

TOWN OF ALPINE

MINUTES

MAY 15, 2007

Mayor DeCora called the meeting to order at 7:01 pm and held the pledge of allegiance.

Mayor DeCora wanted to welcome the Brians, Brian Mark here to talk about the State Revolving Fund, and Brian Lovett from DEQ here to talk about the wastewater treatment plant.

A quorum was established by the treasurer through a roll call. Council members present: Don Wooden, Shirley Brown, Tom Turner, and Don Jorgensen. Other staff in attendance: Town Police – James Phillips, Town Attorney – Elizabeth Koeckeritz, Town Planning & Zoning – Kennis Lutz, and Town Maintenance – Val Jensen.

COUNCIL MINUTES: February 20, 2007 minutes. Mayor asked for a motion to pass the council minutes for February 20, 2007. **Don Wooden so motioned. Tom Turner seconded. Vote: 5 - Yes; 0 - Opposed; 0 - Abstain; 0 - Absent. Motion carried.**

PLANNING & ZONING MINUTES: No minutes were available at this time.

Wendy VanValkenburg: Update the Council on the after school program at the Civic Center. Wendy wanted to give a recap on the program this year that was done in cooperation with the Town of Alpine. She also wanted to know if the council had any questions for her. The program started in October, two days a week for first through sixth graders. With the help of three dedicated volunteers Bryant & Shirley Brown, Kairee Jansen, and her co worker Marilyn Matthews the program was a success. Some of the things they did were experiments, art projects, climbing wall, out door play. The kids worked really hard on special projects to sell for a pizza party. They are now working on the Pirate Party fund raiser to be held this week end, Saturday from 10:00 am till 2:00 pm in the Town Park and Civic Center. The Governor is going to be there, a bicycle safety class will be given, American Legion Women's Auxiliary will be cooking hot dogs, and there will be games inside. It will serve as the end of the year bash for the kids. It has been the most rewarding and challenging thing Wendy has ever done. The first month she was wondering what she got herself into, but when she said good bye to the kids last week she had tears in her eyes. These kids are latch key kids that would be at home playing video games or might be getting into trouble so this is a really good program for them. The money the Town has given has been utilized for payroll, snacks, supplies, and to help in getting grant monies. Wendy wanted to again thank the Town for the monies to keep the program going. Mayor DeCora wanted to extend the thank you back to Wendy. Councilwoman Brown said she learned a lot and had a great time with the kids. Councilman Wooden said the kids were lucky to have her and so were we.

Grey's River Cove RV Park – Discuss water issue with Council. Terry Moore speaking on behalf of Grey's River Cove RV Park, Carla Stone, and Diggs Lewis addressed the council. Elizabeth was kind enough to send Terry the ordinance 105 ORDINANCE NO. 2004-02. Pallis Sport – Will remain the same until property is sold or further developed. When further development occurs, new water connections will be at the owner's expense. Inherent in that is the fact that there is no deadline; it does not say that the water from the existing well is cut off. There is no debate or dispute about hooking up to the Town's system. His suggestion to Elizabeth Koeckeritz (town attorney) and to the council would be if Diggs could be permitted to use the existing well for 6 months for irrigation, not for potable use, for the grass on the property. If it needs to be put in writing he would be happy to do that for the council. If he is given a variance of 6 months it avoids getting into arguments. The well was in existence when he bought it the old deed showed it came with it when he bought the property. The problem is after talking with Val that he has a one inch line feeding the property; he cannot run sprinklers and sprinkle the grass with a one inch line. It has to be changed out to a two or three inch line in order to work. The problem is that takes time and a lot of money. If there is a 6 month grace period to get this all to work, he (Diggs) will do it and if he doesn't do it then he is out of luck and the well is shut down by agreement and by order. Then you don't have to get a cease and dismiss order from the judge. He understands the councils problem that if Diggs is allowed to do this than what is to stop some one else from doing it. If you go back to 5- 4 exclusive water system, it is unlawful to drill a private well (which he hasn't done) or connect to an existing water system (which he hasn't done). His was already hooked up so he is not violating that ordinance. Diggs is not technically in violation of any ordinance you have passed. The well would not be used for any restaurant use just for watering of the RV Park. The water for RV's parked will come from the stand pipes that come from the Town's water. Terry would like to humbly request for a 6 month variance with the understanding that it is shut off with the understanding it is not to be used after 6 months. If it is in fact to be shut off that the well is to be closed off at that time to never be used again. Carla Stone agreed with all that Mr. Moore said except she would like to see a permanent variance so the well can be used every summer for watering only. This would help the town as it would use less chlorinated water to be wasted on grass, plus it would help save the pumps, and could possibly be used in case of emergency. At this point she does not see where they are in offense of any thing at this time. Mr. Wooden is aware of all that has gone in the past and why they formed the water district to have total control. They did allow as a water district to allow a couple of wells to continue working that were not attached to our water system of coarse once we had the water system involved you could not have any wells tied into it so they had to separate them from the water system. Mr. Wooden feels that we should embrace the idea of their working well for irrigation purposes only. Especially now that we are in the position of both pumps being in total demand in the summer when all are here and irrigating their yards. We are in the mode now that we should be curtailing and starting to alternate our water use. In his mind why not embrace those parcels that have a well that is not attached to the town water system to let them use their well for irrigation solely and maybe charge them a monthly flat rate fee as we need to have it inspected to make sure there is no cross contamination and to make sure it is not connected to the system in any way. Mister Wooden does not feel that this would interfere with our aquifer. Mr. Wooden stated that there is no one else around that has wells. Mayor DeCora asked if Ben Taylor had one that could be hooked back up and used. Mr. Wooden said he did and if he wants to hook it up for irrigation purposes why not it will save on the town's

