



TOWN OF ALPINE
COUNCIL MEETING
MINUTES

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

DATE: October 20, 2009

PLACE: Town Hall

TIME: 7:00 p.m.

TYPE: Regular Meeting

Call to Order: Mayor Victoria DeCora called the meeting to order at 7:08 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, Shirley Brown, Beau Taylor, Don Jorgensen and Mayor Victoria DeCora. 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 October 6, 2009.

Councilman Taylor motioned to approve Town Council Meeting Minutes of October 6, 2009. Councilman Jorgensen seconded the motion.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (b) Planning & Zoning Meeting Minutes of September 22, 2009.

Councilman Jorgensen motioned to approve the Planning & Zoning Meeting Minutes of September 22, 2009. Councilman Taylor seconded the motion.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (c) Planning & Zoning Report: Pat Marolf, Chairman of the P&Z commission gave a brief report, from the October 13th meeting. The commission has approved two sign permits, three minor construction permits and two fence permits. Mr. Marolf discussed the verbiage the commission would like to add to the sewer ordinance, for Phase 2 Septic Permits, recommending no further permanent septic tank permits will be issued in Phase 2. Occupancy of newly constructed structures shall not occur until the effective date. They do not want to stop building all together. They would like residents to hook into the new sewer system with any new building which goes up next summer. If needed a temporary septic tank may be installed.

New Business:

- (a) Recommendation from Planning & Zoning Commission – Regarding the Buffalo Sage Townhomes - Mr. Marolf discussed with the Council the recommendation from the P & Z Commission to

separate the building application from the building fees. The application would be considered voided, on the sale of the property. The fees to be transferable as long as the buildings remain as 20 townhome units as indicated on the approved plat recorded with the County. The reason they wanted to split the application from the fees was to avoid confusion and unreasonable time limits for the 20 units. This way the new buyer/builder could pull a permit for the number of units they would like to build within the three year time frame required by the LUDC instead of completing the 20 units all at once.

- (b) Mr. Kennis Lutz – Trail Drive – Mr. Lutz asked for an update from the Council on the status of paving Trail Drive. Mr. Lutz further discussed the amount of water usage that has been required to keep his business cleaned up due to the fact that the road has not been returned to its original state and vehicles are now using their property for a drive through. He wants the Council to be aware that his water usage is higher and he does not want it to be a permanent part of his historical usage. He is working hard to cut back on the usage, but this situation is being thrown onto his property and this issue will have to be addressed, this problem will become an issue again come spring time.

Council suggested that Mr. Lutz keep a log of the hours and the hose sprays. So that way the usage can be tracked and some type of historic usage and be determined.

- (c) Town Civic Center Budget Discussion & Change Order/Pay Request – Jerry Myers, Myers Anderson Architects – Mr. Myers reviewed and discussed the change order request #11, these items were discussed and approved at the last meeting this is the formal change order and final figures which are ready the Mayor's signature.

Councilman Taylor motioned to ratify the change order from the previous meeting and for Mayor's signature. Councilman Jorgensen seconded the motion.

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

Town Civic Center Budget Discussion & Change Order/Pay Request – Mr. Myers went over the new change order request, which is Sidewalk Removal, Kitchen Ramp Improvements, Additional Electrical Outlets, Replace Accordion Doors with Panel Doors, and Replace Curtains in Assembly Hall. Council discussed that they could hold off on the accordion doors/panel doors.

Councilman Johnson motion to approve three items (Sidewalk Removal - \$900.00, Kitchen Ramp Improvements - \$8,410.00 and the Additional Electrical Outlets - \$3,680.00). Councilman Taylor seconded the motion.

Mr. Lou Christofferson, Myers-Anderson commented that he feels that the town has time to wait and explore other options on the accordion doors and the curtains.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Councilman Johnson asked about the time frame on this project, will this be completed in December. Mr. Gerry Myers commented that the general contractor has asked for a thirty day extension on this project for all the changes that have been done so far. Town Attorney has asked if that was included the change order because that should be commensurate for the change in price in the change order. Mr. Myers wanted Council to know that it is included in the change order, but there is no cost for this. Contractor would like to get the project done without any obligation to pay any liquidated damages. Council next discussed and reviewed the city

work/upgrades. The grant will not allow for anything that is not attached to the building. Appliances are 50/50 to be included in the grant. Chief Phillips addressed the Council on the Police Security Improvements.

Councilman Taylor motioned to approve the city work/upgrades costs, excluding the cleaning supplies, kitchen appliances, folding chairs and banquet tables and have the Mayor sign the contract with Prestige Media. Councilman Johnson seconded the motion.

