

**TOWN OF ALPINE
COUNCIL MINUTES
August 5, 2008**

Meeting was called to order at 7:01 pm by Mayor Victoria DeCora whom then held the pledge of allegiance. Roll call was taken: Don Jorgensen, Beau Taylor, Victoria DeCora, Donn Wooden and Shirley Brown were present establishing a quorum.

Council Minutes for July 15, 2008 are awaiting approval. **Don Jorgensen motioned to approve said minutes. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Planning & Zoning minutes for April 22, 2008, May 13, 2008, May 27, 2008, June 10, 2008, and June 24, 2008 are waiting for approval. **Beau Taylor motioned to approve said minutes. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Action Items & New Business

Ed Turner from Nelson Engineering: Update/report on new Wastewater Treatment Plant. Exterior walls are complete, non potable water is installed, sanitary sewer man hole has been installed, electricians are there mainly working in the head works building. Project is still on schedule. Lift station pipes and pumps are all inside, blowers/fans are here and the trolley hoist is up. They are waiting for the electric easement to be signed which will be discussed later in the meeting. This is going to be a state of the art treatment plant. Ed is impressed with Moltz Constructors and feels they are doing a great job. He would like to present application #7 for payment, there are no unexpected expenses at this time. **Don Wooden moved to approve payment of bill #7 to Moltz Constructors. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Grey's River Cove: Temporary Permit for new leach field. They have paid \$100.00 towards a temporary permit, does Council approve this amount or should it be more? Inspector Tibbitts inspected and approved the temporary leach field on 7/31/08.

Administrator Wolfley said this was a unique situation as it is not a full blown septic permit application. A septic permit application is \$500.00; Grey's River Cove has given us a check for \$100.00 for the temporary leach field permit. Does the Council want to accept this \$100.00 for a temporary emergency leach field application or change the amount. The inspector has already inspected it 1 to 1 1/2 times. We need to make sure that his costs are covered.

Mayor DeCora wanted to know by temporary status if that meant that this would mean connection to the sewer plant is required within 45 days of it being available. Administrator Wolfley said that was correct, that is what the statute calls for. We have asked them to come over to see if they have any questions on this and to see if the Council would like to make any different allowances for the fee permit.

Attorney Fodor wanted to clarify that their leach system failed and they are requesting a permit for a temporary leach field until the time that the sewer service is available. Carla Stone said they came to the Town in good faith when the leach field failed, they were told that they needed to fill out the temporary permit until next year. The septic tank is brand new, we filled out a permit for that last year, it was the leach field that failed so we had it fixed. Attorney Fodor asked on any temporary permit the Council include the legend the permittee is still subject to all requirements contained in Town ordinances specifically but not limited to requirements of 178 Ordinance 34 requiring connection to the wastewater treatment plant and collection system within 45 days notice from the town when service is available. This clears up that the ordinances are still in effect with temporary permits.

Don Jorgensen wanted to know that if they got the septic permit last year does that mean that they don't have to hook up for 15 years. Attorney Fodor stated he would look up the ordinance. Section 3a of the ordinance 178 -34 gives 15 years on a private septic system if a permit was granted. According to what he has been told tonight they would have 15 years. Mayor DeCora stated she was confused as to the best of her knowledge; there was never a permit granted last year for the septic system. Administrator Wolfley agreed with this and has been told that last year was another emergency situation and they had not gotten a septic permit. There is no documentation that there

was a permit issued. Mayor DeCora knew that it did have to be replaced and it was replaced but she feels we really need to do more research as to if there was a permit issued or not.

The fee is what is in question here tonight. Mayor DeCora asked for a motion to accept the \$100.00 fee or to change the amount. Carla Stone had a question about the temporary leach field, since she feels their septic is a permanent one for 15 years and the evidence of that is a check – Mayor DeCora said it has not been determined yet if it is a permanent 15 year tank – Carla Stone said she had brought in copies of the check and said the number of the permit was on the check to show that they had paid for it and got the permit to put in the replacement tank. She wants to know if the leach field is still temporary.

