



**Town of Alpine  
COUNCIL MEETING  
MINUTES**

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

**DATE:** *September 7, 2010*  
**TIME:** *7:00 p.m.*

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

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1. **Call to Order:** Mayor Victoria DeCorra called the meeting to order at 7:00 p.m.
- (a) **Pledge of Allegiance:** Mayor DeCorra led attendees in the Pledge of Allegiance.
2. **Roll Call:** Office Assistant Christine Wagner conducted roll call: Present: Troy Johnson, Shirley Brown, Don Jorgensen, Mayor Victoria DeCorra, Beau Taylor was absent and excused. A quorum was established. Also in attendance were Town Administrator Deb Wolfley, Town Attorney Stefan Fodor and Town Clerk/Treasurer Terra Miller.

**Approval of Consent Agenda** ~ Council reviewed the documents/materials on the Consent Agenda. Mayor DeCorra called for a motion for approval of the consent agenda to include Town Council Meeting Minutes of August 3, 2010, Planning & Zoning Minutes, July 27<sup>nd</sup> and August 10<sup>th</sup>, 2010; Resolution #325 - RESOLUTION NO. – 09-07-2010 - Resolution Authorizing the Amendment of Loan Documents from the Wyoming SLIB - Alpine Wastewater Treatment Facilities Improvements Project (CWSRF 71); #326 - RESOLUTION NO. – 09-07-2010 - Resolution Authorizing the Amendment of Loan Documents from the Wyoming SLIB - Alpine Wastewater Treatment Facilities Improvements Project (CWSRF 80); #327 - RESOLUTION NO. – 09-07-2010 - Resolution Authorizing the Amendment of Loan Documents from the Wyoming SLIB - Alpine Wastewater Treatment Facilities Improvements Project (CWSRF 95); Proclamation – Proclaiming October as Domestic Violence Awareness Month (See Attachments in respective area of the web site.)

**Councilman Jorgensen motioned to approve the Consent Agenda. Councilwoman Brown seconded the motion.** No public comment was made.

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

**1. New Business:**

- (a) **Planning & Zoning Report:** Ms. Melisa Wilson of the P&Z Commission briefly went over the events of the previous Commission meetings, meetings have been relatively quiet. Ms. Wilson asked the Council about the plans for the well house, just inquiring as where the well house in the County boundaries. Ms. Wilson also asked if the site plan for the proposed skate park has been received, since there will be no permits issued for the skate park, there have been some questions about the parking.
- (b) **Himalayan Festive** ~ Mr. Jeff Atwood – Mr. Atwood was not in attendance.
- (c) **Update on Phase II Sewer Project** ~ Town Engineer Ryan Erickson – Mr. Erickson addressed the Council and public stating that the issues with the agreement between the Town and Johansen Construction have been worked out. Johansen began work on August 17<sup>th</sup> starting with the main on Forest Drive; they are working on the BLM corridor, Greys River Loop and will be starting work on Forest Circle shortly. Johansen seems to be working well; they also seem to be on targeted schedule with their agreement. The lift station is scheduled to be available for the properties on Forest Circle area by October 15h with the Lodge Lane area two (2) weeks after that. He stated that he is waiting to see how many people will be hooking onto the system. Mr. Erickson also made the council aware that the

permanent lift station will be delayed, because of an ordering issue with Johnson Excavation. He has received a payment request from Johansen Construction, for work done in August; there are no change orders that were submitted with the pay request, however final certification has not been done yet. Sunrise Engineering will be certifying the request for all the work done on this payment request.

**Councilman Johnson motioned to approve the payment request contingent upon the certification by Sunrise Engineering (Ryan Erickson) for the work done by Johansen Construction in August on the payment request. Councilman Jorgensen seconded the motion.**

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

The payment that was previously submitted for the work that Johnson Construction did is to be released to the bonding company, upon notification that the subs and suppliers have been paid; this was part of the agreement that was made, which to date has not been received. Town Attorney, Stefan Fodor commented that the agreement calls for the town to pay the bonding company within two (2) days, subject to receiving that paperwork. When the notice of release has been received the Town can make the payment to the Bonding Company. Councilman Johnson asked who was going to verify the documentation. Mr. Erickson commented that he would be checking the documentation of the individual who have submitted claims. Council discussed the procedure for this situation; it is like the end of the schedule situation. Town Administrator commented that the bonding company is working on this.

