



Town of Alpine
COUNCIL MEETING
MINUTES

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

DATE: *March 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, 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** – Council reviewed the documents/materials on the Consent Agenda.

Councilman Jorgensen motioned to approve the Consent Agenda. 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. Mr. Marolf stated that the P&Z approved a residential building permit for the Forest Meadows Subdivision at the last meeting. The Commission has an interested party for the open P&Z position, the letter of intent has been sent and they are just waiting for it to be returned.
- (b) **Town of Alpine Questions on Billing:** Ms. Brenda Bennett, Town Treasurer/Clerk – Ms. Bennett reviewed for the Council and the public the three funds where expenditures are disbursed from (General, Water & Sewer). Each account has to stand on its own. Check are disbursed out of general, and then reimbursed by the water and sewer accounts. Ms. Bennett also discussed the percentages of employee payroll disbursements from those accounts and asked the Council to consider allowing the percentages to be switched. Council discussed the hourly splits for the water and sewer accounts and how it is calculated. It was determined that staff needs to account for the hours spent on water and sewer vs. general office work, for the next year in which will help out for budgeting purposes. Ms. Bennett asked if she has the Council's permission to disburse the Treasurer and Office Assistant pay out of the water and sewer accounts, as well as the general with the appropriate documentation on file.

Councilman Jorgensen motioned that all city employees keep a daily log/journal of their time, spent on functions and what departments they work out of, so that we can distinguish which departments the wages are to be paid out of. Councilman Johnson seconded the motion.

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

Ms. Bennett when over the professional services expenditures and the categories their payments are disbursed from. She talked about disbursements for Local Government Liability Pool (LGLP), Myers-Andersen Architects, Nelson Engineering, Sunrise Engineering, Dubisz CPA, Surveyor Scherbel Ltd., Fodor Law Office, Caselle, DEQ, USFS & WY Game & Fish. Council reviewed and discussed this. Ms. Bennett asked if she has the Council's permission to disburse the LGLP and Dubisz expenditures out the water and sewer accounts.

Councilman Taylor motioned to authorize the treasurer to allocate a payment (billings) breakdown for LGLP and Dubisz CPA from the water, sewer and general accounts. Councilman Johnson seconded the motion.

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

Ms. Bennett asked the Council to consider her request to move forward on the amended budget and move forward on the advertising and start working on an ordinance for the amended budget. **Councilman Johnson motioned to approve Ms. Bennett's request to move forward on working on the amended budget, advertising and work on an ordinance for the amended budget. Councilwoman Brown seconded the motion.**

Public comment made by Ms. Tiphany Gayhart. Ms. Gayhart asked if she could get a copy of the proposed amended budget. Councilman Taylor responded that Ms. Bennett is just asking for permission to work on it, and when the documents become available, it will be available to the public.

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

- (c) **Town Civic Center – Substantial Completion** – Town Administrator addressed the Council because Mr. Jeff Ames, JL Hardy, was unable to attend the meeting. Town Administrator along with the Town Attorney, Mr. Stefan Fodor, discussed the topic of a substantial completion date. Town Administrator also presented a substantial completion document obtained from Myers-Anderson Architects. Town Administrator discussed that a walk through has been conducted on the building and a list of items that need to be completed was made, as stipulated by the Town Inspector. Town Attorney commented on the contract days and the additional days asked for in the approved change order, a total of seventy-nine (79) days had been approved by the Council above the contract time of one hundred seventy (170) days. All parties discussed a Certificate of Occupancy and the Substantial Date of Completion. It was reiterated by the Town Attorney that the substantial completion date is when the building is available for its intended purposes. Town Attorney went on to state that the general contractor has asked for an additional seventeen (17) days on their contract date, due to the asbestos abatement. He suggested that the town consider four (4) more days for the asbestos, because of the length of discussions and research on the town part on this issue. They did not meet contractual obligation for completion by the contract date and are liable for liquidated damages at Two Hundred Fifty Dollars (\$250) per day thereafter. Will the building be substantially complete by March 11th or 12th date? As of this date there are still some issues on the building that need to be complete. The question is, whether the building can be used, at this point there has not been a certificate of occupancy issued.

