

Town of Alpine

Council Minutes May 6th 2008

*Minutes are only summary of Clerk's Notes

Meeting called to order at 7:00 p.m. Mayor DeCora led the Pledge of Allegiance. Clerk Whitney Heller took roll call. Present: Donn Wooden; Shirley Brown; Mayor Victoria DeCora; Beau Taylor; Don Jorgensen. Quorum was established.

Town Council Minutes April 15th 2008. Beau Taylor motions to approve said minutes. Don Jorgensen seconds **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

Planning & Zoning Minutes April 8th 2008. Beau Taylor motions to approve. Donn Wooden seconds. **Vote: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

- ❖ **WWTP:** Ed Turner: There are updated pictures in the office of Town Hall and we want to make a portfolio of all the progress. There will be one more pour. The walls will be finished the next few weeks. Appropriate valves will be tested for pressure next week. Silver Star Communications has also laid cable. Pipe has been placed and backfilled. Lower Valley will start in July. We are on schedule. Bob Norton: there is another pay application in front of you from Moltz Construction, which needs to be paid, are there any questions? It reflects 23% completion of construction. Mayor DeCora says we all are ok with this and looking forward to the portfolio from beginning to end, thank you.

Attorney Fodor: ask for a 5 minute break according to a last minute email and needs to speak with Leon Kjellgren, in reference to Snake River Junction.

Meeting recessed at 7:09 p.m. Meeting reconvened at 7:21p.m.

- ❖ **Jorgenson & Associate Snake River Junction:** Attorney Stefan Fodor: I received an updated letter, at present Alpine Development Group is seeking final plat approval which is 10 town homes approximately 3 meetings ago the town engineer and surveyor needed to sign off, at this time it has not been done, Some issues has been addressed and there are some outstanding issues. I can not recommend until all recommendations have been approved. We need an

amendment to plat approval. I emailed to council agreement signed in 2006. At present there are allocations in the ERU's. Leon Kjellgren: Since this development is within 1 mile of the town, the town has the authority that all conditions are met. There are questions on water and sewer; it is my suggestion we do not go any further because of the new information as of today. The letter does not state satisfactory conditions have been met. Mayor DeCora asks for a motion to table issue. Brad Burnem: manager of Alpine Development Group, we will get all information to you that will satisfy the town, if we could get a conditional approval from the town, we do have the DEQ approval as well as the counties. Attorney Fodor: ask the town council to review letter from engineer and Attorney and that the Mayor sign off when all is met. Leon Kjellgren: we have all agreed because the bond is there, testing and completion of items are concerned. We need to insure the lots have sewer and water, I believe we do not have to wait if that indeed is tomorrow. Attorney Fodor: consider signing first plat without conditions or have developer wait 2 weeks, authorize Mayor to sign plat after engineer and attorney sign off that all conditions have been met. We are confident that this can be worked out next the next few days. Don Wooden motions for Mayor to sign off Final Plat Approval of 1st filing Snake river Junction Town Homes after conditions are met. Don Jorgensen seconds. **VOTE: 5 yes 0 no; 0 abstain; 0 absent.**
Motion Carried.

- ❖ **Shawn Bard:** in reference to zoning property, I wrote a letter on Feb 8th 2008 and April 30th 2008. P&Z want s to rezone my property. I have no response from letters I have sent. My only option has come before the Mayor and Council. Mayor DeCora: Shawn Bard wants property left at MRC 2 not commercial, Mayor DeCora reminds him of working on this for project for 3 years. Shawn Bard: claims to have his letter dated in April from P&Z that they are indeed changing his zoning, there are half uses in proposed zoning. Beau Taylor: says he is in the same fight on his block, and will abstain to voting. Housing is such an issue in our community. P&Z is taking my housing component off property. Attorney Fodor: council does have the authority to rezone in its authority, on an individual basis this may be spot zoning, and this needs to go through Jim Pedersen. P&Z does not want to see residential property on highway. Don Jorgensen: I see many residential on highway and then when we come to your property Sean it changes, I can see this is a conflict. Mayor DeCora asks Sean if indeed he has stood in front of P&Z and asked this question. Sean Bard: I have written the letters but only spoke with Dave Gustafson on phone. Mayor DeCora: You have a good case and need to put on P&Z agenda, in my opinion this has been going for almost 3 years of rezoning master plan. Sean Bard: Jan 10th 2008 is the first day I have received letter from P&Z that I have a rezone. Stefan Fodor: there have been numerous public meetings. Beau Taylor: I am in same situation; in the letter it states an opposition. Stefan Fodor: there were public notices sent out way ahead of January 10th 2008 many workshops with maps on website and in the town office. Donn Wooden: I believe the comments were asked for final draft of compliance and if people didn't come to workshops they were sent courtesy letters. All the work into P&Z no one knew how this was going to lay out. Mayor DeCora says go to P&Z get on the Agenda for May 13th 2008 and represent your case to all members of the board. Sean Bard: I would appreciate you read the letter, prior to this rezoning process it was conditional, and to specifically look at the letter in reference to landscaping.