**Councilman Johnson motioned to have Ryan Erickson (Sunrise Engineering) verify the receipt of stop notices received, upon approval by Sunrise Engineering the Town will release the payment request submitted by Johnson Construction directly to the bonding company. Councilman Jorgensen seconded the motion.**

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

The State grant officials (State Revolving Fund) will be coming to check on the project on September 20<sup>th</sup>, Sunrise Engineering will be there with them. The Meadows Drive Water Project is moving along, the plans and specifications are now complete and will be going out to Department of Environmental Quality. The State requires a thirty (30) day bid notice after the newspaper advertisement; this will push the project back a little. As a reminder the State Loan & Investment Board meeting will be on October 7<sup>th</sup>.

- (d) Construction Agreement for Phase II Sewer Project ~ Ratify Agreement with Johansen Construction** ~ Town Administrator commented on the agreement between the Town and Johansen Construction, in which was previously sent to the Council. There were some minor changes that were made and the council will need to motion for the ratification of those changes and signature by the Mayor. Everyone has signed the tender agreement, just need the action ratified.

**Councilman Jorgensen motioned to ratify the agreement with Johansen Construction on the Phase II sewer project. Councilwoman Brown seconded the motion.**

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

- (e) Support for HUD Sustainable Rural Communities Planning Grant Application** ~ Lincoln County Planning & Zoning Director, Mr. John Woodard addressed the Council regarding participating in a planning project with Lincoln County. The County is working on an application to do some planning, it is a rather ambitious project that will engage all the communities, it is rural community sustainable grant. The County is gathering letters of support for the grant application request. If they are successful it would be a four hundred forty thousand (\$440,000) dollar project that will take eighteen (18) to twenty-

four (24) months to complete. It will engage all the communities to help them see more sustainable community that can enhance their way of life, through housing, transportation, healthy livable communities and resilient economic developments. Lincoln County has a great number of people to leave the County to go to work. They will be looking at better choices to make; our economy is over dependent on construction jobs. They will be looking at ways to diversity the community. He is here to see if the Town would support this effort, they then will move with this project.

**Councilwoman Brown motioned to support Lincoln County efforts for HUD Sustainable Rural Communities Planning grant application, along with issuing a letter of support to the County Commissioners. Councilman Johnson seconded the motion.**

Mr. Woodard reiterated that this is a grant from the federal government, the Department of Housing & Urban Development with a twenty (20) percent matching funds required.

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

- (f) **Police Department Budget Cuts made by the Town of Alpine** ~ TK Towing & Recovery, Mr. Tim Karm voiced his concerns about the laying off of the Town officer, John O'Connor. He feels that the Town is going in the wrong direction. He does a lot of business here in Alpine and the impact that Officer O'Connor/Alpine Police Department has done for the Town of Alpine has been tremendous. Previously Alpine has had a bad reputation for bar fights and drinking & driving, that has changed, now you don't drink you drive while you are in Alpine. It is a good thing! The Town needs to protect their assets and think of creative ways to fund the police wages. By reducing you police staff, you are going to have problems, sheriffs and not readily available to respond to incidents, often times they are at the other end of the valley. This budget cut concerns him, if there is any way the Council can revisit this cut, they should look into it.

Councilman Johnson thanked Mr. Carm for is insight and input. Councilman Johnson and Mr. Carm discussed the possibility of impound lots in the Alpine area.

- (g) **Update on Town Water Well Project** ~ Mr. Robert Ablondi, Rendezvous Engineering addressed the Council regarding the recent bids for the project. Only one (1) bid was received and since only one (1) that alone is the reason to reject the bid. There were a number of reasons that there was not enough interest in the bid process. He recommends and it is also the State's recommendation that the Town re-bid the project and makes the search a bigger area; this is a complicated process with many different elements and/or components of the project. They will need to be more aggressive on this next go around on the bid process. They were hoping for bids in the four hundred thousand (\$400,000) dollar range rather than what they received. He will be reworking the logistics of the bid process, they were hoping to get started on some of the project this fall, but will most likely be next spring. We have to look into the funding source for a spring start date. There are some limitations with the US Forest Service boundaries.

Councilman Johnson asked who pays for the re-bidding process. Mr. Ablondi commented that there are no extra charges for the re-bid process; mostly the costs are for the advertising that is to be done. Councilman Johnson and Mr. Ablondi talked about the breakdown of the bidding process and ways to streamline the process to generate more interest.

**Councilman Jorgensen motioned to process on with the project and re-bid the job with simplifying the bid packets; in addition to advertise bids going outside the local area to generate more interest. Councilwoman Brown seconded the motion.**

Public Comments: Mr. Kennis Lutz addressed the Council regarding the insulation of the building; he feels that is

mandatory. The ability to pump more than the average or max flow only comes into effect IF we have fire on the hill; power is out and we need water. Don't down size it, built it as we can afford it; built it to suit emergencies.

