



**Town of Alpine
COUNCIL MEETING
MINUTES**

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

DATE: *January 19, 2010*
TIME: *7:00 p.m.*

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

1. **Call to Order:** Mayor Victoria DeCora called the meeting to order at 7:02 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: 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.
3. **Approval of Consent Agenda** – Mayor DeCora requested the consent agenda to be moved up on the agenda. Council reviewed and discussed documents/materials on the Consent Agenda. It was decided to remove Approval of Resolution #315 Resolution No. 01-05-2010 from the consent agenda so that Council can discuss the resolution in detail.

Councilman Johnson motioned to approve the consent agenda minus the Approval of Resolution #315 Resolution No. 01-05-2010, for discussion. Councilman Taylor seconded the motion.

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

4. New Business:
 - (a) **Planning & Zoning Report:** Mr. Pat Marolf, Chairman of the P&Z Commission had a brief report for the Council. The Commission has recently approved a sign permit for Jenkins Lumber. Currently looking into a fence that has been construction without a permit. They had some questions on the Civic Center for the Town inspector that have been answered. At some of the next meetings the commission will be reviewing the Land Use & Development Code for clarification purposes.
 - (b) **All Nighter Application Permits for:** Bull Moose Saloon (May 29, 2010, July 3, 2010, October 30, 2010 & December 31, 2010) & Tavern on the Grey's (March 13, 2010, July 3, 2010, October 30, 2010 & December 31, 2010) Considered for Approval: Ms. Brenda Bennett, Town Clerk presented applications to the Council for their consideration. All requested documentation has been turned in and there is nothing outstanding or outgoing that would warrant denial.

Councilman Johnson motioned to approve the All Nighter Application Permits for the Bull Moose Saloon and Tavern on the Grey's for the requested dates. Councilman Taylor seconded the motion.

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

(c) **Star Valley Kids Club** – Ms. Lisa Gustafson – Town Administrator addressed the Council regarding the lease with Little Grey’s Academy at the Town owned building. Mr. Wolfley gave the council a little overview on the current business ownership and rent payment status with the academy. Ms. Gustafson addressed the Council stating that she has bought the business from the former owner and she would like to discuss lease options with the Council. She would like to request a new lease be issued to her and would like to have the Council consider a reduction in the lease amount, based on the current economic situation. Ms. Gustafson further discussed some of the programs that the facility offers in addition to offering an infant program. She will working with family services and will be able to accept funds from the County/State where families received assistance for certain income guidelines. Ms. Gustafson stated with the changes in the economy there is a very big need in the area for the facility, because she will be able to accept those payments from the state and/or government and there is not another facility in the area that will accept those funds. She also stated that if she were to become a non-profit company/organization she would not be able to qualify under the DFS guidelines and that would significantly impact the citizens in the area. Currently her enrollment is down approximately fifty percent, but with the new guidelines she will be able to offer more services. She has done research in the Alpine area for rental opportunities that would house her facility. Ms. Gustafson asked the Council to consider a lease for two years at ninety (90) cents a square foot.

Mayor DeCora commented that there is two issues here; one is the existing lease with Mariah Stewart (Little Grey’s Academy) and two; a lease with Ms. Gustafson (Star Valley Kids Club). Ms. Gustafson commented that she is looking for a new lease. Council discussed the option of terminating the old lease and a new lease could be issued. Mayor DeCora commented that the Town is in support of her efforts and facility one hundred percent. However the Town does have to take care of their legal obligations. Town will communicate with Ms. Stewart on that issue. Councilman Taylor commented that we need to move forward with Ms. Gustafson. Ms. Gustafson commented that she is trying to move forward with the Department of Family Services (DFS) and she cannot move forward until she gets a lease in place, she does not want to have to shut the doors, and put any kids out. Councilman Johnson asked about dissolving the prior lease. The Town Attorney suggested having the Town Administrator send notice to Ms. Stewart terminating the lease since she has been in default and has been given notice of the default and an opportunity to cure that default. The notice of termination could be effective January 31, 2010. Then the Council could negotiate a new lease upon the agreed terms with the new lessee. The Town Administrator and Council talked about the areas average rental rates as based on area realtor’s opinions.