Public comment was made by Mr. Steve Chichinsky, he is willing to donate a new refrigerator/freezer and GE cook top with oven (white), if the Town thinks that they could use it. Mayor DeCora commented that the appliances might have to meet a certain criteria and thanked Mr. Chichinsky for his generous offer. Mr. Myers commented that he feels it would fit the required criteria.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (d) Child Development Center Update – Jerry Myers & Kay Gogol – Ms. Gogol distributed a contract summary to the Council and gave a brief history of the project in addition to going over the budgetary items.

Council discussed the fencing, electrical and propane tank issues. Ms. Gogol also discussed who's costs is who's costs, of the grant awarded (\$322,714), forty thousand dollars of that is from the CDC (Lincoln County) the rest of the monies is from the grant. Mr. Jerry Myers comment on the project as a whole, right now the project is in the red by \$3,457. Council discussed the asphalt contract, which is included in the bid. Town Attorney asked about the shortfall of \$3,400 and line item cabinets and lieu of tables? Ms. Gogol informed the Council and staff as to the kitchen area set up and what is actually needed. Town Attorney commented on the Town inspection line item and the CDC project is a recognized 501.C 3 grant, the town could waive those costs, if would just be a revenue loss, since it is linked to the Town Inspector fees.

Councilman Johnson motioned that the town moves forward with this project, whether it be fundraisers or whatever, this is a project for the greater Alpine community the town will find the money. Plus we need to have it paved. Councilman Taylor seconded the motion.

Public input: The Town Attorney, Town Administrator and Mr. Steve Chichinsky pledged monies toward the project. Councilman Johnson wanted to reiterate to Ms. Gogol that any and all changes need to be brought to Council, before decisions are made. Ms. Gogol acknowledged Council's comments and thanked them for their passion and dedication to see this project through.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Mayor DeCora wanted to thank everyone for what they did tonight.

Mayor DeCora recessed the meeting at 8:00 pm. Mayor DeCora reconvened the meeting at 8:08 pm.

- (e) Mr. Jerry Greenfield, Lincoln County Treasurer – Spoke with the Council and appreciates the time tonight to talk with the Council. Lincoln County is looking at several options for additional county funding, one of which would be the sixth penny sales tax option. In which the money raised by the additional tax could be used to pay back federal stimulus bonds now available to the County.

Mr. Bret Jones of George K. Baum & Company gave a presentation with handouts to the Council about the Wyoming Public Finance Office & Recovery Zone Bonds, who they work and how they will be repaid. Should anyone like a copy of the presentation, please contact the Town Hall for a complete copy.

- (f) Mr. Donn Wooden & Mr. Steve Chichinsky – Current Status of the Buffalo Sage Townhomes & Transferring of Building Fees (Combined Discussion) – Town Administrator gave the Council a brief history of the project. Mr. Wooden addressed the Council on the application fees for the Buffalo Sage Townhomes. Mr. Wooden is requesting from the Council that all fees, paid on this project, be transferable to a new Buyer. The property has already been platted for a twenty unit townhome project (ten duplex units), with building permit application fee of ten thousand dollars paid, along with the required water and sewer connection fees. Mayor DeCora stated that the water and sewer connections are fully vested. Mr. Wooden commented that they are in the beginning phase of these negotiations with a new buyer and the buyer would adhere to the approved plat (footprint), it is understood that the application would be voided (Chichinsky) and the new buyer do not submit all the required building plans to the Commission. Again they are just asking that the ten thousand dollars (application fee) be transferred to the new buyer.

Councilman Johnson asked about the building application fee, has that building application expired, its last extension? Town Attorney communicated with the Council the given history on the project from the correspondence from the Planning & Zoning Secretary. There was some discussion on when the actual permit expiration date is Council agreed that the expiration date is November 11th. Mr. Wooden reiterated that the property is already platted, why can't those funds be transferred to a new buyer? Town Attorney, Council, Mr. Wooden and Mr. Chichinsky discussed application fees vs. building permit fees and the amount of time that has gone on with this project and the amount of extensions that have been given on this project. It was determined that the application fee was paid, but there was no follow through with the documentation for the building permits. The new buyer will have to adhere to the new land development and use codes. (Refer to the audio for complete discussion material.)

Councilman Johnson motioned to give credit of ten thousand dollars for the application to the new buyer, but the new buyer would be subject to the new LUCD codes.

