

**TOWN OF ALPINE
COUNCIL MINUTES
March 4, 2008**

Meeting was called to order at 7:01 pm by Mayor Victoria DeCora whom then held the pledge of allegiance. Roll call was taken by Attorney Stefan Fodor: Don Jorgensen, Beau Taylor, Victoria DeCora, Donn Wooden and Shirley Brown were present establishing a quorum.

Council Minutes for February 15, 2008 are awaiting approval. Don Jorgensen motioned to approve said minutes. Donn Wooden seconded. **VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Planning & Zoning minutes for February 12, 2008 and February 26, 2008 are waiting for approval. Don Jorgensen motioned to approve said minutes. Beau Taylor seconded. **VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Action Items & New Business

Ed Turner from Nelson Engineering: Update/report on new Wastewater Treatment Plant. Walls of the head works building were poured yesterday, they poured 35 cubic yards. The floor was poured earlier, tests were positive on previous pours. The plant building has been excavated and the rebar is in, they will be pouring that next Tuesday, 100 yards will go into the floor on the large building. Rob Wagner building inspector has been updated on the pouring schedule so he can monitor progress on the project. The job is on schedule, Moltz construction is doing a good job.

Award of Bids for Sewer Collection System: Leon Kjellgren from Nelson Engineering reminded all that the sealed bids for this project were opened at the last council meeting. The low bid was well below other estimates. Mr. Kjellgren believes that this came in low as Johansen Construction has a job in Farson which will have to shut down during irrigation season so the timing will be perfect for them to start our project plus it will cut mobilization costs. Nelson Engineering did investigate their qualifications and talked with past clients. Other clients had positive reviews of projects of a similar scope and scale as our job. Mr. Kjellgren thinks the Council should award the contract to Johnson Construction of Utah for \$1,893,800.39. There is no reason not to award it to them. Mr. Kjellgren is asking for a motion to award the contract to Johanson Construction of Mount Pleasant Utah and the authorization for the Mayor to execute an agreement with Johanson when all the paperwork is completed. **Donn Wooden Motioned to award the bid to Johanson Construction of Mt. Pleasant Utah for \$1,893,780.39 and to authorize the Mayor to sign the contract once paperwork is complete as well as to sign change orders as work progresses.** Mayor DeCora asked what happens when contractor says they cannot complete the work. Mr. Kjellgren said that was their job, and that there is a contingency of 100k for unknowns. Mayor DeCora wants to get a final number. Mr. Kjellgren stated the final numbers are based on assumed quantities and assumed basis of work. The bid is what it is; there are lots of unforeseen problems with the way pipes are laid out under the streets. We need to wait until the end of the work before we spend any excess funds if there are any. This project needs to be finished regardless of what problems we may encounter. Regardless of who we choose, we are still under the same guidelines and potential problems. Donn Wooden is thankful to hear this is a reputable company and the Nelson Engineering has done research into the company for their reputation, and quality of work with financial stability. He also hopes we can stay below engineering estimate. **Don Jorgensen seconded the motion. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Lane Hale Sewer Easement Acceptance of Payment: Mr. Kjellgren negotiated \$1760.00 for an easement for a portion of the new collection line in Palis Park Subdivision. Easement is signed and notarized. Mr. Kjellgren is asking for a motion to accept the Hale sewer utility easement and to authorize treasurer to make a payment to Alpine Legacy Limited in the amount of \$1760.00. Once it is signed by the Mayor, Mr. Kjellgren will have the easement recorded in Kemmerer. Funds will come out of loan or grant from sewer funds for this project. **Beau Taylor motioned to finalize easement and pay Alpine Legacy Limited \$1760.00 for the sewer and utility easement. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.**

Acceptance of Town Scholarship Program: Mayor DeCora stated that the Town has always had this program, but that it hasn't always been used. The last scholarship was awarded three years ago to Tiffany Barber. Mayor DeCora has drafted a new application and would like to include scholarship in her news letter, Town web site, along with putting it in the local paper. She would like to have a committee of three to review applications to make a recommendation to the Council. Deadline for this is April 14, 2008. This will be decided on the first meeting in May. We could award one or several scholarships with the money. Shirley Brown motioned to approve the scholarship program and to advertise it. Donn Wooden seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

