



TOWN OF ALPINE

**COUNCIL MEETING
MINUTES**

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

DATE: September 15, 2009

PLACE: Town Hall

TIME: 7:00 p.m.

TYPE: Regular Meeting

Call to Order: Mayor Victoria DeCora called the meeting to order at 7:03 p.m.

Pledge of Allegiance: Mayor DeCora led attendees in the Pledge of Allegiance

Roll Call: Office Assistant Christine Wagner conducted roll call: Present: Troy Johnson, Beau Taylor, Don Jorgensen and Mayor Victoria DeCora. Shirley Brown was absent and excused. A quorum was established. Also in attendance were Town Administrator Deb Wolfley and Town Attorney Stefan Fodor.

Minutes:

- (a) Approval of Town Council Meeting Minutes of September 1, 2009 and Special Town Council Meeting Minutes of September 2, 2009.

Councilman Johnson motioned to approve Town Council Meeting Minutes of September 1st, 2009 and Special Town Council Meeting Minutes of September 2nd, 2009. Councilman Taylor seconded the motion.

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

- (b) Planning & Zoning Report: Melissa Wilson of the P&Z commission gave a brief report, from the September 8th meeting. The commission has approved a couple of Pole Barn/Shed permits, reviewing the maintenance shop plans, it was brought to their attention that the town inspector needed a little extra time to review the plans, since they were received so late. The Commission would like to suggest the Council consider (since the maintenance shop would house the future public works building) the idea of checking into the costs to install in-floor heating for future use. The Commission is working towards Phase II sewer connections and suggests that Council might want to consider an ordinance and/or updating the ordinance for not allowing septic tank permits in Phase II. She briefly discussed the Civic Center project and some of the issues that have currently arose from that, just trying to get reconciled and taken care of there. Ms. Wilson acknowledged the job well done by the town on the recent PISCES Award received by the State Lands Department and DEQ for the Sewage Collection System.

New Business:

- (a) Mr. Robert Ablondi, Rendezvous Engineering – Discussion on Water Project/Upgrade Pumps & Well House - Mr. Ablondi addressed the Council and gave them a brief overview of the project and

funding on that was available for the Greys River Road Project. The forest service issued a permit on the upgrade of the wells, the piping, transmission line and additional well. Level 2 Study has finally been moved forward and Mr. Ablondi provided Council a copy of that paperwork. His recommendation is that the focus is on the water supply aspect of the project. The funding is in place and with permit in hand, you can look at a fall bid schedule the deadline to utilize the funding is July 2010. There could be a chance for extending the project should we need additional time. The Wyoming Water Development Commission grant funding for the Greys River Road line does not revert until 2012 so next year could be used to look at a range of options. Mr. Ablondi recommends looking at a number of items that can be incorporated in the design and bidding process that could save costs.

Councilman Johnson motion to precede forward, the three and/or four items outlined in the recommendation from Rendezvous Engineering, out to bid with different levels making sure there is more than one item bid out. Councilman Jorgensen seconded the motion.

Public comment made by Tiphany Gayhart, she asked about the additional well, transmissions lines, once we take control of the well how will the town will be paying for the well, how much are we asking from the citizens to upgrade the well and monies going towards the third well, is this cost effective for the town of alpine? How much money are we asking?

The Council discussed with Ms. Gayhart the grant application, grant loan monies and the match monies. Councilman Taylor clarified for the public this discussion tonight does not include the transmission line down Greys River Road. Mr. Ablondi responded to the questions on the grant, grant monies received and the time frame of when the grant was approved. Ms. Gayhart asked if the tap fees were going to be increased and how is that going to work? Mr. Ablondi commented that when we do these studies we try to project out for future estimates of what the costs will be, but ultimately it is up to Town how they want to pay for it, taking into consideration the best options for the town and the citizens. Ms. Gayhart commented on the Town's water situation and why is it that we keep spending money when we have a gravity/spring fed system already in place. Council replied that there is no active spring/gravity fed system up Grey's River Road there has not been one since the 1998 when the decision was made to shut the system down to alleviate any further contamination. Ms. Gayhart reiterated her request to the Council to please not use all the grant monies, just because it was awarded a few years ago and perhaps cut back on the costs so that it will not be a significant impact to the citizens. Council reiterated that they are working really hard to make this work, be responsible with the monies.

Councilman Johnson amended his motion to precede forward, have Mayor DeCora sign the special use permit with the US Forest Service, with the three and/or four items outlined in the recommendation from Rendezvous Engineering, out to bid with different levels making sure there is more than one item bid out. Councilman Jorgensen seconded the motion.