Mayor DeCora stated she feels the Council is dealing with this after the fact, the whole situation. The Council was not present when temporary permits were given, it is her understanding that it goes beyond just the system failing. She wants to understand the facts. Carla stated that if these facts are effecting the decision this evening then she asks that the circumstances are out in the open before we make any decisions on the temporary leach field judgments, they would like to have a permanent leach field to go along with a permanent tank for the next 15 years. Mayor DeCora stated the decision tonight was about the fee, that they need more facts before anything else can be decided. Mayor DeCora asked if the Council was ready to make a motion and a decision on the fee for a temporary leach field. **Don Wooden would like to make a motion to accept the fee of \$100.00 for inspection of the leach field repair and to get to work on establishing something proper and correct so everybody knows what to expect. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Ordinance 182-ORDINANCE No. 2008-38: First reading to repeal 163- ORDINANCE No. 2007- 19 suspending the issuance of building permits that require connection to the Town's wastewater treatment facility. Mayor DeCora read the ordinance in its entirety and asked for a motion to approve the 1st reading of it. **Beau Taylor motioned to approve the 1st reading of ordinance 182-ORDINANCE No. 2008-38. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motioned carried.**

Temporary Part Time help for Police Department: Mayor DeCora asked Attorney Fodor if he felt that this should be discussed in executive session. Attorney Fodor agreed with Mayor DeCora that this needs to be dealt with in executive.

Electric Distribution Easement: easement for power going to the new WWTP. There are two easements from Lower Valley Energy that need to be signed. The first one is going down Buffalo Run on town property to get power to the new treatment plant.

The other easement is with Fish and Game to get their permission to run the power the rest of the way to the new plant. Administrator Wolfley has talked with Dave Hunt and his boss, they feel that they have the ability to sign it but want to talk with their attorney first; they will get back to him on Thursday or Friday. This is for the 3 phase power to the new plant.

Attorney Fodor feels that Fish and Game has to give us express permission to sign it or they have to sign it themselves as we just lease the property. Mayor DeCora is asking for a motion to approve her signature on the electrical easement that goes across town property and the easement that goes across Fish and Game land with the approval and agreement of both attorneys. **Beau Taylor moved for the Mayor to sign work order number 63573 easement, with the stipulation that our attorney is satisfied with the reclamation plan. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried. Don Wooden motioned to authorize the Mayor to sign the second easement subject to the authorization from the Wyoming Game and Fish department or that they sign it themselves. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Landscaping Document for Snake River Junction Project: County would like a letter with Town comments and approval. Administrator Wolfley stated part of the Counties requirements is landscaping issues with new developments.

This was brought up in one of the P & Z meetings. John Woodward was at this meeting and wants to make sure that the Town is satisfied with this. Administrator Wolfley apologized as he did not get this information until about 2 o'clock this afternoon.

Damian Mavis would like to get a letter from the Town to go to the County addressing the landscaping concerns. There is no time to look at it tonight, but he would like all to look it over and give him permission to write a letter to the County on their behalf letting them know that the town is fine with it. They are still working on getting information to the fire department. Damian Mavis is going to send information to Rob Wagner for his review. Mayor DeCora asked for a motion to table this until the next meeting so they would have a chance to look it over. Shirley Brown so moved. **Don Wooden would like to make a motion to table this and to also talk with the fire department for their recommendations before giving them a review letter. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Department Updates

Legal: Attorney Fodor

We need to get and interim plat approval procedure until we can get something in writing for condominiums as there is an application pending. Paula and Jim have been looking at this and he would like to have it taken care of as soon as he gets more information.

He sent an email recently stating it was our intent to make some minor changes and clarify the land use code that we passed last winter. Give some thought after reading it over, he has asked the same from P & Z. We want to make as many changes as we can so we don't have to keep going over this. He asks that everyone go over it and get their questions or concerns to him. He would like to get this done so the first reading can be the first meeting in September.

There was an annexation meeting with Deb, the Mayor, the home owners association, and North Star Utility. The big issues were what does the town want to do with roadways, path ways, open spaces, zoning and impact fees. What are they going to get out of it, why should they be annexed, what is in it for them. We need to decide this and get back to them as soon as possible as it was brought up two meetings ago and nothing has been done. Attorney Fodor asked if it was the Council's decision to say that the Town if it does annex Alpine Meadows will not take over the open space, pathways, roads we need to make some decisions. Mayor DeCora stated that at this time the Town cannot do this right now. We do not have the resources to take care of the streets over there for 3 houses. We would be willing to take over when it becomes feasible. Roads need to be or have a 75% built out, with Certificate of Occupancy before we should consider taking them over. Open space should be theirs all the time, along with pathways. They would like to have a zone buffer or at least let them have any opportunity to speak about surrounding properties, which the Town feels is fair and neighborly. What about eminent domain - relinquishing eminent domain ability. The Council does not want to do that either. The franchise agreement is going to have to have a performance bond. Leon has done a very good job with this agreement. This is something that we need to do even if we don't annex them.

