



TOWN OF ALPINE
COUNCIL MEETING
MINUTES

Minutes are a summary only of a tape recorded meeting

DATE: May 19, 2009
TIME: 7:00 p.m.

PLACE: Town Hall
TYPE: Regular Meeting

Call to Order: Mayor Victoria DeCora called the meeting to order at 7:09 p.m.

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

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

Minutes:

- (a) Approval of P&Z Minutes for meetings on April 28, 2009. **Councilman Don Jorgensen motioned to approve minutes of April 28, 2009. Councilwoman Shirley Brown seconded the motion. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.**
- (b) Planning & Zoning Report: Mr. Josh Floyd, Representative of the P&Z commission gave the following report, from the May 12th meeting. Commission approved the fence permit for the town library. Sent letters to area business in regards to reader boards and the continuation with the council on the Land Use & Development Codes, meeting scheduled next Tuesday, after the regular P&Z meeting. The commission would like address setbacks with the council.

New Business:

- (a) 187 – Ordinance No. 2009 - 43: Amended 08/09 General Budget 3rd & **FINAL** Reading – council reviewed ordinance, Mayor DeCora asked for a motion to approve ordinance. **Councilman Taylor so motioned to approve #187 - Ordinance No. 2009 - 43, Councilman Jorgensen seconded the motion. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.**
- (b) 190 – Ordinance No. 2009 - 46: Breach of Peace – 1st Reading – Council reviewed the ordinance, Mayor DeCora asked for motion to approve ordinance. **Councilwoman Brown motioned to approve, Councilman Jorgensen seconded the motion.**

Discussion by Council – Councilman Johnson had questions under section twenty (20) on the hours and the exclusion of Saturday nights. Chief Phillips talked about the sound levels and distributed some information. Attorney Elizabeth Koeritz stated from her experience this ordinance will extreme difficult to enforce, she feels this ordinance is extremely narrow, but yet then very broad. Recommended following the state statutes. Councilman Johnson would like to review and discuss this ordinance further. **Councilman Jorgensen motioned to table this ordinance for further discussion. Councilman Johnson seconded the motion.**

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

- (c) 191 – Ordinance No. 2009-47: Town of Alpine Budget for Fiscal Year 2009/2010 – 1st reading – Council reviewed the ordinance, Mayor DeCora looking into and stated according to the state statutes, she cannot forfeit her salary however she is willing and ready to sign over her checks and pay the taxes. State Statute states that the mayor and council salary's have to be set before their terms begin and cannot change throughout their administration.

Council Discussion: Council Johnson inquired about the budget proposal workshop held last Thursday. Town Administrator Deb Wolfley commented for council and audience's information that revenues will be down this year approximately we will see a four (4) to five (5) percent decrease. After much review the staff working on making cuts in every department, personnel wise, they have lost two (2) full-time positions (town clerk and assistant maintenance man) and have hired two (2) part-time positions (office assistant and assistant maintenance man) one of those being a seasonal position. Some of the outside services will be able to do in-house and that should save about fifteen thousand dollars. The town administrator position is a hot topic - which is new and beneficial position for the town, he will be working less hours and taking a pay cut to help out with the expenditures that should save another fifteen thousand dollars. We will be watching the budget really close this year, reviewing incoming revenue and all expenditures. Councilman Jorgensen feels that we really need to try and do without a city administrator to cut those expenses. Councilman Johnson would disagree with that, he feels that he has been as asset to the town, deal with grant writing and the other duties he performs. He feels that if we need to tighten up the budget there is other areas where it can be done. Councilwoman Brown agreed with Councilman Johnson. Councilman Taylor stated he feels that Deb is an asset and appreciates all the work that he has done, but the budget being as it is, he is conflicted and does not have an opinion. Mayor DeCora stated she would agree with Councilwoman Brown and Councilman Johnson, there was so much that needed to be done, that just was not getting done. She reminded council that we really have a lot of projects going on right down that need to be coordinated and put together. Councilman Jorgensen would be willing to donate some time to getting things done. **Councilman Johnson motioned to approve #191 - Ordinance No. 2009 – 47, Town of Alpine Budget for Fiscal Year 2009/2010. Councilman Taylor seconded the motion.**

Public Comments: Carla Stone commented on the grant writing which has been done by the previous town clerk, do we really need to have the town administrator doing that. She also stated that Councilman Jorgensen's offer of four hours weekly was very generous, it may not get a lot done, but the offer is there. Mr. Jeff Atwood feels that there is so much to do because of all the issues going on with the town conflicts, if we could solve our conflicts, we could cut back on a lot of extra work for both the Town Administrator and the Town Attorney. Councilman Taylor stated that is one of the reasons the Town Administrator is a contract employee.

