



**Town of Alpine
COUNCIL MEETING
MINUTES**

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

DATE: *December 7, 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 7:04 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 was Town Attorney, Stefan Fodor and Town Treasurer/Clerk, Terra Miller.
- 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 agenda to include Town Council Meeting Minutes, November 3, 2010; Planning & Zoning Minutes of October 26, 2010 and November 4, 2010 and #328 Resolution No. 12-7-2010 – Continuation of the 8 Mills Tax Base. (See Attachments in respective areas.)

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

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

4. New Business:

- (a) **Proposal of Accepting Payments On-Line:** Ms. Terra Miller, Town Treasurer/Clerk presented a proposal to the Mayor and Council for on-line payments for Town citizens, through a company call Payment Service Network, Inc. (PSN) out of Salt Lake City, Utah. The staff has been asked numerous times by citizens for the ability of accepting on line payments for the water/sewer billing. The costs involved to accept on line payment are one dollar and fifty cents (\$1.50), in which will be charged to the citizens for the transaction. Overall cost for the one time set up fee is ninety nine dollars (\$99.00) with a monthly fee of five dollars and ninety-five cents (\$5.95) to the Town. Council discussed this option in great length.

Public Comment: Mr. Kennis Lutz stated that he thinks it is a good. Mr. Dave Jenkins stated that being an incoming Councilman he would like to learn more about this whole process of how the payments work. Mr. Joshua Floyd commented that if the demand out weights the costs for this service it would be good for the public, as long as it within the Towns budget allocation. Ms. Tiphany Gayhart commented that if the people want this service, it is a good thing for the Council to consider this service for them. The Council discussed this further and determined that this would be a benefit to the Town Citizens.

Councilman Taylor motioned to move forward with the on-line payment system for the Town of Alpine. Councilman Jorgensen seconded the motion.

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

- (b) **Planning & Zoning Report:** Mr. Joshua Floyd of the P&Z Commission briefly went over the events of the previous Commission meeting. Mr. Floyd discussed the variance request from the family dollar store, on their 4 x 12

roof pitch vs. a flat roof. Commission members approved the flat pitch roof, reason being they would have been over the building roof height requirement and that this is for commercial applications. Councilman Taylor stated his opinions on that requirement; he further feels that setting a standard by letting a commercial building change how are we working with residential properties. He feels that the Town needs to look at the health, safety and welfare of the residents. He reiterated that he does not agree with mandating roof pitches. Council members discussed this issue. Mr. Dave Jenkins also commented on the reasoning and thoughts of the Planning and Zoning Commission on the approval of this variance. Mr. Floyd further commented that they are looking changes within the Land Use and Development Code. Mr. Floyd further invited everyone to come to the meetings and voice their opinions and thoughts on the Town codes. Roof pitch is a residential issue this is a commercial application. Other items discussed at the Planning & Zoning meeting were; temporary snow fence; building permit approval for Overland Properties; asked Overland Property to address the Town Council regarding the overhead power at the family store property; approval of Town picnic shelter contingent upon the road easement is removed before a certificate of occupancy is issued and issues with sheds on properties without permits.

- (c) **Planning & Zoning Recommendation Rivers End Townhomes** ~ Mr. Joshua Floyd, Planning & Zoning Commission Member, addressed the Council regarding the recommendation from the Commission to approval the replat of the Rivers End Townhomes. There were no questions or comments from the public. There was not anything structural changing on the plat it was just the verbiage changing it from condos to townhomes.

Council members reviewed the plat for Mayor DeCora's signatures. Mr. Glen Knopp addressed the Council on the replat and the banking regulations on financing condominiums vs. townhomes. That is the only purpose for this replat.

Councilman Taylor motioned to approve the replat of Rivers End Townhomes. Councilman Jorgensen seconded the motion. Councilman Johnson asked about the difference in building requirements for condominiums and townhomes. Mr. Knopp responded that these units were originally built as townhomes; the difference has to do with a common wall between the units.

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

- (d) **Snow Removal Issues ~ Meadows Court** – Ms. Terri Fair addressed the Council on her concerns for the snow removal in front of her property, she has sixteen feet of town property in front of her property. She feels that the town should be plowing that portion of the road in the front of her property. She wanted to know how the Town addresses other cul-de-sac in the Town. Other area residents pay for their snow removal, but she does not have the financial where with all to have that service. Ms. Fair presented the Council with pictures of the property. She does not feel that she should have to plow the town right of ways. She would like some resolution to this problem.

Council discussed this issue and determined that Councilman Jorgensen will go to the property with the maintenance supervisor and the snow removal company to see what type of resolution they can come up with.

- (e) **Alpine Water Supply Project Bid Award** – Rendezvous Engineering, Mr. Robert Ablondi – Mr. Ablondi addressed the council regarding the project and the bids that were submitted. The recommendation of the bid award from Kilroy Construction, as per the recommendation by Council, a smaller size propane generator was submitted, thus reducing the bid by forty-nine thousand (\$49,000) dollars. Kilroy Construction has agreed to allow Thomas Drilling to do a portion of the work. The bid awards are \$388,070.00 (Kilroy) and \$109,279.00 (Thomas) for the well portion of the project. Rendezvous is recommending that those two bids be awarded, there is still come work that will need to be done on the bonding and insurance information; all contingent upon review by the attorney for signature of contract and notice of bid awards. These contractors have until June to get project done (summer months) and they are all within budget, including the engineering fees.

