



TOWN OF ALPINE
COUNCIL MEETING
MINUTES

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

DATE: December 1, 2009
TIME: 7:00 p.m.

PLACE: Town Hall
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, 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 November 17, 2009.

Councilman Taylor motioned to approve Town Council Meeting Minutes of November 17, 2009.

Councilman Jorgensen seconded the motion. Vote: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.

- (a) Planning & Zoning Report: Pat Marlof, Chairman of the P&Z Commission, had a brief report for the Council. The Commission is looking into a deck that was built without a permit issued. At the next P&Z Commission meeting they will be discussing a change to the Land Use & Development Code regarding the open position for the unincorporated area of Lincoln County and possible changing that to an in-town resident position.

New Business:

- (a) **Voice Data Phone System – Alpine Civic Center** – Mr. Homer Allen of ATS - Gave a presentation on the services that he provides to area business, how long he has been in business in this area and his field of expertise. Mr. Allen stated, that this meeting is really a fact finding mission, he has questions about the Town policies and procedures, and he further stated he would like to give the Town a little more information on his business and facts about his business. He is in the Voice & Data Cabling Service. He does not do audio visual services. (For complete record of all comments, refer to the audio CD.)

Mayor DeCora addressed Mr. Allen on the procedure that the town follows for bids on projects. Mayor DeCora stated that the general contractor (JL Hardy, from Utah) is responsible for picking their sub contractors, within the scope and budget of the project with the Council's approval. Mr. Jerry Myers, Myers-Anderson Architects commented on the sound/data needs for the Town, it was an informal bid, because of the dollar amount there was three solicited bids. Mayor DeCora commented on the project and the sub contractor's package for the Civic Center project. Chief of Police, James Phillips commented his experience in the audio & visual field and the needs for the project package that was submitted for the Civic Center. It was recommended that it is easier and best to go with one person, they are doing the same type of work to put everything together. Town

Administrator commented on the project and stated Mr. Allen wanted to submit an estimate on the project. Town Administrator referred Mr. Allen to the architect for a complete detail of what the project entails. Mr. Allen turned in an estimate that was reviewed by the architect, along with estimates from other companies. Mr. Myers recommended that the project go to Prestige Media for the overall package. Mayor DeCora commented that the work has already been done. The Town Attorney commented on the dollar amounts that are allowed by law before projects are put out to a formal bid. The amount by law is limited to thirty five thousand dollars or under. Councilman Taylor commented on the electrician and his bid to the general contractor before any changes were made on the audio visual & voice and data wiring of the project. Mr. Allen, Mayor DeCora, Council Members, Town Administrator and Architect (Mr. Jerry Myers) discussed this issue at length. (For complete record of all comments, refer to the audio CD.)

Town of Alpine follows Wyoming State Statues 15-1-113 for municipalities.

- (b) Update on Town Civic Center – Payment Request #6 & Change Order #14 – Jerry Myers –**
Mr. Myers reviewed with the Council and discussed the payment request and the change order that were submitted for payment.

Councilman Taylor motioned to approve the payment request #6 and change order #14 for payment. Councilman Johnson seconded the motion.

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

- (c) Update on Child Development Center & Payment Request #5 – Mr. Jerry Myers -** Mr. Myers reviewed with the Council and discussed the payment request submitted for payment. The project is moving along on schedule.

Councilman Johnson motioned to approve the payment request #5 for the Child Development Center. Councilwoman Brown seconded the motion.

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

- (d) Update on Maintenance Shop and Payment Request #4 & Change Order #3 - Greg Bucho, of Nelson Engineer –** Mr. Bucho addressed the Council and discussed the change order request #3 which was previously denied by Council. The additives needed for the concrete at the shop, contract was originally bid in August, but due to the time the project was delayed, the concrete pour was in October, the cooler temperatures were 38 degrees and 46 degrees on the days of the pour, thereby requiring the water to be heated and adding an active accelerator to the concrete. Mr. Bucho stated that this was the recommendation by the engineer.