2nd reading of 177 Ordinance No. 2008-33 Enforcement of Town zoning Code: Mayor DeCora read title of ordinance and asked for a motion. Donn Wooden motioned to approve the 2nd reading of 177 Ordinance No. 2008-33. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 169 Ordinance No. 2008-25 Adoption of 2006 Building Codes: Mayor DeCora read title of ordinance and asked for a motion. Shirley Brown motioned to approve the 3rd and final reading of 169 Ordinance No. 2008-25. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 170 Ordinance No. 2008-26 Amendment to Master Sewer Ordinance: Mayor DeCora read title of ordinance and asked for a motion. Donn Wooden motioned to approve the 3rd and final reading of 170 Ordinance No. 2008-26. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 171 Ordinance No. 2008-27 International Mechanical Code: Mayor DeCora read title of ordinance and asked for a motion. Don Jorgensen motioned to approve the 3rd and final reading of 171 Ordinance No. 2008-27. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 172 Ordinance No. 2008-28 International Plumbing Code: Mayor DeCora read title of ordinance and asked for a motion. Shirley Brown motioned to approve the 3rd and final reading of 172 Ordinance No. 2008-28. Donn Wooden seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 173 Ordinance No. 2008-29 International Residential Code: Mayor DeCora read title of ordinance and asked for a motion. Don Jorgensen motioned to approve the 3rd and final reading of 173 Ordinance No. 2008-29. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 174 Ordinance No. 2008-30 International Fuel and Gas Code: Mayor DeCora read title of ordinance and asked for a motion. Donn Wooden motioned to approve the 3rd and final reading of 174 Ordinance No. 2008-30. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

3rd and final reading 175 Ordinance No. 2008-31 International Fire Code: Mayor DeCora read title of ordinance and asked for a motion. Shirley Brown motioned to approve the 3rd and final reading of 175 Ordinance No. 2008-31. Don Jorgensen seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Department Updates

Legal:

There is a section of shared 15 inch sewer main pipe from where Alpine Meadows sewer crosses the river and ties into the Towns pipe to go to the waste water treatment plant. Mr. Kjellgren has asked if North Star Utility will be able to share in that cost. Today Attorney Fodor received an agreement from NSU to share ½

of the cost of the pipe. The Town will pay for the entire project and NSU will then reimburse the Town their share.

Fractional ownership flyer: Attorney Fodor along with Planning and Zoning Chairman Dave Gustafson drafted a letter to the proposed owners of this property. It essentially states that fractional ownership is not the intent of the R-1 residential code and that the type of use they are proposing is not allowed in the current zoning nor in the new zone. If they have any questions, they can call planning & zoning. Attorney Fodor was asked if he felt this went along with our codes to which he responded no he didn't. This does not mean that it could not be done with the correct variance or special use permit. As it stands now in his opinion fractional use is not allowed under the R-1 residential code. Donn Wooden represents the sellers of this property. He has apprised them of the challenge to that use of the property. He would like the buyers to go before Planning & Zoning to get a recommendation. He does not feel this is intrusive to the neighborhood and challenges the statement that fractional ownership is not in harmony with the code. He will excuse himself from decisions regarding this issue. He would like the council to keep an open mind on this issue. Beau Taylor needs to look into the regulations regarding this issue and type of ownership. He is not very supportive of a time share being in an R1 zone. Mayor DeCora stated that the flyer states it would be 1/9th ownership. Don Jorgensen would like to let them go before Planning and Zoning so we can hear their intent and purpose for this property.

