



**Town of Alpine
COUNCIL MEETING
MINUTES**

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

DATE: *January 4, 2011*
TIME: *7:00 p.m.*

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

1. **Call to Order:** Mayor Victoria DeCora called the meeting to order at 7:03 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: Beau Taylor, Don Jorgensen and Mayor Victoria DeCora. Troy Johnson and Shirley Brown were absent. A quorum was established. Also in attendance was Town Attorney, Stefan Fodor.
3. **On Going Business**
 - a. **Town Council Meeting Minutes, December 4, 2010** ~ Council reviewed the minutes. (See Attachments.)

Councilman Taylor motioned to approve the minutes of the December 4, 2010 meeting. Councilman Jorgensen seconded the motion.

Vote: 3 yes, 0 no, 0 abstain, 2 (Johnson & Brown) absent. Motion carried.

- b. **Board of Adjustments/Planning & Zoning Minutes, November 9, 2010** ~ Council reviewed the minutes. (See Attachments.)

Councilman Jorgensen motioned to approve the Planning & Zoning Minutes of November 9, 2010. Councilman Taylor seconded the motion.

Vote: 3 yes, 0 no, 0 abstain, 0 (Johnson & Brown) absent. Motion carried.

- c. **Town Bills** – Present Council members reviewed the outstanding bills. (See Attachments.)

Councilman Jorgensen motioned to approve the payment of the Town Bills. Councilman Taylor seconded the motion.

Vote: 3 yes, 0 no, 0 abstain, 2 (Johnson & Brown) absent. Motion carried.

- d. **Acknowledgment of Lee Schwab (Retirement)** ~ Mayor DeCora publicly acknowledged Mr. Lee Schwab in front of all in attendance for his dedicated service to the Town of Alpine for his many years of service to the Town Wastewater Treat Plant, his experience, knowledge, many hours of service and dedication during his tenure are greatly appreciated and duly recognized by the Town of Alpine.
 - e. **Acknowledgement of Preceding Council and Mayor** ~ Christine Wagner, Office Assistant recognized and acknowledged the previous Council members; Shirley Brown and Troy Johnson for their years of service on the Alpine Town Council. Christine Wagner also wanted acknowledged and **thank** Ms. Victoria DeCora

publicly; on behalf of the staff of the Town of Alpine, for all of her dedication, support and service to the Town of Alpine and its employees.

4. New Business:

(a) Introduction of Senator Delaine Roberts ~ Mr. Donn Wooden addressed the crowd in the introduction of Senator Delaine Roberts; Mr. Roberts is dedicated to service to the Star Valley area. Mr. Wooden gave a brief history of all of Senator Delaine Roberts's accomplishments. Senator Delaine Roberts is present here tonight to swear in the new Mayor and Council of the Town of Alpine; Mr. Roberts is a commissioner of the courts. Mr. Roberts addressed the public and gave a little history on the Alpine area. Mr. Roberts stated, it gives him great pleasure to be here tonight to swear in the new Mayor and Council of the Town of Alpine.

At this time, Mr. Delaine Roberts proceeded with the swearing in of the newly elected Mayor of Alpine, Mr. Walter Kennis Lutz and the newly elected Council Member, Ms. Marietta Lanphear. Mr. David Jenkins had an emergency and was unable to be at the meeting, at this time. Mr. Lutz and Ms. Lanphear took their seats at the Council table.

Mayor Lutz wanted to thank all in attendance and addressed that working together we can move forward in a positive direction and have a welcoming little Town. A special thanks to Mr. Donn Wooden and Senator Delaine Roberts for all their help and participation in tonight meeting.

Mayor Lutz called for a recess at 7:24 pm. Mayor Luz reconvened the public meeting at 7:31 pm. As presiding officer over the meeting Mayor Lutz wanted to address the START Bus Parking Lot item, first tonight.

(b) START Bus Parking Lot: Mr. Michael Wackerly addressed the Mayor, Council and members of the public regarding the transportation from Star Valley into the Jackson area. Mr. Wackerly gave a brief history on the START bus route, times and procedures and amount of riders from the Star Valley area. Mr. Wackerly is looking to the Town support a request to the Town of Alpine to help/assist START Bus in the provision of snow plowing for the park and ride lot in Alpine. Mr. Wackerly presented three (3) options for accomplishing this:

- a. Town contract snow plowing for the lot adjacent to Yankee Doodle Restaurant
- b. Reimbursement of one half of the cost for the snow plowing, at the existing lot.
- c. Changing the location of the START bus to the Town Hall Building location.

Mayor and Council discussed this issue with Mr. Wackerly, in regards to the change of location. Option number three (3) would not be advisable due to the day care facility next door. Town budget is already strained so including it in the snow removal contract, is probably not an option. Mayor Lutz would like to table this item until all Council members are present. Mayor Lutz does also do snow removal work, and would like to help in this aspect, so for the next couple of weeks until a solution is made. He would not like to see this service to the public stop. This might be a subject to be addressed in the summer.

