



TOWN OF ALPINE  
**COUNCIL MEETING**  
**MINUTES**

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*Minutes are a summary only of a tape recorded meeting*

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**DATE: June 2, 2009**  
**TIME: 7:00 p.m.**

**PLACE: Town Hall**  
**TYPE: Regular Meeting**

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Call to Order: Mayor Victoria DeCora called the meeting to order at 7:05 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 Stefan Fodor and Town Administrator Deb Wolfley.

Minutes: Town Council - Approval of Town Council Minutes for meeting on May 5, 2009, May 19, 2009 and P&Z Minutes of May 12, 2009. **Don Jorgensen motioned to approve minutes of the Town Council for May 5<sup>th</sup> and May 19<sup>th</sup> and the P&Z Minutes of May 12, 2009 meetings. Beau Taylor seconded the motion.**

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

Planning & Zoning Report: Ms. Melissa Wilson, Representative of the P&Z commission gave a brief report, from the May 26<sup>th</sup> meeting. Tabled a sign permit/variance until the next meeting, due to more information from the State on the legalities of what can be put on the sign. Ms. Wilson comment that the public not happy about the sign, until they got more information on what they sign would entail. They received several public comments on the town park and about the civic center.

**ACTION ITEMS & NEW BUSINESS:**

Bid Award Town Civic Center Project – Gerry Myers with Myers-Anderson Architect reviewed the bids with the Council. A total of twelve (12) bids were received, three (3) from Wyoming and the rest from Utah and Idaho. Mr. Myers recommended the bid be awarded to the lowest bidder, which is JL Hardy Construction, Salt Lake City, Utah. With all the alternates the total amount of 973,106.00 to construct. Items mentioned during bid opening were: floor coverings and main common area. In the bid form required a contractor certification background form to be filled out and included in the bid, he did not realize was there, two of the contractors included it. They typically do not do that, it has no impact on time or the dollars, just background information, based on the informality of that, there is a bid bond, payment performance bonds, which satisfy the requirements of qualification, in their opinion. Council asked if you add the five (5) percent do they come close to anyone in Wyoming. Mr. Myers response the closest Wyoming contractor is CK Construction, out of Rock Springs at \$1,058,108. Council further asked, as far as the list of sub-contractors is any of them local. Mr. Myers responded, the sub-contractors are listed by name only, it does not state where they are from. Councilman Johnson asked about additional work orders, change orders, does he have a price for that. Mr. Myers responded they will keep change orders low and stated they are good to work with on that, Mr. Myers

has worked with them before. There is a limit on overhead and profits that they can put on those change orders. We don't anticipate any significant change orders, so they do not have any costs in there for that. It would have to agree upon, if there is a change and we don't agree we can take other avenues. Council asked about CK Construction's list of sub-contractors, again a list was provided, unknown as to where they are from. Jerry stated there were questions about insulation, trusses and such, as we go forward, those questions can be address and the city can decide what they want to do and/or change; we have that flexibility, but they need to be on a change order that would be after the award rather than prior. Councilman Johnson feels that there will be some change orders, such as the insulation in the roof does not meet our code, but he is glad to see they came in where they came in. Some items from the original bid were pulled and we should revisit putting them back in. They would not have to be a change order; we could go local and bid those separately. The project is projected for completion in approximately one hundred seventy (170) days which would be some time in December. **Councilman Johnson motioned to award the bid to JL Hardy Construction contingent upon the completion of the review and approval by the Town Planning and Zoning Committee. Motion is also contingent upon the approval of the plan review and building permit issuance and Town Attorney's review/approval contract between the Town and JL Hardy Construction Councilman Jorgenson seconded the motion.**

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

Child Center Development Project - There was discussion about the lot size for the Child Development Center. The lot size is not quite sufficient for the building and parking the playground area, requesting the council consider going from .50 acre to .63 of an acre of property. Maps are available and showing the need for this request. **Councilman Jorgensen motioned to increase the lot size for the Child Development Center and to proceed forward with the bids process. Councilman Taylor seconded the motion.**

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

190 – Ordinance No. 2009 - 46: Breach of Peace – 1<sup>st</sup> Reading – Council reviewed ordinance, Councilman Johnson commented that this issue needs further review, would like to get together with Officer Phillips for more discussion. **Councilman Johnson motioned to table this ordinance for further review and discussion with Officer Phillips, to reach a fair agreement. Councilman Taylor seconded the motion.**

