

Town of Alpine Council

TOWN COUNCIL MINUTES MAY 20TH 2008

*Minutes are summary of clerk's notes.

Meeting called to order by Mayor DeCora at 6:08 p.m. A quorum was established by roll call by Clerk Whitney Heller. Present: Don Jorgensen; Beau Taylor; Shirley Brown; Mayor DeCora. Don Wooden absent excused. Also present: Attorney Stefan Fodor and Town Administrator Deb Wolfley.

Mayor DeCora asks for a motion to recess regular public meeting and go into executive session as per W.S. Statute 16-4-405(a) (ii). **Beau Taylor motions. Shirley Brown seconds. Vote: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.** Meeting recessed at 6:09 p.m. **Shirley Brown motions to ratify decisions in executive session. Beau Taylor seconds. Vote: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**

Public Meeting reconvenes at 7:06 p.m. Mayor DeCora led the pledge of allegiance. **Town Council Minutes: May 1st 2008 (workshop); May 6th 2008; and May 13th 2008 (workshop).** **Don Jorgensen motions to approve said minutes. Beau Taylor seconds. Vote: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**

- **Buffalo Sage Townhomes (Steve Chichinsky):** Mr. Chichinsky had called and will not be able to attend tonight's meeting. P&Z had recommended extending plat permit. Stefan Fodor: last week council received an email from me which gives a breakdown what has happened over the last year in regard to Mr. Chichinsky, he had paid for 20 sewer hookups when he filed a building permit application on May 16, 2007. None of his checks were cashed at that time as there was some debate as to whether he was able to prepay before the sewer fee increase took effect. After my September 19, 2007 opinion letter on the subject, the Town cashed his water and building permit fees and informed him of the same while formally accepting his building permit. This was done on September 24, 2007. He was also informed that his sewer fees check would be held until the sewer connections were made. He was notified that he had 180 days from September 24, 2007 to complete his building permit. The time to complete the building permit expired on March 22, 2008. On February 5, 2008, he was sent a letter stating there had been no activity with his building application and that the town needed the remaining items for his application to be processed. He was told that his application would be considered voided if it was not complete by March 22, 2008. As set forth in my letter of September 19, 2007 which is attached as well as the relevant code sections, a building permit expires 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant one or more extensions of 180 days if justifiable cause is demonstrated by the applicant in writing. On March 16, 2007

Mr. Chichinsky responded to the Town's February 5, 2007 letter stating that he has not yet submitted the his engineering plans. That letter also stated that there has been interest from investors to construct town homes. His sewer fees checks should not be returned to him, but should be applied to the newer more elevated fees if he pursues development on the same lots. If he sells those lots without having applied for new sewer connections, the Town is justified in keeping those fees and applying them to the general sewer fund. The prior ordinances had no provisions for the refund of sewer fees, however, the new sewer fees ordinance that will likely be passed on its third and final reading which states that no fees are refundable, but are applicable to that owner's development on that same lot under a separate application. Kennis Lutz (P&Z): says Mr. Chichinsky had gone through personal issues in December and would like the council to consider giving Mr. Chichinsky leeway on granting extension. Stefan Fodor: would like to recommend to council personal issues is not good faith on extending building permit application. Don Jorgensen: believes under different circumstances Mr. Chichinsky would have had permits in order, and feels that shows good faith. **Mayor DeCora asks for a motion to extend building permit application extension. Beau Taylor motions. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain 1 absent. Motion Carried.** Stefan Fodor asks to instruct town clerk to issue Mr. Chichinsky a letter stating when extension takes effect and is for 180 days from application date May 14th 2008.