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

**(h) Town Civic Center Update & Request for Advertisement for Final Payment** ~ Mr. Jeff Ames, JL Hardy and/or Mr. Jerry Myers, Myers-Anderson Architects. Town Administrator Deb Wolfley addressed the Council regarding the punch listing on the building that is about ninety-five (95) percent done and the final inspection that was done on the building. Mr. Wolfley stated that Mr. Ames recognizes the list and has agreed to the list of items that need to be completed. In the workshop, earlier tonight, discussion on the liquidated damages amount and the advertising for the final payment. Mr. Jerry Myers addressed a letter submitted by Mr. Ames, (JL Hardy) submitted prior to his leaving tonight, contrary to the discussion held earlier this evening, he is asking for relief on the utilities charges, waiving fees on re-inspection charges and rethinking the liquidated damages and forgiving them in total. In which it appears to be some discrepancy on the total days. Mr. Myers asked him to sign the substantial completion form of March 19, 2010, however the discrepancy of days on the liquated damages would leave the previous conversation null and void. Mr. Myers is not sure what the requirements are once you advertise for final payment and the paying of that payment. But without signing the certification of completion, you cannot get the consent surety that is required. This timeframe needs to be corrected and/or clarified. It is Mr. Myer's recommendation that the Town does not advertise for final payment. He asked Mr. Ames to put this all in writing and come back prepared at the next council meeting.

Council along with Mr. Myers and Town officials discussed this issue at great length, (refer to audio for complete details). There seems to be some confusion on the part of JL Hardy on the total amount of days on the liquidated damages that are due on this project. A big concern of the Town is that if the contractor cannot get his sub contractors to come back and finish the punch list, how the town is going to be able to get the sub contractors to come back for any of the warranty work.

**Councilman Jorgensen motioned to table the advertisement for final payment of the Town Civic Center Project, until all of this is straightened out. Councilman Johnson seconded the motion.**

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

Town officials and Mr. Myers discussed on the roof warranty, when the snow guards/cleats are to be installed, and how it would work if the original sub contractor were to install the guards/cleats.

The public meeting was recessed at 8:06 pm. Mayor DeCora reconvened the public meeting at 8:14.

**(i) #203 Ordinance No. 2010-05 ~ 2<sup>nd</sup> Reading** – Non-Metered Water for Irrigation Purposes – Council reviewed the proposed ordinance.

**Councilwoman Brown motioned to approve the 2<sup>nd</sup> Reading of #203 Ordinance No. 2010-05 – An ordinance to allow the Town of Alpine non-metered water for irrigation purposes only for the Highway Enhancement, Ferry Peak Park, Legion Ball Field, Civic Center Park. Councilman Jorgensen seconded the motion.** There was no additional public comment.

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

**(j) #204 Ordinance No. 2010-06 ~ Repeal & Replace #200 Ordinance ~ 2<sup>nd</sup> Reading** – Utility Billing – Council reviewed the proposed ordinance.

**Councilman Johnson motioned to approve the 2<sup>nd</sup> Reading of #204 Ordinance No. 2010-06 - Repeal/Replace #200 Ordinance Utility Billing. Councilwoman Brown seconded the motion.**

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

Councilman Jorgensen mentioned that he feels the fees for the one and a half (1½) inch and two (2) inch lines are high, he would like to see those rates revised at a future date. Councilman Johnson agreed with Councilman Jorgensen's statement, but further stated that we would need to look into the water ordinance for any changes. Councilman Jorgensen further stated that he would like to see the rates be set on the usage rather than the size of the lines.

- (k) #206 Ordinance No. 2010-08 ~ Repeal/Replace portions of Ordinance #199 - the rebate/amortization, readiness to serve fees and connection dates** – Town Attorney commented that this ordinance was not necessary, due to the fact that the emergency ordinance does not expire. No action taken.
- (l) Snow Fence/Cleats Estimates for Town Civic Center ~ Council Approval** – Town Administrator commented on the additional funds for the snow fence/cleats. Estimates have been received for this project. Salt River Roofing, Tom Hansen & Finco Roofing. Only Salt River Roofing (\$7,610.00) and CJC Roofing (\$8,125.00) were the estimates that were received. Council discussed the installation and the warranties on this project.

