



*Town of Alpine*  
**COUNCIL MEETING**  
**MINUTES**

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

**DATE:** *June 1, 2010*  
**TIME:** *7:00 p.m.*

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

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1. **Call to Order:** Mayor Victoria DeCora called the meeting to order at 7:01 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. Mayor DeCora called for a motion for approval of the consent agent to include Town Council Minutes of May 18, 2010 and the Planning & Zoning Minutes of May 11, 2010.

**Councilman Taylor motioned to approve the Consent Agenda. Councilwoman Brown seconded the motion.**

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

**4. New Business:**

- (a) **Ms. Kathy Tomassi:** Ms. Tomassi introduced herself to the Council and the public in attendance. Ms. Tomassi further stated that she is a candidate for Lincoln County Treasurer in the upcoming election.
- (b) **Budget Questions –** Ms. Gloria Jorgensen addressed the council on the current budget and the proposed budget for fiscal year 2010/2011 that is to have its first reading tonight. Ms. Jorgensen stated to the Council there has been no public discussion on these proposals, she would like to know how there can be a reading and/or vote on this since this information has **NOT** been made available to the public. It is absolutely unacceptable to cut the Police Department and Fire/EMT Departments. This is unacceptable by the residents of this town! Council members were voted in by the citizens of this town to do their very best ability for this town, not making decisions for their own agenda. These decisions need to have the input of all citizens that is the way the Council should be voting. **AGAIN** decisions for the best for the town and all that live here! In addition to cutting/reducing the office personnel, is not acceptable, how you expect them to pay their bills, she has not personal attack on the Town Administrator or the Town Attorney; but this is a small community she does not feel that we need to have a town administrator and it is not necessary to have the Town Attorney at every meeting. Yes, we need to tighten our belts, everyone needs to buck up and do a little more than we have done in the past. She urged Council to do their job, "put forth your best of your ability for the town"!

Public comment was given by Mr. Kennis Lutz in which he stated that the costs incurred for the professional fees from this past fiscal year to date. Attorney costs from November 2007 to date are \$231,000.00 and Town Administrator costs are \$116,000.00 since May 2008. No personal attack on Mr. Fodor, the town has hired his law firm to do a job; he is just reiterating what Ms. Jorgensen stated earlier, we are over administrating this town and spending way too much on professional fees. We need to tighten our belts. Emergency Services need not be cut!

Ms. Helene Carney stated that the Town does not need to cut our Fire and EMT Services! She further stated that she has a petition with 207 signatures, which has been sent to the County, on it that states how the citizens of Alpine feel about the Town cutting services. This is a statement from the Town Citizens! She urged the Council and Mayor to think about what they are doing.

Mr. Donn Wooden commented that he is very familiar with the Fire Department and their services, they are the only shining star that Alpine has right now. Please do not put it out! These individuals DONATE so much of their time and resources to this community to gain the expertise and knowledge that they are required to have to do what they do; all they are asking for is your help with the equipment and facilities to do the finest job they can. Alpine is one of the finest departments in the State of Wyoming. They are here with heart and soul doing what they do; cutting their funding is the wrong thing to do. They provide safety for the community it is the wrong move to using the budget against them in order to keep some of your pet programs going. He feels that we (town) owe them a debt of gratitude and owe it to ourselves to straighten the budget out with common sense and utilize it to the best degree and reset our priorities.

**(c) Budget Questions: Mr. Bryan Pack, Alpine Fire Department President** – Addressed the Council by asking what the Council's plan for the budget is for the Alpine Fire/EMT Department. Here was an employee of the Town that has stated it will be cut by about 70%.

Mayor DeCora stated that the Town is looking at huge revenue cuts; such as food tax back fill which is about \$200 to 250 thousand, to the Town of Alpine, with a town budget of 700 to 800 thousand. Mayor DeCora reassured Mr. Pack and the Department that no decision has been made, Council is looking at all possibilities and this is not an area that needs to be cut, or should be cut. She feels that all Council will agree. She has experienced firsthand what the department does; Mayor DeCora reiterated to Mr. Pack and the department that she is only one person, one vote. She is in support of the Department. Mr. Pack appreciated her comments and asked that the Council take in all of the presentation.

