



TOWN OF ALPINE  
**COUNCIL MEETING**  
**MINUTES**

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

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**DATE: July 21, 2009**  
**TIME: 7:00 p.m.**

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

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Call to Order: Mayor Victoria DeCora called the meeting to order at 7:15 p.m.

Pledge of Allegiance: Mayor DeCora led attendees in the Pledge of Allegiance

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 Attorney Stefan Fodor and Town Administrator Deb Wolfley.

Minutes:

- (a) Approval of Town Planning & Zoning Minutes for June 23, 2009. **Councilman Jorgensen motioned to approve minutes Town P&Z Minutes for June 23, 2009. Councilman Taylor seconded the motion.**

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

- (b) Planning & Zoning Report: Melissa Wilson of the P&Z commission gave a brief report, from the July 14<sup>th</sup> meeting. They are still hoping to get one more member on board this would be a resident from outside the city limits. They have seen a couple more building permits submitted. Maintenance shop building has not been reviewed, due to the changes that are currently being made. Everything else is on schedule.

New Business:

- (a) Public Hearing for The Coffee Cabin – Liquor License Hearing – Council reviewed the application. Council had no comments for Mr. Thomas. Mayor DeCora opened the meeting up to public comments were, there was no public comment. **Councilman Jorgensen motioned to approve a Wine & Beer License for the Coffee Cabin, Mr. John Thomas. Councilman Taylor seconded the motion.**

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

- (b) Mr. Bob Ablondi – Rendezvous Engineering – Water Well Update – He was asked to give a well update, so there are some developments and news to report they were held up in the USFS process. They have expanded their entire review to include the entire project and all lines proposed, so that expanded scope and will issue scoping statement. There were virtually no comments but are just waiting for one more person to review. The town will have the ability to do what portions of the

project that they would like to do, they have included the whole thing, the expansion of the control building for generator facility, the upgrade of the wells, pipes and a third well, plus a transmission line to the tank, this was all part of the study that was done. The USFS is near completion by still needs to be signed by the USFS supervisor. In the mean time he and the Town Administration have been working on some budgeting items. Some federal grant monies may be available as projects previously approved have come under budget and funds have been returned. We are looking at making another potential run at the monies, but with a little different approach. Also turns out that Northstar Utility Company looking at a little bit of additional water, looking at considerations that might help them out and various options that would benefit both of them and the Town of Alpine, discussions that being instead of them spending money on a well spending money on contribution on the transmission line. The grant application deadline is Monday, July 27<sup>th</sup>. Bob would like to propose a combination of resources, some additional hero funds, the existing grant that the Town already has, some type of annual payment from Northstar Utility Company and some type of contribution from the Town. He feels that when you have multiple sources of funding your odds of getting grant approval are greatly increased. Funding and rate increases are very difficult for the town right now and understand that all we are doing is trying to take advantage of funding that does exist, and is only there for a limited period of time. An updated cost analysis was given to Council, which was out of the level #2 report; we are focusing on the transmission line item. Suggesting that half of the annual fees would be paid by Northstar Utility Company. Town Administrator stated the more participation they see with entities' using their own funds, the more likely they are to approve the grant. There is a portion of the grant that will be principle forgiveness of approximately fifty thousand, which would not have to be paid back. However, if approved it could raise water bill by sixty-one cents per resident. Drawback is that they are not sure they will get the money. They may turn us down, but have a good shot to get it. The whole project as far as what has been planned over the last three or four years, is the completion of well number three and turning it back over to the town. Attorney Fodor has reviewed the paperwork and all is in order. Need final approval from the USFS, then get the advertising done, bids sent out for the upgrades on well number one and two and the building. Need to get the control systems in before winter sets in when we get monies from State we can look at getting transmission line in, running down Greys River Road.