All of the Council agreed that there is little to any work going on, they do not feel that they are trying to keep within their timeline. Councilman Taylor feels they should get the four (4) days additional for abatement; but then they need to start paying the liquidated damages. Councilman Jorgensen and Johnson expressed their frustration for not getting the requested hand rail done. They further stated that if the Town Inspector does not sign off on this, it will not be accepted. Councilman Johnson commented would agree to give them two (2) days maybe three (3) days but they are not trying to get this done. He further stated that a punch list should be a few items, but their punch list is massive. Council expressed that their leniency is done!! The council asked for the explanation of days at the last Council meeting and has not received it yet. Town Administrator commented on the handrail issue, stating that was not put in the original contract, architects did not feel that it needed to be in there; the punch listing has made some progress. Lou Christofferson, Myer-Anderson Architects stated they are waiting for the official punch list from the contractor, JL Hardy and share in the Town frustration on this issue. Mr. Christofferson addressed the hand rail issue, stating it was not in the existing of drawings, they did not feel it was a code requirement, they defer to the Town Inspector for the local codes. Technically, to date the Town has not approved the change order for this handrail. There is much frustration on the part of the Council that this building is not complete, when all said and done the handrail is a code requirement. Mr. Christofferson address the length of the punch list, is there anything on the punch list that would not allow substantial completion that would not allow the use of the building. Mr. Christofferson further stated the intent of substantial completion is the mutual benefit of both Town and the Contractor, however when you have a list that long, you question the substantial completion of the building. Keep in mind that in no way are you releasing JL Hardy from completing this building. Mayor DeCora asked about the State Fire Marshall inspection and if it had been signed off on. Town Administrator stated a temporary certificate of occupancy was issued by the State Fire Marshall and he will be back in thirty (30) day to check the sound system. Mayor DeCora inquired about some other code issues in the mechanical room in the police station. Councilman Johnson asked about the Storage Room. Mr. Christofferson responded that they are looking into those code issues.

Councilman Jorgensen motioned to approve two (2) days on the extension of time to JL Hardy for the asbestos abatement at the Town Civic Center. Grant an additional two (2) days on the change order for the handrail and it is the recommendation of the Council that once the Town Inspector signs off on the building, the building will be substantially completed. Councilman Taylor seconded the motion.

Public comment was made by Gloria Jorgensen. Ms. Jorgensen asked about substantial completion of the building. Council reiterated the date of substantial completion, is when the liquidated damages end.

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

Mr. Christofferson reiterated for clarification, that he will reissue and amended version change order #20, with the two days just granted by the Council. And the change order #21 for two (2) days. Council and Town Attorney discussed the new contract completion date, with the days just granted, which is February 26, 2010 and discussed collecting liquidated damages for working days in the amount of \$250.00 per day, until the date of substantial completion.

Councilman Johnson motioned to have the Town Administrator send a notice to the general contractor notifying them of the approval of the two (2) additional day's extension for asbestos abatement, with a new substantial completion date of February 26, 2010. Notice to include failure to complete the Civic Center building as of the new substantial completion date of February 26, 2010 for the contract time and all change orders and the assessment of liquated damages of \$250.00 per day, these are total days, not working days. Councilman Jorgensen seconded the motion.

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

(d) Snow Removal and Town Budget & Spending – Ms. Tiphany Gayhart. Mr. Kennis Lutz addressed the Council, there was a mistake made and they would like to address the Council on their **Car Wash Budget & Spending**. Mr. Lutz referred to a previous meeting in which he met with the Council regarding his water shut off, this was approximately June 2009, at that time is was \$150 to shut your water off and \$150 to turn on your water on. This was sometime in June of 2009, he addressed the Council and received a refund when the Council felt the fees were unfair and too high. He received a refund. Now he would like to bring to the Council's attention that their new water ordinance is much more expensive than the last one. If they thought the \$150 was expensive, this new one is much higher, which for him is somewhere in the amount of \$800. (Refer to Section V (B) (8), Ordinance #197) Councilman Johnson discussed this issue, part of the discussion was that this section of the ordinance was meant to apply for residential, suggested that the Council needs to look into seasonal business, and possibly re-visit the Ordinance. This was discussed in depth by Council and Mr. Lutz (Refer to Audio for complete discussion), various opinions on the fairness of the Ordinance were stated. Final outcome of the discussion was, Mr. Lutz is not agreeing with the fees and Mr. Lutz stated that the Council needs to figure out what is fair for all.