- **Little Grays Academy;** Mariah Stewart: would like to discuss new carpet and lease agreement. I am the owner of the child care center and we lease the building from the town. I would like the council to consider replacing the carpet. It is several years old and the children spend majority of their time on carpet. I do have an estimate from Carpets Plus Color Tile in Thayne that the materials would be roughly \$1,110.00 and installation \$656.00. Mayor DeCora: would like to inspect the carpet, and when a person leases a building when there are improvements that are a leasehold improvement to the business. The lease says if may choose to replace but it not a requirement. Mariah Stewart: I am open to pay for materials if perhaps the Town would pay for labor or maybe a credit on rent. Mayor DeCora asks if she is a nonprofit childcare. Mariah Stewart: we are profit as it was from previous owner. Mayor DeCora: anything that we would do for the daycare would be your profit and an expense you would not have to incur. Mariah Stewart also would like to add the lease is up for renewal next month and ask council to change lease from 1 year to a 2 year lease. Mayor DeCora: says she had done research on business's in the area and what business's are paying for square footage, currently Little Grays Academy is paying \$0.70 per square ft. Jim Sadners office space is charging \$1.35 sq ft. Kennis Lutz is charging \$1.60 sq ft. Alpine Tire & Lube is at \$1.00 sq ft. I am encouraging the council not to renew lease at current rate, also with the current situation at Civic Center and the struggle for space I don't feel the town should commit the space for 2 years. If it was a month to month basis it would be good. Mariah Stewart: Could I ask the council to raise the lease to secure for another year, if the council is not willing would the council consider have another meeting to explain to 42 families what they are to do for childcare. Mayor DeCora: it is not the town's

responsibility to provide childcare it is the individual family's responsibility to find childcare.

Mariah Stewart: we provide a reputable service and need in the town. Beau Taylor: if we are to charge prices the Mayor was speaking of she could get nice carpet, I believe her business needs to have a one or two year lease. Mariah Stewart: I am surprised that my situation has any reflection on the Civic Center problem. Mayor DeCora: we have the police department office and the forest service over there, when we tear down or renovate we will have to displace them and come up with a place to put them. Don Jorgensen: we do have to have a place for the Police Department not necessarily the Forest Service, and possibly County offices next door. As far as the carpet we could raise the rent to cover that expense. Stefan Fodor: section 7 Lease says: "The Tenant shall make no alterations or improvements to Premises without first obtaining permission from the Landlord. The Landlord shall also be solely responsible for repairs or improvements to the structure and to the exterior of the building". Section 12 of lease, "Surrender of Premises: At the expiration of the Agreement, the Tenant shall immediately surrender the Premises in the same condition as the start of the Agreement, reasonable use and wear thereof damages by the elements excepted". My opinion as it states in lease, the carpet is the responsibility of tenant and not the landlord. Mariah Stewart: if the council does decide it is my responsibility can I have the approval from council to do so? Speaker Carrie Bell: I am one of many parents with infants that Mariah put in difficult situation with less than one month notice to find childcare. I do not feel Mariah is in a position to be stating herself being other than a for profit business that is looking to get most income for the facility she has, I believe we need to give that consideration before I give her my tax dollars. Mayor DeCora: ask why she was giving a 30 day notice? Carrie Bell: my daughter can be watched with 3 or 4 babies with one teacher, the age she is now targeting she can watch up to 18 children with one teacher. So obviously her profits are to go up, as a business that makes sense. But the Town should not be giving additional funds or favors to a for profit business and is not taking in consideration the communities true needs. Infant care is very hard to find in the area, I don't feel she needs to come before the town and ask for money. I do not want my tax dollars subsidizing her rent or replacing her carpet. Mariah Stewart: I would like to respond to the change of age in the academy, it is difficult to merge infants and toddlers with older children. I purchased the lease inheriting children from 6 weeks to 12 years of age. It is a huge vast range to cater to, based on the building I have I was not able to accommodate the younger children to my standards. Therefore I chose to accommodate our need in the community to 3-5 yr olds and after school children. Beau Taylor: I don't feel any of us plan on supplementing her rent with our tax dollars the carpet should be worked out in renewal of lease. If we are to charge the rates we should accommodate the need for the daycare. Mayor DeCora: we need to give Mariah an answer as to replace carpet and renew her lease for 1 – 2 years. Kennis Lutz: says the lease was signed in March 2005. As a landlord when a new tenant comes in we replace the carpet, if the carpet has a lifespan 8-15 years. There should be reserve set aside to replace the carpet, I know this was not the case in this tenant. I have had numerous calls for space for this type of business; this is a need in our community. Shirley Brown: it is my opinion with the Civic Center under construction we will need the office space for our officers and since we are so far away from the county offices it would be nice to have that space for drivers license etc. Don Jorgensen: ask how long is