Public comment was given by Tiphany Gayhart and Carla Stone regarding fair value given the current market conditions. This is a service that the town needs and will help the citizens out.

Councilman Taylor motioned to terminate Little Grey’s Acamady lease due to lack of payment. Councilman Johnson seconded the motion.

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

A brief discussion was held on the length of a new lease. It was requested that a two year lease would be preferred. Lease amounts per square foot were discussed by the Council and what the fair market values of rentals are. Ms. Gustafson commented that this is not the normal business; they are subsidized by the State. She is providing a service that is Licensed by the State and Certified through the State. Tiphany Gayhart

commented that the prior lease was signed when the market was hot, and the market has seen a substantial reduction in those rates.

Councilman Taylor motion to extend a two year lease option to CJML (dba Star Valley Kids Club) at eight-five (85) cents a square foot; for the first year and an amount not to exceed a one (1) dollar a square foot for the second year, based on the inflation indication CPI. Councilman Jorgensen seconded the motion. Effective on February 1, 2010.

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

Councilman Johnson motioned to approve the payment of the security deposit with payments over a three (3) month time frame. Councilman Taylor seconded the motion.

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

(d) Star Valley Independent – Destination Alpine the Gateway to the Grey’s (Feature Ad) – Sarah Hale –Ms. Hale discussed the upcoming ad/article in the Star Valley Independent featuring Alpine the Gateway to the Grey’s. This will be information about the area, things to see and do while you are in Alpine. Making Star Valley the desired destination for snowmobiling. The publication for January 28, 2010. Councilman Johnson suggested talking with American Snowmobiler Association. Council discussed this issue and the possibility of placing a Town ad in the paper.

Public Comment was made by Tiphany Gayhart regarding the monies paid into the business license account and this is what it supposed to be paying for; such as promoting Alpine and the business in Alpine. Mr. Dan Halstead commented about the spending of monies outside of town areas to draw in more people, who are you selling this concept to. Ms. Hale responded that it promotes the area; the distribution is not just limited to the Star Valley area their area of publication is very wide spread.

Councilman Johnson motioned to approve a half (1/2) page ad for a total of two hundred forty dollars (\$240) to Star Valley Independent for this publication. Councilman Jorgensen seconded the motion.

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

(e) Town Civic Center Contract Payments – Kennis Lutz, Alpine Property Owner – Ms. Tiphany Gayhart commented that sub contractor payments have been made; therefore Mr. Lutz is not in attendance tonight.

(f) #198 – Ordinance No. 2010-54 changed from #198 Ordinance No. 2009-54: An Ordinance to Adopt 5th Penny Sales Tax – 2nd Reading. Council reviewed the ordinance and commented that the ordinance number will be changed to #198 Ordinance No. 2010-54 because the ordinance will not take effective until 2010.

Councilwoman Brown motioned to approve #198 Ordinance No. 2010-54 on the 2nd Reading. Councilman Taylor seconded the motion.

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

(g) Alpine Sewer Project Phase I & II Financial Plan – Town Attorney Stefan Fodor went over the financial plan with the council. Items included in the discussion were; the ending balance number

(825,000); 2009 O&M costs were down; the plant costs and the front loading costs of the sewer hook ins.

Mayor DeCora commented on the Operation and Maintenance cost that will be needed and that is why the Town wants to set up a reserve account for the O&M. Councilman Taylor commented that he feels that we are in a good position, there will be some engineering costs and road costs, but that should leave plenty of room to finish Phase II.