Councilman Jorgensen motioned to approve the two (2) bid awards for the project, Mayor's signature contingent upon attorney review and approval of documentation. Councilman Taylor seconded the motion. No public comment.

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

- (f) **Payment Request for Phase II Sewer Project (Johansen Construction)** – Sunrise Engineering, Ryan Erickson presented the payment request to the Council for approval. This is payment request #5 (Johansen) in the amount of \$22,561.00, which represents the last of what was done before winter shut down. There is still some clean up to be done and some fencing, but mostly general clean up with a little mulch seeding in the right of ways.

Councilman Taylor motioned to approve payment request #5 for Johansen Construction in the amount of \$22,561.00. Councilman Jorgensen seconded the motion.

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

- (g) **Update Phase II Sewer Project** – Sunrise Engineering, Mr. Ryan Erickson addressed the Council regarding the update on the project. The lift station is in and the generator has been started up, there has been a discussion on how to handle the station with only two (2) homes on the station (one of the homes is seasonal) to wait or start it up now; the waterworks staff (supplier) felt it was better to wait until spring, because if there was a malfunction with the heater it would be a real mess to fix it and a lot of damage could be done. There is a plug and a manhole, that they are keeping an eye on and it will need to be pumped; but that will be sufficient until spring time. Cost wise this will be more efficient.

Public comment by Mr. Kennis Lutz regarding the clean up as part of the project and seeding. He asked if there was any retention held out for the roads. Mr. Erickson responded that there is some held out for that; and there are some issues with the road, that will need to be taken care of this spring. Councilman Taylor commented that if the road base that was not up to specs; that would be on the part of the contractor, as far as the town is concerned. Ms. Tiphany Gayhart asked about the trash containers, left over parts, porta potties that are down there, there has not been any reclaim done, it needs a lot more than seeding. She is there on a daily basis and she know exactly what is going on down there and it is totally unacceptable for the mess that they have left down there and what they have done to people's property. She does not know why we are paying for something that we did not get. Mr. Erikson reiterated that they are holding out retention monies. They further talked about the sewer stubs and the placement of them with the road settling. Councilman Taylor commented that the construction company is not done yet and they have developed a good working relationship with the Town. Mr. Shannon Jones stated that this would be a good time to test the system. The costs for a failure of the system would be minimal, before more residents are hooked onto the system. Mr. Erickson also discussion on the paving of Meadows Drive, costs will be determined in the spring time with the possibility of adding other roads.

- (h) **Payment Request for Three Rivers Meadow Project (Johansen Construction)** – Sunrise Engineering, Ryan Erickson presented the payment request for the Council's for approval. This is payment request #1 (Johansen) in the amount of \$31,151.05.

Councilman Taylor motioned to approve payment request #1 for Johansen Construction for the Three Rivers Meadows Water Project in the amount of \$31,151.05. Councilman Jorgensen seconded the motion.

No public comment

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

(i) **On Going Business**

- (a) **Payment of Town Bills** – Council reviewed and briefly discussed the Town bills.

Councilman Taylor motioned to approve payment of the Town bills. Councilman Johnson seconded the motion. No public comment.

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

Department Updates:

Clerk/Treasurer: Refer to Section 4(a) and Payment of Town Bills.

Police Dept. /Court: Chief Phillips presented the Council with a written report. He mentioned that he spoke with Rod Jensen, the Bank of Star Valley, how will be donating blinds for the south windows of the Civic Center.

Town Attorney: Mr. Stefan Fodor reported on two (2) items.

