



Town of Alpine
COUNCIL MEETING
MINUTES

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

DATE: *February 16, 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 7:05 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: Troy Johnson, Shirley Brown, Beau Taylor and Mayor Victoria DeCora. Councilman Don Jorgensen was absent and excused. A quorum was established. Also in attendance were Town Administrator Deb Wolfley and Town Attorney Stefan Fodor.

3. Approval of Consent Agenda – Council reviewed and discussed documents/materials on the Consent Agenda.

Councilman Taylor motioned to approve the Consent Agenda. Councilman Johnson seconded the motion.

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

4. New Business:

(a) **Planning & Zoning Report:** Ms Melisa Wilson of the P&Z Commission had a brief report for the Council. Ms. Wilson communicated with the Council the Commissions reasoning for turning off the Emergency Management Sign; the Town holds others accountable to the rules and regulations that have been put in place and the Commission feels that they should lead by example. It there was a dire emergency the sign would be on for notification.

Councilman Johnson commented on the Councils reasons for turning the sign back on. Councilman Taylor also commented on working with citizens and honest mistakes that have been made and working with Town government. Ms. Wilson reiterated that they felt that the Commission is trying to lead by example. Mayor DeCora expressed her appreciation for everything that the Commission is doing and striving to accomplish.

(b) **IPSSDR Update (Dog Sled Races):** Ms. Brenda Bennett – Ms. Bennett commented recent dog sled races held in alpine. She thanked the Council for their support. It was a very successful event with over three hundred people in attendance and all the mushers were very appreciative towards all involved. Ms. Bennett presented a slide show of the race. Mayor DeCora thanked Ms. Bennett for all her hard work to make this a very successful event.

(c) **Amended Assignment & Pledge of Revenues –** Town Attorney Stefan Fodor – Mr. Fodor reviewed the AMENDED Assignment & Pledge of Revenue with the Council. In order to take a loan the Town agreed to assign the revenues as collateral. He commented that this has been revised due to the fact that it had the wrong verbiage and wrong dollar amount. This is essentially a bookkeeping issue.

Councilman Taylor motioned to approve the Amended Assignment & Pledge of Revenues to the State Loan & Investment Board. Councilwoman Brown seconded the motion.

Public Comment - Mr. Dan Halstead asked about the pledging of water, that he believes was mentioned. The Town Attorney commented that the initial pledge (document) was for water instead of sewer. Mayor DeCora further reiterated that the pledge is was not for the water, this is why there is an amendment the verbiage needs to be changed.

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

(d) Ms. Tiphany Gayhart – Concerns: The way the Mayor treats the public; Explanation of Business License & Compliance; Public Health & Welfare of the Town Civic Center (Re: Asbestos). Ms. Gayhart commented on these items separately, beginning with the topic of how the Mayor treats the public and made commented regarding mutual respect from the public to the Council and vice-versa. Please refer to Audiotape for specifics.

Next Ms. Gayhart addressed the Council on the Town Business License Ordinance and Compliance. Ms. Gayhart stated that to her knowledge there are companies in town that are doing business and they do not have a business license, she asked how this being handled. She further asked why she needed a separate business license, if her company operates under one EIN number. Councilman Johnson addressed Ms. Gayhart's concerns, by referring to the Ordinance – Section 192-03 (c) Separate License. Ms. Christine Wagner, Office Assistant commented that if the Town if aware of or has been notified of someone doing business in the Town and they do not have a license, the procedure established is that they will be notified and given a certain amount of time to comply with the ordinance, if they do not comply then next step is to imposed fines and penalties. The Town is doing its best to get everyone to comply with the ordinance; in which there have been several complaints about the requirements and getting business into compliance. Ms./ Gayhart discussed the verbiage about persons and/or entities engaged in business are required to have a business license. Council discussed this issue, it was agreed that this verbiage is somewhat confusing and contradictory.