Town Attorney along with Council discussed the issues of turning water on and off plus the timeframe of changing of the Town Water Ordinances. (Refer to Audio for discussion) Public comment was made by Ms. Brenda Bennett that Star Valley Ranch, has a snow bird discount on their water ordinance. Ms. Gloria Jorgensen suggested that the Council motion to figure this all out, and move on. Ms. Tiphany Gayhart commented that when they bought the property, they were required to paid a special assessment for the water/sewer hookup, the infrastructure is already there, there is no new costs for the infrastructure to that lot. When they split those lots up, there was additional cost for additional assessments for those lots to hook into the system. This is not new infrastructure that needs to be paid for. Mr. Donn Wooden suggested that the Town needs to work together with the business owners and get these issues resolved. Council discussed this could be addressed in the new utility billing ordinance and or revised the current ordinance. Town Attorney addressed and discussed this issue with all, suggested to work with your local government liability pool in terms of having rates sufficient enough to maintain infrastructure as recent case law on damages from burst water pipes is such that not having enough money to maintain the pipes has not been held to be a valid defense since the municipalities have the ability to increase water rates to levels sufficient to repair and replace aging infrastructure and making decisions that work for everyone, not just the business owners. Mr. Lutz commented that he will not turn his business on if those are the fees. Council discussed the possibility of an emergency utility billing ordinance, stating current ordinances must be followed. Any change in town ordinances must be done for everyone, not just for one individual. Mr. Donn Wooden suggested on making a motion to set aside this billing, (dispute) so that further action can be taken. Council suggested that could be something that could be included in the new ordinance. All parties discussed the idea of putting monies into an escrow account. The issue at hand is that there is a

current ordinance in effect now, and the Town currently needs to be followed. The Town Attorney would need to look into what qualifies as an emergency and if this issue qualifies as an emergency, the Town could possibly pass an emergency ordinance, in which could be followed up with a permanent ordinance. Council asked the Town Attorney to look into this issue.

Mayor DeCora asked for a motion to recess the public meeting. **Councilman Johnson motioned to recess the public meeting at 8:30 pm. Councilwoman Brown seconded the motion.**

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

Mayor DeCora reconvened the meeting at 8:34 pm. A brief discussion by Council on the water and sewer budgets, which are fixed water fees, operation and maintenance costs. Those fees need to be taken into consideration, when revising the ordinance.

(e) TIPS Training – Ms. Alesia Winters - Ms. Winters was unable to make it to tonight's meeting and asked to be rescheduled for the April 20th Town Council Meeting.

(f) Greys River Cove Subdivision – Ms. Carla Stone addressed the Council regarding her proposed property subdivision/replat. The SALL group is looking for direction from the Council on how to proceed with the replat of their property. Ms. Stone gave a brief history on the project, and discussed the suggestion by the Planning & Zoning Committee to wait for the LUCD to be adopted by the Town of Alpine with the zero lot line. They have an interested individual to purchase one of the lots, but they need direction to move forward and proceed with the replat process.

Mayor DeCora asked Ms. Stone about the preliminary plat, dated August 2007. Ms. Stone responded that they have an engineer working on the final plat right now. Mayor DeCora stated that the final plat needs to go through the process with the Planning & Zoning Commission; she further stated that the application process is good for a year with a one year extension. Town Attorney reviewed some documentation of the previous application. Ms. Stone stated that the application had expired and they were waiting for the LUCD to be completed. Mayor DeCora stated that the LUCD was adopted in June of 2008 and a revised version was adopted in June of 2009. Ms. Stone stated that it was the recommendation of the P&Z to wait for the passage of the zero lot line in the LUCD. Take under advisement, submit new application Mayor DeCora said, that this needs to be looked into, but at any rate, will have to go to P&Z. Ms. Stone stated that she would like to bring the final plat to the Planning & Zoning Commission at their next meeting.

(g) Civic Center Fees, American Legion - Ladies Auxiliary – Ms. Gloria Jorgensen; Ms. Jorgensen addressed the Council regarding the fees implemented by the Town Council for the rental rates at the Town Civic Center. A letter was submitted from the American Legion and is incorporated into the Council records. Ms. Jorgensen has some concerns regarding the proposed rental rates. She understands that the utilities need to be paid, but she disagrees with the rates that the Town is charging the community organizations. They have done immense projects for this town; they put back everything into the community. They request that the Council revisit this proposed charges, keep in mind that the along with the Boy Scouts and Girl Scouts are also non-profit organizations. Community center is for the community.

Council members expressed their thoughts on the various organizations and rates. Councilman Johnson stated that at the last meeting it was discussed that these organizations can come to the Council to discuss the fees. It depends on the function that is happening, and how the clean-up will be handled. Councilwoman Brown expressed her opinion on charging the American Legion and/or Ladies Auxiliary; in which she is not in favor of charging them. Council discussed the use of the building and the criteria for using the building. Councilman Jorgensen discussed having an Alpine non-profit rate. It was stated that the rate sheet is not an ordinance; at this point those fees are not set in concrete. Ms. Jorgensen suggested the Council review this again and notify the Legion and Auxiliary about changes their decision. All Council agreed that they will review and come to an agreement; but they will not be charging the Alpine Legion and/or Ladies Auxiliary for bingo nights.