Questions from the Council - What is the Town's capacity to provide backup, need to have the capacity for that water to Northstar Utility. Mr. Ablondi responded that it would be 250 gallons per minute for backup. This would be for emergency supply if their well went out. The town can provide that amount with the upgrades on the wells. The Town would have the capacity on a sustained basis a total of 1600 gallons per minute. Right now the town uses 600 to 650 gallons of that per minute. They want to maintain reserve of that, but there is enough backup supply. Councilman Jorgensen asked does that include user fees. Mr. Ablondi responded that would be water available to them for emergency supply, but if they tapped in, then user fees would apply. Originally talked about an emergency supply with valve closed, unless they need it. Councilman Taylor discussed the base fee and the amount of usage that would be allotted. Mr. Ablondi communicated that the bid costs that came in for a new well at approximately \$68,250 for drilling and completing a well. Councilman Johnson stated he feels the amount they would be paying us is pretty cheap compared to the costs for a new well. Mr. Ablondi described how they came up with that figure, and that they would want to have a meter across the river, above and beyond the base fee and would have to pay those costs accordingly. Attorney Fodor suggested some type reservation ability to cancel the contract within some time frame that would meet the town needs. Mr. Ablondi stated it would be nice if the contribution was higher. Councilman Johnson stated that North Star Utility would have higher costs for maintenance, electricity and such for the well. Councilman Taylor agrees that he has no guarantees. Councilman Johnson discussed why it should cost the town to supply North Star Utility with water. Councilman Jorgensen stated we need the transmission line with or without

Northstar. Will there be enough capacity in that line to supply North Star Utility. If we need to increase that size to supply North Star Utility, they need to pay that difference. Councilman Johnson feels that North Star Utility should pay for the whole line, if we are going to supply them, why should the Town incur more costs to supply North Star Utility when we have enough water for our citizens. He further feels that the only reason we need that transmission line is to supply that side of the river. Mr. Ablondi stated that they would bid it both ways as a 10 and a 12 inch line. He wants the Council to know that they have had problems with that line, such as breaks in the line, grade of the pipe. They have concerns and why it is targets to be replaced. He has no objections in asking for more money, just trying to get some money for the town vs. no money for the town. The Town Administrator asked the Council what was the intent when you applied for this money, has something changed to negate that earlier decision. Councilman Jorgensen stated it was for that water line to stay on this side of the river. There was no intent to go across the river, it was mentioned one time only that any excess water might be able to be sold across the river and for North Star Utility to hook in at its own expense. The town administrator reiterated that the intent is still there to supply the town with good quality water, long term goal of a benefit the town and if the town decides to sell the water, if there is excess, will also benefit the town. Mr. Ablondi stated we are trying to make this palatable to both sides; there might be a way to apply for other projects. Councilman Johnson stated that the things that have changed are the economy in addition the sewer billing. Then a proposal to increasing the water billing, when the economy is in the state that it is in. Councilman Jorgensen stated that if we can bring the user fees down to our residents and North Star Utility can make up the difference, he is all for it. North Star Utility is getting a premium project for next to nothing. Town Administrator said that we can go back to Northstar and ask for more funding. Attorney Fodor stated that it sounds to him that the Council might lean towards this without any cost to the town. Mr. Ablondi stated we could pull out of funding at any time the meeting is not until September, there is still time to work out the final details. Just need to have a complete application ready to go by Monday. Attorney Fodor asked that if the Town did not want to enter into any agreement with Northstar Utility, they could drop the application. Mr. Ablondi agreed that the application could be withdrawn at any time, just need to get direction from the Council as to what direction you want to go. Need to have an adequate budget. Just to assure the council if the project does not come in budget we just don't do the project. Council discussed the fact that they are just prices on a piece of paper, when we get to the bid process that is where we can make the major decisions. Mr. Ablondi stated he would be happy to review the numbers with Council when they come in. Councilman Taylor stated he does not want to enter into any agreement until things are bid out and we have firm prices.

**Councilman Jorgensen motion to approve Mr. Bob Ablondi to move forward with bid process with line items one thru three on the schedule, authorizing signature to state contracts and going forward with application for area funds, contingent upon USFS getting the final paperwork back to the Town this week. Councilman Taylor seconded the motion.**

Open to public comment of which there was none.