a lease viable for you? Mariah Stewart: one year would be acceptable; if the town was considering the carpet and lease one matter I would pay for the carpet so it is two separate issues if it is affecting my lease. Mayor DeCora: ask Stefan Fodor to look at lease and ask council to put on Agenda for June 3rd. Stefan Fodor: ask council to make the decision because the lease is up at the end of June. Mayor DeCora asks for a motion. Don Jorgensen motions to table until June 3rd Beau Taylor seconds. Vote: 2 yes; 2 no; 0 abstain; 1 absent. Shirley Brown makes a motion to discontinue daycare and secure office space for the town. No Motion followed. Little Grays Academy is to ask to be on Agenda for next meeting.

- **Peter & Christine Burtness:** Carl Scherbal representing Surveyor Scherbal also the Burtness's and their request for River Walk Homes addition to Alpine, this is in Grey's River Village addition off Wooden Spur drive. Proposal is for single family residences with a Town Home style ownership; this is a preliminary plat stage which will give them the ability for a building permit. The platting will require that they have their foundation down before each unit can be platted as a unit for sale. Each unit will have its own sewer which is responsibility of developer; this is zoned R-2 multi-family. They have 2 lots and proposing to combine into 1 which will give them the ability to have 4 units (lots). Stefan Fodor: does this meet all setback requirements? Carl Scherbal: this will meet all setback requirements between buildings. This will go for final plat to P & Z. Stefan Fodor: I have not seen the engineer's approval or correspondence, will you make representation that this will have sewer connection and sewer lines as per phase one? Carl Scherbal: yes it will and it is the developers responsibility to hook up. Shirley Brown asks what the average acreage is for lot. Carl Scherbal: the whole development is .82 acreage so each will be roughly 2/10 of an acre. Shirley Brown: will there be a play area for children? Carl Scherbal that has been discussed yet there is a playground close. Mayor DeCora: ask for a motion to approve or not to approve the preliminary plot to divide 2 lots into 4? Beau Taylor makes a motion to approve divide 2 lots into 4 for Peter & Christine Burtness. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.
- **3rd Reading 179-Ordinance No. 2008-35:** Town of Alpine Municipal Tax Levy Fiscal Year 2008/2009 Mayor DeCora read ordinance and ask for a motion to approve. **Shirley Brown motions. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**
- **1st Reading 180-Ordinance No. 2008-36: Town of Alpine Budget 2008/2009.** Mayor DeCora asks if everyone has had the opportunity to review budget that was given to council last meeting. Terri Potter: says she has fire department items to add to budget. Mayor DeCora: says she and Brenda has spoke about this and the Fire Department will get normal allocation from the town, plus the lease agreement plus \$5000.00 for bunker gear, if that is not in the ballpark where you

need to be you need to talk to Brenda but that is a brief summary. Terri Potter: I will give the breakdown with Brenda. We are currently pursuing a fire district. We are running on less than \$100,000.00 for EMT and fire. I would also like to add we were charged late fees for the fire truck of \$4000.00 I am going to the county for this because of the delay from them. The Town is being very generous with the budget and I appreciate the Towns support. Mayor DeCora: ask any for other comments? Stefan Fodor: I would encourage the Town to charge fees for major development as those fees can help with budgetary items such as the fire department which everybody will benefit from, whether inside or outside of the Town limits. Deb Wolfley: would like to ask the council if they would like more monthly breakdown of budget? Mayor DeCora asks for a motion to approve 1st reading. **Beau Taylor motions to approve. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**

- **1st Reading 181- Ordinance 2008-37:** An Ordinance Governing Council Members Interest In Contracts to Which The Town Of Alpine Is Party And Governing The Disclosure Of A Town Employee's Interest In Contracts To Which The Town Of Alpine Is A Party. Mayor DeCora read title of said ordinance. Stefan Fodor says because of the nature of living in small town the Ordinance is needed and reads part of ordinance as followed: **Section III: No Council Member may have an interest in contracts to which the Town of Alpine is a Party**

No member of the Alpine Town Council or any member of that council member's immediate family may receive any monetary or other economic benefit from any contract to which the Town or anyone for its benefit is a party.