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

- (b) Linda Kilroy and/or Assigned Representative – Discussion on Sewer ERUs for 345 & 347 Meadows Drive. Mr. Kevin Kilroy addressed the Council in regards to their concerns of why they had to pay for three ERU hookups on their two properties in Town that are currently vacant. Mr. Kilroy explained to the Council how the buildings are configured and again asked why they are charged for three when there are only two hookups.

Councilman Johnson addressed the Kilroys concerns and explained why they were charged for three hookups instead of two hookups, it is because they have a rentable apartment over the business office, which is

considered a separate use the way the Town ordinance reads. Councilman Jorgensen commented on his view that it should be based on water usage, if usage goes above one ERU then at that time he would have to pay for another ERU. Everyone is to get treated the same way. Town Attorney commented on the Ordinance, Section 3(b). Council further discussed the Ordinance and the connection requirements. Councilman Johnson suggested that the Ordinance needs to be clarified, it was decided that the Council will be looking into the Ordinance for possible revisions.

Councilman Johnson motioned to review the language in the Ordinance, to accommodate separate usage in same building under a single ownership. Councilman Jorgensen seconded the motion.

Public comment - Ms. Tiphany Gayhart agreed that the language needs to be worked on and if there is any retroactive fee to be reimbursed, the Council should look into other businesses that were overcharged on their ERUs.

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

- (c) Renewal Agreement on Recreational Boat Ramp between Caribou & Targhee National Forests, Lincoln County & Town of Alpine. Council reviewed and discussed the continued agreement for enforceable laws of jurisdiction, cleaning & maintenance, responsibility for patrols, trash removal.

Councilman Johnson motioned to sign the continued cost-share agreement with Lincoln County, US Forest Service Caribou-Targhee National Forest and the Town of Alpine. Councilman Taylor seconded the motion.

Public Comment: Ms. Carla Stone commented on the Town of Alpine and boat ramp on the other side of the river. She further commented on their special use permit and it was not renewed. She would like to sit down with the town and figure how to get their special use permit back and get the boat ramp back into the Town of Alpine. From the research and information that she has obtained, the Town of Alpine gave the right away the right to the marina permit. She further went on to state that was why they put up the fence, because they could no longer get the permits, there was some confusion as to how Alpine could give that permit away. Council discussed this and agreed that they would sit down with Ms. Stone and the USFS (Bridger Teton Forest Service, Afton Ranger District).

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

- (d) Town of Alpine Sign Agreement with Ben Taylor – Councilman Taylor requested/removed himself from the discussion. Council reviewed and discussed the License Agreement, the agreement has been previously reviewed by Mr. Taylor, his attorney, Alpine Town Attorney and Town Administrator.

Councilman Johnson motioned to approve and sign the Alpine Sign Agreement with Mr. Ben Taylor. Councilman Jorgensen seconded the motion.

Vote: 3 yes, 0 no, 1 abstain (Taylor), 1 absent (Brown). Motion carried.

- (e) 196 Ordinance No. 2009-52: Governing Rights-of-Way in Alpine, 3rd Reading – Council reviewed and discussed the Ordinance. Council decided to include in the Ordinance, no fees shall be charged for encroachment agreement, and the Town of Alpine shall be reimbursed by the applicant for its costs in approving and negotiating an encroachment agreement.

Councilman Taylor motioned to approve the third reading, subject to the changes discussed, of the Ordinance #196 No. 2009-52, Governing Right-of-Way in Alpine. Councilman Jorgensen seconded the motion.

Public comments were made by Officer James Phillips and Ms. Marilyn Perkins about abandon vehicles and/or Junker/demolition cars.

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

(f) 192 Ordinance No. 2009-48: Repeal/Replace Ordinance #188 No. 2009-44 – Business License 3rd Reading – Council discussed the Ordinance, Council did not have chance to review the latest changes to the ordinance. It was decided to table the Ordinance, pending further review and discussion.

Councilman Jorgensen motioned to approve Ordinance #192 No. 2009-48: Business License Ordinance 3rd Reading. Councilman Johnson seconded the motion with discussion.

Town Attorney commented on the ordinance and past area of discussion (192-03) license required. Councilman Taylor restated his opinions on the ordinance, give the wholesale distributor an exemption and everyone else pay for a business license. Council discussed people working in the Town vs. someone delivering in the Town, the concept of delivery of goods and wholesale distributors.