A power point slide presentation was given to the Mayor, Council and all in attendance by the Alpine Fire/EMT Department, by Ms. Terri Potter, Alpine Fire Chief and Mr. Ron Dean, EMT Captain. Refer to attached Exhibit #1 of the recorded minutes. Mr. Pack re addressed the Council by asking for Forty-Eight (48) Thousand Dollars for operating expenses, to the Alpine Fire/EMT Department. This comes out to four thousand (4,000) dollars a month. They will still be operating on their current budget amount until the monies from the Town runs out, at which time they will be unable to perform services in the Town of Alpine. Please treat the Department well; Mr. Pack thanked the Mayor and the Council for their attention.

Public comment by Ms. Tiphany Gayhart, Ms. Gayhart would like to state to everyone that she has been to several of these council meetings in which the Fire Department has asked for funds, for equipment and protection, in which they were turned down because the Town did not have the funds. She asks the Council to reconsider the exorbitant amount of money spend on professional fees (in the approximate amount of three hundred fifty thousand dollars), that are duly unwarranted over the last two and a half years, in which would not have been spend if they were doing their job. She urges the Council to give the Fire and EMT's the money they need to support our citizens.

Town Administrator Deb Wolfley commented on his appreciation for everyone coming to tonight's meeting. He has great interest to see the fire department succeed in the Town of Alpine. He stated he is the individual that spoke with the fire department regarding the budget issues, the cut backs and loss of revenue. He did not realize how much the Department relies on the Town revenue to do their job. He is not against the fire department; it is his responsibility as the Town Administrator to look at different ways to make our budget meet its needs. Mr. Wolfley went over several grants that have been awarded to the Town since he has been with the Town of Alpine. Please see attached exhibit. He is working on making the Town of Alpine a better place to live, everything he has done has been at the direction of the Town of Alpine, Council Members. Mayor DeCora commented that Mr. Wolfley has been directed by the Council. She further commented on the 5<sup>th</sup> penny sales tax, which will be on the ballot this November. The Town cannot afford for this tax not to pass, this is revenue that is greatly needed by the Town and the county.

Ms. Patty Mobley stated she has lived here in Alpine for over thirty-four (34) years, if it was not for the Fire/EMT Department and their expertise, she would not be here right now. They mean everything to the Town. Ms. Mobley commented on paving Grey's River Road in which she feels is a major mistake. Support the Fire/EMT Department.

Mr. Donn Wooden had two comments; do vote for the extra one (1%) percent sales tax that is something the town greatly needs. Second, we need to set our priorities, grants are great, but usually there is a matching share, we cannot take on too much, we need to stick with our priorities that mean the most of us in this community.

Mr. Bryan Pack, private citizen of Alpine, commented that these grants (Skate Park & pathways) are great, but then we need to have the maintenance on these projects and money is needed for that. He feels this town is too small for all these grants, lets save money and get back into the black.

Ms. Ruth Adams commented she is a resident of Alpine and we need policemen and our Fire Services, we need to get State and County support for these individual, we need to make that a priority.

Councilman Jorgensen stated that he wants to make a commitment to the Fire Department that he will not vote for a budget to cut their funding. He stated is only one (1) vote, but he feels that we need our emergency services (Fire & Police) which are a necessity; he feels that we need to cut the gravy. There are luxuries that we can afford to do without. These grants are not 100%; the fire department is the last place that needs to be cut! He re-iterated that he is in favor to the increasing the department to the forty eight thousand (48,000) like they asked for.

Ms. Helene Carney has a copy of the budget for last year; she asked about the one hundred fifty (150) thousand dollars that shows as uncategorized; she asked if that could be categorized for her. The Town Treasurer was present at the meeting and will provide that information for Ms. Carney.

**(d) Planning & Zoning Report:** Mr. Pat Marolf, Chairman of the P&Z Commission went of the events of the previous Commission meeting. Mr. Marolf re-iterated the decision/position on the proposal for the street lights to be installed along the Town Highway Corridor. The Commission agreed with option number three (3) would be the best for the town. It will meet with the LUDC according to Article 4.7. (C) (3) – The Commission will be changing the term “flood lights” when the Commission revises the Town Codes. They have received two resumes for the open position; the Commission has recommended that Mr. Justin Sandner be appointed to the position.

**Councilman Johnson motioned to approve the recommendation of the Planning & Zoning Commission for the appointment of Mr. Justin Sandner to the Alpine Planning and Zoning Commission. Councilwoman Brown seconded the motion.**

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

Mayor DeCora proceeded with the swearing in of the new commission member.