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

(c) 307 Resolution No. 07-17-09 – A Resolution adopting/accepting the continuation of the 8 mills tax base for the fiscals' year 2009/2010 - Council reviewed the resolution.

**Councilman Johnson motioned to approve #307 Resolution No. 07-17-09 – A Resolution adopting/accepting the continuation of the 8 mills tax base for the fiscals' year 2009/2010. Councilwoman Brown seconded the motion.**

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

- (d) 308 Resolution No. 07-21-2009 – A resolution authorizing the submission to the state loan and investment board for a loan through the state revolving fund on behalf of the governing body of the Town of Alpine for the purpose of the alpine water system improvements. - Council reviewed the resolution.

**Councilman Taylor motioned to accept #308 Resolution No. 07-21-2009 – A resolution authorizing the submission to the state loan and investment board for a loan through the state revolving fund on behalf of the governing body of the Town of Alpine for the purpose of the alpine water system improvements. Councilman Jorgensen seconded the motion.**

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

- (e) Mr. Jeff Atwood and/or Assigned Representative – Town Concerns - Mr. Atwood had another obligation tonight and asked that Ms. Carla Stone speak on this behalf. Basically all they wanted to talk about this evening is that the Jackson Hole Daily headlined that their utility rates have jumped up, no decision if they are going to raise their water and sewer rates. And if you divide out the numbers what we have in Jackson going from 1.18 to per thousand gallon of water to 1.25 per thousand gallon of water. Alpine rates as proposed are 2.64 per thousand gallons of water. The Jackson sewer rates will be jumping from 1.11 to 1.17, if they pass it, per one thousand gallons used. The Alpine sewer rates are 4.88 per thousand gallons, we are considerably higher than the Town of Jackson, even if they do decide to raise their rates. Also like to re-state their objection to the passing ordinances and setting the sewer connection fees and rates the way the Town has proposed them. She further stated that she has copies of the newspaper article should any Council like one.

Mayor DeCora said that they would like to address the de-annexation. Is there anything else that you would like to submit into evidence other than the letters, the petition and the County report? Ms. Stone commented that she does not think that they have anything else to submit, that they have been directed by their attorney or other parties. Mayor DeCora was just asking, because they have expressed desires to be de-annexed in a number of council meetings and provided the Council with multiple letters supporting their position to be de-annexed. Most recently in your June 25, 2009 letter, you have asked for specific findings of reasons why the Council will not pass an ordinance to de-annex your property. The Council is under no statutory duty to provide you with those reasons, but we will provide you with some of the reasons why the Council has not acted on your petition to be de-annexed. A few of the Council members have expressed a desire to address their letter. Collectively they come up with a number of reasons and would like to read them into the record tonight. Ms. Stone commented, as this is not on the agenda we are not prepared to address this tonight, we were not notified that this was going to be on the agenda, we would like have it on the record as to what you are going to say, but we are certainly not prepared to address this evening. Mayor DeCora stated that Attorney Fodor felt it was part of their “town concerns” she further asked the town attorney if he had any specific thought about this. Attorney Fodor suggested they proceed and that the council can reserve the right to pass an ordinance for later on. He further suggested that when someone wants to be put on the agenda, topics should be more specific so that the Council has the information, time to prepare and know what the public wants to address specifically than “Town Concerns”.

Councilwoman Brown began with some specific findings the Council has.