❖ **3rd Reading: 178 Ordinance No. 2008-34 Sewer Connection Fees, Usage Rates, Billing & Collection Policy.** Mayor DeCora read title of 178-Ordinance No. 2008-34. Mayor DeCora asks for a motion to approve? Mayor DeCora asks for discussion. Stefan Fodor: I have attached map of phase 1 collection Last meeting there was some discussion about fees increased at different times. Ordinance drafted \$7500.00 will occur January 1st 2009 for everybody but phase 1. Phase 1 customers will need to be paid April 1st 2009. The reason for this is because the people will not have the service until then. There are 2 different groups, or options have everyone fee paid January 2009 have or everyone pay April 2009. Mayor DeCora: 511 units across the river, North Star has purchased 311 of them units. As of January 2009 may be able to pay the \$5000 price, yet I am not in phase one Leon Kjellgren: we have discussed this in the future it will appropriate to give incentives before fee increase. Victoria DeCora: Why would we have vacant lots prepay? Donn Wooden: that is what we have let Mike Halpin do. Mayor DeCora: he is a utility not a landowner North Star is buying capacity in plant. They do not own the plant. Like anybody else on the existing system that can buy additional ERUS before January 1st 2009. You have to build and use the ERUS within 1 year, there will be readiness to serve fee, which is a monthly sur charge, after one year, and then will continue to pay excess amount of sewer fee. Mayor DeCora states if NSU doesn't build in 2 years they will have to be treated the same as Alpine. There is a difference with NSU he has put us in a financial situation to be able to start the WWTP. He has 140 he has not purchased and it will apply to the ones he has purchased. The 371 does not apply. NSU has readiness to serve fees that he pays also. Stefan Fodor: NSU has paid 1.3 million dollars, 1 1/2 years before to have septic. Mayor DeCora: we have had the money and making investment it has not been unnoticed and it has helped the town. Keep in mind the money that NSU has given has been used for the town to match grants; we need to make sure everyone is treating the same. Beau Taylor: in my opinion the phase 1 collection system bid came in lower and we should revisit the financial plan. The whole reason we raised to \$7500.00 was because if bid came in, we didn't get that shock I feel we should revisit this. Leon Kjellgren: at my standpoint pass the ordinance, we told the state of raising fees to \$ 7500.00 raising the hookup fee. I have put in another financial plan, Bob Norton has showed you a financial plan with all financing for hookups, you voted against that in December. You can decide to change ordinance down the road when there is another financial plan. I need a spreadsheet program from council to work with. We have an obligation to the state at this point and follow procedure if there are any changes we have until January 1st 2009. Attorney Fodor: reads franchised agreement from NSU and stands by statement earlier. Donn Wooden: we should keep the \$5000.00 in effect and ask when will phase 2 be ready? The issue is we want to tie in hookups on north side, NSU says it will be drilled under river. Donn Wooden: says those not being served are not subject to fee of 5000.00 new connection fee only. Attorney Fodor: ask to pass this now, there is uncertainty and we need to let the people know and this Ordinance passing will give them certainty as to dates and readiness fees. Mayor DeCora asks, for a motion. Don Jorgenson makes motion to pass 178 - Ordinance No. 2008-34 Sewer Connection fees, Usage Rates, Billing & Collection Policy. Shirley Brown seconds. **VOTE: 3 yes; 0 no; 2 abstain; 0 absent. Motion carried.**

- ❖ **2nd Reading: 197- Ordinance No. 2008-35**, Town of Alpine Municipal Tax Levy for Fiscal Year 2008/2009. Mayor DeCora read said Ordinance. Donn Wooden motions to approve Shirley Brown seconds. **Vote: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

- ❖ **290- Resolution No. 05-06-08-2008**, a resolution authorizing the execution of agreement for Senior Services agreement between the Town of Alpine and Thayne for Senior Services. Mayor DeCora, reads said ordinance. Donn Wooden motions to approve. Shirley Brown seconds. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

- ❖ **291- Resolution No. 05-06-08-2008**, Resolution authorizing contract services for Town administrator. Mayor DeCora reads said resolution. Shirley Brown motions to approve. Beau Taylor seconds. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