**(e) Sunrise Engineering ~ Report (update) on Phase II Collection Line –** Mr. Ryan Erickson updated the Council and the public in attendance on the project that got underway today. It is a one hundred twenty (120) day schedule which would have the project going through to September 28<sup>th</sup> as an approximate completion date. The work hours are restricted by the contract, in which the hours of construction will be similar to that of the Phase I project. There will be weekly construction meetings on Thursdays mornings held at the town hall building. Some of the contract requirements are the products are to meet “Buy American” requirements and wages are to meet Davis-Bacon requirements, as this is stipulated in the contract. They have starting working at end of Forest Circle to the lift station, working on the gravity line through that area. The requirement easements have been taking care of. In issue to look into is on Meadow Drive is currently chip sealed and the Council will need to address the replacement/patching of the original road. The Town needs to address the water line in that area. Council needs to put some thought into that. There are three (3) options; first is proceed as planned and patch the road; second is to replace with new asphalt, which would be done after water lines are replaced; and third is to keep as a gravel road, there will lower maintenance costs in the future. But, that would be an issue with the homeowners. The Council will need to address this issue and give some direction on this in the near future. Mr. Erickson briefly discussed some preliminary numbers on these ideas.

Mr. Donn Wooden commented on the County possibly assisting the Town on this road issue, in which they have worked in partnership in the past, it is worth a try. Town Administrator commented that he has checked with the County, but they are

unable to help at the current time because of their budget restrictions/reductions. There is a possibility that they not doing any chip sealing in the County during this budget cycle.

Ms. Gloria Jorgensen asked for a clarification on the water lines in that area. Mr. Erickson responded that the water lines in that area in to be replaced and/or repaired and it would be more cost effective to do both at the same time. Councilman Johnson suggested that they would wait until the two projects are done before.

Mr. Kennis Lutz asked about Meadows Road (Drive) area in where they will be tearing out the chip seal to put in the new sewer and replacing water lines. He asked the Council what assurances the public has that this road will be replaced. The Town has already torn up Trail Drive and has not replaced the road, in which business and residents have been severely affected. He again, asked how the citizens know this road will be repaired and/or replaced. Let's finish a project first before we start another one! Here the Town goes again, putting the cart before the horse; let's take care of what we started.

Councilman Johnson stated that they are still working on Trail Drive; Mayor DeCora commented that she was not sure that the Trail Drive payment/chip seal was promised. Mr. Lutz commented that it was promised, last year. He further stated that he realizes that the Town is on a tight budget, but we need think about what we are doing, how the monies are being spent and where we are spending it.

Mr. Jace Walsh asked about re-paving the rest of Meadows Drive, would that be done at the same time, which was in Phase I of the project. Mayor DeCora commented that is where we are at right now, that portion of the road was originally chip sealed. Some parts were asphalt, previous asphalt to be returned to asphalt.

Mr. Robert Meike wanted to give the Council a little perspective; there is over twenty-three (23) million dollars of new foreclosures have occurred since the first of the year and many of these are in Alpine. When you leave a road unpaved, you destroy the market value of that home. You put the people of Alpine at a huge risk; the home is not at the same value of when you leave the street is torn up. Everybody is struggling please be sensitive to this. Don't take on more than you can handle.

Ms. Tiphany Gayhart commented as a follow up to the previous comments, she has been at these meetings over the last three year, she has been begging the Council to look over the budget, she stated we are spending way too much money for what our budget allows. We keep going after grant and matching monies that need to be paid back. This Town is losing citizens and its losing tax revenue, we are not even finished with Phase I of the sewer project and are using Phase I sewer monies and putting those monies into Phase II of the project. What will happen when we cannot pay for Phase II, because we are using that money for professional fees and maintenance of the water and sewer departments? She asked, "When is this going to stop!" She asked the Council what is the plan for the budget. It was stated that it would be available tonight and she has been told that it is not available. When will the public know what the new budget will be? The Town Treasurer, Ms. Brenda Bennett, addressed Ms. Gayhart's concerns by stating at the workshop earlier tonight, the Council decided to hold a public budget workshop in which will be held next Thursday night (June 10<sup>th</sup>), in the Council chambers to discuss the proposed budget for the next fiscal year. Ms. Bennett further stated, there may or may not be action taken at that meeting, it will depend on if things can be agreed upon.