- (1) Town Civic Center – The back charges for liquidated damages, propane charges and re-inspection fees. There has been correspondence between the individuals involved in the discrepancy; meantime he has received a letter from JL Hardy's attorney, asking the Town to waive **all** the fees. In which the direction of the Council was to continue to get the project completed and proceed with the claims filed against JL Hardy. He suggests the claims amounts be verified by the architect, then upon agreement of amounts a joint check to be issued to JL Hardy and the sub contractors, because our contract is with the contractor. Another issue is the discussion and time frame with the hand rail change order; as where JL Hardy is stating that the Town is not will to release payment until they sign the change order on that item. In an attempt to settle the dispute, JL Hardy will reduce the amount of back charges by eight thousand (\$8,000) dollars. The Town is currently holding sixty-five thousand (\$65,000) dollars for retention and the total amount of claims submitted are about thirty-seven thousand (\$37,000). Once verified and if the punch list items do not involve those sub contractors, release of payment is recommended to those sub contractors. There is still the outstanding punch list items that need to be addressed, it is his suggestion that the Town advise the contractor and, have the items done within a week, or they will hire their own contractor to finish the project and take the amount out of the amount due JL Hardy. Mr. Fodor stated that the further the amounts are reduced, the less likely they will be to come back and finish. The approximate amount owed for liquidated damages is eighteen thousand three hundred fifty (\$18,350.00) dollars, which includes the liquated damage charges, re-inspection fees, in which some of the fees have been weeded out, which is still a cost to the town and the propane costs. If the Town were to go to litigation, he feels that would be the weakest point in the case, due to the fact that the Town was receiving a service, while construction was going on. It does state in the contract that the contractor pays for heat, but their contention is that if there had not been change orders, there would have been no need for the additional costs. Since the majority of the work was done in the winter months. The Council discussed the heating issue and the responsibility of the contractor. Mr. Fodor stated that when issues go into arbitration, they seem to take the approach on fairness. Council discussed that this is an item that the contractor should have thought about and put in their contract. It was suggested that the Town could go to mediation, or come to some sort of compromise, it will just depend on the amount of money the Council feels they want to spend on this issue. A compromise the JL Hardy attorney came up with is that they will take eight thousand dollars off the total amount of retention, if the monies are paid by the 17th of the month (December). Mr. Fodor again asked what direction the Council would like to take on this. Council discussed that they are beyond liency on this project; this should have been completed by now!

Councilman Johnson motioned to keep going on the track that they are going on. Councilman Taylor seconded the motion. Public Comment: Mr. Kennis Lutz questioned the propane charges being the weakest part of the litigation and/or arbitration. Council discussed the legalities and the costs of mediation. Councilman Jorgensen suggests the Town make a counter offer. Council discussed this and thought that they should perhaps take out some of the charges for those months. **Councilman Johnson retracted this previous motion.** This is an established company and they should have known about this issue ahead of time. Mr. Dave Jenkins understands both points of view, but if it is clearly stated in the contract that they pay for heating costs, but we need to move forward with this issue. Much discussion on the Council's part on the subject and the costs involved.

Councilman Taylor motioned to stand our ground however the Town to make a counter offer to JL Hardy on the charges by reducing the costs to fifteen thousand (\$15,000) dollars, in which would be a reduction of a portion of the propane charges. The fifteen (15) thousand will be reduced if the Town finds documentation that they have already been back charged for the inspection fees. If they do not accept then we stand our ground. Councilman Jorgensen seconded the motion.

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

Councilman Taylor motioned to have the punch list done within ten (10) days from the date of this meeting, or the Town will hire it own contractors and they will be back charged for those costs for the amount, plus

ten (10) percent for administrative costs and fees. Subject to Jerry Myer's (architect) review/verification of amounts, the Town to issue joint checks to the contractor and sub contractors for the amounts verified; with not another dime to JL Hardy until they finish the project. Councilman Jorgensen seconded the motion.

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

There has been another claim submitted on the Civic Center, which was received after the deadline and therefore will not be eligible.

- (2) The Kilroy/Kanouff issue was discussed, this is the eru usage issue; it was determined that the attorney will talk to the Clerk/Treasurer to contact the property owners and take care of this issue.

Office Assistant: Christine Wagner presented the Council with a change order on the Street Light Project (Energy Grant) this change order is for dates only, due to the delay of the shipment.

Councilman Johnson motioned to approve the change order for Johnson Electric on the Street Light Energy Grant Project, with no cost to the Town. Councilwoman Brown seconded the motion.

The maintenance supervisor would like to ask the Council to consider a cost of \$750.00 for the floor cleaning at the Town Civic Center. Council discussed this issue and it was determined that the Town should get quotes on the costs and contact Black Mountain Rental Company for the type and costs of their rental machine.

Would the Council be interested in moving forward with thermostat covers at the Civic Center to help regulate the heating costs? This would have to be submitted through the grant committee for approval. Another option is additional sound boards and/or additional snow cleats on the building on the south side.

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

Mayor DeCora recessed the public meeting at 9:05 pm. Mayor DeCora reconvened the public meeting at 9:10 pm. Mayor DeCora asked for to a motion to move into executive session pursuant to Wyoming State Statues 16-4-405 (a) (iii).

Councilman Taylor so motioned. Councilwoman Brown seconded the motion.

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

Public meeting recessed at 9:12 pm. Public meeting reconvened at 9:27 pm.

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

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

Candidate for WWTP Operator, the committee unanimously agreed to hire Rob Wagner as operator in training. Beginning salary \$12/hr increasing with each level of certification that he obtains.

Councilman Jorgensen motioned to hire Rob Wagner. Councilwoman Shirley Brown seconded the motion. The Council held a discussion on having other interested candidates volunteer at WWTP.

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

Jorgensen motioned to adjourn the meeting. Councilman Johnson seconded the motion.

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

Mayor DeCora adjourned the public meeting at 9:31 pm.



Victoria DeCora

Victoria DeCora, Mayor

Date

Minutes taken and transcribed by:

Christine Wagner

Christine Wagner

Date

ATTEST:

Terra Miller

Terra Miller, Treasurer/Clerk

1/5/11

Date