The obligation on the part of the Town is void in any contract in which a monetary or other economic benefit will be received by a member of the Town council or his immediate family who does not comply with Section IV of this Ordinance.

Section IV: Exceptions

Section III of this Ordinance does not apply to any Town Council Member of a member of his immediate family if the Council Member in question complies with the following

The council member:

A shall not participate in the consideration or discussion relating to the contract;

B shall not attempt to influence the other members of the Council;

C shall reveal the nature and extent of any monetary or other economic benefit he or a member of his immediate family may receive to the other members of the Council prior to the consideration of the contract;

D shall not vote on the matter of granting the contract;

E shall excuse and absent himself during the consideration, discussion and vote on the contract;

F shall not act directly or indirectly for the Town in inspecting, administering or securing performance under the contract in question.

Section V Fairness to Town

Notwithstanding section IV above, the Town shall not enter into any transaction in which a council member or Town employee has a direct or indirect interest or stands to realize a monetary or other economic benefit until the Town Council has made a determination that the Contract is in all material respects fair to the Town. Fairness shall be determined by looking at the rate charged to the Town as compared to rates charged to similarly situated individuals or entities for the same or similar goods or services.

The Town Council is also authorized to consider convenience and the availability, both in time/availability and geographic scope of similar providers of goods and services.

Section VI Disclosure of interest by Town employee in a contract in which the Town has an interest.

Any employee having a direct or indirect interest in contract to which the Town is a party or having any monetary or other economic benefit from any contract to which the Town is a party shall disclose that interest or benefit to the Town Council in writing prior to the consideration of such contract. Failure to disclose such interest or benefit shall void the Town's obligations under that contract.

Mayor DeCora asks for a discussion. Tom Colleti asks if employees will have to sign an annual conflict of interest. Stefan Fodor: states that is an excellent suggestion and he will put in second reading, it is important to keep in mind if all is being fair and disclosed Don Jorgensen could have contract with the Town. **Mayor DeCora asks for a motion. Shirley Brown motions to approve.** Don Jorgensen asks question if in fact could vote. Stefan Fodor: the only thing you are banned from voting on is consideration of contract you or your family has economic interest. **Don Jorgensen seconds. VOTE: 3 yes; 1 no; 0 abstain; 1 absent. Motion Carries.**

- **178-Ordinance No. 2008-34: Sewer Connection Fees, Usage Rates, Billing & Collection Policy.** Mayor DeCora states there was a clerical error on calculation in Exhibit A in said Ordinance and council needs to amend. The Ordinance is wrong with the error on sewage hookup fees for Camp Parks, Campgrounds w/ Service Building. Stefan Fodor: Description Category Hookup Fee/ Assessment Unit reads \$67.00 should be \$1000.00 Monthly Sewer Use Fee/ Assessment Unit reads \$0.48 should read \$7.20 this ordinance as it states in ordinance may be amended from time to time. **Mayor DeCora asks for motion to amend. Beau Taylor motions to amend. Don Jorgensen seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**

Meeting Recessed at 8:17 p.m. Meeting Reconvened at 8:29 pm.

Updates: Attorney Stefan Fodor.