Gunners Pizza is the sole restaurant that has not paid their one time inspection fee nor their annual fee. From what he has heard they basically have said they are not paying it. They have been given time, notice, additional letters; they have been told we can do this the easy way or the hard way where they have to pay the late fees etc. The ordinance does allow \$50.00 fine per day. Attorney Fodor is asking for suggestions from the council on how they want to handle this. Mayor DeCora feels that shutting their water off would definitely get their attention. Attorney Fodor will look into the ordinance to see if this is allowed. If it is allowed we will move forward with shutting off his water, if not then we will take it to the circuit court for payment. Attorney Fodor feels we should write them another letter warning them of what is to come. Don Jorgensen made a motion to go ahead and take action against Gunners for non payment of fees for grease trap and shut water off if allowable under the ordinance. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Scott residence letter from Attorney: Attorney wanted to make sure every one understood letter and how things will proceed from here. If with in the next 30 days the Scotts do nothing to help remedy their situation there will be to issue them a notice of hearing to abate they get a minimum of 12 days notice at that time there will be a staff report to instruct them to their right to an attorney if they want one present all the evidence will be presented in the hearing. At that hearing you will be asked if you want to do an order to abate, once that order has been issued all the evidence will be asked for. At that hearing you will be asked to give a time period then the Town has a couple of different options. Hopefully we can remedy this problem with out too much pressure or stress.

Attorney Fodor would like to ask for an executive session later on in accordance with State Statute 16-4-405 a ii.

The small waste water plant agreement with North Star Utility: from the Town's perspective we have finalized that agreement. Lee Schwab has signed off on the changes and the engineer is looking them over. The first month to six weeks they will use the small plant to dump in that way they can monitor it so it won't over flow the newer system. If you have any questions please refer them to Leon. The Mayor has been given permission to sign this agreement.

Sewer financing issue: Mayor DeCora has serious concerns about the Town being able to handle the logistics of financing fees. Donn Wooden has been looking for a bonding company to step in and see if we can help the public finance their fees. Mayor DeCora stated we are not a lending institution nor should we be. Bank of Alpine and Bank of Jackson are apparently interested in helping to finance sewer fees for the public. Each property owner would have the responsibility to go to the bank and make the application. Mr. Kjellgren had a discussion with a bonding agency that has some reservations about financing these fees as they are not a hard cost, not a tangible improvement to a property. Mr. Kjellgren would like to know if the

council wants to take this any further as he does not want to waist time nor money on this issue if it is not going any where. Mayor DeCora reminded every one that we are not a lending institution, nor do we have the money to hire a high dollar employee to take care of this issue, administratively we cannot do this. She would also like proof that this is even a legal thing to do. Department of audit states we can not enter into a financial obligation any longer than the current administrations tenure. **Donn Wooden motioned to go to different bonding companies to see if they could do a bond which would include connection fees and what it would cost each individual to tie into the main line. If it can not be done, then they need to go speak to the bank to see what kind of program they can offer the public. But he does not want to rule out town financing. Don Jorgensen seconded. VOTE: 3 Yes; 2 No; 0 Abstain; 0 Absent. Motion carried.**

**Mayor DeCora called for a recess at 8:41 pm.
Mayor DeCora called the meeting to order at 8:54 pm.**

Police Department

Chief Phillips handed out a report from the department. The department has been doing a lot of court ordered PBT's. Chief Phillips mentioned that other departments are now charging for this as it does take time and the straws do cost money, he wants to know if the Town can charge for this service. Don Jorgensen motioned to charge \$1.00 per court ordered PBT test. Donn Wooden seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Chief Phillips presented photos taken of the civic center damage to the insurance adjuster when he came to evaluate the situation.

Chief Phillips handed out the article on the shooting that happened in Missouri. He will continue to attend meetings, but will move around a bit and won't sit at the back of the room all the time.

The bids for the new police vehicle have not been asked for yet as we do not know when we are going to be getting the monies for sure. Once we know the dates then we can advertise for them.

The Dodge truck has been checked out by Don Jorgensen as is not as bad as it was made out to be. Chief Phillips has been driving it and has had no problems with it.

Donn Wooden motioned to recess the public meeting and to go into executive session according to Wyoming State Statute 16-4-405 a ii. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Meeting reconvened at 9:38 pm.

Don Jorgensen motioned to ratify actions taken in executive session. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Don Jorgensen motioned to pay the bills. Beau Taylor seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Donn Wooden motioned to adjourn the meeting. Shirley Brown seconded. VOTE: 5 Yes; 0 No; 0 Abstain; 0 Absent. Motion carried.

Victoria DeCora
Mayor Victoria DeCora

3-18-08
Date



ATTEST:

Brenda Bennett
Brenda Bennett Treasurer

3-20-08
Date