Public comment by Tiphany Gayhart asked for a copy of the financial plan and asked that this information should be put on the website for the public. Mayor DeCora commented that it will be available on the website after the Council approves the plan. Ms. Gayhart further asked if there was any input from the Phase II residents on this plan, she stated that it was in the master plan that a Forest Meadows resident will have input regarding the system. Town Attorney Stefan Fodor commented that it was a comment from a citizen in the master plan; not a requirement. Ms. Gayhart further discussed a meeting with Councilman Johnson, Town Administrator and some of the citizens of Forest Meadows regarding the system and it was stated that this meeting is not on the record; these meetings need to be on public record. Mayor DeCora stated that the Town incurs huge administrative costs for these meeting and she does not feel that it warrants a public meeting. Ms. Gayhart restated her opinion that states in the master plan. Much discussion was held on this particular issue. (Refer to Audio CD) Town Administrator commented that an informal meeting was conducted with the public, some Forest Meadows residents and Ryan Erickson from Sunrise Engineering. Mr. Erickson addressed their questions and Mr. Wolfley felt it was a good opportunity and some suggestions were taken. Ms. Gayhart stated her frustration that they have been continuously told the Town would get back to them; as of today no one has gotten back with them, answering their questions. Ms. Gayhart stated for the record, **“As a citizen of Alpine she is opposing the financial plan for the sewer plant.”** After being asked multiple time to adhere to the meeting gules and failing to do so, Ms. Gayhart was asked to leave the meeting. Mr. Andy Gavin commented that the master plan states that the residents can review and approve the sewer collection system. He has had the opportunity to review but not approve the plan; asking what constitutes approval. Again much discussion was held on the issue of recommendations. (Refer to Audio CD) Town Attorney commented on review and approval, the Master plan stated that a citizen comment was received stating that Phase II owners would should have the opportunity to review and approve the plant, this was acknowledging the receipt of a comment, not imposing a legal requirement on the Town of Alpine. Mayor DeCora discussed the representative form of government and that is where the approval part of Town government comes in. Mayor DeCora asked that the Town Administrator to make sure that the plans and aerial photos for Phase II are available to the public for review. Chief Phillips asked Mayor DeCora if Ms. Gayhart could rejoin the meeting. Mayor DeCora agreed to let Ms. Gayhart rejoin the meeting with the understanding that procedures are to be followed.

Councilman Taylor motioned to approve the Alpine Sewer Project Phase I & II Financial Plan. Councilman Jorgensen seconded the motion.

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

The Town Attorney discussed notifying citizens of the costs for Phase II homeowners and suggested the Council instruct the Town Administrator, to get the ordinance out to the public so that they know what their obligations, rights and responsibilities are regarding the system. Councilman Johnson asked that it be in layman terms, very clear to all residents. Mr. Dan Halstead asked the Council when Phase III will start being discussed. Council responded when funding becomes available. Mr. Halstead is concerned about the change in the Phases. Phase III is the area where the oldest houses are and the ones with the environmental issues, this concept was sold to the citizens of Alpine on that it is a must that this is an environmental issue. Why are we not targeting the older systems on the top of the hill? Council discussed this issue at great length (Refer to Audio CD). It

was reiterated again that there is no calendar for Phase III, but they are still moving forward and working on the project. Ms. Gayhart stated, for the record, that she agrees with Mr. Halstead, the Forest Meadows subdivision has been targeted, their subdivision has the lowest density homes in Alpine their subdivision was developed in 1980. The smallest, lower density lots are located on the on the hill and have more septic systems and that was development in the '60's. She reiterated Phase I was supposed to be up there, these citizens cannot afford this system. This council approved the plant contingent upon the old Council recommendations. Ms. Gayhart stated the current Mayor stated the annexation is off the table, she wants to know why we built this sewer plant. The Town Attorney asked if all three phases were complete and everyone was hooked up, could the council envision lowering the monthly use fees, if the financial plan works out. Council discussed this issue briefly, stating there is a potential for the numbers to go down, if everyone was hooked in and the financial plan works out.

- (h) Approval of Resolution #314 Resolution No. 12-28-09 - Sewer** – A resolution to establish a savings reserve account for the Alpine Sewer Project based on the financial plan of Ordinance #194. Council reviewed the ordinance and suggested that the Resolution Number be changed to No. 01-19-2010.

Councilman Taylor motioned to approve Resolution #314 Resolution No. 01-19-2010, with the changes made to the Resolution. Councilman Jorgensen seconded the motion.

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

Councilman Jorgensen motioned to recess the regular meeting. Councilwoman Brown seconded the motion.

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

Mayor DeCora recessed the meeting at 8:35 pm. Mayor DeCora reconvened the meeting at 8:46pm.

- (i) Update on Town Civic Center Project – Town Administrator** –The work is progressing on the Civic Center Project at this point the floors are being worked on now. In continuing to work on budget and looking at expenses we have come across some things that we need get some assistance with. Town Administrator met with the County today and the County has consented to helping the town out with some of these expenses. So, moving forward, the project is coming close to completion.