**Councilman Johnson motioned to give the Town Administrator the authority to work with both the companies (Salt River Roofing and CJC Roofing) on the warranties. He would like to see Salt River Roofing do the work, as long as the roof warranty is not violated. Otherwise if the roof warranty comes into place, we will need to have CJC Roofing company do the work.**

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

- (m) Amendment to the Snow Removal Maintenance & Service Agreement ~ Town of Alpine/Northstar Construction/Excavation** – Town Administrator commented on snow removal agreement with NorthStar Construction/Excavation that was talked during the budget hearings. It is the two (2) year extension, with the contract at one hundred forty one thousand (\$141,000) dollars this year and one hundred fifty thousand (\$150,000) dollars next year. Council discussed the contract amounts.

**Councilman Jorgensen motioned to approve the snow removal contract extension with Northstar Construction/Excavation. Councilman Johnson seconded the motion.**

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

- (n) Grant Agreement ~ Land/Water Conservation Fund Grant Application Agreement** – Alpine Skate Park – Town Administrator briefly went over the agreement with the Council, further stating that the Town Attorney has already reviewed the agreement. The grant award is twenty-nine thousand two hundred fourteen (\$29,214) dollars with a matching requirement. Site plans will be drawn up by one of the high school kids involved in the project. They have selected Mr. Brian Sizer to head up the skate park project, he has extensive background in developing skate parks and this will be a big savings for the Town. Some preliminary drawings have been received. As part of the agreement the town is to provide in-kind match. Mr. Sizer would like to start work on the project within the next week or so, however everything seems to be going quite well, the Town will pay him a salary for a month. The project is mostly concrete; there are some agreements that still need to be worked out. In meeting/discussion with the fire department they have some concerns they would like to address with the Town. Mr. Tony

Scaffide of the Alpine Fire Department, addressed the Council regarding some their concerns, such as; liability insurance for this project, will it be going up, security issues for the stake park being next to the fire department, would like to propose a fencing for the project and a security camera at the skate park. He feels that a security camera could delineate any potential problems. If the Town would be able to provide the camera, the fire department has the labor for the security already donated. Councilman Johnson stated that there would have to be a fifty (50%) percent match for any of the funds and the fencing should be split by the two (2) individuals. Councilman Johnson stated that this project is moving along swiftly. The Town Administrator discussed the amount of funds that have been projected for the project. Councilman Jorgensen stated he is for the skate park; however he just feels that this is something that could be handled by the next administration if this is not completed by snowfall. The Town Administrator stated that the committee would like to see this project progress as far as possible, this year. Councilman Johnson addressed that the kids have been the ones that are going to get this project up and running. This is a great project and the kids will have something to do next summer, rather than just hanging out at the store, banks and gas stations parking lots. Much discussion has held on this project.

**Councilman Johnson motioned to approve the Mayor signing of the grant agreement for the Alpine Skate Park. Councilwoman Brown seconded the motion.**

Public Comment: Ms. Tiphany Gayhart agrees with Councilman Jorgensen comment on wait for the next Council to come in and complete this project. Does not feel this Council should pursue this project without having all the documentation/facts, there are too many things that could go wrong. She strongly feels that the council should table this loan/grant application.

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

Fire Department members and the Council discussed the fencing and insurance issues. It was reiterated that everyone would like to work together on this endeavor.

Mr. Jerry Myers of Myers Anderson Architects re-addressed the Council regarding the issues at the Town Civic Center. There is three issues that need to be addressed they are; request for forgiveness of liquated damages, re-inspection charges and the propane heat costs. JL Hardy believes and agrees that inspections were necessary, however had they known they would have chargeable costs to the contractor, they would have included them in the bid to pay these costs. Discussion on why are there re-inspection costs; if the project was done the right way the first time, then there would not have been any re-inspection charges.

**Councilman Johnson motioned to have JL Hardy pay for the re-inspection fees/charges on the Town Civic Center. Councilman Jorgensen seconded the motion.**

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

A brief recap of change order number nineteen (19) was given. The dates of the change order were cleared up, extending the contract deadline from 12/5/2010 to 2/22/2010 (79 days); after that there were two more change orders, one for the asbestos (2 days) cleanup and one for the handrail (2 days). JL Hardy would have liked more time for that and the discrepancy as to the date it was signed off on those days. A prior letter admits to the 2/22/2010 date that was agreed upon. JL Hardy is asking for complete forgiveness of the liquated damages. The issue is if Council is to waive the liquidated damages of 3/16/2010 vs. 3/19/2010.

