



Town of pine
COUNCIL MEETING
MINUTES

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

DATE: *February 2, 2009*
TIME: *7:00 p.m.*

PLACE: *Town Hall*
TYPE: *Regular Meeting*

1. **Call to Order:** Mayor Victoria DeCora called the meeting to order at 7:05 p.m.
 - (a) **Pledge of Allegiance:** Mayor DeCora led attendees in the Pledge of Allegiance
2. **Roll Call:** Office Assistant Christine Wagner conducted roll call: Present: Shirley Brown, Beau Taylor, Don Jorgensen, Troy Johnson and Mayor Victoria DeCora. A quorum was established. Also in attendance were the Town Administrator Deb Wolfley and the Town Attorney Stefan Fodor.
3. **Approval of Consent Agenda:** The Council reviewed and discussed documents/materials on the Consent Agenda. Councilman Johnson requested Approval of Resolution #315 to be removed from the Consent Agenda.

Councilman Taylor motioned to approve the consent agenda minus Resolution #315 for discussion. Councilman Johnson seconded the motion.

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

4. New Business:

- a) **Planning & Zoning Report:** Dave Jenkins of the P&Z Commission had a brief report for the Council. Mr. Jenkins discussed the emergency management sign, upon final completion and inspection it was determined that the height of the sign is not compliant with the application. It was determined by the Commission that the sign will be turned off until the re-advertising can be done so that the sign becomes compliant with the application. The Commission felt that this was done to be fair to everyone in the community.
- (i) **Recommendation by Planning & Zoning - Alpine Civic Center Heating Units** – The Commission advised the Council on the use of the heating units during the construction phase in lieu of the spec book requirements. They understand JL Hardy will be paying for the propane use during construction and will have the system cleaned when they have completed construction. However, they are still concerned with the warranty of the units. They recommend the Town receive a certification from the manufacturer stating the units have been properly cleaned to warranty specification. They also recommend the same for the Child Development Center if De Wall Construction has been allowed to use the heating units.

Town Administrator discussed with the Council that upon a meeting with Town Inspector, the Architects' (Jerry & Lou) and the JL Hardy Superintendent and later JL Hardy General Contractor (Mr. Jeff Ames) he was

Town Attorney suggested some minor changes to the contract that have been forwarded to Rendezvous Engineering. Councilman Johnson stated he is not willing to sign with 25% of the contract price going to the engineering costs. The project engineering costs were discussed. It was suggested that the contract costs should be split up, such as construction costs vs. engineering costs. Council had more comments on the need for the well, the pump and upgrades in addition the transmission line down Grey's River Road. Mr. Ablondi commented that the funding expires in 2012. So this is a high priority. It was suggested that the contract should be split up for different phases of the project. Councilman Johnson commented about the worksheet and not having any engineering fees. Mr. Ablondi commented that they are in the contract. Councilman Jorgensen commented that they do not want to encounter any surprises he would like to see all the fees included in on the budget figures. Council discussed the contingencies in the budget sheet. Mr. Ablondi responded that his concern was to get the figures for the construction costs, the engineering fees are usually a percentage of that number he will get that broken down more clearly for the Council. Mr. Ablondi and Council discussed costs which would include contingencies for the funding portion of the project and engineering fees that are usually are 15-20% of the construction costs. Mr. Ablondi will break that out more clearly again he was concentrating on the construction costs. Councilman Taylor commented that he feels we should move forward with the 1st phase of the project. Mayor DeCora commented, her own personal feelings on the consensus block grant after this next budget session, the state will be cutting local governments by a substantial amount and the Town should move forward on this infrastructure. We can apply for this money, **BUT WE DON'T HAVE TO USE IT.**

Councilman Johnson motioned to go forward with the SLIB grant application for the water project. Councilman Jorgensen seconded the motion.