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

191 – Ordinance No. 2009-47: Town of Alpine Budget for Fiscal Year 2009/2010 – 2<sup>nd</sup> reading – Council reviewed the ordinance. **Councilman Taylor motioned to approve #191 - Ordinance No. 2009 – 47, Town of Alpine Budget for Fiscal Year 2009/2010. Councilwoman Brown seconded the motion.**

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

189 – Ordinance No. 2009 - 45: Land Use & Development – 1<sup>st</sup> Reading – Council reviewed the ordinance Councilman Johnson asked if all requested changes had been made. Councilman re-iterated about the parking changes and the amount of space required. **Councilman Johnson motioned to approve #189 - Ordinance No. 2009 – 45 – Land Use & Development Code. Councilman Jorgensen seconded the motion.**

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

Surveyor Scherbel – Re-plat Lakeview Estates Update – Mr. Marlow Scherbel gave a detailed account on the history of the project. Attorney Fodor expressed his views and his known history on the project. Council discussed this issue. Councilman Johnson asked attorney Fodor to check into the affidavits that were previous

sent. **Councilman Johnson motion to have Surveyor Scherbel's office move forward with this project of updating the plat and the list of the current property owners. Jorgensen seconded the motion.**

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

The meeting was recessed at 8:07 pm. The meeting was reconvened at 8:17 pm.

Larry Hartenstein – Sewer Connection Concerns - Mr. Hartenstein presented the Council with a letter of his concerns about the impending sewer connections. Mr. Hartenstein commented to the Council that at no time prior to or during to the building process was he informed that this project was in the works. If he would have known, he would have proceeded with his home differently. Mr. Hartenstein and the Council discussed this issue in great length. He is interested in working out an agreeable agreement. It was decided that further review and research needs to be done, before an answer can be given.

Ms. Tiphany Gayhart - Town Parks & Rec. Department – Ms. Gayhart addressed the council on a few issues with what is going on with our Parks & Recreation Department:

Has any business plan been done on the Civic Center/Maintenance Shop Project? She would like to get a copy of this business plan, showing the maintenance, the up-keep, utility costs to maintain these building.

Ferry Peak Park – what is this about? The park has always been known as the “Kiddie Park”, so there was a children’s contest and a name has been picked.

Is there a reason that there was not a flag on the flag pole over the Memorial Day weekend? There has not been a flag down there for some time because of the amount of defamation and vandalism. However the park will be re-dedicated on Saturday June 6<sup>th</sup> and a new flag will be put up. What about the fences at the park? There is a work day that same Saturday in the morning to take care of some of those issues.

Who is maintaining the beautification enhancement? Working with the county extension agent for advice on how to handle the fertilization and weed issues. Samples have been sent in and the results have not been sent back. She feels that in years past things were being taken care of use fine.

The Town (which she referred to as the “memorial”) Park notices were postmarked on May 8<sup>th</sup>, the trees were taken out on May 14<sup>th</sup>, that’s not much public notice, why was it not in the paper? Council responded that the bid was awarded tonight and construction will be starting as soon as possible, we were beginning our preparation for construction. This was discussed in public meetings.

Why do we need a maintenance shop? Council responded to house the town trucks, backhoe, police vehicles, and supplies for water and sewer pits. Ms. Gayhart responded that a lot of things happening without any public input. Councilman Taylor commented that we are looking into the future with this maintenance shop. There are no guarantees that the state will have any grant monies available to us in the future.

Jim Blittersdorf/Juline Christofferson – Faxed letter for agenda items. Ms. Juline Christofferson started out covering these items.

Health & Safety issues in the Town of Alpine – She received no notice about the park, further stated it was evident that there was not any thought about what was going on over there.

Town Park - It is still a public park and has not been vacated from that use. She would like to ask that you comply with Wyoming Statute 115-7- 303.

Civic Center – The permit process, she gave history on her business permit process and what was required of them. She feels that – that was not done here. Furthermore you have taken a bid, when you have not even taken your building permit through the planning process. She asked what the parking requirements are. Mayor DeCora tried to respond, however Ms. Christofferson requested a number. Attorney Fodor commented, that if the council does not know a number, he suggested they get back to the individual when they have the number.

There was a public out burst at this time and the meeting was recessed at 8:46 pm. The meeting was reconvened at 8:53 pm.

Ms. Juline Christofferson continued with her comments: Civic Center (continued) - She asked about the police station at the back of the building, she is concerned with the residences/children along Alpine Drive, this is something to consider. She suggested calling it an event center, she feels that seems to be the plan for it, but the safety issue is really important. Although from her business standpoint, she feels that it is a great thing to have next to her establishment, she again reiterated her concern for the safety issues that come along with its placement.

Town Administrator - She further asked who is going to run the event center, the marketing etc., she has contacted the Civic Center in Afton and has a good idea of what the costs are going to be to run an event center and it is quite extensive. The Town Administrator responded that it will be part of the staff's responsibility. The question of a business license and liability insurance for the Town Administrator was brought up. In light of what happened at the park, she has major concerns about the liability and stated "I guarantee you that there is a law-suit, which is in the wings, over that accident." She again reiterated the enormous amount of responsibility the Town Administrator has been delegated.

Water/Sewer Rates – She further talked about grandfathering in all the people who have fully healthy operating septic system. She also talked about grandfathering in the people who have property with one hookup but several businesses; there are a number of them in town. We have asked for return of their water hookup fee, she stated other people have gotten theirs back and they want their back too. We asked for our back and it has never been returned, she is now renewing that request now, she wants to be treated the same as everyone else! She is also asking the same water rate as of the motel of the same size across the street. She fully expects the Council to comply with the state statutes and hold public hearing on that park and she expects the council to let P & Z to do their job.

Mr. Atwood - Town Concerns - Mr. Atwood discussed his concerns with the civic center project. He feels that the P&Z Commission has no authority. Not only is he concerned with the logistical location of the civic center, but the issue with the town park was totally insensitive and horrible management, he is mad with the town officials. He also stated that his brother's memorial tree is now gone. Brief discussion was held on memorial tree and places.

Steve Chichinsky – Shared Parking Update – Would like to ask the town to move forward with the final plat of his project. With the impending passing of the land use planning code ordinance that would give him the amount of parking that would be required. Council discussed that P&Z would have to do their review, first and then move from there. Mr. Chichinsky discussed his letter in regards to the de-annexation, moving into the future and finding a way to bridge the gap, between town government and the public. We can do it, let's work together.

#### **TABLED ITEMS – ON GOING BUSINESS:**

American Legion Meeting/Discussion – Project meeting on picnic area  
Child Development Center  
Civic Center

Maintenance Shop  
Impact Fees

## DEPARTMENT UPDATES:

Legal/Attorney: Attorney Stefan Fodor commented on the following items:

The sewer pipe running behind the five (5) Grey's River Valley properties talking with Nelson Engineering to see if it is a viable option.

The urgency of filling the two (2) P&Z positions.

The importance of notifying all individuals in Phase I (Sewer Project) to the cut-off date for the amortization schedules and rebate submission forms.

Letter received from Rocky Mountain Rouges, needs to be responded to.

SALL Enterprises position to tie in to the sewer. Findings from the DEQ.

Still working on the Northstar Utility contract trying to achieve a reasonable agreement between the parties on the back loading vs. front loading of the ERU's. Various options were discussed, it was agreed to go back to them with 10 @ 61.50.

The issue of two (2) business's under one (1) business license is a question of interpretation.

Council discussed this issued and **Councilman Johnson motioned to amend/change the business license ordinance to reflect that business who operate under one (1) EIN number, one (1) sales tax number, operating under the same corporation name be issued one (1) business license. Councilman Jorgensen seconded the motion.**

**VOTE: 4 yes, 0 no, 1 abstain (Taylor), 0 absent. Motion carried.**

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

Follow up on council's desire to meet with five (5) homeowners in Grey's River Valley. Deb spoke with Leon with Nelson Engineering, it was suggested that some consideration be given to these homeowners about the time requirements to hook into the system.

Some of the homeowner where present at meeting to discuss some options It was further discussed about how to hook into the system. There was also discussion the possibility of these homes being moved into Phase II of the project. This would be quite extensive and due to the time constraints, there would be a lot involved, such as studies and DEQ permits, according to the Engineer. Council commented there was a survey letter that was sent out to all Phase I homeowners, inquiring about the lay of the land, easements, depth of the basements, elevation of septic systems and such. The problem is still there for those five houses. It was suggested by the homeowners that they be grandfathered them in and if their septic fails, they will to pay what it takes to hook into the system, no ready-ness to service fee, because of the costs of the lift stations ect. Council commented that if they grandfather these in how many more will want to be grandfathered in. Homeowners are worried about the June 30<sup>th</sup> deadline. Attorney Fodor stated that both the ordinance and the exhibit would have to be amended, because they are in Phase I.