Councilman Jorgensen motioned to table the item until the next council meeting. Councilwoman Lanphear seconded the motion.

Vote: 4 (Lanphear, Taylor, Lutz, Jorgensen) yes, 0 no, 0 abstain, 0 absent. Motion carried.

(c) #329 Resolution No. 01-04-2011: 2011 Official Appointments: Mayor Lutz handed out the official appointment list and read the appointments into record. (See attachment.) Mayor Lutz asked for a motion to approve #329 Resolution No. 01-04-2011: 2011 Official Appointments.

Mayor Lutz recessed the public meeting and asked to move into executive session. Public meeting recessed at 7:49 pm. Mayor Lutz reconvened the public meeting at 8:04 pm.

Mayor Lutz asked for a motion to approve #329 Resolution No. 01-04-2011: 2011 Official Appointments.

Councilwoman Lanphear so moved. Councilman Jorgensen seconded the motion.

Vote: 2 (Lanphear, Jorgensen) yes, 1 (Taylor) no, 0 abstain, 0 absent. Motion carried.

Public Comment: Ms. Melisa Wilson asked about Ms. Miller and her status/position with the Town. Mayor Lutz commented she will still be the planning & zoning secretary, we have appointed new Town Clerk/Treasurer; Ms. Miller will be training and that will be a three (3) month process, to get a good working relationship with the Town. There is too much work, for one and a half employees, not sure there is enough work for two and a half employees, he does not want to see Ms. Miller go away, but a new presence in the front office is what is needed and that is the decision. Mayor Lutz further responded that the work load will be divided up, and as far as budget issues, Climb of Wyoming is what will be paying Ms. Poston's wages for the next three (3) months. It will take time to address these issues and we will get it worked out. Ms. Wilson and Mayor Lutz had much discussion on this subject. Mayor Lutz reiterated that a change was needed and requested when he was voted in and that is what he intends to provide. Mr. Dave Lloyd commented that change is good and he commends him for the changes that he is making. Mr. Gary Lanphear commented that he agreed with Mr. Lloyd; Mr. Lanphear also commented that in reviewing the Councilwoman's meeting documentation in which there were multiple errors; he feels the Town needs a professional atmosphere and no one is irreplaceable. Mr. Robert Meikle asked if the Jackson Hole Daily could also have simultaneous publications and also be the official Town newspaper. Mr. Lutz commented that the Dailey does not have the qualifications for legal notifications, however he would like to start an Alpine page in the daily and they are willing to work with them and the businesses in the town of Alpine to support that page. But, for legal purposes the Star Valley Independent has to be our official newspaper. Ms. Wendi Walton just wanted to voice her opinion that Ms. Miller has been a great asset and help to the library group. Mr. Stefan Fodor commented on the appointment/employment for a trial period individual. Mayor Lutz responded that the discussion was taken care of in the executive session. Mayor Lutz did not vote as pursuant to Wyoming State Statutes, Section 15-1-108; appointments pass.

- (d) Planning & Zoning Report:** Mr. Pat Marlof, Chairman of the P&Z Commission briefly went over the events of the previous Commission meeting. Mr. Marlof discussed the simple replat presented to the Commission, two (92) minor construction permits one (1) approved with contingencies and the other one (1) was tabled. They currently have an opening on the Commission.
- (e) Restaurant, Special Malt Beverage Liquor License – Public Hearing – Megan O'Rourke/Magnum Rose Ent., LLC dba Rocky's Place ~** Ms. Megan O'Rourke addressed the Council regarding her license, she stated she has completed all the required documentation requested by the Town and the Liquor Division. Ms. Christine Wagner commented on the documentation that has been submitted and corrected documentation. The dispensing room is waiting for completion and approval by the Wyoming Liquor Commission and the actual registering of the Limited Liability Company. Mayor Lutz commented to Ms. O'Rourke that he and Mr. Dave Jenkins will be visiting the property on Thursday, to look over the building permit requirements that have not been met yet, and it will be a stipulation on the approval of the liquor license, with all that being done in a timely manner, after the planning and zoning meeting. Ms. O'Rourke commented that she has all the documentation for the building, in which very little work that they did do. Further stating everything has been done in compliance and up to code. Mayor Lutz commented that the Liquor Commission suggested they could approve the license upon these items being done; however, they recommend a time frame to get everything done. He does not want to cut the timeframe short, otherwise the whole process will have to start all over again. Ms. O'Rourke believes that she has taken care of everything; she will be ready for Planning and Zoning on Tuesday night. She has no other information that needs to be submitted. A discussion on the process for a building permit was addressed.