Public comment by Tiphany Gayhart, Ms. Gayhart asked if this would move them into Level 3 Stage. Mr. Ablondi responded yes. Ms. Gayhart asked if that makes the Town responsible for all the monies that have been spent already in Level 1 & 2 and the monies for Level 3. It is her understanding that the Town will be responsible for the monies when they move into Level 3. Mr. Ablondi responded that the Town will be responsible for a 1/3rd of the monies. Ms. Gayhart further commented about the water outages, because of the broken water lines, they feel that we need to take care of our own (Town) infrastructure here. She asked the Council to replace the water lines rather than patching them up. Councilman Taylor responded that is why they are applying for the monies they are trying to address those issues/problems. Ms. Gayhart's additional comment is that she is also very concerned about water rate increases. Mr. Ablondi responded to the Council regarding the level 3 project portion is 67% funded. Level 1 & 2 was funded at 100% however when you move into the construction phase the Town will have to come up with the matching 33%. There could be other grant monies available for this project, down the road, but we are at a point where we cannot wait any longer, this is still the best option available.

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

Councilman Taylor motioned to move forward with the advertising for bid invitation for the Town of Alpine Water Supply Well Pump Replacement (Well one & two updates/upgrades). Councilman Johnson seconded the motion.

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

Council reviewed and discussed **Resolution #317 – A RESOLUTION AUTHORIZING THE SUBMISSION TO THE STATE LOAN & INVESTMENT BOARD FOR A LOAN THROUGH THE STATE REVOLVING FUND ON BEHALF OF THE GOVERNING BODY OF TOWN OF ALPINE FOR THE PURPOSE OF COMPLETING WATER SYSTEM IMPROVEMENTS.** Let the record reflect the documentation provided by Mr. Bob Ablondi is included as an attachment to the recorded minutes.

Councilman Johnson motioned to send Jorgensen (Engineering/Associates) the bill for the removed the asbestos tile that has been proven (documents) to have asbestos and have any costs associated with the removal of that asbestos tile to be paid by Jorgensen. Councilwoman Brown seconded the motion.

Town Attorney asked about the project completion date. Council discussed the recorded January 19th completion date. Town Attorney asked that with the current issues at hand, we will need to take that into consideration, but we still need to have a completion date, since we are past the contractual time frame. Jerry Myers addressed Mr. Jeff Ames (JL Hardy) that we need to get a time frame. Mr. Jeff Ames addressed the Council about the items that need to be completed and time frames, when the last change order was submitted and work added there was not enough time to get that date change in before it was brought to the Council. By his calculation there is an additional 69 extra days starting from the first of the year. The issue at hand is that the contractor is ten to fourteen days outside the contract as of today. Brief discussion was held by all parties at to the completion date. It was determined that JL Hardy needs to come back to the Town with a substantial completion date. Town Attorney stated he needs to look out for Council and Town, the Town needs to get that time frame in the form of a change order, other than that, the contractor is outside the completion date as set forth in the contract. And then an agreement with the time for the floor could be outside of that completion date. Mayor DeCora reiterated to Mr. Ames and Mr. Myers that we need to get an estimated completion date. Mr. Myers commented that there needs to be some due process that needs to be done, a 10 day notice needs to go to EPA for findings and the abatement. After that the sub-contractor can get working, if they are available on those next days. Councilman Johnson reiterated that there is a gap that still needs to be filled and take into consideration the next meeting is on the 16th of February; still past contract date barring the floor issues/problems, which was a problem after the contract date. Mr. Myers discussed some option to address the issue; provide request in an extension of time and justification for that; Council can agree to grant those days or not; there could be some liquidated damages or all liquidated damages assessed, in which you can assess any time before final payment. Town Attorney commented that you can find the reasons legitimate or not, keep in mind until you get a written request from JL Hardy you are past your contract time for substantial completion.

Mayor DeCora stated that there is events are booked in all fairness and we need a firm date within the next couple of days if we are going to need to reschedule those events. Town Administrator commented that we need to keep in mind that we need to have a final walk through with an allowance with the ...

Councilman Taylor motioned to approve the payment request #8, as amended with the ten percent retainage, in the amount of \$95,489.54. Councilman Jorgensen seconded the motion.

Ms. Tiphany Gayhart commented that the Town is making payments without documentation (referring to the Agenda). Mayor DeCora responded that there was no documentation, when the packets went to Council, but Council does have all the documentation. Ms Gayhart requested as a citizen of Alpine as well as other individuals she would like an independent audit on the Civic Center project and where the funds have gone. As far as change orders on the project, when you have a change order submitted who is paying for all the attorney review and town administrator review to look at those documents, is it coming out of the general fund or from the funds from the Civic Center? Town Attorney responded to Ms. Gayhart that his review for change orders is nothing outside of council time.