Mayor DeCora asked for a motion on that item. **Councilman Jorgensen motioned to table the 1<sup>st</sup> reading of #202 Ordinance No. 2010-04 – Town of Alpine Budget for Fiscal Year 2010/2011 until a public workshop can be held on June 10<sup>th</sup> at 7:00. Councilman Johnson seconded the motion.**

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

Mayor DeCora asked if there were any more comments on Phase II Collection Line. Mr. Kennis Lutz just wanted to re-iterate a letter that was presented at the May 4<sup>th</sup> Council meeting and to the Council that there has been no response received to this date on this correspondence. Mr. Lutz stated "No comments from the Council". Mr. Lutz also delivered the same letter to the Town Office on May 10<sup>th</sup>, 2010, with an additional letter concerning the economic woes of the town having to cut back council meeting, planning and zoning meetings and cutting employees salaries by fifteen (15) percent, along with taking the budget from out street and roads to pay for other expenses, he feels this is not the time to encumber the Town with more debt. We again request to stop Phase II and put no more burden on the residents of the Town of Alpine. Mr. Lutz stated

"again no comment". Mayor DeCora stated that this will not be talked about at a public meeting, because of the pending litigation. Mr. Lutz stated that he is blaming the current administration for not doing their jobs. Mr. Lutz then went over some facts and figures; such as the Civic Center in which was stated earlier this evening that it was 100% grant monies. This is not true. It is not 100% when there are continuing operating expenses of the building, he further stated these grants are great, if you can afford them! BUT they are not all affordable, when you have to maintain the new facilities and new things that were created; it puts more of a burden on our general fund. We need to stop the spending, tighten our belts and get things back on line!

Ms. Tiphany Gayhart asked the Mayor, who the attorney is for the Town on these lawsuits and pending litigation. Mayor DeCora responded that it is the Local Government Liability Pool (LGLP), Mr. Richard Rideout, which is the insurance company that the town pays into to take care of these matters. Ms. Gayhart again, asked about the pending litigation that goes on in the town and why Mr. Fodor was attending depositions for the Town. Mayor DeCora stated Mr. Rideout will be taking care of this litigation. Mr. Fodor stated that Mr. Rideout was unavailable for some of the recent events, such as depositions. Ms. Gayhart asked to make sure Mr. Fodor's statements were on record.

Mr. Fodor continued, Mr. Rideout was recently unavailable for depositions which took place two weeks ago; Mr. Fodor and Mr. Rideout discussed his unavailability and the fact that these proceedings would not be pushed back. The Local Government Liability Pool agreed to pay his fees (Mr. Fodor's) for Mr. Fodor availability to stand in for Mr. Rideout during those depositions and filing of motions. Mr. Fodor's bill **HAS NOT** been submitted to the town, it has been submitted to the local government liability pool and the bill has been paid.

Mr. Lutz had one last comment for the council, regarding the letter that was submitted to the council, in which the Mayor DeCora stated there were not any signatures on the letter. Mr. Lutz is very reluctant to give the original signatures to the town, because of things that have a way of disappearing in the past. If the council would like signatures, he would be happy to give the town a copy of them. Ms. Gayhart again commented on all the expenses and attorney fees that are being paid by the town, stating we cannot afford our Fire and EMT services, yet we are paying for people to do not even live in this town.

Town Attorney, Mr. Stefan Fodor wanted to respond to Ms Gayhart's comment. Ms. Gayhart mentioned that Mr. Fodor not the attorney of record, in the environmental quality council case, of which is SALL Enterprises vs. DEQ, in which the town was allowed to intervene in. Mr. Fodor stated he is an attorney of record, both Mr. Fodor and Mr. Rideout are attorneys of record in that case. His fees in connection with that case are paid by the local government liability pool. Not by the Town of Alpine.

Mayor DeCora recessed the public meeting at 8:14 pm. Mayor DeCora reconvened the public meeting at 8:23 pm.

- (f) Contract Signing** ~ with Rendezvous Engineering for Water Well Project – Town Administrator addressed the council regarding the contract for services on the Town of Alpine Water Project. This contract is a twenty-six page document, in which will be submitted by Rendezvous Engineering. Town Attorney has reviewed the document. The complete contract was unavailable at the time of the meeting. It was suggested that this item be tabled until the contract is available in its entirety to be reviewed. Contract signature deadline is by July 1, 2010, therefore there is enough time, if this issue is tabled until the next meeting.

**Councilman Taylor motioned to table this contract signing for the water well project until the next meeting. Councilman Johnson seconded the motion.**

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

- (g) Extension Letter** ~ WY Business Council Grant (Civic Center) – Town Administrator discussed the closing of the Civic Center grant that is scheduled for the end of June. Town Administrator would like to extend that date out a little further for everything to be completed and the final advertising before for the last payment is to be released. Council discussed this issue and agrees to move forward with Mayor DeCora's signature.