Civic center, view of insurance companies has not improved with this problem. He has received a letter from them and is waiting for the policy so he can review it.

Little Grey's Academy lease has been sent back to them. The last thing that was sent to them was they get a one year lease and if both sides want to renew after a year then we will renew it. That was based on the comments we had last year, we want the same commitment from her from Little Grey's as we are going to give them. They wanted unconditional guarantees that they would have this thing and to be able to walk out. It has gone from Stephan to Deb to her to her attorney. Mayor DeCora asked Attorney Fodor how much time he has spent on this. He feels it is way too much time for what it is. Mayor DeCora stated time is money and she would like to know how much time he has spent with this. Attorney Fodor is hoping to get it signed and he feels the Council should tell her if she doesn't want to sign it she can get out. This has been going on for three months and hours of his time.

Attorney Fodor would like an update on the Ernie Scott issue. Administrator Wolfley said he talked with Jody Tibbitts this afternoon. He had just come from the Scott residence and there is progress. Mr. Saur is still there working on it. They have been working on the back portion so if you drive up to the front you may not notice what

is being done. They are moving right along, they will be really close as far as meeting the dead line we have given them. Everything is moving right along. Jody has been over there a couple of times a week. Jody felt good about it. Attorney Fodor would like to ask to go into executive session when the Council is done according to Statute 16-4-405 (e).

Town Updates:
Administrator Wolfley

The town received a letter today from Bob Ablondie regarding the well situation. He will follow up on this as we have to get going on the purchase of the well. The town would be responsible for 1/3 of the cost for water well #3. We need to get the costs and keep on this. The report tonight is from Vern with all the tests and studies from well #3, the recommendations for well #1& #2, what size motors etc. Hopefully there will be more information available next time. Chris Abernathy needs to make application before fall to purchase this well for the 1/3 cost of drilling it.

The ball field – they are trenching for the water system, the top soil should be brought in Thursday so it can be all spread out. They are shooting for Monday to have the sod all put out.

SLIB grant for the Civic Center is meeting Thursday in Cheyenne. Mr. Tompkins advisement to the board is to defer this application until the WY Business Council meets next month. The Business Council grant fits this application better so it will be deferred until next month then we will go from there.

There is a letter in your packet from the State Liquor Commission advising that they have stopped all sales of alcohol to the Bull Moose for non- payment of their sales tax. They are 60 days in arrears on this so they sent the Town a letter telling us that we can suspend their liquor license based on this as they are in violation of the law. Administrator Wolfley would like to know how the Council would like to handle this. State Statute allows the Town to suspend all liquor sales. Do we want to suspend their liquor sales until they are reinstated at the state level, do we want to write them a letter giving them a date in which we will suspend their license?

Councilwoman Brown asked if there was a two week notice to them from the Town to remedy the situation. Attorney Fodor stated that was not in the State Statute, although the Town can do that, give them a week, 2 weeks to solve the problem. Tom Montoya said the letter was for our information and that the Bull Moose has had prior notice. He also said that he knows of one town that has this on an ordinance in place that if a liquor establishment gets this type of notice it automatically goes on the agenda and the city or town will suspend the license no questions asked. Attorney Fodor stated you don't need an ordinance to do this as it is the statute. It is up to the Town to act on this.

Councilman Taylor and Wooden are in agreement that we need to send them a letter giving them a time limit to sell the inventory to pay the sales tax whether it is two weeks or 30 days. Don Jorgensen has a tendency to agree with Don and Beau, as he feels if we shut them down then we will be in the papers again and he just doesn't want to go there. Mayor DeCora stated she did not care about the papers as we have done nothing wrong, they are the ones that have broken the law. Attorney Fodor would like the letter to be specific as to a final date, specific period of time, stating that if it is not taken care of by such time, it will be suspended. Pick a date and authorize the sending of the letter. Don, Don, and Beau would like to give them 30 days. Shirley Brown feels that 2 weeks is plenty, Mayor DeCora feels we need to do it now. They have known about this longer than we have. She feels we are being generous in giving them a short notice. **Beau Taylor moved to send a letter to Rocky Mountain Rogues LLC stating that if they don't have their taxes paid up by the 25th of August we will suspend their license to sell liquor. Don Jorgensen seconded. VOTE: 3 Yes; 2 No; 0 Abstain; 0 Absent. Motion carried.** Attorney Fodor will edit the letter and get it to Administrator Wolfley so he can be hand delivered.