Councilman Jorgensen asked about completion dates and the schedule. Mr. Gerry Myers (Myers ~ Anderson Architects) stated that they are running a little behind, due to the ceiling issues. There is a new superintendent on the site that is very aggressive and he feels that they might be about a week behind schedule. Town Attorney asked if there was any liquidated damages included in the contract for that extra week of work past the the contract completion date. Council discussed the contract completion date, which was scheduled for January 14, 2010, as agreed upon in the last change order #014. It was determined that this will be looked into and reviewed further. Mr. Myers commented that the scheduled date is the 18th of January, it is in the contract, and they did give us an updated schedule of January 29th, the schedule does not impact the contract time. It is not a signed extension this was a request by the contractor at the last meeting.

- (j) Approval of Child Development Center Change Order #003 – Mr. Lou Christofferson - Mr. Christofferson** reviewed with the Council the change order which is mostly credits and a upgrade to the melamine countertop, this was previously approve and just waiting for signature.

Councilman Taylor motioned to approve change order #003. Councilman Johnson seconded the motion.

Comments by Town Attorney were about the percentage of completion and cost breakdown in regards to the total budget and total grant award. Documentation shows the project is at eighty-seven percent complete and wanted to know if there any other anticipated costs on the project and does budget breakdown include the matching funds. Mayor DeCora stated the land it is the match funds. Council discussed the budget items and some of the deficits. There was an overrun on the inspection costs, in which the town will look into those expenditures. Council discussed the contract time and substantial complete date.

Public comment made by Ms. Tiphany Gayhart commenting that as of a few weeks ago, it was stated that there was not going to be anymore change orders. And here we are again with a change order and time extension. Councilman Taylor responded to Ms. Gayhart's comment stating that this is a change order for a credit on the project.

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

(k) Payment Request #6 for Child Development Center – Lou Christofferson – Mr. Christofferson reviewed with the Council the payment request with viewing the site and everything seems to in order. Mr. Gerry Myers commented on the payment request amount and the amount approved by the Architect is different, which is the lesser amount, so that conflict will materialize at a later date and be made up on a future payment request.

Ms. Gayhart asked if the sub contractor's retention amounts have been paid before the final payment have been made, so that there are no liens placed down the line. Councilman Taylor commented that by state law retention is not paid to the contractor until the work is 100% complete, that is the basis behind retention, as far as lien releases, these are usually taken care of by the project contractor (DeWall). Ms. Gayhart, Councilman Taylor and Mr. Myers discussed this issue briefly.

Councilman Jorgensen motioned to approve payment request #6 for the Child Development Center in the amount of \$18,580.12. Councilman Taylor seconded the motion.

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

(l) Payment of Bills: Council reviewed and commented on the Town Bills.

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

Discussion by Council - Councilman Johnson asked about the Anderson Sign billing; General Fund Expenditures, what is allowed and not allowed; Equipment Expenditures we need to look into getting this equipment fixed rather than replaced; Alpine Metal Works this needs to go on the Civic Center Budget spread sheet expenditures. Councilman Taylor asked about the health insurance expenditures, in where he read the WAM-JPEG if offering a premium holiday for January. After further reading it states if towns have been with the carried for two years.

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

Tabled Items – On Going Business:
Impact Fees

Department Updates:

Police Dept. /Court: James Phillips – Chief Phillips presented Council with the 2009 Department Annual Report for review and discussion. Councilman Johnson commented that the perception of the public with the Police Department is improving. Town Attorney commented on the total number of calls to service has significantly increased. Council also reviewed the total number of citations. Town Attorney asked if the speeding citations are mostly local citizens or out of state individuals. Chief Phillips responded that they are mostly Wyoming drivers, but outside of the Alpine area.

Ms. Tiphany Gayhart commented that she is concerned about the theft that is going on in town, she feels that it is drug related, needs to get cleaned up would like to see if we can get it under control.

Legal/Attorney: Mr. Stefan Fodor – Briefly discussed correspondence received.

