towards getting something solved, and that didn't work either. Mr. Blittersdorf commented that is because there was never attempt to adjust the bill. Council commented that Councilman Taylor has been working on adjusting the eru's. Mayor DeCora stated that anyone individual on the council, cannot make any promises all decisions have to be made through a Council meeting. Apparently there is some miss-conception on the allotted EUR's, when he built the motel they were at 11,250 gallons, that was what he was told, granted those people are not in office. It was stated, that it has always have been 7,500. Mr. Blittersdorf feels that his bill for the motel is too high he is referring to both sewer and water. Councilman Johnson re-iterated that we cannot go backwards, we need to move forward. Councilman Johnson further state, the engineer you hired said two (2) inch line needed to be installed, so you built for a two (2) inch line; trying to work with you, to reduce your water bill, do you want to work with us or not! We agreed that we could **MAYBE** neck it down to a one and a half inch (1½) line and charged you the inch and half (1 1/2) rate, but we also ask for some contingencies. We need an agreement to be able to read that meter twenty-four/seven (24/7). Councilman Johnson, re-iterated, that if the property owner says a town employee cannot go on his property, the town employee can to go on his property! The small meter pit for the saloon will be moved, because it will be replace, it will be updated to a new meter pit and put on the town right of way. Will stub a line to his property and the meter that is inside the motel (mechanical room) council would like an additional letter that states we have access to that mechanical room to read that meter, and will not be locked out. Jim stated that he sent that letter when they open the motel. Attorney Fodor suggested discussing the water line with the engineering company, the document on record what we have to go by. The fees need to be paid and they are not refundable. That is how the ordinance reads. **Councilman Johnson made a motion, if the engineer's approve it, to neck down his two inch line, right before the meter, to an inch and a half (outside diameter) line and have it inspected after completed and install an new one inch meter (at the expense of the town) to be put on the town right of way. The Town to provide the line his property line. And require the payment of the past due account, prior to turning back on. Councilman Taylor seconded the motion.**

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (I) SALL Enterprises – De-annexation – Discussion and handout was given by Ms. Carla Stone. To preface this she would like to say, that their attorney, for the business alliance, Mr. Jerry Goulding, after the commissioners meeting, here in Alpine the other day, had a conversation with a commissioner and was told, in that conversation, that the commissioner mentioned that he thought that their proposal for an improvement district, looked like a real good idea to him. Councilwoman Brown asked what commissioner was that, Carla stated it was Jerry Harmon, and added that that was written on the 30th of April. Carla reviewed a letter submitted to the Council from SALL, Enterprises about the de-annexation of their property from the town of Alpine per State Statute 15-1-421, requesting the council pass an immediate ordinance to allow the property of SALL, LLC to be removed from the town boundaries of the town of Alpine. Carla further stated, the town has received the report from the County Commissioners and the sixty (60) days were up on May 3, 2009. All of the owners have approved a petition and signed this letter for the following property to be removed from the boundaries of the City of Alpine and put into the county. Carla went over all seven (7) reasons for their request (which are outlined in the letter). Carla commented, per their letter, that per the statute the town does not have any reason not allow this ordinance to be passed since the property has paid all of the assessments by the city for sewer and water. We plan to hook back up to our week in three (3) weeks from the date of this letter. We will appreciate your help in this very serious matter. Letter is signed by all members and includes a town map.

Public comments made by Mr. Jeff Atwood, if you all would have voted to give us a permanent sewer permit, it would have totally avoided all of this mess. They are just doing this to save their business. Councilman Johnson stated that their permanent sewer permit that he is referring to was not on tonight's agenda, he had no prior knowledge of it, or information and he not is going to vote on it without any information. Sorry that is how you feel, but how to you expect him to sit here and represent the town without having the knowledge. Councilman Johnson reiterated that he is here to represent the public and he will not vote on items or issues that he has no knowledge on! Mr. Atwood said that he would get them the information and bring it back to the Council. Mayor DeCora asked the Town Attorney for clarification of the time frame from the county's letter. Attorney Fodor stated it is one hundred eighty (180) days after the signature of the petition, which then would be one hundred twenty (120) days from May 3rd date. Councilman Johnson had a few comments on Carla's letter; he feels there are a few misconceptions, because he was on the council, at the time the lift station was to go in. The previous owner did not fulfill his previous contract with the town. Carla responded, we can discuss that but I don't feel that this is the forum right now, she stated what they had prepared for the de-annexation, if it is something that you feel needs to be addressed, or you feel is incorrect, lets pull out the files and start looking at it. It was agreed to look into it.

Meeting convened at 11:01 p.m. for a short recess. Meeting re-convened at 11:08 p.m.

Tabled Items – On Going Business:

Child Development Center –Town Administration Deb Wolfley stated that the previous architect for the project, they will no longer being using his services, he let his Wyoming license lapse. They put it out to five architects and only Jerry Myers, from Myers Anderson Architects showed interest. Ms. Kay Gogol would like to have him work on the project. They will have to re-advertise and hopefully get something going late summer/fall. Attorney Fodor has a copy of the contract, made changes and it was sent back to Myers, in which they have corresponded. Mr. Wolfley asked to consider, if the council upon review would like to make a motion to sign a contract for the CDC building, based