1. Mr. Fodor asks Kennis Lutz to have ample recommendation from P&Z. There needs to be time for Terra to type minutes prior to council meetings. So there may be time for decision and not just given or not given in time.
2. There are 2 projects North of Alpine. Dorsey proposes 1 acre lots with conjection systems, When NSU has sewer system as well. Stefan asks Deb Wolfley to call Lincoln County and clarify the underground injections. Tom Colletti states the town has gone to great lengths to stop these injectors, this needs to be consistent and voices objection to injectors. Mayor DeCora: it is important to change the language that is correct.
3. Snow removal contract: I had sent you an email stating the findings of the town doing a multi-year contract. The answer is yes, but it may be voidable by the government or void upon attack by a third party, if under the facts and circumstances the agreement is not reasonably necessary or of a definable advantage to a city or governmental body. That means that if we can show there is a reasonable necessity or a definable advantage to the Town in entering into a multi-year contract, it could withstand attack. As justification for the multi-year contract, I would argue that snow removal services are essential to the town, are a great expense and (if the numbers work out) the Town can get a significant advantage by contracting over three years to get a lower price for this essential service and given our budget, it is necessary to get the contract and lower price over three years. We cannot just extend the contract with HK. The snow removal contract would have to go out to bid again next fall. My suggestion is that we issue two requests for bids. One for a one year contract and the other for a three year contract. That would give us the hard numbers to make the justification that there is a definable advantage to the Town of entering into a multi-year contract. However, before we put things out for bid, I think we need to look at what we are asking for and what we are paying for. For starters, in this year's contract we paid \$9k for snow removal on the forest service lot. Why is the Town paying for snow removal on this lot? Shouldn't the Forest Service pay for this? If someone can provide some clarification for me, it would be helpful. Second, we paid \$11k for the Riverview Office Complex. Is this something we could ask Val and Mac to clear? Do they have the time and equipment? If so, we could stand to save \$11k per year and that is substantial. Even if we paid them overtime, I think there is a large potential for savings here. Third, our contract provides for hauling away snow from parking lots. Granted, we had a big snow year this year, but what if next year is light? We are paying for hauling away of snow, irrespective of whether it needs to be hauled. I would suggest that we not contract for hauling, but leave it subject to a change order with identified costs. That way, we only pay if we need snow removed. Moreover, in my short time with the Town, I have never seen the Riverview office complex completely full. I suggest we can save money by leaving more snow on the edges of the lot and winging it back with a loader. If all these things are taken together (barring some counter point by one of you), I think we can save some additional funds. Mayor DeCora: says she had spoken with George Parks and Kathy Hunt from WAM and they stated this does not have to

- be advertised or go out to bid because it is maintenance. Also, is it practical after new administration to disregard contract he recommended contract for fiscal year.
4. Snake River Junction: has met all satisfactory requirements for providing water and sewer to the property. We are waiting for results of tests to be performed the week of May 12th. NSU commitment letter meets all requirements. Mayor is to sign off on Mylar when all is in order after I and the Town Engineer receive the results of the May 12 testing..
 5. Ernie Scott: There is a contractor lined up to fix the structure at the residence, however, nothing has proceeded on the building permit. This cannot be dragged out through the summer. We need to get this going ASAP. If there is no movement on the building permit and engineering plans by the end of June, the Council should be prepared to move forward with enforcement of the zoning code.
 6. Also, I should have the Franchise agreement from NSU this week.
 7. Stefan would like all letters addressed that come into the Town. Case in point Andre Gavin letter concerning the hookup fees saying fees should be waived for 65 years of age and up. Stefan asks the clerk to address this and send USDA information.

Don Jorgensen: ask about the 3rd well that was just installed. Tom Colletti: says pump is underway and that Ablondi is 3 weeks behind and then it will go out to bid. Deb Wolfley: says he has talked to Bob Ablondi and he is focused and back on track.

- **Unpaid Bills: Don Jorgensen motions to pay unpaid bills. Shirley Brown seconds. VOTE: 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries.**

Deb Wolfley: Building packet needs to be change to be clear on 180 days to construct. Also I have been working on Civic Center contract with engineer Jerry Myers out of Pocatello, ID. Deb also states he has received a rough draft of new Civic Center and would like council to review and make changes accordingly. There are many options to consider and amendments to draft that could be done. Stefan Fodor: asks about the police department because of needed secure room for evidence. Shirley Brown: would like to consider public bathrooms outside or side of building. Deb Wolfley: estimates are coming in at \$800,000.00 to \$860,000.00. When the architect comes to Alpine this week the question is what would the town want and direction the town is looking at in regard to prices. I will keep you posted.

Lift Station: Deb Wolfley states we need to do research to get access to the lift station. Mayor DeCora: says Grays River Cove has blocked off public access road to the river. And they have every right to do so. Our plan was to build a lift station down there. We may have to build a road off of River Bend Rd. We are in a time crunch and have to look at all of our options.

- **Don Jorgensen makes a motion to adjourn meeting. Beau Taylor seconds. Vote 4 yes; 0 no; 0 abstain; 1 absent. Motion Carries. Meeting adjourned at 9:12 p.m.**

ATTEST:

Whitney Heller

Town Clerk, Whitney Heller



Mayor Victoria DeCora