Councilman Jorgensen asked about the mean temperature during that period. Mr. Bucho just recorded the temperatures for those days. Mr. Bucho discussed the thickness of the concrete, the dates and times of the pour and the day's temperatures. Councilman Jorgensen asked what accelerator was used. Mr. Bucho stated the accelerator used was Master Builders - Pozzoloth NC 534, Accelerating Admixture, there was no calcium chloride. Mr. Bucho commented on the bonding and insurance line item included in pay application #3. This is typically part of the contract costs that is included in the contract. The Town Attorney commented he has reviewed numerous contracts and he did not remember seeing that as a recoverable cost in the contract. Mr. Bucho commented that some of the contracts had a scheduled values defined, we had a lump sum bid and he had them do a break down into the contract. There is a retention amount keep out of the payment request.

Public comment was made by Tiphany Gayhart, Ms. Gayhart asked if we are looking at more cost overruns on this project. Mr. Bucho responded that we are almost complete with this project. We do not see any more costs overruns. Mr. Bucho further commented on a certificate of substantial completion that he would like to get approval from the council for signature.

Councilman Taylor motioned to approve payment application request #3 and change order #3 for the town maintenance shop for a total of \$22,619.60 to Steel Vision Construction. Councilman Jorgensen seconded the motion.

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

Councilman Johnson motioned to have the Mayor DeCora sign off on the certificate of substantial completion, once the engineer has approved and signed the certificate. Councilman Jorgensen seconded the motion.

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

Town Administrator discussed with the Council the possibility of getting a verbal authorization from the State Electrical Inspector, the State Fire Marshall and Town Inspector so that the Town can park the Town vehicles/equipment in the maintenance shop before they receive their Certificate of Occupancy. The Town Attorney expressed his thoughts on that idea. The Town should be held to the same standards as any other property owner in the Town. Council, Town Attorney and Town Administrator discussed the actual process to get a Certificate of Occupancy.

Public Comment was made by Mr. Homer Allen and Mr. Pat Marolf. It was decided that no Certificate of Occupancy will be issued until all necessary individuals sign off on the permit, however the Town will coordinate with the State Electrical inspector and the Town Inspector on the proposed meeting date and time.

(e) 197–Ordinance No. 2009-53: An Ordinance to Repeal and Replace 186 Ordinance No. 2009–42, 156 Ordinance 2007-12 and 105 Ordinance No. 2004-02 to Establish an Ordinance Regulating Water Connection Fees, Water Usage Rates & Water Billing & Collection Policy – 2nd Reading – Town council reviewed the ordinance, making a special note to the staff recommendations, the Town Attorney also commented on some of the proposed changes to the ordinance. Councilman Taylor commented on the changing the billing policy to fit the sewer one and why not change them both. Mayor DeCora addressed the issue of the current billing system “Caselle” and the issue the staff has encountered with the program inputting the various fees. Council discussed paragraph number eight and nine, (voluntary disconnect fees) the cost amount for water shut offs and who is responsible for any maintenance and/or repairs to water lines, when it is not shut off at the meter.

Public comment was made by Mr. Kennis Lutz, Mr. Lutz commented on the shut off amounts for businesses, his business is seasonal and paying all of these fees, it just doesn't make any sense. Councilman Johnson commented that he just talking about residential properties, maybe we should look into a separate ordinance for businesses. He further commented that he is just thinking about the residents who regularly have their water shut off. Councilman Taylor commented on the costs based on a percentage of usage, infrastructure costs have to be included, but perhaps not at the full rate. Mr. Lutz commented on the infrastructure the water does not cost as much, if no one is using it! Town Attorney Mr. Fodor discussed the possibility of a base rate that is a percentage and the hard cost is to the resident. Council to determine a fair and just percentage, but the Town will not incur the hard costs. Mr. Homer Allen, Jr., commented that he feels the costs should be reasonable, but if the resident is a seasonal property, that is a luxury decision they have made, it does not matter what time of

the year it is. Councilman Taylor suggested that the consumer base rate could be eight percent of the costs for shut off, we can use that percentage for this reading and then fine tune the percentage before the next reading. Councilman Johnson agree that would work for now and we will need to fine tune the hard costs for the next meeting.

Councilman Taylor motioned to pass Ordinance #197 No. 2009-53: an Ordinance to Repeal and Replace 186 Ordinance No. 2009 – 2, 156 Ordinance 2007-12 and 105 Ordinance No. 2004-02 to establish an ordinance regulating water connection fees, water usage rates, and water billing and collection policy on the 2nd Reading with the changes discussed. Councilman Johnson seconded the motion.