Ms. Gayhart and Mr. Kennis Lutz addressed the Council on the Public Health & Welfare of the Town Civic Center and the current finding of asbestos in the building. Ms. Gayhart asked how we can afford all these costs. Mr. Kennis Lutz commented from the time it was discovered until the time that the project was halted; it is costing the town money. There have been numerous items scheduled for the center that now have to be re-scheduled, for the health and welfare of all individuals. Mr. Lutz has visited the building on various occasions during this period of time and feels that this situation was handled inappropriately and that the welfare of Alpine was not taken into consideration.

Councilman Taylor commented on the different types and degrees of asbestos as earlier discussed with the Jorgensen Associates representative. Mr. Lutz final comment to the Council is to let them know that the car wash is closing will not opening for 2010. They simply cannot afford the fees! He feels a water rate increase is coming and until things with this administration change, their business will be closed. Mr. Lutz asked the Town Attorney to review the Wyoming State Constitution on imposing debits on towns. He referred to Section 97-16-005 (Limitation on Municipalities).

At this point there was no public commented taken. Mayor DeCora asked for a motion to recess the meeting.

Councilman Taylor motioned to recess the meeting at 7:47 pm. Councilman Johnson seconded the motion.

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

Mayor DeCora reconvened the public meeting at 7:57 pm. Ms. Gayhart asked about public comment. Mayor DeCora responded that because her statements were not action items, public comment was not warranted; however if anyone had public comment she would allow it at this time.

Mr. Shawn Gareman addressed the Council on the topic of town procedures, ethics, costs and promoting our town. (Refer to audiotape for specifics.)

(e) Town Civic Center Project Update – Town Administrator updated the Council and discussed the activity of the project. Mr. Jerry Myers of Myer-Anderson Architects reviewed the change orders #16, #17 and #18 on the project. Mr. Myers went over the costs for the asbestos abatement of the tile for \$5,290.00 on change order #16 and the contract time extension for that abatement on change order #17. Mayor DeCora asked that we take each change order separately. Mayor DeCora also stated that she is in possession of a letter from Jorgensen Associates to provide

funds for half of the abatement costs, further stating that their fee are to be waived. Mr. Jeff Bates with Jorgensen Associates commented on the letter submitted to the Town, which provides funds for half of the costs for the abatement and will be amending their offer (letter) to \$2,645.00 which is half of the change order costs. Mr. Bates went to address the council about the testing that was done and the proposed schedules for abatement.

Councilman Johnson in reviewed the letter submitted asked about the issue of further liabilities on the part of Jorgensen Associates. The Town Attorney commented that the signature on the work order contract will release Jorgensen from any further/future liabilities. Councilman Johnson expressed his thanks to Mr. Bates and Jorgensen Associates for their quick response, fast action and responsibility in taking care of and providing help to remedy to this situation.

Councilman Johnson motion to accept the letter from Jorgensen Associates dated 2/12/2010 with the amended figures from \$2,300.00 to \$2,645.00 and sign the work order of contract. Councilman Taylor seconded the motion.

Discussion by Mr. Kennis Lutz asked if that includes the ventilation system in that change order. Mayor DeCora commented that would be a question for the engineer and contractor. Mr. Lutz further discussed contamination in the system and if it was running at the time of testing. Mr. Steve Harrington responded that he was unsure if the system was running at the time of testing. Mr. Harrington went over the findings and the types of asbestos that was found in the building. He discussed the process that is done during the abatement process. He does not feel that it would get into the ventilation system, that is his professional opinion, but he was not there to witness anything to the contrary. Mr. Lutz commented what he is concerned about the ventilation system. Ms. Gayhart commented about the added costs for the clean up at the civic center.

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

Mr. Myers went over change order #16 which is for the additional costs for abatement. Which were previous discussed. **Councilman Taylor motioned to approve change order #16 in the amount of \$5,290.00. Councilman Taylor amended his motion, motioned stated was to approve change order #16 in the amount of \$5,290.00 and #17 for a time extension of nine (9) days for the Town Civic Center. Councilwoman Brown seconded the motion.**

Mr. Lou Christofferson, Myers-Anderson Architects along with the Council discussed and reviewed the nine (9) day timeline for the extension. Public comment made by Ms. Gayhart, asking how the cleanup of the abatement, additional fees for Attorney and Town Administrator review were going to be paid for. Mayor DeCora commented extension of time is zero dollars, costs of abatement will be partially paid by Jorgensen and the other costs will be paid out of the general fund.