- ❖ **292- Resolution No. 05-06-08-2008**, Submission Consensus List Block Grant: Donn Wooden motions to approve. Deb Wolfley: just to have you aware the county came up with formula, since that time there are different figures brought up between other towns, there has been discussion to go back to other towns and reevaluate figures. The paper work needs to be into State by June 13 2008. If we put in this resolution this is money we can get now and later if the figures come up different from the County we can get the money from the different figures later. The figures could be as high as \$40,000 in Alpine's favor. I recommend because of the civic center we sign this now. The state will accept resolution later but delay's the money. Mayor DeCora says she has seen discrepancy of only \$8000.00 if we agree to this tonight and do not turn into the County will options still be open? Attorney Fodor: If these numbers are to be different authorize the Mayor to sign later dates within the next 2 weeks. We need to start on Civic Center. Donn Wooden: again motions to go ahead with resolution. Don Jorgensen seconds. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

- ❖ **293- Resolution No. 05-06-08-2008**, Easement and Contract Lower Valley Energy, electrical distribution easement for Ball Park Vickie reads said resolution. Donn Wooden motions to pass. Beau Taylor seconds. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

Updates Attorney Stefan Fodor:

- Pedersen Planning Proposal has signed contract this week in regard to Alpine Subdivision Regulations so they may proceed.

- Steve Chichinsky: prepayment of sewer fees, my opinion remains the same. His fees were cashed and ask council to refer to his email. He has had 189 days to build on permit. Application is appanded after 180 days. As of Feb 5th 2008 there was no activity and sent letter, March 16 he has responded. As council you have a duty to abide by your rules and if application have been filled in good faith. Donn Wooden: on application form is applicant aware in writing there are

180 days? Attorney Fodor: it is in the codes and he has been provided with 2 separate letter stating having 180 days. And application will be voided. Donn Wooden: he has paid his water fees and May our land is still thawing. Attorney Fodor: he doesn't even have his permits in place. Donn Wooden: we need to give compassion and his track record in community. Attorney Fodor: would like to table this until next meeting, Steve Chichinsky has asked to be put on agenda for P&Z and next council meeting May 20th. Mayor DeCora: as a town we need to treat everyone the same. **Beau Taylor motions to table. Donn wooden seconds. Vote: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried. Don Jorgensen motions to have Town Administrator revise building permit to specifically say 180 days to construct. Shirley Brown seconds. VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

- Civic center: Insurance Company will not cover Civic Center, I have requested the policy and will update after further review. Deb Wolfley: update on this also Joy Brown came in from Evanston to help write grants. This money is available to expand parking or extra stories on building. Mr. Sheer will come in to building Friday with Engineering. Donn Wooden: would like to wait for report.
- Engineering Service Contract for Collection System. Attorney Fodor: brought amendment to council in March, basically we are looking to hire Nelson Engineering in overseeing construction and design phase on collection system. Exhibits could not give you an estimate until the time has come about. Engineer Josh Kilpatrick will be here every day to oversee the project. Leon Kjellgren: we have done a considerable amount of work without contract signed, or we would have been off schedule with the collection system. We have incurred \$30,000 in fees; we do have the master contract. Donn Wooden motions to move forward. Don Jorgensen seconds. Leon Kjellgren says his cost will not change unless the scope of the project changes. All the right of ways have been obtained, and are in file all utilities have been located, any changes will be noted. Field inspector notes will be available with changes. There is a contingency of \$100,000.00 for prices going up but will give reports of this. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- Attorney Stefan Fodor ask council to go into executive session W.S. Statute 16-4-4052(a)(ii)

Mayor DeCora: would like to remind council of budget time and it is to be on agenda May 20th 2008.

Mayor DeCora would like to recess meeting at 9.05 p.m. Meeting Reconvened at 9:17 p.m.

Donn Wooden motions to go into executive session as to W. S. Statute 16-4-4052(a) (ii). Beau Taylor seconds. VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.

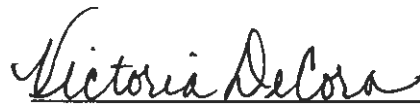
Meeting reconvened at 9:25 **Donn Wooden motions to ratify actions taken in executive session. Beau Taylor seconds. VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

Donn Wooden motions to pay bills. Beau Taylor seconds. VOTE: 5 yes; 0 no 0 abstain; 0 absent. Motion carried.

Donn Wooden would like to purchase a banner for mountain days and to fund the toilets during mountain days.

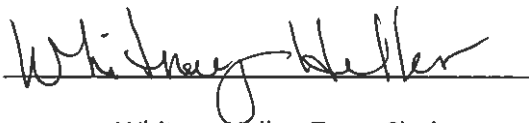
Donn Wooden motions to adjourn meeting. Beau Taylor seconded. Vote: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.

Meeting adjourned at 9:30 pm



Victoria DeCora, Mayor

ATTEST:



Whitney Heller, Town Clerk