pumps. Mayor DeCora is wondering why we did a resolution in 1989 to not let any one drill a private well what was the reason behind this and why should we change that now. Mr. Wooden said there have been 7 to 8 years of drought times and things change and a waiver is not in appropriate. Mayor DeCora asked Val Jensen how soon he could get them on the town water system. Mr. Jensen stated as soon as they pay the money for the pit. Mr. Jensen is looking at this at a safety stand point. Mr. Jensen handed out pictures (attached taken by Jim Vandorn from WARS) for the council to look at. Picture #6 shows where the well is in about 2 feet of stagnant water which he looked at about a year ago. The potable water lines are underneath the water in the well house. If you look at the camp ground look at all the hydrants there no vacuum breakers, no check valves, if you look where the clean outs coming into the trailers they are only two feet away from the water hydrants. It is an issue for the town of a cross connection more than it is saving water in his opinion. Terry Moore's response to that is it is very simple have DEQ come in and check every thing to test the integrity if not then no, there is no variance. The variance at the owners expense should include that some one be brought in to make sure there is no cross contamination going on and no health problems. If there is no clean bill of health then there is no variance. Mayor DeCora asked if they were asking for the variance in advance before the clean bill of health. Mayor DeCora would like to see an engineer come in and look at every thing. Mr. Moore agrees that it would be cheaper to have an engineer come in so they can get the variance on the well than it would be to put in all new infrastructures. Elizabeth Koeckeritz to keep things moving along feels we have been presented with three different options the first would be to create some sort of new irrigation permit where we are amending some of our ordinances. Second option would be to let him go along and do the 6 month permitting process with a minimal charge or fee. Third real option is to just say no to every thing. It is a policy decision that needs to be made at this point. Brian Mark from DEQ does not know enough about what is going on but he feels he needs to make some clarifications on the issue. DEQ has jurisdiction on wells for public water supplies, from what he is hearing, this well is not a public well it is not providing culinary or potable water it is to be used strictly for irrigation so DEQ does not have any jurisdiction in this case. They will not come in and test the well those are costs that are normally realized by the property owner or developer they don't normally come in and do testing on the wells. He doubts EPA will come in even though they have jurisdiction on private wells as it is for irrigation only. It sounds like an engineers problem to him. Don Jorgensen sees no reason why we shouldn't embrace this for this year to help with our water system until we get the new well put in. Mayor DeCora stated that we as the town are responsible for the health and safety of the town's people and the campers that come in. We need to know the facts before any final decision can be made. We need to get answers from an engineer to let us know the health risks or facts. Mayor DeCora asked for a motion on this issue. Don Jorgensen would like Val Jensen to be able to go and inspect the situation to make sure there is no cross contamination so they can use the well until the next council meeting so their grass does not burn up in the mean time. Mayor DeCora asked for a motion again on this issue. Terry Moore would like to make a motion to allow them to use nothing but the water to irrigate for the next three weeks. Then in three weeks we would have the engineering report to see if there is any cross contamination. **Tom Turner motioned to allow them to use nothing but the water to irrigate for the next three weeks, and to have the engineering report at their expense to be ready for the next council meeting. Don Jorgensen seconded. VOTE: 3 - Yes; 1 – Opposed (Shirley Brown); Mayor DeCora did not vote Abstain; 0 - Absent. Motion Carried.**