Public comment by Mr. Donn Wooden commented regarding the license application advertisement, bringing it to the Council's attention there is a discrepancy for a new license vs. renewal license. Mr. Wooden further commented on the advertising of serving beer and wine, while you dine, without an active liquor license in place. Mayor Lutz discussed the applicant's name and what was put on the application, stating you can only have one (1) name on the application. A discussion was held on re-advertising the license hearing for the next meeting, for clarification. Councilwoman Lanphear as to have the office assistant check into the advertising of the names to see if the Town needs to re-run the advertisement. Council Jorgensen stated he would motion to table the liquor license hearing/application until the next meeting, so that will give Ms. O'Rourke ample time to get everything all line up. The Council discussed this.

Councilman Jorgensen motioned to table the hearing public on the Restaurant, Special Malt Beverage Liquor License for Rocky's Place until the next Council meeting (February 1, 2011). Councilwoman Lanphear seconded the motion.

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

(f) Town Civic Center ~ Ratify Punch List Completion ~ Councilman Jorgensen addressed the Council regarding the items on the punch list. The list was reviewed by a representative of JL Hardy and Councilman Jorgensen and it was determined, by Councilman Jorgensen and the JL Hardy representative, the agreed list was completed. There are some issues that Councilman Jorgensen feels are warranty issues, such as; warping window sills in the front area/offices, but that does not hold up the punch list. Mayor Lutz commented that Councilman Jenkins will be looking at the building; however Councilman Jorgensen has reviewed the building and signed off on the punch list, however only as one (1) Council member, it has to be an agreed group decision.

Mr. Stefan Fodor commented on the email received from the JL Hardy representative, in response to the town's previous offer. Brief history of the previous offers was discussed along with the decision to move forward with meditation or litigation. Mayor Lutz asked about a settlement agreement and get on with business. Councilman Taylor stated he would like to move forward with ligation; stating most of the money in dispute is propane charges for their construction site, in which is specified in the contract. Councilman Jorgensen feels the same way as Councilman Taylor; if they do not want to accept our offer, then we need to move forward with the next step. Mr. Fodor reminded Council about the amounts that they are negotiating; it just depends on how you want to spend your money. It is just a strategic question for the Council to consider. Council discussed their options. Mayor Lutz commented on a suggestion he had at a previous meeting, which is settle and lets move forward; however he is not have a previous history of the past dealings. He is relying on Councilman Jorgensen and Councilman Taylor. Councilman Jorgensen stated that he does agree with Mayor Lutz in many ways that we need to move forward. The Council again discussed the options and their thoughts. Councilman Taylor commented that it is about making a point and getting our money; he expressed his thought about mediation vs. ligation. Discussion on the offers that were made and the issue of a payment in full with the release of everything, as a contingency if they cash our check. Offer 15 or we move forward. Councilwoman Lanphear would like to have someone else go through this punch list again, she would like to make sure and understand that everything is structurally correct; and then we are to assume the building is done. Discussion on the small punch list items continued (cosmetic items); if all are in agreeance then they can move forward. Mayor Lutz commented a lot of time, energy and money have been spent on this project it is time to move forward; if something needs to be fixed then we fix it. Councilman Taylor commented that he is not willing to reduce the charges any more than fifteen thousand to JL Hardy. Council discussed sending the lien release on the property, giving JL Hardy a week to respond; if they are in agreeance then payment will be sent. If they do not accept the lien release for \$16,639.36 we move forward with meditation. All Council was in agreement with this.

Councilman Jorgensen motioned to issue JL Hardy a lien release for the settlement of \$16,639.36 of the project with acceptance within one (1) week, if accepted then a check will be issued to JL Hardy within the next day for \$16,639.36. (Which is the reduced amount for liquated dames, propane costs and re-inspections fees). **Councilman Taylor seconded the motion.** No public comment.

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

Mayor Lutz recessed the public meeting at 9:03 pm. Mayor Lutz reconvened the public meeting at 9:12 pm.

(g) WAM Winter Workshop ~ Christine Wagner, Office Assistant addressed the Council regarding the workshop and who would like to be attending the Conference on January 19-21, 2011. It was determined that Mayor Lutz and Councilman Jenkins would be attending the workshop. Registration and room reservations were authorized.

5. Table Items:

Impact Fees - Will remain tabled.

Department Updates:

Parks & Recreation Committee: A written report was presented to Council.

Clerk/Treasurer/Assistant: Christine Wagner addressed the Council on the following items:

- A letter received by Town Accountant, it was determined that those items will be addressed by Mayor Lutz and the Accountant.
- It was agreed upon to stream line the meetings and have department heads submit written reports for the Council's review, prior to the meetings.