Donn Wooden asked the time frame to apply two the actual construction permits. Mr. Jim Sandner asked what the difference is between the building application fee and the building permit fee, he is under the impression that they are one in the same, but Council is saying they were never the same thing. Mr. Chichinsky addressed this issue with Mr. Sandner. Councilman Johnson stated he started the process he paid the assumed fee at that time, it was never finalized, now he has a credit but is subject to the new LUCD and fees.

Councilman Taylor motioned to allow the transfer of the ten thousand dollars (application fee) for the Buffalo Sage Townhomes, because the LUCD is silent on such an issue of transfer and it is in the best interest of the town to allow the transfer. Councilman Johnson seconded the motion.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Mayor DeCora recessed the meeting at 9:25 pm. Mayor DeCora reconvened the meeting at 9:30 pm.

- (g) 190 Ordinance No. 2009-46: Breach of Peace 2nd Reading – Council reviewed and discussed the Ordinance.

Councilwoman Brown motioned to approve Ordinance #190 No. 2009-46: Breach of Peace 2nd Reading. Councilman Johnson seconded the motion.

No public comment

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

(h) Pay Request #2 - Nelson Engineering for Maintenance Shop (Steel Vision) – Council reviewed the payment request.

Councilman Jorgensen motioned to approve the Pay Request #2 for Nelson Engineering for the Maintenance Shop (Steel Vision). Councilman Johnson seconded the motion with discussion.

Councilman Johnson asked about the balance to finish. Town Administrator discussed the additives for the concrete at the shop that were not planned. Councilwoman Brown commented on the lime additive done over at the library and the concrete is already popping off. Councilman Johnson commented that this was bid at a time, when concrete additives were not needed. Council went over the numbers on the pay request and the budgeted numbers.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Tabled Items – On Going Business:
Impact Fees

Department Updates:

Legal/Attorney: Mr. Stefan Fodor –

1. Discussion on possible changes to the sewer ordinance regarding the changing of ERUs. Need justification to the change the requirement of one ERU per use, eliminating that requirement would give a bonus to a building that has two uses where that bonus would not be available for a property that has two buildings and two uses.
2. Utility Billing Ordinance, there are some cross changes in the water and sewer ordinances, would the Council like to create a Utility Ordinance to be in line with both the water and the sewer billing. Separating those out. Councilman Johnson commented feels that we need to change the water ordinance to match.
3. Asked for a briefly executive session, pursuant to State Statues Section 16-4-405 a (iii), after the department updates.

Police Dept. /Court: James Phillips – Officer Phillips presented Council with a written report.

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

1. Alpine Sewer Project Phase I & II Financial Plan, was distributed.
2. Discussion and update on Phase II of the Sewer System, letter to residents, rebates programs, monthly user fees, maintenance and repair issues.

Council talked about the rebate programs, it was suggested that we let residents know that the Council is exploring the options of a rebate for sewer connections equal to the Phase I costs. Council discussed the verbiage of plant ERU and Fee ERU on the financial plan and the confusion it is causing with NSU.

Councilman Johnson motioned to get rid of the verbiage fee ERU in the financial plan, so long as Nelson (Bob Norton) Engineering agrees. Councilman Jorgensen seconded the motion.

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

3. Progress with Sunrise Engineering, on the progress of Phase II and the reviews of the DEQ permits.
4. Suggestion from Planning & Zoning secretary on the ready to serve fees, what actions the council would like to take. Section #3 – Ready to go, have to enforce our ordinances.
5. Terrace Lane Update – Have done test holes and are moving forward.
6. Re-Plat Lakeview Estate - Surveyor Scherbel will have letter to Mr. Doblner regarding the re-plat ready before the next Council meeting.
7. The Web Site will be going live in the next couple of days. Please check it out.
8. Audit Report needs signature.

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

Mayor DeCora recessed the meeting at 10:02 pm. Mayor DeCora reconvened the meeting at 10:05 pm.

Councilman XXX motioned to recess the regular meeting at 10:06 pm and go into executive session pursuant to Wyoming State Statutes Section 16-4-405 a (iii) Wyoming Statutes. Councilman XXXX seconded the motion.

Regular Council session reconvened at 10:15 pm.

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

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

Clerk/Treasurer: Discussion held on annual audit - Budget vs. Actual Expenditures.

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

Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

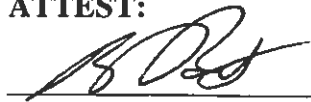
The meeting was adjourned at 10:37pm.



Victoria DeCora 11-3-09

Mayor Victoria DeCora Date

ATTEST:



Brenda Bennett, Treasurer

11/5/09

Date