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

- (d) Mr. Norman Merrill – Septic Tank Waiver (443 Meadows Drive) - At this time, Councilman Johnson requested himself from the discussion. Mr. Merrill received a letter from the town, stating here is no valid record of his septic system he thought he resolved the problem back in 2001. A little history on his building permit, with his permit he was issued a flow chart for construction and followed it to the letter, he thought. He even when so far as to asked building inspector, at that time, if he needed a final inspection on the septic system, the response from Lyle Radford, (previous building inspector) was no, because it is not on the flow chart you do not need it, so he buried the system. He is not trying to hide anything, but as he was instructed it was not on the flow chart. The Council reviewed Mr. Merrill's file in depth. **Councilman Taylor motioned to accept, based on**

previous information and documentation, a service date of June 1, 2001 for Norman Merrill's septic system. Councilman Jorgensen seconded the motion.

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

- (e) Mr. Kent Sawdy – Tree in front of his home (311 Grey's River Road) - Mr. Sawdy presented the council with a packet of information. He gave a detailed documentation of what occur at his residence on Grey's River Road, with Johansen construction while they were installing the sewer lines along Grey's River Road, more specifically what happened to his golden willow tree and the fact that Johansen trespassed on his property. He believes he has the right to request full compensation, to replace the golden willow that Johansen Construction destroyed, while illegally trespassing on his property. He is seeking the support from the Town of Alpine in reference to providing that they were negligent that he did not have the right to come back five (5) days later to cut the branch, weather they had permission from the maintenance supervisor or not. They never received his permission. He would like to pursue legal action, he can not do it in the State of Utah, he can only pursue it in the state of Wyoming. He would like to pursue legal action against Johansen, he is looking for a letter from the Town of Alpine in support of their negligence, and that they had no right to trespass on his property.

Council Discussion: Councilman Taylor stated that he does not feel that it is a wise idea for the Town to get involved in this matter. Attorney Koeritz commented that only one side was presented here tonight, the other side was not here to present their side, the town is unable to base their authority one way or another if someone was negligent just based on one side of the story. She suggested, his best option would be to talk to an attorney, file a police report in the town or the county and they are the ones that bring forth the charges. Councilman Johnson and Jorgensen also agreed as to the town's involvement.

- (f) Jeff Atwood – Town Concerns & Tavern on the Grey's Septic Permit – Mr. Atwood stated he did have a handout, however he is still doing research and looking at all the options, to see if the RV park and Tavern on the Grey's can come to some type of a compromise with the Town, but at the current time he would like to have the council table the sewer permit issue for two weeks, so that they can get together then they can reappear at the next council meeting.

Councilman Taylor made a motion to table Tavern on the Grey's/RV Park septic permit for two weeks and have them put on the next Council Agenda. Councilman Johnson seconded the motion.

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

Mayor DeCora called a recess at 8:07 pm. Mayor DeCora re-convened the meeting at 8:20 pm.

- (g) Steve Ashworth – Teton County Parks & Recreation – Unable to attend the meeting.

(h) Ms. Carla Stone – De-Annexation – Ms. Carla Stone delivered a letter to the Council regarding the interpretation of the Statute and how many days you could be allotted vs. how many days you thought were allotted. They had it reviewed and it is their feeling that is only sixty (60) days, so we were hoping to get the Council's answer by the end of June. Mayor DeCora stated that Ms. Stone was correct with her assessment of the amount of days. Upon discussion by council, there has to be an ordinance passed within one hundred twenty (120) days from the date they filed. Attorney Elizabeth's understanding from reading this is that is permissible, the town can do it or not, further stating the county has sixty days to file the report, then you go back to one hundred twenty (120) days after receipt of the de-

annexation petition, that would be within one hundred eighty (180) days after the land owner signature of the petition, so the ordinance has to be adopted within the one hundred twenty (120) days upon receipt of that petition (from the town's receipt), they have forty five (45) days left on the petition, if the town decides to de-annex the property. Councilman Johnson said that they could wait until next meeting to decide, what type of action we would like to take. It was stated, that if the town goes forward with the annexation, there needs to be an ordinance passed, and to get three readings, we would have to act quickly or hold special meeting to get the ordinance passed. **Councilman Johnson made a motion to table this item, until more discussions and meetings with the petitioners of this de-annexation have occurred, and if need be, in order to act on the ordinance hold special meetings to get the ordinance passed. Councilman Jorgensen seconded the motion.**

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

Public Comments: Ms. Carla Stone comment on the site of the town, her many years on the beautification committee and the town looks terrible!! Much time and thought were put into making this town beautiful. The street lights that were a town project, picked out by the community, same with the trees - The "Harry Poe" memorial trees is gone! The park looks like junk, so does the streets. I think it is an embarrassment and a shame how the town looks right now! Memorial Day weekend and the Town looks the way it does, that is a real shame!!