Sall is a natural geographic, economical and social part of Alpine. It is part of the Town now, it is surrounded by the Town on all three sides and separated from the rest of the county by the river on the north, it is a gateway to the Town and it does not make sense to have a section of county on this side of the river surrounded on three

sides by the Town. Natural part of the Town, it is part of the original boundaries of the Town when it was incorporated. Economical part of the Town, it is a source of revenue from the Town and many citizens and tourists frequent the bar and RV park. The council's objective is to preserve the health the safety and welfare of the citizens of Alpine. The Town made the decision to build a new WWTP based on the Alpine Wastewater Treatment Plant Feasibility Study prepared by Nelson Engineering dated 3-21-06 and also based on the DEQ letter of violation dated April 12, 2007 for excessive fecal coli form limits, the Town decided to get septic tanks out of the ground. We have taken steps towards that goal by building the plant and building phase 1 of the sewer system, this property is in phase 1. We are moving forward with phase II and when we have the money and have cleared up the right of way problems in phase III (Terrance Lane among other) we will move forward with phase III to meet the ultimate goal of abandoning all septic tanks in Alpine. It does not make sense to allow de-annexation and the continued use of multiple septic tanks on the SALL property which is right next to the phase 1 mainline. We have spent a lot of time and effort building this community, if every time someone does not like the decisions of the Town Council, we allow them to de-annex, and this will erode the town and we will have nothing left.

Ms. Stone asked for copy of the comments, Mayor DeCora state that a record of the comments will be made available in minutes. Mayor DeCora stated that she would like to comment on some items collectively.

No one has a vested right to be either included or excluded from a local governmental until. It is within the discretion of the Town Council to grant or deny a petition for de-annexation since the statute says the council **MAY** provide for de-annexation. W.S. 15-1-142. We spent a lot of money designing and building phase 1 and put in a lift station in right next to the SALL property, the SALL property was incorporated in the design of phase 1 and it does not make sense to exclude it from phase 1 and to continue to use septic tanks that could contaminate the ground water. City streets run through the SALL property to get to other parts of the town. Alpine is a tourist destination and the SALL property draws a lot of tourist in, especially in the summer as the RV park fills up. The use and intensity of the property increases in the summer, as shown by water meter readings. The continued reliance on septic tanks along with the intensity of use in the summer has the potential to adversely affect our water table and this is the very thing we are looking to avoid with the building of the new plant. The Tavern on the Greys is one of only three bars in Town. While some people may find bars undesirable, they are a social and community gathering place and a place of recreation for members of the Town, as evidenced by the number of vehicles at the Tavern day in and day out. The Tavern also produces revenue for the Town and we want to continue to collect that revenue while providing the services we already provide. Basic services are currently provided to SALL by the Town of Alpine; police, fire, ems, water. If this property is de-annexed, the reality is that we will still provide fire; ems and police services and they have indicated they still want water service. We already provide some fire, police and ems coverage to parts of the county because of the distance from the county seat to the North side of the river. We want to avoid having to serve a larger area with these governmental services where we are not getting paid to so. We have plans to annex properties north of the river into the Town. If SALL becomes part of the county those other properties we are considering annexing on the same side of the highway will no longer constitute natural and geographical parts of the town and this immediate request for de-annexation could hurt our efforts to grow the town on the North side of the river. We have been working on annexation on the north side of the river off and on for a while and have just recently instructed the staff to press ahead with franchise agreements with North Star Utility so that we can franchise out water and sewer which are first steps which need to be taken prior to annexation, we want to move ahead with growing the town, not shrinking it. We don't believe that connection to the sewer system will de-value the SALL property. If anything, it might increase the development potential by getting rid of the multiple leach fields and septic tanks which could increase the developable area of the property in question and potentially increase the value of the SALL property. The Town exists for the convenient administration of government - it is ineffective to have an isolated part of the county within the town bordered on three sides by the Town with town streets running through the property in question. The Lincoln County

report on de-annexation is generally favorable, but de-annexation would have following adverse affects on the town; loss of tax revenue from 8 mill portion of ad valorem tax and the County report in dealing with Environmental issues states that "Site soils consist of HC Hobacker Gravell Loam. This soil type is not conducive to effective soil based wastewater treatment. Continued use or expansion of the onsite septic system may result in groundwater or surface water contamination". This is what the Town wants to avoid by building the new WWTP and by eventually having all properties in Town abandon septic systems to prevent groundwater or surface water contamination from septic systems. The Town is in the process of bringing a new well on line and building a new water transmission line, which will help the Town's water supply. Less properties in the Town means the burden of these improvements is spread out among less people. The Town has fire hydrants near the SALL property and has invested on infrastructure near and surrounding this property. CENSUS, preliminary reports show substantial growth in the Town from the last census. De-annexation of any properties has be potential to decrease the census number and decrease the Town's share of revenues from the state, including, property tax, mineral royalties, severance tax, local option sales and use tax and ad valorem tax.