Public comment - Mr. Monte Davis expressed his views on business license requirements, further commenting business owners have no problem with the requirements for business licenses however, and enforcement is what needs to be looked into. Councilman Jorgensen motioned to withdrawal his prior motion. Councilman Johnson seconded the motion.

Councilman Jorgensen motioned to table the Ordinance #192 No. 2009-48: Business License Ordinance 3rd Reading, until the next meeting pending changes in the language on required qualifications for business license. Councilman Taylor seconded the motion.

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

Mayor DeCora recessed the meeting at 8:17 pm. Mayor DeCora reconvened the meeting at 8:25 pm.

Tabled Items – On Going Business:

190 – Ordinance No. 2009 - 46: Breach of Peace
Impact Fees

Department Updates:

Legal/Attorney: Mr. Stefan Fodor – Asked for a briefly executive session, pursuant to State Statues Section 16-4-405 a (iii), after department updates.

Attorney Fodor suggested that Mayor and Council deviate from the Council rules to take public comment from Mr. Monte Davis. Mayor DeCora moved to deviate from the Council Rules in order to hear comment from Mr. Davis, refer to audio for details. It was reiterated to Mr. Davis that if there is any Town Ordinances that seem to be lack, please contact the Town/Council to see what can be done in that area.

1. Terrace Lane Easement – Suggested an easement agreement with Mr. John Jennings to enter onto his property, to take care of the road situation before it becomes any worse.

Councilman Taylor motioned to allow Mayor DeCora to enter into an agreement to sign the Construction & Retaining Wall Easement with Mr. John Jennings for his property. Councilman Jorgensen seconded the motion.

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

2. Correspondence/Discussion with Northstar Utility Company about the proposed cost share agreement and asked for Council direction. Mayor and Council discussed their water supply, would like to sit down in future and discuss the liability and cost involved. Council is not ready to accept their current proposal. Take care of the Town first!
3. Breach of Peace Ordinance – Working with Councilman Johnson on that.
4. Multiple Use ERU Allocations – No final decision was on the ERU usage for Mr. Kanouff (refer to meeting minutes of 7/21/2009) Attorney Fodor suggested revisiting this issue if the Council decides to amend the current ordinance.
5. Suggested having the Town Administrator look in Town records for a Special Use Permit for the Palispark (Tavern) Boat Ramp. However due to costs, have property owners do any of the research. Council agreed and further stated they would be happy be part of any of the meetings.

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

1. The Town has received five thousand dollars from Lincoln County Recreation Department to go towards the picnic shelter at the ball field. Mayor DeCora requested Town Administrator to send a Thank You note.
2. Discussion about Phase II of the Sewer System. The timelines, bidding schedule and construction schedules.
3. Discussion on the Chip & Seal (Trail Drive) of the Roads in Phase I. It was agreed that it will be the final item in Phase I of the project to get permission to use the money from Phase 1 for roads. It was requested to get that information from State Office of Land & Investment Board in writing.
4. Payment Request from JL Hardy for \$127,000 and discussion on the Civic Center Project, specifically with the beams and rebar in question. Town Attorney commented on the deceit and fraud by the contractor against the Town. Suggest they know this is behavior is unacceptable, make more spot inspections, covering things up is unacceptable!

Councilman Johnson motioned to approve the payment request for JL Hardy with the condition that it does not contain any of the item that are under question, the work deemed defective, as of right now. Councilman Taylor seconded the motion.

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

Parks & Recreation: Shirley Brown & 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 Council with a written report.

Clerk/Treasurer: **Councilman Johnson had questions on some of the bills and asked the council to be more vigilant in reviewing the bills. Councilman Taylor made a motion to pay the bills. Councilman Jorgensen seconded the motion.**

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

Mayor DeCora recessed the meeting at 9:20 pm. Mayor DeCora reconvened the meeting at 9:22 pm.

Councilman Taylor motioned to recess the regular meeting at 9:22 pm and go into executive session pursuant to Wyoming State Statutes Section 16-4-405 a (ii) Wyoming Statutes. Councilman Jorgensen seconded the motion.

Regular Council session reconvened at 9:25 pm.

Councilman Johnson motioned to ratify action taken in executive session. Councilman Jorgensen seconded the motion.

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

Councilman Jorgensen motioned to adjourn the public meeting. Councilman Johnson seconded the motion.

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

The meeting was adjourned at 9:27pm.



Victoria DeCora
Mayor Victoria DeCora

10-6-09
Date

ATTEST:

[Signature]
Brenda Bennett, Treasurer

10/7/09
Date