(h) #199 – Ordinance No. 2010-01: An Ordinance to Repeal & Replace Ordinance 194-2009-50 Establishing Sewer Connection Requirements – 2nd Reading. Council reviewed the ordinance.

Councilman Taylor motioned to approve 2nd reading of #199 Ordinance No. 2010-01. Councilman Johnson seconded the motion.

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

The Town Attorney asked the Council about Section 5.1 Social Service Discounts, it was brought to his attention that the Town might want to include the Fire Department in that section. He is looking for direction from the Council. Mayor DeCora commented on the issue and stated that it would need to be looked into; if the Department legitimately qualifies under Wyoming State Statutes, then she would be in favor of including them. Councilman Johnson stated that the Department gets funds from other sources, (i.e. government entities, Lincoln County, State of Wyoming) and they service more than just the Town of Alpine. Town Attorney asked about discounts for eligible senior and disabled citizens and what is the direction would the Council like to go with this. Council discussed this issue. It was suggested that if these requests can be objectively evaluated, this section should be kept in the ordinance.

5. On Going Business:

(a) Payment of Bills: Council reviewed and commented on the Town Bills. Councilman Johnson had some questions about the Xerox expenditures. A brief discussion was held by Council on expenditures of the general fund, water and sewer fund expenditures. The staff will put some cost saving measures together and bring back to the Council.

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

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 a written report. Council talked about the graffiti that has taken place at the new Town Civic Center.

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

1. Asked for a brief executive session pursuant to Wyoming State Statutes, Section 16-4-405 (a) (iii).
2. Asked Council to be sure that they have reviewed the exhibits on the proposed sewer ordinance.

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

1. It was brought to his attention that the Town should look into the Dog Ordinance, leash law requirements and cleaning up after their animals. It was further suggested that the enforcement needs to be looked into.
2. The maintenance truck is in need of some repairs and needs to be fixed. Council discussed this issue and it was determined that needs to be fixed
3. The Town Prosecuting Attorney has been appointed as the new Lincoln County Attorney and will be resigning shortly from the Town of Alpine; therefore the town will need to begin the process of looking for a new prosecuting attorney for the civil court issues. He asked how the Council would like to proceed with this issue. Council agreed to make some phone calls to see who would be interested in the position and discuss at the next meeting.
4. Discussion on the Star Valley Kids Care facility, in which they had a sewer problem, the problem could potentially be a grease trap problem. They will be cooking meals for the Child Development Center. It was determined that the Council would like to have further research done on this issue and discuss at the next meeting.
5. An update on the Energy Grant a meeting was held last week to discuss street lights for the Town. Ms. Carla Stone and Mr. Donn Wooden have picked two different lights, but they will not meet the town LUCD codes, another light that was suggested will meet the town codes, so they are close on their decisions. Council discussed this issue. It was determined that the lights need to cover from pole to pole. Another request was that the Fire Department would like to see if they could piggy back onto the grant to replace their outside light.
6. Still working with the US Forest Service regarding the Alpine office rental.
7. The Child Development Center will be having their final inspection will be held next Tuesday on March 23, 2010.

- 8. Rendezvous Engineering, Bob Ablondi, the advertising for the bid opening for the control systems, to be held March 26, 2010, will be postponed until the first week of April. Additional information can be obtained from Rendezvous Engineering.
- 9. The light located at the lift station belongs to Lower Valley Energy; Johnson Electric has given the Town a bid for \$700-\$800 to replace the light to a motion sensor light. However that is an issue that LVE needs to take care of.

Parks & Recreation: Shirley Brown & Victoria DeCora – No report given.

Streets & Roads: Don Jorgensen – No report given.

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: Bills were presented to the Council (See Section #5)

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

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

Councilman Johnson motioned to recess the public meeting. Councilman Jorgensen seconded the motion. Public meeting recessed at 10:03 pm.

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

Mayor DeCora reconvened the public meeting at 10:23 pm. **Councilman Taylor motioned to ratify action discussed in executive session. Councilman Johnson seconded the motion.**

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

Councilman Johnson motioned to adjourn the public meeting. Councilwoman Brown seconded the motion.

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

The meeting was adjourned at 10:24 pm.



Victoria DeCora
 Victoria DeCora, Mayor

4-6-2010
 Date

Minutes taken and transcribed by:

Christine Wagner *4/6/2010*
 Christine Wagner Date

ATTEST:

Brenda Bennett *4-7-10*
 Brenda Bennett, Treasurer/Clerk Date