Councilman Taylor would like to express his agreement with most of the items. He supports the assertions that have been made. He believes it is in the best interest of the town not to de-annex the property.

Ms. Stone commented on the draft agenda there was supposed to have Town Council minutes from June 25<sup>th</sup> and July 7<sup>th</sup> for Council approval tonight. But they are not on the final agenda tonight, when will be have those copies of the minutes made available to us. Mayor DeCora stated as soon as they are approved by the Council. Ms. Stone further commented that both Mayor DeCora and Councilwomen Brown commented on what an asset the trailer court is to the town of Alpine, and basically they have had to shut down half of the trailer court, because of the water and sewer fees plus the various other issues that they have been dealing with the town on this summer. So she does not know why they think SALL is such an asset to the Town now, when you do not want to de-annex our property. She further re-stated her objection to the passing of the ordinances and to the rates and fees. Mr. Diggs Lewis commented on the fees in Alpine compared to other towns and no other business will survive, they will be the first ones to go down the tube! We cannot live with the ordinance you are proposing, it is not a good ordinance it will break the town.

Councilman Johnson commented that history has shown every time we have a water rate increase it has always has been brought up that Jackson has a lot less fees than we do, he is not sure how you can compare a town of that size town, to a town of our size, when the infrastructure still costs. Alpine rates have always been higher than Jackson. The infrastructure costs the same no matter how many people/users you have on the system. Mr. Lewis commented on water capacity, the town is overcharging for water. Ms. Stone commented that does not resolve anything. Councilman Taylor commented on the water fees that the Town of Afton charges. Mr. Lewis stated there is only one issue that is going to stop them from proceeding to where they are heading and it is for the Council to go back and revisit "Goulding's" proposal. If you are not going to do that then we are going to court.

(f) Mr. Kennis Lutz – Water and Sewer Usage & Rates – Mr. Lutz addressed the Council about his disconnect/connect fee of one hundred fifty dollars. At a previous council meeting it was discussed and Council decided that it should be refunded. So he took the amount off his bill, but then he got a note from the office stating that there was no motion made to refund the monies. Spoke with Mr. Wolfley to check into the matter and as of today he has not been notified. Council briefly discussed their recollection of this issue.

**Councilman Johnson motioned to refund the Alpine Car Wash a total of one hundred eighty dollar on their water billing. Councilman Taylor seconded the motion.**

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

Mr. Lutz has one more comment for the Council about water and sewer rates, the economy, transmission lines and rising water fees; we are experiencing pretty tough times and when times are good and money is flowing, people don't mind paying a little extra. But when times are tough people have a hard time paying for more. His water and sewer rates breakdown comes down to 9.75 per thousand gallons and he is not doing any business. So the ordinance is flawed in the way that it is working, because it going to bury the guy that is not doing much business, it is a blanket fee, it should be what you use is what you pay for. Does not know how you are going to do this, but you are having the third reading on the ordinance tonight, and it's still not fair. It has to be pay for what you use and not pay for what you don't use.