Full disclosure was given to the Council when he was appointed regarding the issue; it was made clear to the council back then, in which there was no conflict of interest and the council accepted the situation, if there are any questions regarding the situation he would be happy to discuss it. Ms. Gayhart commented that Rendezvous is working with the town doing the new transmission line, they are experts and professionals, and they have worked to the specifications identified. The DEQ and EPA recognized this. Mayor Lutz first wanted to comment that he is moving forward, not going back. He is not questioning Mr. Fodor's ethics, he is done with it, and if there is a conflict he would like to speak with his appointed attorney he values his judgment. Mr. Fodor asked if Mr. Goulding had a conflict with this; Mayor Lutz reiterated that the Alpine Area Business Alliance presented an assessment for the repayment of the sewer district. Mayor Lutz has asked if he has a conflict, in which he does not. Councilman Taylor commented that there are a lot of people asking those same questions and he does not feel that this was the best idea. Mayor Lutz commented that he is on the record with his concerns.

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

Councilman Jorgensen motioned to adjourn the meeting. Councilwoman Lanphear seconded the motion.

Vote: 4 (Lanphear, Taylor, Jorgensen, Jenkins) yes, 0 no, 0 abstain, 0 absent. Motion carried.

Mayor Lutz adjourned the public meeting at 9:50 pm.

 2/11/14
W. Kennis Lutz, Mayor Date

Minutes taken and transcribed by:


Christine Wagner, Administrative Assistant Date

- A request for training authorization and payment for the Sewer/Water Personnel on February 1, 2010, at the cost of forty (\$40) dollars per person.

Councilman Taylor motioned to approve the training and payment for those two (2) individuals (Jensen & Wagner). Councilman Jorgensen seconded the motion.

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

- The Town of Alpine has booked the Civic Center and will be hosting a WWTP training program on February 10th, in conjunction with the WARWS personnel. Mayor Lutz commented that lunch should be provided and that this is a good way to communicate and bring people to our town. All Council was in agreement to just take care of it.
- Renewal of CD Maturity Date (Bank of Jackson Hole/Alpine) Number - 91 SCM Certificate Number 61011 (\$11,673.35). Council discussed options of cashing the CD out and reinvesting at a later date.

Public Comment: Ms. Tiphany Gayhart commented on cashing the CD in and then at a later time, buying another one. Council again discussed this option. Mayor Lutz stated that he is creating a budget committee in which Mr. Dave Jenkins will be a part of the committee. He would like to defer until he can discuss this further with Mr. David Jenkins. Mr. Richard Jenkins suggested the Council cash the CD out, put in bank account and then reinvest the money at a later date. Council agreed that it needs to be cashed in.

Councilman Taylor motioned to cash the CD out, deposit the money in the general account and then reinvest the monies at a later date. Councilman Jorgensen seconded the motion.

Public Comment: Mr. Gary Lanphear reminded the Council that Mr. Dave Jenkins has not been sworn in as a Council member, as of yet. Councilman Taylor commented that is why he did not mention Dave Jenkins in his motion.

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

- Presented a Certificate of Designation of Depositories that needs to be addressed by Council; in addition to the surety bond for Mr. James Dubisz.

At this time Mr. David Jenkins was present and Mayor Kennis Lutz sworn in the newly elected Council Member Mr. David Jenkins. Congratulations to Councilman Jenkins.

Re-addressing the previous discussion of the surety bond; Mayor Lutz will be talking with Mr. Dubisz regarding signing on the checks. Mayor Lutz also discussed having a new budget committee, in which everyone can take turns at these meetings. All Council agreed that would be a good idea; schedule times and dates will be determined at a later date.

- Star Valley Chamber of Commerce is honoring the Alpine Fire Department, "Service Organization of the Year" and Sarah Hales of the Star Valley Independent, "Citizen of the Year" at the Annual Banquet on January 14, 2011.

Comment by Ms. Tiphany Gayhart asked the Council about going back to two (2) meetings per month. Councilman Taylor commented that he did not agree with that, he feels that if we stream line our business we would be able to get all things done. Mayor Lutz commented we move forward on our budget and see where our financials are at. Although he feels it is hard to run a town on one (1) meeting a month. Councilwoman Lanphear would like to see some house keeping chores done once a week, with communication with each Council member during the week.

Attorney: Mr. Stefan Fodor commented on his role with the town, regarding the finishing up of the Civic Center, upon completion turning over to Mr. Goulding; has the Council thought about any procedural safe guards the Council be taking regarding Rendezvous Engineering as Town Engineer. Rendezvous Engineering is the engineers of record on the SALL Town/DEQ lawsuit. In addition to the sewer fees and SID suits. Mayor Lutz stated that he would like to ask Mr. Goulding about this and see if he has a conflict.

Ms. Tiphany Gayhart commented that back when Mr. Fodor was appointed, she asked this same question, regarding his conflict of interest, with Mr. Fagazzio's office. Mr. Fodor commented about his 2004 memo on a private road application and attendance at the county board meeting, in which was asking for an extension, when he worked for Mr. David Fazio's office.