**Councilman Taylor motioned to approve signature by Mayor DeCora on the extension letter for the Wyoming Business Council Grant on the Town Civic Center. Councilman Johnson seconded the motion.**

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

**(h) #202 Ordinance No. 2010-04:** Town of Alpine Budget for Fiscal year 2010/2011 – **1st Reading** - Please refer to earlier discussion, where the budget ordinance has been tabled. See Section (e) – page 4.

**Tabled Items:**

**#201 - Ordinance No. 2010-03:** An Ordinance Amending the Fiscal Year 2009-2010 Budget – This item was previously tabled; this is a subject of executive session due to the nature of personnel issues.

**Department Updates:**

**Town Attorney:** Stefan Fodor – Had some discussions with Mr. Jerry Myers (Myers-Anderson Architects) regarding the CDC issues involving the liquated damages and the dates of the Certificate of Substantial Completion and Certificate of Occupancy. The estimated amount of days is twenty-one (21). They are working on this issue. Keep the contractor and the architect to task on this issue. Council discussed this issue in depth regarding the completion date and the punch list items, inspection timelines. Councilman Johnson stated his disappointment in the poor communication with the general contractor and the architect, with the Town of Alpine. Mayor DeCora stated that she believes they should be held to the full amount of the liquated damages. Mr. Kennis Lutz asked who the construction manager was on this project. He further stated, they should be held to the full extension of the project or you hold their retention. It was suggested that the contract need to be reviewed as to where the liability lies.

**Councilman Johnson motioned write a letter to Myers-Anderson to express their disappointment that the communication was very poor on this project and charge for twenty-one (21) days, but there should be some on responsibility on his part (Myers-Anderson) for the extra days. Responsibility is with the Architect and DeWall Construction for the twenty-one (21) days that is due for liquated damages. Councilman Jorgensen 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. Application for payment number nine (9) on the Child Development Center in the amount of \$15,671.85 and then start advertising for the final payment on the Child Development Center, this is a forty-five (45) days prior to payment, minus the liquated damages of twenty-one (21) days.

**Councilman Taylor motion to advertise payment request number nine (9) for the Child Development Center in the amount 15,671.85 minus the Town's liquated damages of twenty-one (21) days. Councilman Jorgensen seconded the motion.**

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

2. Discussed the grant award for the drinking water loan and chapter 27 & 28 emergency grant funding (three rivers meadows project) the staff is recommending the town received \$120,000.00, then the town will have to borrow \$120,000.00 the first of August for the project. Ms. Tiphany Gayhart asked about the Three Rivers/Meadow project and the grant monies vs. the loan monies. Council responded to Ms. Gayhart's comments about the projects that are going on in the town. Councilman Taylor commented in depth on this project.
3. Town Clean Up is scheduled for June 12, 2010 at 9:00 am. The skate park committee will be having a barbeque and demonstration in the parking lot. Mayor DeCora asked about liability to the Town, Councilman Johnson stated that it would be covered under the town policy.
4. On the skate park Town received word from the grant officials that they received 29,214 for the park. They monies will not be received until the first of August. Council discussed the in-kind match. Ms. Gloria Jorgensen asked where the skateboard park will be and asked when that was voted on. She further asked that the Town of Alpine does not

have to contribute any monies toward this grant. Council responded that no monies from the Town, it will be all in-kind match. The in kind match is the gravel, concrete, etc.

5. The street light grant agreement should be arriving soon. This is a one hundred (100) percent grant. Questions having to bid out for the street light project, once we get grant agreement we will get bid information together for the packet. Council discussed that there should not be much funds for engineering costs. Mr. Rick Johnson has been very helpful on this project. Councilman Johnson asked to have the Attorney review the bid packet.
6. Lift Station at the north end of town, and the lights on the building. Council discussed this, and decided that there was a not money in the budget for this at the current time.

**Police Dept. /Court:** James Phillips – Chief Phillips was not at the meeting, but presented Council with a written report. Mayor DeCora asked Officer O’Conner if he had anything additional to add to the report. Officer O’Conner reported had no other information to offer on the report.

**Clerk/Treasurer:** There were not bills presented for payment.

**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 9:09 pm.



*Victoria DeCora*  
Victoria DeCora, Mayor

Date

Minutes taken and transcribed by:

*Christine Wagner*  
Christine Wagner

*6/16/10*  
Date

ATTEST:

*Brenda Bennett*  
Brenda Bennett, Treasurer/Clerk

*6/16/10*  
Date