- (g) Ms. Tiphany Gayhart – De-Annexation – Forest Meadows Subdivision – Ms. Gayhart was unable to make the meeting, so Mr. Lutz spoke her behalf and asked the Council if they have given any consideration to the Forest Meadows de-annexation. Mayor DeCora stated that they have not addressed and/or considered it at this point. Councilman Taylor commented that he thought you need fifty percent of the homeowners to de-annex. Mr. Lutz stated that they had more than fifty percent of the homeowners now, with only a few more to go. Mayor DeCora stated that if they have more paperwork, such as more lot owner's signatures, on the de-annexation if he could please get that paperwork to the Town. Attorney Fodor asked if they had the minimum to do the petition, Mr. Lutz stated yes, there are 42 lots and they had 23 signatures. Councilman Taylor referred to the information the Town has on file and stated that the County would not have let you file the initial petition, if you did not have the enough homeowners to sign the petition.
- (h) Mayor DeCora asked Mr. Jerry Myers of Myers-Anderson for Civic Center Update and Payment of bills. Mr. Myers state he received a payment request from contractor, however there were some changes that he requested them to make, has been re-faxed to the office, he has reviewed the changes, will sign and certify it and then get Council's approval for payment. The payment request is basically for ten percent of the project. For an amount requested of \$85,516.00 this amount is primarily for mobilization, insurance bonds, site preparation (demolition) earth work, concrete (reinforcing). Mayor DeCora asked for a motion to approve payment request.

**Councilman Taylor motioned to approve payment request #1 for JH Hardy Construction in the amount of \$85,516. Councilman Johnson seconded the motion.**

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

Mr. Myers further went on to comment on the budget sheet discussed in the workshop. Change order requested by the contractor, the Town Administrator has a copy of all the breakdowns for the various items, would like to get your approve to sign the change order on these items. Remodel north office area. Councilman Taylor asked if we wanted to go back to bid on some of these items. Mr. Myers commented, when you say go back to bid, what do you mean back to competitive bid, these are items by are hard numbers from the sub-contractors. That have provided the prices they have gone over this and feel it is appropriate. These are proposed change orders that we have hard numbers from the contractor. At the last meeting we talked about approving the north office changes at a number not to exceed the thirty six thousand dollars, they have provided the specific cost breakdowns, plus the costs of the adjustments, by the drywallers, plumbers, painters, etc.

**Councilman Jorgensen made a motion to approve payment on item number one (remodel north office area) and changes orders for temp fencing, tamp handrail, fire rated doors, fire stop drywall and half of the electrical repair of west side. Councilman Taylor seconded the motion.**

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

Now we are ready to discuss the other items that have been listed. Councilman Jorgensen feels that Jerry is looking for the items that we would like to see put back into the building. That way he can bring us some hard numbers on those items. Councilman Taylor asked if we can still discuss/object those items when the numbers are brought in. Mr. Meyers responded yes, we will have a breakdown, just like the number we talked about earlier this evening. If we do not like the numbers, we can either reject them and not do it, or move forward. Councilman Johnson asked where his fee is in the numbers, for doing all this work. Jerry responded it is in the bottom contingency line item numbers. Councilman Johnson asked if we had a hard number from him. Mr. Myers responded you do by contract because it is a percentage of the contract for construction. He believes it is at eight and a half percent of the construction contract. Councilman Jorgensen wanted to streamline the process. Mr. Myers again reiterated that you will have the chance to review every line item, before approval.

**Councilman Jorgensen made a motion to give Jerry the approval pursue the additional work items/upgrades and get firm price estimates with necessary back up information on all those items. Councilman Taylor seconded the motion.**

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

Mr. Myers asked the Council to think about air conditioning, if we have the money to do it, it would be wise to look into it. Also talked about looking into additional concrete, other items that might be needed such as; furnishings for the building. Council also talked about the City work/upgrades section. It was decided to wait on these items, until we get further information from the staff. Officer Phillips talked about the security system for the building in addition an audio visual system. Mr. Myers stated that the number for the payment request was incorrect. He should have gotten approval for the lower amount of \$78,437.00 for the payment request.

**Councilman Taylor motioned to approve the lower amount on payment request #1 of \$78,437.00 rather than the \$85,516.00 for JL Harding Construction. Councilman Jorgensen seconded the motion.**

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

Mayor DeCora recessed the public meeting at 8:57 pm. Mayor DeCora reconvened the public meeting at 9:05 pm.