Town Administrator discussed the civic center project, just adjacent to the park area, which will be a staging area for the civic center project. New trees and sod will be planted and a sprinkler system completed this fall, when they work on the civic center project. They are continually working on the highway enhancement project. Councilman Johnson expressed his disappointment with the tree removal situation. Councilman Jorgensen agreed with Councilman Johnson, he understands that trees needed to be removed, but there was some memorial trees that were planted by individuals, that are now gone. Councilman Taylor stated that we had discussed these issues.

(i) Kennis Lutz – Sewer Billing - Unable to attend the meeting.

Tabled Items – On Going Business:

189 – Ordinance No. 2009-45; Land Use 7 Development (additional Workshop Scheduled May 26th – after the P&Z Meeting)

Letter to Star Valley Independent – Summer Guide

American Legion Meeting/Discussion – Project meeting on picnic area

Child Development Center

Civic Center

Maintenance Shop

Continued discussion with Lincoln County Sheriff Shane Johnson

Impact Fees

Department Updates:

A brief discussion was held on the re-plat at Lakeview Estates, Councilman Johnson suggested that we have surveyor Scherbel come to the next meeting and let us know what the status is on that re-plat.

Legal/Attorney: Elizabeth Koeritz – No report was presented.

Town Administrator: Deb Wolfley – A brief overview of the activities:

1. Civic Center Special Meeting is schedule for May 27, 2009 at 6:30 pm.
2. The WAM Convention is scheduled for June 10-13, in Gillette.
3. North Star Construction is selling their back hoe. Councilman Johnson would like more information and more discussion on this issue.
4. The Phase II sewer system, there is stipulations on the monies, we need to have a contract signed the end of this year. **Councilman Taylor made a motion, to make a commitment to re-surfacing the two roads without a time frame, as well as move forward on the design and engineering, or anything necessary that we need to create a bid packet, so that we can get this out to bid, for Phase II. Councilman Johnson seconded the motion.**

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

5. Surveyor Scherbel will be scheduled for the next meeting, at that time we will also discuss with them discuss this retaining wall.
6. Information from Ryan Erickson from Sunrise Engineering was discussed regarding the Bull Moose Motel. Councilman Johnson stated that his motion, from the meeting on May 5, 2009 will be voided. Because it had stipulations that it would need to meet engineer's code, engineer's code stated they need a two (2) inch line at the Motel. Mayor DeCora stated that according to our ordinance, each property needs to have its own meter. The Council will issue a cease and desist order for the garden house that is running from the Saloon to the Motel. He will have five (5) business days to remove the hose, if they do not comply, this will be reported to the State Engineer's office and they will be coming in to do an inspection. Council requested a letter for authorization to go on to the property, now that there is a pit on the town right-of-way, does council wish to move forward with the letter. Councilman Taylor suggested that we look in his packet and he believes there should be some type of authorization given for utility readings.
7. Moving forward on the shared parking agreement with Mr. Steve Chichinsky, we have a verbal commitment to enter into an agreement, but council believes that's as far as he wanted to go, until we work out the Planned Use & Development Codes.
8. Daniels Grant Application Fund – Question to Council do you want to go forward with the change of wording to use, the funds to help fund a part time person this summer, or this fall for an after school program, we would have a much better chance of getting the grant. Councilman Taylor stated he would like so see us go forward to with this.
9. A goal setting meeting and presentation that was held on May 15, 2009, would Council like go over it in depth at the next workshop meeting. Councilwoman Brown asked to have the staff attend the meeting.

Councilwoman Brown also asked about the liability insurance on a skate park, she asked can we check into it, and present the findings before we go forward with a skate park.

Parks & Recreation: Shirley Brown & Mayor Victoria DeCora - No report given

Water & Sewer: Don Jorgensen & Mayor Victoria DeCora – No report given

Streets & Roads: Don Jorgensen - No report given

Planning & Zoning: Designated Board Member & Victoria DeCora - No report given

Alpine Fire Department & EMT: Beau Taylor - No report given

Police Dept. / Court: James Phillips – Officer Phillips introduce Officer John O’Conner to the Council. Officer Phillips presented a written report.

Clerk/Treasurer: Brenda Bennett - No report given

Councilman Taylor made a motion to pay the bills. Councilwoman Brown seconded the motion.

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

Councilman Taylor made a motion to adjourn the meeting. Councilman Jorgensen seconded the motion.

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

The meeting was adjourned at 9:11 p.m.



Victoria DeCora

Mayor Victoria DeCora

6-2-09

Date

ATTEST:

Brenda Bennett

Brenda Bennett, Treasurer

6-3-09

Date