Brian Lovett Department of Environmental Quality: see attached letter. Every one got a copy of the letter stating that they were not going to pursue any further enforcement action at this time. He was here on April 25th and is comfortable with the direction things are going. If any one has questions for him he would be glad to answer them. Mayor DeCora asked if the direction we were going changed what would happen then. Mr. Lovett wanted to clarify that in his letter he expected the town to continue to provide professional oversight he wants to clarify that you do not have to hire Clearwater but some one professional has to continue to run the system and keep it in compliance. Mayor DeCora wanted to know how to qualify for the state revolving fund and about raising fees for the fund. Mr. Lovett said that was not his area so he would turn the mike over to Brian Mark for those answers. Mr. Lovett wanted to point out part of the reason DEQ is backing off on the enforcement of this is because we are pursuing a long term solution to the problem with a new facility. Brian Mark with DEQ works on a program called State Revolving Funds program. The council should know that you already have a design loan with them. He believes it was for 320 thousand give or take. They recognize that we have issues here that we need to address. There are different sides of the program, program side, engineering side and the finance side. The money is held by a different agency. The credit worthiness demonstration that we will have to go through will be evaluated by the accountants. As part of getting to the Governor and the other members that comprise the State Loan and Investment Board you have to go through credit worthiness demonstration, which will entail you having to raise rates showing you can make your loan payments. Those rates will have to be ear marked dedicated to paying off the loan. Mayor DeCora asked what they estimated the loan payments to be. Mr. Mark told Mayor DeCora some time ago that the payment would be 225 thousand a year. With the expansion of the service area that will help with the cost of the loan. That will be a demonstration to go to the accountants to prove that you will be able to pay your loans. Mr. Wooden wanted to know if it was critically important at this time given the circumstances of the existing situation is it your requirement that we not allow any more connections until we get this system straightened out and balanced out. Mr. Lovett stated what they require is compliance with our permits so it is our decision. From what Mr. Lovett picked up from past discussion's our system is on the ragged edge of over load all the time. It sounds like right now we are pushed up to the limit. We are #11 out of 105 projects. They recognize that we have some issues that they want to help us with. Since we are rated #11 we have a pretty good chance of receiving grant money. The counties will have to do what the state used to do for grants. When you ask for the money you want it to include every thing, roads, curb, gutter ask for it all at one time so you don't have to ask for more later.

Maria Vanderloop from Clearwater Operations: Proposed budget for the wastewater treatment plant, see attached. Maria went over the proposed budget for the treatment plant. She also suggested a rate increase on sewer billing of up to \$50.00 per residence in order to cover costs for increased control, education, and maintenance. She realizes this would make a lot of residents upsets but she feels it needs to be done. Mr. Wooden wanted to know how that price compared with the sewer rates state wide. Maria did not know that information off the top of her head. Treasurer Bennett stated that it was very high. John agreed that it was high but felt that it was necessary for the infrastructure. The rates need to justify the loans and grants that are received. If there is any money left over, it can be put in reserves.

Bryant Brown SLIB project information: Bryant brought more information for redoing the roads in Riverview Meadows subdivision. (See attached) Mayor DeCora wants a motion to take Bryant's package to Kemmerer with her to show what we are going to do with the monies received from SLIB. Elizabeth Koeckeritz said the sooner we can get this decided on the better as it will need to be put out to bid. **Don Wooden motioned for Mayor DeCora to be allowed to take the package with her to Kemmerer tomorrow to present it for the block grant approval. Don Jorgensen seconded. VOTE: 5 – Yes; 0 – Opposed; 0 – Abstain; 0 – Absent. Motion carried.**

Mayor DeCora called a recess at 8:35 pm.

Mayor DeCora called the meeting back to order at 8:40 pm.