- (i) 192– Ordinance No. 2009 - 48: Repeal/Replace Ordinance #188 No. 2009-44 Business License – 2<sup>nd</sup> Reading – Council reviewed the ordinance. Council discussed section #192-01-d - (evidence of doing business) serving customers in the Town vs. having a business in the Town of Alpine, there is some inconsistencies. Attorney Fodor commented that we should consider where we want this ordinance to go. It seems that it has been interpreted a couple of different ways. He felt that the guidance he got from the Council was, if someone was doing business in town, this is where the business is based out of. They need a business license. Councilman Taylor, Jorgensen and Johnson discussed delivery companies, contractors, sub-contractors and rug and shoe sales people. Attorney Fodor suggests developing criteria of where you want to go with this ordinance. Discussion on individuals coming to Alpine to perform their business for one day vs. contractors coming to town one day and doing his business. Councilman Jorgensen stated there is no difference. Attorney Fodor commented on what you want do with a real estate broker out of Jackson that comes and does business here. Again stating where you want to draw the line. Councilman Jorgensen stated delivery is different than installing. Councilman Johnson suggested in order to make it not such a grey area, if you are based or do work out of Alpine you need a business license. Councilman



Taylor commented we need to come to a conclusion before we can move forward on this. Attorney Fodor suggest that Councilman Taylor and Johnson develop some language and he will work on this so that we will meet the needs of the council.

**Councilman Johnson motioned to table this item until the next meeting. Councilman Jorgensen seconded the motion.**

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

- (j) 194– Ordinance No. 2009 - 50: Repeal/Replace Ordinance #185 No. 2008-41 Sewer Connection fees, Sewer Usage Rates & Sewer Billing & Collection Policy – 1<sup>st</sup> Reading – Attorney Fodor addressed the Council in regards to the changes that Council requested at the previous reading. Council reviewed and discussed these items; Section III (b) Connection Requirements and ERU determination. Section III (l) Pre Existing Septic Systems that fail to operate properly. Section IV Fees (5.1) Discounts for Social Service Organizations. Section VI Billing & Collection Policy – it was also discussed that the water billing should follow the same guidelines that way there are no inconsistencies. Section X - Exemptions from Connection Criteria - Councilman Johnson commented on demonstrating need to the satisfaction of the town engineer. Who will incur these costs? It was agreed that the costs that are incurred are to be paid by the residents/homeowners. More discussion on the costs for review, if residents/homeowners use engineers unfamiliar with the town, the town will have their engineers review the data/information to make sure things are installed correctly. Section XI Connections Available for Lots Outside of Phase 1.
- (k) Mr. Denton Kanouff and/or Assigned Representative – Letter Re – Sewer Connection – Mr. Kanouff’s letter was also discussed at this time in conjunction with the proposed ordinance.

Council discussed various scenarios when you have a shop and a residence, such as an apartment above, where do you draw the line on how many ERUs to charge. Councilman Jorgensen referred to his shop when discussing this situation. In Mr. Kanouff’s situation there is a shop and there is living quarters on top, but that caught on fire. Attorney Fodor commented that Mr. Kanouff has a shop and an apartment in his letter to the town they are not using the apartment, so they feel they should only be paying for one ERU, because they have only one water connection. There is a resident across the street that has two buildings two water lines. That reasoning is very good with two buildings, one shop and one shop plus an apartment all with connections, but they are paying three ERUS. Councilman Taylor expressed that is why it is best to go away from the list and go with actual usage. Councilman Taylor referred to another area business that is getting charged for 7.5 ERUS because of their separate buildings. Council further discussed that every business has a minimum of one ERU and the distinction of a building that might have a residence above it vs. side by side. Why should the stacking of buildings get a discount? Councilman Jorgensen and Councilman Taylor both gave their opinions on how to charge these properties accordingly. Attorney Fodor discussed options and asked for direction from the Council. As the ordinance is written now there is one ERU per use. Councilman Taylor and Councilman Johnson discussed this in length. Attorney Fodor commented that the way it is written Mr. Kanouff would have to pay for two, one for the apartment and one for the business. Councilman Jorgensen stated he is claiming that it is not an apartment, because it no one is living in there. Attorney Fodor asked if the property has a certificate of occupancy on that space, or is it condemned. Councilman Jorgensen stated he believes that his apartment is condemned. Attorney Fodor said the town can suggest that if the apartment has been condemned they pay for one ERU, but if he wants to rent it they need to get a certificate of occupancy and then he will need to pay for another ERU. That might be a fair way to justify/approach this situation. Councilman Taylor does not believe that it is fair, look at the water usage it is the ultimate indicator of what is going on! Councilman Taylor and Councilman Johnson discussed this in length. Councilman Jorgensen stated right now as far as he is concerned,