1. Town Attorney commented on a letter received from the government liability pool, in which it states that courts are finding municipalities negligent for not maintain their water and sewer systems. The lack of money is not an acceptable excuse for not maintaining the systems as rates can be increased to cover maintenance and replacement. The response to the Town is to make sure you keep a documented log/recording of regular maintenance schedules. He suggests that the town follow this advice and implement this procedure.
2. Sewer hookups in Phase I, there are several property owners who did not hookup to the system or take advantage of the sewer rebate program available for Phase I. Given the timelines of the program and the Town ordinance, they are not in compliance. There is an inconstancy and the Town has options on what they want to do. Residents cannot be disconnected, but business can be during the winter.

Options are:

- a. Send Notice to Residents.
- b. Pay your fees by April 1st or your services will be shut off.
- c. You have ninety (90) days after April 1 to connect to the system. (allowing for the prohibition on digging timeframes)

Council discussed the issue and agreed that residents would need to pay all fees due by April 30th and they would have to connect by July 31st, or their services will be shut off. So in essence they are getting a six month extension, with a three month extension time on their payment. There is one (1) business involved in this; the ordinance does allow you to disconnect their service. Councilman Johnson stated he would like to extend the same payment and connection schedule to them as we have to the residents. Council agreed.

3. Request by the Mayor for an executive session pursuant to State Statutes, Section 16-4-405 (a) (ii).

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

1. Town Administrator discussed the rental rates at the Civic Center. Council reviewed the documentation presented. Councilman Johnson would like to see the resident rate lower by 25% than the Afton rate. Councilman Taylor agreed and would also like to see that for the first year and after that first year we can revisit the options. Council discussed introduction fees to generate business/organization to come into the center. Council further discussed the area kids groups.

Ms. Gayhart commented on the rental of the Civic Center and expressed that building the center was for the use of the kids in the Alpine area. We need to get it open and available; once things get rolling we will have the ability to change things at a later date. She stressed just keep in mind the closer to Jackson the more costly things are, that will warrant the increase in cost. Mayor DeCora asked Council to think about this issue and they can discuss it at next meeting.

Streets & Roads: Don Jorgensen – Reported as per our Breach of Peace Ordinance, we have received the two requested “Jake” brake signs. Town maintenance personnel are currently working with Jerry Barrus, WYDOT, for proper placement of the signs to be installed this spring. Signs are currently in storage until such installation.

Parks & Recreation: Shirley Brown & Victoria DeCora – Mayor DeCora briefly commented on the indoor heated pool at the Flying Saddle. They have gotten a lot of requests for public use, but are not able to accommodate the public. Therefore they have contacted the town to see if the Town would consider leasing the pool, they would run and maintain the facility, but the town would insure the pool. It was decided to contact the insurance company to see if that would be an option.

Water & Sewer: Don Jorgensen & Mayor Victoria DeCora – No report given.

Planning & Zoning: Designated Board Member & Victoria DeCora - No report given

Alpine Fire Department & EMT: Beau Taylor - No report given

Clerk/Treasurer: See Section (I).

Councilman Taylor motioned to recess the regular public meeting at 9:44 pm. Councilman Johnson 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 Statues Section 16-4-405 (a) (ii). Councilman Jorgensen motioned to move into executive session at 9:45 pm. Councilman Johnson seconded the motion.

Regular Meeting was reconvened at 10:04 pm. Councilman Taylor motioned to ratify the action taken in executive session. Councilman Jorgensen seconded the motion.

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

Councilwoman Brown 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 10:06 pm.



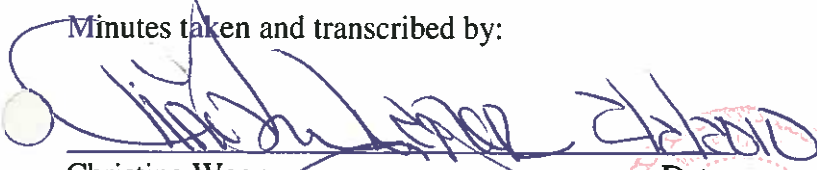
Victoria DeCora

Mayor Victoria DeCora

2-2-10

Date

Minutes taken and transcribed by:

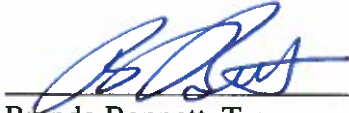


Christine Wagner

Date



ATTEST:



Brenda Bennett, Treasurer/Clerk

2/8/2010

Date