1st READING – 154 ORDINANCE NO. 2007-10: Municipal Tax Levy for Fiscal Year 2008. Mayor DeCora read the ordinance then asked for a motion to approve the first reading of the ordinance. **Don Jorgensen motioned that 154 Ordinance No. 2007-10 Municipal Tax Levy for Fiscal Year 2008 be passed on first reading. Don Wooden seconded. VOTE: 5 – Yes; 0 – Opposed; 0 – Abstain; 0 – Absent. Motion carried to pass the 1st reading of the municipal tax levy for fiscal year 2008.**

2nd READING –150 ORDINANCE NO. 2007 -06: Sewer rate increase. Mayor DeCora read ordinance title and asked for a motion to approve the second reading of the ordinance. **Don Jorgensen motioned that 150 Ordinance No. 2007-06 Sewer rate increase be passed on 2nd and reading. Shirley Brown seconded.** Mayor DeCora asked for any further discussion. Kennis Lutz had some questions on the break down for motel, hotels, churches, RV Park, and Mobile Park. Tom Turner and Don Jorgensen said that there are different prices between the RV Park and Mobile Home Park. John stated that you have to charge for your peak load for the system so it will be able to handle it. Kennis feels that is just seems to be so huge a jump. Mayor DeCora said it is a big jump but it has been a long time coming as the last time rates were increased was in 2004. Treasurer Bennett also asked if the flat basic rate increase should be increased as Maria brought up some good points in her proposed budget. The ordinance now is only a 10% increase and she feels that it should be 25% at least for this time. It can be reevaluated later on down the road. If you add the two increases for water and sewer it would still be less than \$10.00 per month increase on your bill.

Mr. Wooden is glad that we are not going to double the rate as there are fixed income people in town and it would really hurt them. If we need to increase later on we can. Mr. Wooden still has a problem with the \$5000.00 hook up fee. Mayor DeCora asked for a motion to pass the ordinance with the increase in monthly rate being changed from 10% to 25%. **Don Jorgensen motioned to amend his previous motion that section IV should read 25% rate increase per residence for 150 Ordinance No. 2007-06 so it may be passed on 2nd reading. Shirley Brown seconded. VOTE: 3 – Yes; 1 – Opposed (Don Wooden); 1 – Abstain (Mayor DeCora did not vote); 0 – Absent. Motion carried to pass the 2nd reading of the sewer rate increase ordinance.**

3RD READING – 152 ORDINANCE NO. 2007-08: Animal Ordinance. Mayor DeCora read ordinance title and asked for a motion to approve the final reading and passage of the ordinance. **Don Jorgensen motioned that 152 Ordinance No. 2007-08 Animal Ordinance be passed and approved on 3rd and final reading. Shirley Brown seconded. VOTE: 5 – Yes; 0 – No; 0 – Abstain; 0 – Absent. Motion carried to pass the 3rd and final reading of the animal ordinance.**

On going business, 2nd reading 151-Ordinance No. 2007-07 Building fees, was tabled pending more information. The council attending the planning & zoning meeting to gather more information. Other than the dollar amount per square foot and the garage being part of the square footage to be charged for the fee there were no problems with the ordinance. Mayor DeCora asked if the council had any other issues with the ordinance. Treasurer Bennett suggested making the changes and reading the ordinance to keep it moving along. Mr. Wooden still has a problem with the cost of the square foot fee. Treasurer Bennett said she would like to speak to the inspector and the planning and zoning commission to see if the changes would be alright with them. She also stated she could have the ordinance changed and ready for the 3rd reading at the next council meeting with permission from the town attorney and all involved. Elizabeth Koeckeritz (town attorney) stated you could pass this ordinance 2nd reading with the changes then at the next meeting if there are any problems it could be changed or tabled at the next meeting this way you would keep it moving along. This could have also been done for the water ordinance that died on the table last time. Mayor DeCora asked for a copy of the building fee ordinance so she could read it.