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

(f) #311 – Resolution No. 12-1-09 Law Enforcement & #312 – Resolution No. 12-1-09 Public Employee – Council reviewed and discussed these resolutions. Councilman Johnson asked how much it is going to cost the town. Mayor DeCora commented that this is a resolution, to update the information for the State. Councilman Johnson reviewed the ordinances, wants to know why we need additional resolutions to update this, it states in the resolution that additional documentation confirming its prior formal actions to pick up contributions under the plans. Mayor DeCora stated that we could table this item and get more information from the staff regarding these resolutions.

Councilman Taylor motioned to table resolution #311 & #312 pending additional information. Councilman Jorgensen seconded the motion.

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

Mayor DeCora recessed the public meeting at 8:42 pm. Mayor DeCora reconvened the public meeting at 8:47 pm.

(g) Discussion on 5th Penny Sales Tax – Town Administrator, Deb Wolfley – Mr. Wolfley discussed a memo that was received from the Town of Star Valley Ranch regarding passing an ordinance on the 5th penny sales tax. Has been contacted by some of the Towns in Lincoln County, they are asking if the Town of Alpine will be passing an ordinance for the 5th penny tax. The County, initial said they will not be making a resolution to pass this, unless a majority of the Towns in the County have decided to pass ordinances. Council discussed and commented on the implications of this issue, it was decided to look and review this issue a little more indepth.

Tabled Items – On Going Business:
Impact Fees

Department Updates:

Legal/Attorney: Mr. Stefan Fodor - Briefly discussed the following items:

1. He has some concerns on the financial plans that were supplied by Mr. Bob Norton, Nelson Engineering, in regards to adopting Phase I of the sewer system and/or consider Phase II of the system. Look at cash reserves to decide whether or not you can offer the amortization and rebates for Phase II of the system. Mayor DeCora requested that we get a copy of the financial plan for everyone to review.
2. Construction use agreement, do not include the financial plan into this agreement, this will not bind future administrations into this agreement. This was also the recommendation by Mr. Norton.

3. In discussions with the SALL attorney, it come to the Town's attention, (Ordinance #194 – Section 3 (b)) that they are being under changed for their ERUs, there is two lots 25 & 25A. It was decided that and encouraged the town to give them a month notice on the over site, there is a minimum one ERU per connection. They will have the opportunity to come to the next meeting to discuss this. It will be adjusted at the end of their two time period, in reviewing the water usage of area business.

Councilwoman Brown motioned to instruct the Town Administrator draft a letter to the property owners of Lots 25 & 25A informing them that as of January 1, 2010, they will be assessed a minimum of one ERU per property on an as going forward basis, which will be evaluated/reassessed at the end of their two year cycle. Councilman Taylor seconded the motion.

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

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

1. Receive a request from Little Grey's Academy regarding their lease on the building and that she would like to come to the next council meeting.
2. Sunrise Engineering prepared a bid tabulation sheet for awarding the bid for Phase II of the Sewer Project.
3. Phase II hookups, it was determined to discuss this after the financial plan has been reviewed.
4. Proposal for changed the Council meetings to once a month. Council discussed this and it was determined that this just could not be done, with the amount of business that needs to get taken care of on a monthly basis.
5. The Town Newsletter will be sent out before the end of the week.

Parks & Recreation: Shirley Brown & Victoria DeCora – A good meeting was held on the proposed skate park. An informal public meeting will is scheduled for Monday, December 7th.

Water & Sewer: Don Jorgensen & Mayor Victoria DeCora – Mayor DeCora reported that Mr. Lee Schwab, Wastewater Treatment Operator, contacted her in regards to selling the one of the blowers at the plant that is not being used. The Cheese Factory in Thayne has approached us in regards to this issue. It was decided to contact Thayne and let them know that we are willing to help them out and to see what they would be willing to pay for the blower. The Town would consider a reasonable offer from the Cheese Factory.

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: Bills were presented to the Council for payment. **Councilman Taylor motioned to pay the bills. Councilman Johnson seconded the motion.**

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

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

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

The meeting was adjourned at 9:29 pm.



Victoria DeCora

Mayor Victoria DeCora

12-15-09

Date

ATTEST:



B. Bennett

Brenda Bennett, Treasurer

12/16/09

Date

[Signature]

12/16/09