the apartment is non-occupy able, because it is burned out. Consider it as one ERU and the upstairs is not being used at all. Attorney Fodor reiterated checking into upstairs to see if it is condemned. Then there is a control measure when they go to remodel it. When it is occupied they will be charged for another ERU, because it is a different use. This would be a fair compromise and working within the rules that the Town has set out.

Mr. Andy Gavin and/or Assigned Representative – Sewer Ordinance #194 – His email was submitted to the Council for review and discussion. He wanted to know why he has to perforate the bottom of the tank, especially if it is already pumped. Mr. Erickson (Sunrise Engineering) stated that in other areas we have not required them to poke holes in the bottom of the tanks. They have to fill the tank with materials; however, he does see a problem with trying to get down there to poke holes in the bottom of the tank. Town Administrator asked about inspections, do you want the Town to inspect the abandonment of the septic tank. Councilman Johnson stated the tanks should be inspected if they are abandoned. Mayor DeCora stated the owner could provide documentation of that abandonment. Councilman Taylor commented if they want their free dumping then they will have to provide that. It was agreed by Council to eliminate the perforation of the tank in six places. It was also agreed that breaking the tank lid is suggested. Another one of Mr. Gavin's question was installing backflow prevention valves. Councilman Johnson commented that only if you have a lift station would you need that. Mr. Erickson commented on that in the IPC code, which the Town has adopted, when a valve is need, it says backwater valves – “where the flood level rims of plumbing fixtures are below the elevation of the man hole cover of the next upstream man hole in the public sewer such fixture shall be protected by a back water valve installed in the building”. It further goes on to say, “If you are above that manhole rim you should not go though a back water valve”. The code does require, if you are in a basement to have a back water valve installed. Councilman Taylor and Councilman Johnson feel that this should be a suggestion. Mr. Erickson suggested going by the code. Councilman Taylor does not believe we should mandate this, leave this up to the people. If it backs up, it is their problem, not the cities problem, if they choose not to have the backflow devise installed that is their decision. Attorney Fodor commented, that being said when it does back up, it will be a Town problem. Mayor DeCora also stated the Town is liable if the sewer does in fact back up. Mr. Erickson referred to the email as to reason why the sewer would back up, there is more than that poor design or poor construction for backing up, baring a natural disaster, vandalism, maintaining lines could be any number of reasons. Attorney Fodor commented I understand it is their decision, but they could come back to the town. He again reiterated he will do what the council directs him to do.

**Councilman Johnson motioned to approve ordinance #194 No. 2009-50 subject to the changes discussed and made part of the record. Such changes will be inserted into the final document. Councilman Jorgensen seconded the motion.**

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

Town Administrator commented on the five homeowners along Greys River Road, they could hook onto the system; there is no exception, unless they can prove a subsequent need. Attorney Fodor asked to get the determination in writing for these homeowners and from Sunrise Engineering.

They need to pay the connection fee, readiness to serve fee, they do not have to physical abandon the septic system until 10 years from passing of this ordinance.

Tabled Items – On Going Business:

190 – Ordinance No. 2009 - 46: Breach of Peace  
Impact Fees

Department Updates: