

Town of Alpine

Town Council Minutes March 18th 2008

*Minutes are summary only of clerk notes.

Meeting called to order at 7.00 p.m.

Mayor DeCora led the Pledge of Allegiance. A quorum was established by clerk roll call. Present: Donn Wooden; Shirley Brown; Victoria DeCora; Don Jorgensen. Beau Taylor absent excused.

Town Council Minutes March 4th 2008. **Don Jorgensen motions to approve. Shirley Brown seconds. VOTE: 4 yes; 0 abstain; 0 abstain; 1 absent.** Planning & Zoning Minutes March 11th 2008 & Special Workshop March 12th 2008. **Shirley Brown motions to approve. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent.**

Mayor and Clerk resigning of Lakeview Estates 16th Addition because of Typo on last Mylar. Request made from Scherbal Surveyors.

- **3rd Reading 177-Ordinance No. 2008- 33.** Enforcement of Town Zoning Code. Mayor DeCora read title of said Ordinance. **Donn Wooden motions to accept 3rd reading. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent.**
- Attorney Stefan Fodor: would like discussion upon reading of **178-Ordinance No. 2008-34 Connection Fees Usage Rates**, Stefan Fodor says he had sent council an email in regard to said Ordinance, essentially this Ordinance establishes connection requirements, for different phases establishes fees, and mandatory requirements and billing policies. Anyone who has a sewer septic tank older than 15 years old has to hook up to new WWTP within 120 days of it being operational. Plant will be operational Dec. 2008 and collection system June or July 2009. No one will be required to pay fees until plant is operational. Mayor DeCora says the people that are already on existing system should automatically be connected to the WWTP. Stefan Fodor: New construction in areas currently being service by public main, if someone wants to build on a lot and pay fees which are attached on Ordinance based on ERUs we want to give the developer opportunity to prepay before January 1st. We do not want people speculating and not build within a year time. If you can build within 2 years we feel that is speculating and after a year you lose option of paying the \$5000.00. What we are trying to prevent is speculation of people planning to build. Interest credit has not been considered on Ordinance. Leon Kjellgren: cautions on the interest fees it will benefit the town to pay off loan early. On phase 2 we would like to do the same thing, the numbers

need to work and it will be the East Flats. Once we raise the sewer use fees to \$7500 that is what it will be. There has to be a means of all phases to get a discount, yet this remains to be seen. Attorney Fodor: there needs to be ample notice to customers. Mayor DeCora: let's make this clear we are not anticipating this connection until 2009? Leon says June 30th 2009 tie on connection system can not be in December. It is in the contract. I advise the council to review Ordinance more. Donn Wooden: you have acknowledged that people cannot connect until 2009 yet have to pay at the end of the year. I feel that is not right. Leon Kjellgren: we can take a look at this, the theory as you recall is to promote the hookups. Donn Wooden: If we can get everyone together in a group improvement district we are working with a \$ 5000 figure. I feel it should all come together at the same time. Timing is critical. How about secondary engineering to the project and expense to tie in and bond them together. Mayor DeCora: I have been talking with the USDA people need to apply for this loan on their own people may qualify yet it will be under the home owner to seek out the loan <http://www.rurdeva.usda.gov>. Donn Wooden, we need a bonding company. Mayor DeCora says talking with the USDA is a start. Donn Wooden: we need engineering to come into this. Mayor DeCora: where will you find the money for that? Donn Wooden: the people need to know what it is going to take to tie in to the line. Mayor DeCora: private property is not responsibility of the town. Leon Kjellgren: had sent an email in regard to improvements on private property, if you can find a funding source for design and inspection services legal ramifications for easements to get inside private property. We have been turning down work at Nelson Engineering and your option is limited to find another engineer we do not have the manpower to do that. Donn Wooden: I feel we need to do it right and everything flowing right. Leon Kjellgren: I am not sure a contractor can not do this and make our plans available. Donn Wooden: we need a contractor to come in an figure how much this total price will be beside the burden of hookup, with the connection to home. Mayor DeCora: ask to table 178-Ordinance No 2008-34 pending further discussion. **Don Jorgensen motions to table. Shirley Brown seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion carries.**

- **514 Nelson Lane concerning Flyer from Ed & Sharon Fila:** Donn reports he told the Fila's they didn't need to make a 470 mile round trip tonight as we thought the matter was resolved in the March 11th P&Z meeting, at least that's what we all thought, but apparently not so, as I read the P&Z minutes, it says "they kick in when occupancy occurs". That statement was made after we left the meeting. The P&Z still maintain they will be in violation by sharing ownership. They plan to have up to 9- separate owners involved; who will use is separately at different times, as a Single Family Home. There will not be 9 families and sometimes it will be un-occupied. Paula Stevens referred to that type of use as being a "Tourist Home", and that is not allowed in R1 but is allowed in B1. I said the Webster dictionary defines "Tourist Home" as a residential home, where bedrooms are rented out by the night for the traveling public and that is not the case here. If there was a corporation how or why should we have an objection to that? When they take title to property according to minutes they will be in violation, as a town we do not want to

harass people. And if this property use stays within Town Codes. I do not want to have a liability on this property. Why should there be an interference from P&Z or Alpine. John Thomas: says the owner came into his store selling him if he knew anyone interested in buying into timeshare. And that is not in Town codes. Mayor DeCora: no one has been harassing him, but can enforce the codes multiple family use at different times are concerns I have who's responsibility is it if the water freezes, or the septic system? This is why that property is zoned an R1. Donn Wooden: so are saying they are going to get violation after they take occupancy for zone codes. Donn Wooden: I am just asking are you going to send out a letter to these people for zoning violations. Mayor DeCora: ask for public comment. Robert Mickell: have had experience with this issue. Machall Idaho has struggled with this and it is in court. Do not take this issue lightly and make sure you are on strong legal grounds. Donn has made a strong point, and him to move out to audience what a serious issue this is. This will result over a lot of lawsuits. Stefan Fodor: I can not give you legal opinion on speculation, on what someone may or may not do. My personal advice to Donn Wooden not to be the realtor on this. The town can not dictate how someone owns land, the town can dictate town codes and how it is used. The new codes state 1 family must occupy residence. This proposed use structure does not meet the code. It is how the property is used. And not our place to say who stays. Mayor DeCora; therefore we cannot guess how it is going to be used so we can not speculate that we are going to give them a violation. Donn wooden as spectator: there is living family trust with many different families, this isn't a new thing it is an ongoing thing. If our R1 rule is going to be so restrictive. The fractional ownership was wrong. There are situations where several families use homes. We need to be flexible and are somewhat a vacation community. Mayor DeCora: I have a duty to listen to P&Z board and trust them, and at this point in time the planned use for this property in not in conjunction. Donn Wooden: ask for amendment to ordinance. And he will tell the owner the deal is off, and as a long native to town we are putting out negativity to our trends and growth. Stefan Fodor: this is a matter for buyers and their attorney they should not be asking council on zoning issues. If town wants to change code than that should be issued soon. Don Jorgensen: I do agree with Donn yet our zone does not abide with this, I do agree the buyer should go to P&Z. And we should address this more. We have multiple owners here in Alpine, the cabins are used 4 months out of the year. Multi family owner should not be timeshare, timeshares are owned by a corporation P&Z needs to address this. Robert Mickell: Macalls, ID experience was they had a large developer come in and had 1/6 share ownership, they were very careful not to call it a timeshare. The Judge ruled it was not a single family resident. I feel Alpine should get legal opinions. Single family means single family. Mayor DeCora: ask for any further comment from public.

- **Department updates:** Stefan Fodor, recent request was made from HK contractors to release retainage money, a letter was sent that the Town did not feel it was not at specs, and retains 10% until RVM is fixed. My advice to hold onto that retainage until fixed. Thursday received Master Lease Agreement for fire truck and in the process, this needs to be done by March 21st

remaining issue for me this is a joint venture and we should only be liable for half. And would like to see if there is a default than the other take over payment. I would like you to authorize me or the Mayor to sign as is, or if is to sign. **Don Jorgensen motions to accept the Mayor and or Attorney Fodor to sign Master Lease Agreement. Shirley Brown seconds. VOTE: 4 yes 0 no; 0 abstain; 1 absent. Motion carried.**

Stefan Fodor: Gunners Pizza, received a call from him today, and said he would pay and wanted to know if he could just pay the \$ 550.00. We have had a lot of concern from business owners and have dealt with some time. It is the first I have heard from Gunners Pizza, the point of it is we have documents that they have received have given them the option of reduced fines. Do you want to leave it as is \$550? Don Jorgensen: agrees to leave it. Shirley Brown: disagrees. Donn Wooden: agrees. **Don Jorgensen: Motion to accept 550% and if not paid incur fees.** Tom Colletti: you have a class 4 treatment operator Lee Schwab if you waive your fine are you willing to do that for everyone. **Don Wooden seconds.** To allow gunners Pizza to pay the fees of \$550.00 and if not paid incur all fees. Shirley Brown: No. Mayor DeCora No. **VOTE: 2 yes; 2 no; 0abstain; 1 absent. Letter stands with incurred fees to be paid.**

- Stefan Fodor: ask council to replace Rob Wagner ASAP and address soon. I ask for executive section after statute 16-4-4-aii. Also In reviewing P&Z minutes timing was compressed in regard to town codes they were sent out 8 months ago. Mayor DeCora: the P&Z will see the final map at next council.

Mayor DeCora ask for a recess meeting adjourned at 8:24 p.m. Meeting reconvened at 8:40 p.m.

Leon Kjellgen: What you have in front of you are listing of all ERU's. Residents are in black and commercial are in red. User fees and ERU's that would be assigned are in handout. The last column rates going up June 30th 2008. Some are higher and some are lower. The trick was going to each business and each business is different. Historically went back through water usage. Bull Moose will be at 166.32 per month. User fees are a factor of course, Bull Moose hysterically uses nowhere close to water fees. And I have asked Val and Mac to read meter and that it is reading is correct. Apartments are using less water also, rather putting in category based fees on past usage. Alpine Market matches category that we have set for them. Church also was categorized with seating. This was the category setup for hookup fees, a little difference actual water rates, sewer hookup fees, as Exhibit A to Ordinance. Bull Moose right now if fit into category we would expect them to use 2500 gallons a day, or so many gallons per square feet. They do not fit in that category so are making it fair to usage. Regular regulations will be enforced. There may be instances that do not apply. Stefan Fodor: you mentioned the church will be looking in this down the line because they are not operational. Leon Kjellgen: the town deserves the right read from exhibit. If we put a meter in there and Bull Moose using the usage, then it will be addressed and accessed, but we should look at a year of data for accuracy. The system we had for years was based on nothing. Mayor DeCora: we need time to review thank you.

- Mayor DeCora asks for a motion to pay bills. **Don Jorgensen motions to pay bills. Shirley Brown seconds VOTE: 4 yes; 0 abstain; 1 absent. Motion Carried**

Mayor DeCora asks to recess public meeting at 8: 47p.m. and ask for a motion to enter into executive session. **Don Jorgensen motions. Shirley Brown seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carried**

Public Meeting reconvened at 8:58

Motion to ratify action items discussed in executive session. **Don Jorgensen motions to ratify actions. Shirley Brown seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion carried. Motion Carried**

Shirley Brown motions to adjourn meeting. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 0 absent. Motion carried

Meeting adjourned at 8:59 p.m.



Victoria DeCora

Mayor, Victoria DeCora

ATTEST:

Whitney Heller

Whitney Heller, Town Clerk