The Minor Construction permit has been included in the Land Use Code that was adopted and approved by the Town. The question is where and how much should the fee be for this. Terra feels very strongly about this so the Town has someone to keep track of minor construction, this would be faster and easier than having to go through the entire P & Z process. This would include at least 1 inspection plus administrative costs. Council had concerns on the prices that have been suggested, they feel some of them are too high. They feel that the projects should be divided as per what they are. They agree that electrical, plumbing, are okay and need to be inspected. Roofing and propane tanks should not even be considered. Some members feel this is being too greedy and time consuming.

Mayor DeCora said that is why they want to do this Minor Construction permit as it would save money and time, the people would not have to go before the board. Some of the Council suggests that residing, reroofing, replacing windows should not need a permit and should not have to be paid for. There should be 3 different categories, home repair, upkeep, maintenance, major-minor. This should depend on what issues deal with codes as that is for the health, safety and welfare of the citizens of the Town. Beau Taylors major problem is with the cost, not with the permitting.

This can be sent back to P & Z with specifications on what they want. The idea is an easy cheap way to get things done and not go through the major construction permit process. There are 3 or 4 people that are waiting to see how this goes to see if they need to get a major construction permit or if they can use this one. Attorney Fodor would like to get this going and decided on so it can go back to P & Z to be finished.

Beau would like to change residing, reroofing, replacing windows and doors to be in a maintenance category, no permit, no money. No Town involvement. Beau feels that \$150.00 is too excessive for a propane tank permit. Don Jorgensen feels that minor should be \$150.00 like switching utilities, plumbing, electrical should be a higher cost. Then go \$100.00 on the installation of propane tanks and the sheds for less than 200 square feet. Administrator Wolfley stated that we do still have the cost for the inspections and the office staff that need to be paid for. **Beau Taylor moved that residing, reroofing with like materials, replacing windows or doors be moved to a new category – definition including a maintenance category including among other things these three items with no fee and no application needed. Switching utilities, electrical additions, plumbing additions, \$150.00, installation of propane tanks and sheds less than 200 square feet no plumbing or electrical \$100.00. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Administrator Wolfley has a couple of quick things to remind everyone of:

1. Special meeting on August 11th for the pre bid meeting for the CDC building.
2. Special meeting on August 14th at 3:00 pm to open the bids for the CDC building and to open the bids for this year's snow removal contract.
3. Brenda and I have been working on all the loans & grants to try to get all of the information to you at the next meeting if not before.
4. Have bids coming in on property insurance and also on health insurance.

Parks & Recs: Shirley Brown

James did a good job and found a couple of the vandals that decorated the park with spray paint. They had to go in to clean it up and take care of it. There is also a neighborhood watch committee that has started for the park over there. We have a list of items that they have requested we consider for the park. They have also offered to have volunteer clean up by the citizens. We need to thank Chris Christy for this. The police department is now doing a walk -through of the area. We did have a church group from Springfield Utah come in to do some landscaping and clean up for us, they did a really good job.

Sewer Dept.: Don Jorgensen

Don went on a tour of the new sewer plant today. The building is looking really good. They are moving through town a lot faster now putting in the new lines. The roads are tore up but they are doing a pretty good job of not having the roads shut down or cut off for very long. Don had a meeting about the lift station with Diggs and Carla. He pretty much told them we had reasons, we were not moving it, it was staying put. He told them that yes, we were going to try to make it more appealing to the public so it didn't just reach out and grab them. The landscaping colors and what not have not been decided on yet.

Mayor DeCora called for a recess at 8:42 pm.

Mayor DeCora called the meeting to order at 8:53 pm.

Mayor DeCora asked for a motion to go into executive session per Attorney Fodor's request pursuant to state statute 16-4-405(e) . **Don Jorgensen so moved. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried. Moved to executive session at 8:55pm.**

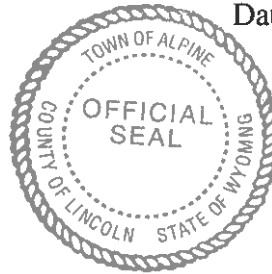
Council called to order from executive session at 10:12 pm. Don Jorgensen motioned to ratify all decision that was made in executive session. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Mayor DeCora asked for a motion to pay the bills. Don Wooden moved to pay the bills. Shirley Brown seconded. VOTE: 5Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Don Wooden moved to adjourn the meeting. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion Carried. Meeting ended at 10:14 pm.

Victoria DeCora
Mayor Victoria DeCora

9-2-08
Date



ATTEST:

BBS
Brenda Bennett Treasurer

9-5-08
Date