**Councilman Johnson motioned to waive the three (3) day, but JH Hardy will be responsible for the rest of the liquated damages in the amount of \$4,500.00; with substantial completion of the**

**building as of the date of March 16, 2010; (19 days of liquidated damages). Councilman Jorgensen seconded the motion.**

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

The third issue is the propane heating charges for January, February and March; during construction JL Hardy used the system for temporary heat. Stating that it was required to heat the building; if they would have known, they would have added additional money in to cover the costs. Upon further research, it clearly stated in the specification book, (Section 1.5), that the contractor is to provide for and pay for the heating during construction, irrespective of source. Council discussed this issue

**Councilman Jorgensen motioned to have JL Hardy pay for the construction propane heating costs. Councilwoman Brown seconded the motion.**

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

Town Attorney suggested to the Council to have the Town Administrator draft letter to JL Hardy as to what the Council decisions were and how they arrived at their decision on these three (3) issues. Advertisement for final payment will be held off until the next meeting. Mr. Myers suggested that the State be contacted regarding the advertisement for the final payment and the release of funds when received.

## **2. On Going Business**

**(a) Payment of Town Bills** – The Council reviewed the bills.

**Councilman Jorgensen motioned to approve the payment of Town Bills. Councilwoman Brown seconded the motion.**

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

**(b) Kilroy Property Late Fee Reimbursement** ~ Meadows Drive – Mayor DeCora addressed this issue with the previous misunderstanding and initial discussion of the ordinance, requiring the payment of the ERU(s) and were suggested not to pay them until the ordinance was fixed. A total of the fees are ninety dollars, in which are late fees only.

**Councilwoman Brown motioned to reimburse the late fees to the Kilroy's. Councilman Johnson seconded the motion.**

Public comment: Mr. Kennis Lutz stated that he was told that he fees would not be reimbursed, as per the ordinance; there are no refunds or credits. Why is this situation different? Why are we treating them differently?

**Councilwoman Brown retracted her previously motion as per the language in the ordinance.**

- (c) Kanouff Property ERU Determination Letter Received** ~ Meadows Drive – Council discussed this and decided that a new letter will be sent to Mr. Kanouff explaining the Council's decision.
- (d) Star Valley Kids Club** – There was a miss-understanding on this issue, requests were taken care of at a previous council meeting.

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

Mayor DeCora recessed the public meeting at 9:23 pm. Mayor DeCora reconvened the public meeting at 9:27 so that department updates could be given before the executive session.

**Department Updates:**

**Clerk/Treasurer/Assistant:** Ms. Terra Miller reported on the following items:

1. Just wanted to let the council know that water bills were send out today, there were a little late, due to employee issues and reading the meters.
2. Documentation was included in the packets from the State on the mineral royalty tax repayment and how the council would like to handle the repayments.

**Councilman Johnson motioned to take the longest period of time allowable for the repayments. Councilman Jorgensen seconded the motion.**

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

3. The yearly SID bond payments, there are two (2) individuals who have failed to make their payment for this year, Ms. Miller asked the Council how they would like her to handle these delinquencies. Council discussed this issue and decided to continue efforts to collect the funds.
4. Reports for Revenue and expenses, budget vs. actual.
5. She will be attending a WAM class tomorrow, she inquired if there any specific questions that you want her to ask at the conference. Council stated that they had nothing specific to ask.

**Town Administrator:** Mr. Deb Wolfley reported on the following items:

1. The Town picnic shelter was discussed. At this time Councilman Johnson excused himself from the discussion and left his Council seat. Council discussed this issue. Town Administrator discussed the idea of a temporary structure; he will work together with the P&Z Commission on this project.
2. Sno West Magazine Advertising - Does the Council want to continue advertisement for the Town in the amount of three hundred twelve (\$312.00) dollars?

**Councilman Johnson motioned to advertise in the Sno West Magazine for this next season. Councilman Jorgensen seconded the motion.**

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

3. Retirement of our wastewater treatment operator.
4. Our part-time maintenance work has recently quit.

**Police Dept. /Court:** Chief Phillips presented the Council with a written report.

**Streets & Roads:** No report was given.

**Parks & Recreation:** No report was given.

**Water & Sewer:** No report was given.

**Planning & Zoning:** Refer to above section.

**Alpine Fire Department & EMT Department:** No report was given.

**Town Attorney:** No report was given.

Mayor DeCora asked for a motion to recess the public meeting and move into executive session, pursuant to Wyoming State Statutes, Section 16 – 4 – 405 (a) (ii) at 9:47 pm. Mayor DeCora reconvened the public meeting at 10:20.

**Councilman Johnson motioned to ratify action taken in executive session. Councilwoman Brown seconded the motion.**

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

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

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

Mayor DeCora adjourned the public meeting at 10:22 pm.



*Victoria DeCora*

Victoria DeCora, Mayor

*10-5-10*

Date

Minutes taken and transcribed by

*Christine Wagner*

Christine Wagner

Date

ATTEST:

*Terra Miller*

Terra Miller, Treasurer/Clerk



Date