**Mayor DeCora asked to allow Mr. Stewart to speak as he has been waiting for a long time and was over looked.**

Mr. Ken Stewart, concerned Alpine property owner (Alpine Drive), commented on the process of the alpine civic center he also commented on the town park and asked to look at the architectural design and detail of the center. He further commented that he has heard all sorts of things going on with this project and would

like to hear from the Council what exactly is going on. Councilman Johnson clarified for Mr. Stewart as to what the process is for the civic center project, the town park and the surrounding property. Council commented they are not eliminating the park however some of it will be parking, there will be re-planting of trees. The park will still be functional and beautiful it will give the kids somewhere to go in the winter, during the day to play basketball to be inside, all they are doing is adding some square footage to the building and adding parking. The project is currently at P&Z now; they will not go ahead with it until it is approved by the Commission. Mr. Stewart further asked about water billing and requested the council to look into his billing.

**Numerous discussions were going on at the same time!**

Town Administrator: Deb Wolfley continued.

Ferry Peak Park will be re-dedicated on Saturday, June 6<sup>th</sup>, 2009 at 3:30 pm. The Council will review the fence situation and get back to him with their decision.

We have an individual (Logan Christianson) doing his Eagle Scout Project, that will be planting trees at the ball field, it was asked as to where they want them planted. It was agreed to plant them in the middle of the hill to the south. Need to consider putting a plaque in that area also.

Discussed some road issues and right-of-way issues that will need to be dealt with before any work to be done in Phase III. Ms. Marilyn Perkins asked if the rock piles can be moved out of the road right-of-way in front of her property. This is something that the Council will look into.

Mr. Kent Sawdy spoke in reference to the road adjacent to his home he is looking into a letter for granting access on this road to his home. It was agreed that this will be looked into and discussed at the next Council meeting.

Discussion what held on the Civic Center Roof (the old tin) depending upon the dollar amount, over \$500 it would have to go out to bid. Attorney Fodor stated that the contract has not been signed yet, so we could potentially put into the contract.

The snow removal contract with Northstar Construction does not include grading of the roads in the spring time. It was discussed about the purchase of the backhoe from Northstar. It was agreed to look into and discuss all the options. Checking on the inflationary rate for the three (3) year snow removal contract.

It was agreed by Council to have Sunrise Engineering (Ryan) go out and look at those five (5) properties to do a brief study on the sewer line.

Attorney Fodor reiterated that in order to get those five (5) homeowners out of the Phase I project, they could hold a special meeting (public notice required), at that emergency amendment to the ordinance, backed up within ninety (90) days with a permanent ordinance. It is do able, just be careful of what you are carving out too much, objective criteria, needs certain specifics as to why this property. Specially exempting those homes making sure that is documented, why those homes are being exempted from the project.

**Councilman Taylor motioned to have the Town Engineer complete a study on those five (5) properties, for the proposed sewer lines issue with the potential to move them from Phase I into Phase II or III. With the potential of having a special meeting on June 25<sup>th</sup> for the opening of the CDC bid and another special meeting to consider the exceptions for Phase I of the sewer. Councilman Jorgensen seconded the motion.**

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

Public Comment was given by Ms. Tiphany Gayhart regarding the negotiation with Northstar Utility; she understands the town is possibly in with Northstar utility. She knows and recalls being in this town council back in beginning of 2006, asking the council to please renegotiation or reconsider this contract with Northstar Utility/Halpin and we were told that this is a contract, that we can not re-negotiate it and have to abide by it. We brought out the contract and it said the contact can be amended by both sides at any time with agreement by the parties, we were told that the city can not amend this contract. I would like that to be on the record, we were told over and over that they could not amend that contact. But now were here in negotiations, supposedly working on amending it because Northstar utility wants to.

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 presented a written report.

Clerk/Treasurer: Brenda Bennett - No report given

**Councilman Jorgensen made a motion to pay the bills. Councilman Taylor seconded the motion.**

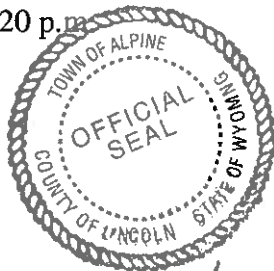
**VOTE: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.**

Councilman Johnson had comments for the Council dealing with the language at the meeting there needs to be order and respect at these meetings. Wondering why this was not taken care of and someone was not taken out of the meeting. It was discussed that the Mayor is the chair, the officer is the sergeant of arms, separate from a crime, and the Mayor is the only one that can remove individuals from the meeting. It was further discussed that there is no reason for this, public officials need to be treated with respect and it needs to stop.

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

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

The meeting was adjourned at 11:20 p.m.



  
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Mayor Victoria DeCora  
Mayor Pro-tem  
6-16-09  
Date

**ATTEST:**

  
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Brenda Bennett, Treasurer  
6/17/09  
Date