2nd READING ORDINANCE NO. 2007-07: Building Department Fee Schedule. Mayor DeCora read ordinance title and asked for a motion to approve the ordinance with the changes mentioned above. **Shirley Brown so moved the motion to approve the ordinance with changes. Don Jorgensen seconded. VOTE: 3 – Yes; 2 – Opposed (Tom Turner, Don Wooden); 0 – Abstain; 0 – Absent. Motion carried to pass the 2nd reading of the building department fee schedule.**

Department Updates:

Legal/Attorney: Attorney Koeckeritz brought an ordinance to extend the emergency sewer ordinance for building as it has expired. She would like to extend this another 15 days. Mr. Wooden asked if it could be extended for 30 days so hopefully we don't have to do this again. Elizabeth said there were a couple of changes to the ordinance that would allow people to keep moving forward with their building permits. They could turn in plans, pay for water hook up, and go to meetings to keep moving forward so they are not hanging out there waiting. Let them go forth with the process let them start building. You only get 1 year on your water/sewer permit, if there is a town caused problem that will not allow them to have this done in a years time they will not have to repay to get water & sewer. Mayor DeCora asked for a motion to amend and extend the past emergency sewer ordinance for 30 days but the people are allowed to move forward in the building process with the understanding that they cannot hook into the sewer until such time that we are in compliance with the sewer plant. **Don Wooden so motioned. Don Jorgensen seconded. VOTE: 5 - Yes; 0 – Opposed; 0 – Abstain; 0 – Absent. Motion carried to extend emergency sewer ordinance.**

Attorney Koeckeritz wanted to bring up the water ordinance that died on the table and bring it back up to keep it moving forward. Mr. Wooden thought that we did need to move forward with it. He thought they were all in agreement and understanding at the special meeting on Monday. Then on Tuesday they dropped the ball he feels we need to get the ordinance on the table and get it going again. The biggest issue was the hook up fee and thinking it was too high. If we change those numbers and review them annual it would be easier and less evasive for the customer. It has been 3 years since rates have been increased. Mayor DeCora feels we need to rework the ordinance and get it moving. **Don Wooden motioned to reinstate the ordinance for water rates with the changes that a ¾ inch hook up fee shall be \$2500.00, a 1 inch hook up fee shall be \$3500.00, a 1 ½ in hook up fee shall be \$4500.00, and a 2 inch hook up fee shall be \$7000.00 and the monthly user fee shall also change from 10% to 20%. Don Jorgensen seconded. VOTE: 5 – Yes; 0 – Opposed; 0 – Abstain; 0 – Absent. Motion carried to pass 1st reading of water rate increase ordinance.**

Department Updates:

Police department: Chief James Phillips stated the council needs to consider training for itself for emergency preparedness. All town officers wishing to enter an Emergency Operations Center during an emergency, are required to have completed Federal training on the Incident Command System and the National Incident Management System. These classes are also requisite for towns requesting federal disaster funds in the event of a disaster. In other words the Council and Mayor will have to take the classes on line, pass them and get a certificate before they would be allowed in any building or area in which there is an emergency operations center. Chief Phillips has already taken the classes along with others. The classes are about an hour to an hour and a half. At the minimum the Mayor should take it. You do get a certificate after passing so you have proof to enter the building.

Streets & Roads: Shirley Brown wanted to know if we were going to go ahead with the mag chloride for the roads this year. Mayor DeCora stated she had spoken with Bob and we will be very very selective on what streets will get this. Most streets will at least be bladed but there is no point in doing all the roads as most of them will be tore up when doing the sewer project so why waste the money. They will haul in some gravel. Bob will keep in touch with us on the project.

Sewer: Attorney Koeckeritz wanted to keep the policy and procedures for requiring grease traps on the agenda. She is still working on this with Leon Kjellgren from Nelson Engineering. She also wanted to inform all that there is a quarterly meeting this Thursday with North Star Utility at 10:30am at the Nelson Engineering office.

Treasurer/Clerk: Treasurer Bennett requested having a budget workshop next Thursday evening at 7:00 pm. She also asked it to be advertised that action may or may not take place. Mayor and Council agreed to meeting so it will be advertised. Bennett also wanted the Mayor and Council to note the April financials were at the bottom of their pile for them to look over.

Mayor DeCora asked for a motion to pay the bills. **Don Wooden so motioned. Don Jorgensen seconded. VOTE: 5 – Yes; 0 – Opposed; 0 – Abstain; 0 – Absent. Motion carried to pay the bills.**

Don Wooden motioned to adjourn the meeting. Don Jorgensen seconded. Meeting was adjourned at 9:43 pm.

Victoria DeCora, Mayor

Date

ATTEST:

Brenda Bennett, Treasurer

Date

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