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

Mayor DeCora called for a recess at 8:30 pm. Mayor DeCora reconvened the regular meeting at 8:37 pm.

f) #198 – Ordinance No. 2010-54: An Ordinance to Adopt 5th Penny Sales Tax – 3rd & Final Reading – Council reviewed the ordinance.

handle this issue. Mr. Jerry Myers commented that he is unsure as to what the actual costs are for the removal or encapsulating of the contaminated tile just yet.. The general contractor will discuss with the sub contract, contractually the Town needs to move forward with the project. There will be a change order for that change. The Town Administrator will get a letter out to Jorgensen Engineering "post haste". The Town Attorney stated that the change order needs to be broken down such as; general tile removal, asbestos removal, etc. Mr. Jeff Ames agreed he will communicate with the sub contractor and let the architects know. Mr. Jerry Myers wanted to respond on a comment made by Ms. Tiphany Gayhart earlier tonight, regarding no documentation. All of the documentation was forwarded to the Town prior to the meeting. Mayor DeCora responded by stating that as of Thursday (January 28th) when the Council packets went out there was no documentation, that is when the agenda that went out to the public. Mayor DeCora stressed that we need an update of where we stand with the project before the next council meeting or earlier.

5. On Going Business:

- a) **Payment of Town Bills** – Council reviewed and discussed the town bills. Council discussed the billing for the Town on the transition – set up of the web site, plus the yearly dues. It was determined to discuss this billing with the Town Treasurer.

Councilman Johnson motioned to pay the bills. Councilman Taylor seconded the motion.

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

6. Tabled Items – On Going Business:

Impact Fees

Department Updates:

Police Dept. /Court: James Phillips – Chief Phillips presented Council with a written report. Chief Phillips discussed with the Council the new Emergency Management Sign there was a little mix up with the height of the sign. The police chief is moving forward with a new variance request for Planning & Zoning approval. Council discussed this issue. Councilman Johnson commented on the avalanche awareness announcement for the citizens and that information should be updated every day. Council decided to override P&Z and turn back on the emergency management sign as a public safety message.

Councilman Johnson motioned to turn ON the Emergency Management Sign on because it is a safety and public information for the citizens. It is in the best interested of the citizens to have that sign on. Council to override decision and turn the sign back on until the board (P&Z) denies his amended variance request and if they decided to deny it will be discussed further. Council does not feel having it shut off is in the best interest of the public. Councilman Taylor seconded the motion.

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

Council discussed and agreed to have the Town Administrator write a letter of communication to the Planning & Zoning Board members as to their reasons for turning back on.

Legal/Attorney: Mr. Stefan Fodor – Briefly reported on:

1. In reviewing the return receipt requests/register mailings on the sewer letters, Council might want to consider just sending regular mail to the citizens. Council discussed this issue and will toss the idea around on how to handle the certified letters and which ones need to be certified. Town Attorney suggested that any date sensitive items should be sent certified.

Clerk/Treasurer: Bills were presented to the Council for payment. Refer to Section #5.

Councilwoman Brown motioned to recess the public meeting. Councilman Taylor seconded the motion.

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

Mayor DeCora asked for a motion to move into executive session, pursuant to Wyoming State Statutes Section 16-4-405 (a) (ii). **Councilwoman Brown so moved. Councilman Taylor seconded the motion.**

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

Mayor DeCora reconvened the public meeting at 10:21 pm.

Councilman Taylor motioned to ratify action items of executive session. Councilman Jorgensen seconded the motion.

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

Councilman Jorgensen motioned to approve #315 Resolution 01-05-2010. Councilwoman Brown seconded the motion.

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

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 10:23 pm.



Victoria DeCora

Mayor Victoria DeCora

Date

Minutes taken and transcribed by:

Christine Wagner

Christine Wagner

2/17/2010

Date

ATTEST:

Brenda Bennett

Brenda Bennett, Treasurer/Clerk

2/17/2010

Date