Vote: 3 yes, 1 no (Johnson), 0 abstain, 1 absent (Jorgensen). Motion carried.

Mr. Jerry Myers reviewed and commented on change order #18. Councilman Johnson asked if a representative of JL Hardy was here at the meeting. Mr. Myers responded no representative was present tonight. Council and Mr. Myers discussed the days involved to get the project done. Mr. Myers requested justification and documentation from the general contractor for the requested days as of yet it has not been received. Mr. Myers has discussed with the contractor that this time extension could very well be denied. Mr. Myers discussed the possibility of assessing liquidated damages. Mr. Myers feels that the Town does not have to assess liquidated damages, he feels that if the contractor is working hard there should be reasonable accommodates that can be made without assessing those damages. Mr. Myers reviewed the timeline and additional days requested. Councilman Johnson discussed the timeline and the additional days that were just granted on the previous change order. Council reviewed and discussed the additional days for the extension; however in numerous discussions previously with the contractor they were assured that the project would be done on time. Town Attorney reviewed all the previous change order focusing on the days requested on those change orders. Council re-reviewed the documentation. It was agreed by Council that additional extension of time will not be granted.

Councilman Taylor motioned to change date on change order #18, the substantial completion date to be February 22, 2010, project to be completed by then. Councilman Taylor amended his motion to decline change order #18, if the general contractor wants to come back with a date change in line with a February

22, 2010 date the council will consider reviewing the amended dates. Councilman Johnson seconded the motion.

Mr. Myers stated that the math on those change orders was done in the Myer Anderson Architect offices therefore it would be an error on their part. It was the intent of the contractor to be consistent with the days asked for in the change orders. He feels that it is better to come back to handle the intent of those days. Council briefly discussed the accountability and any liquidated damages of those days. Mr. Myers addressed the Council by stating that his contract explicitly excludes them from any hazardous and/or abatement issues, scope of work from their contract. No damages will be paid by Myers-Anderson Architects. He is working with to acknowledge and take care of this issue.

Councilman Taylor rescinds his previous motion for the denial of change order #18.

Councilman Taylor motioned to deny change order #18 and to adjust the substantial completion date to the intent of the requests that were previous granted by the Town; the substantial completion date will be February 22, 2010 (79 days from the original completion date). Councilman Johnson seconded the motion, under protest.

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

(f) Kay Gogol – Update on Child Development Center – Ms. Gogol reviewed the project and has recently met with the contractor. The project completion date is February 24, 2010. She has a draft punch list ready for the contractor. By the next meeting she should have a secured opening date for the center. Councilman Taylor offered to help with the punch list. Councilman Johnson asked about the substantial completion date, and the final inspection date. Ms. Gogol is not granting any extensions and they will see where it goes. On a good note she has received additional grant monies for additional supplies for the center.

Mr. Myers discussed with the Council the payment request and the outstanding in retainage being kept. Basically there will not be any more payment requests approved for payment until substantial completion date has been attained. There have been some quality control issues.

Councilwoman Brown motioned to approve payment request #7 in the amount of \$21,856.51 for DeWall Construction. Councilman Johnson seconded the motion.

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

(g) Energy Grant Resolution – Town Administrator address the Council regarding a resolution for the possibly of getting an energy grant. This grant would be for street lights. In discussion with the maintenance supervisor about the maintenance and parts for the current street lights. Ms. Elena Zimple will help the Town out with the grant writing for the street lights. Lower Valley Energy has come down to the town building to do an energy audit. This grant would help out with both of these items. In order to move forward a resolution has been prepared to move forward with this project. Council discussed the current street lights and the possibility of using the lights in another area of town. This grant would be for replacing the lights. Council asked about reusing for the old lights. Councilman Johnson stated he feels that council should move forward with this.

Councilman Johnson motioned to approve Resolution #318 No. 02-16-10-2010 - Authorizing the Submission of a Wyoming Business Council Energy Efficiency and Conservation Retrofit Grant. Councilman Taylor seconded the motion.

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

(h) #199 – Ordinance No. 2010-01: An Ordinance to Repeal & Replace Ordinance 194-2009-50 Establishing Sewer Connection Requirements. Town Attorney commented that proposed changes were sent to Council. Council

responded that were not received by Council. Mayor DeCora suggested the Council table this reading until the next meeting. Council decided that they want to move forward with this ordinance.

Councilman Johnson motioned to approve the 1st reading of Ordinance #199 No. 2010-01, for the 2nd and final he would like a red line copy, prior to the meeting. Councilman Taylor seconded the motion.

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

Mr. Jerry Myers commented on the floor in the police department; he commented that it will need to be made right. Mr. Myers stated that the contractor has a remedy for the floor in that area. Mr. Myers will be getting this in writing from the contractor as far as a remedy/warranty recommendation and bring it to the Council. Chief of Police commented on the flooring and talked about the sub-contractor that he had come in to look at the floor. It was recommended by that sub-contractor that the flooring is torn up and replace. Council discussed this and it was agreed that it needs to be made right by the contractor. The specs were not followed by the contractor.

Councilman Taylor motioned to have the contractor removed the concrete floor in the police department (garage area) and be replaced with the spec'd material, with no extension of time. Councilman Johnson seconded the motion.

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

Mr. Myers talked about the painting in the mezzanine area, it was agreed by Council that a clear sealant would need to be put in that area.

Mayor DeCora asked for a motion to recess the public meeting. **Councilman Johnson motioned to recess the public meeting at 9:17 pm. Councilwoman Brown seconded the motion.**

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

Mayor DeCora reconvened the meeting at 9:22pm.

Tabled Items – On Going Business:
Impact Fees

Department Updates:

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

1. Town Administrator has a discussion with Mr. Gareman earlier today, and Mr. Gareman would like to express a couple of comments on his water billing. Mayor DeCora addressed the Mr. Gareman regarding accepting payments on water billing. Councilman Johnson stated his views on this issue. Council discussed this and referred to section four of the water ordinance, which says amounts not paid from 60 days of first payment first do. In this situation where two payments are currently owed, they would still incur a late charge. If the situation related as such is that there are two months delinquent, he will have to keep those payments up, so that they do not become delinquent. After much discussion with Mr. Gareman and Council it was determined that one payment will be accepted first thing in the morning.
2. Town Administrator discussed a possible baseball tournament with local Star Valley teams sometime this spring. Mr. Keith Hart (event organizer) is asking Council to consider this and allowing teams to practice at the ball field two nights a week, this springtime, with games every other Saturday in June. Council agreed that it would be a great idea, and nice to see the ball field being used.
3. Skate Park Application has been submitted.
4. Pathway Grant is moving forward.
5. The rental prices/rates for the Civic Center is still being worked on and hopefully will be able to have these finalized by the next meeting. Still working with the USFS regarding rental space.

Legal/Attorney: Mr. Stefan Fodor – Briefly discussed the following issues.

1. The second draft version of the Construction Use Agreement has been sent back to NSU.
2. Mr. Fodor commented on a previous statement made earlier tonight, on Towns incurring debt.

Parks & Recreation: Shirley Brown & Victoria DeCora – Mayor DeCora wanted to make a brief statement regarding working with other town entities in supporting their issues and endeavors.

Streets & Roads: Don Jorgensen – Councilwoman Brown asked about the Council consider repainting the Town signs. It was determined that would be a great summer project.

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

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

Clerk/Treasurer: Bills were presented to the Council.

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

Councilman Taylor motioned to pay the bills. Councilwoman Brown seconded the motion.

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

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

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

The meeting was adjourned at 9:48 pm.



Victoria DeCora 3-2-10
Mayor Victoria DeCora Date

Minutes taken and transcribed by:

Christine Wagner 3/2/2010
Christine Wagner Date

ATTEST:



Chenda Bennett 3/3/2010
Chenda Bennett, Treasurer/Clerk Date