



TOWN OF ALPINE

**COUNCIL MEETING
MINUTES**

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

DATE: October 6, 2009

TIME: 7:00 p.m.

PLACE: Town Hall

TYPE: Regular Meeting

Call to Order: Mayor Victoria DeCora called the meeting to order at 7:08 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 Town Administrator Deb Wolfley and Town Attorney Stefan Fodor.

Minutes:

(a) Approval of Town Council Meeting Minutes of September 15th, 2009 and Planning & Zoning Meeting Minutes of August 25th, 2009 & September 8th, 2009.

(b) **Councilman Jorgensen motioned to approve Town Council Meeting Minutes of September 15th, 2009 and Planning & Zoning Meeting Minutes of August 25th, 2009 & September 8th, 2009. Councilman Taylor seconded the motion.**

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

(c) Planning & Zoning Report: David Jenkins of the P&Z commission gave a brief report, from the September 22nd meeting. They have reviewed a couple minor construction permits and a deck permit. The commission has decided to move their meeting time to 7:30 pm in addition they will be meeting at 6:30 pm for discussion and review. The Commission has forwarded a recommendation to Council in regards to **permanent** septic tank permits issued in Phase II.

Ms. Melisa Wilson discussed a community outreach program being held on October 10th at Mr. Ernie Scott's property. The outreach will start at 10:00 am. Any and all help is greatly appreciated.

New Business:

(a) Civic Center Discussion with Jerry Myers & Jeff Ames (JL Hardy) & Change Order/Pay Request #4 – Mr. Jerry Meyers began by discussing some of the changes that need to be made. Such as: power box which operates the street lights, sprinkler system and other items, the box needs to be moved to a safer location; Audio visual upgrades for the center; the siding on the outside building, where the two roofs come together; North offices (lobby remodeled area) needs a new ceiling; parking lot,

sidewalks on the property perimeter; catch basins in the street area for drainage. The approximate costs are \$125,000 for these items. Council discussed these items in detail.

Town Administrator discussed the audio visual equipment that could be installed in the center. Received a proposal from Prestige Media, which is a sister company of Silver Star Telephone Company. Council needs to decide what type of equipment they want in the center, what type of functions they feel will be held in the center. Chief Phillips reviewed the proposal and need for the equipment. Council discussed this in detail (refer to audio). Councilman Johnson and Councilman Taylor would like to go over the proposal with the Chief Phillips. Councilman Johnson stated his opinion on the change orders and what he felt that the town should and should not pay for as far as the additions. Town Administrator Wolfley reminded the Council that this is a remodel and anytime you get involved in a remodel there are unforeseen expenditures. Council reiterated to the architect and project manager about any additional expenditures that might come up and their budget concerns. Mr. Jeff Ames, Project Manager for JL Hardy addressed the Council regarding the expenditures and the project.

Councilman Jorgensen motioned to approve the payment of \$2308.05 for the ceiling and lighting in the north office; \$44,524 for the parking lot, including the catch basins; \$1,200 moving the phone lines front to the back (JL Hardy to help with the trenching) of the building; \$6,250.25 moving the electrical box; \$4,000 audio visual and telephone wiring; \$2,440.00 for the siding/roofing existing structure tie in for the Town Civic Center. Councilman Taylor seconded the motion.

Public comment made by Tiphany Gayhart, she commented that the upgrades, such as the audio equipment were good, we were given a bid and this should have covered everything structurally and mechanically but now we have these changes orders, which seem to be expensive and should have been in the original bid. Maybe that is why the other bids came in higher, perhaps they were more upfront with the costs and these items were included in the bids. There is a big difference between the cosmetic things which will make the building look nicer, but all the structural items should be paid by the architect.

Vote: 4 yes, 1 no (Councilman Johnson opposed due to the including of the catch basins) 0 abstain, 0 absent. Motion carried.

Councilman Jorgensen commented what does the Council want out of this building? It was reiterated to have members of the Council get together with Chief Phillips to discuss the audio visual system, in addition get together with the Alpine American Legion, the Ladies Auxiliary and the public for their input. Ms. Gloria Jorgensen volunteered to be the meeting contact for individuals to input their ideas. Council further discussed the audio visual line item and the wiring that needs to be done and equipment that should be purchased. Council discussed the issue of when items need to be bid out and the dollar amount for those bids.

Councilman Taylor motioned to approve pay request #4 for JL Hardy in the amount of \$223,510.00. Councilman Jorgensen seconded the motion.

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

Mr. Jeff Ames of JL Hardy Construction wanted to make sure that the building is insured by the Town of Alpine, he also briefly discussed some current issues that they have encountered at the Civic Center, which are minor trespassing and vandalism issues. JL Hardy is taking care of the security of the building and that they also have their certificate of insurance at the Civic Center. Mayor DeCora will follow up on the insurance.

Mayor DeCora recessed the meeting at 8:36 pm. Mayor DeCora reconvened the meeting at 8:43 pm.

- (b) Lee Ritchey and/or Assigned Representative – Sewer Hookup for 662 Sunset Drive – Mr. Ritchey was not at the meeting however, Town administrator had a discussion with his realtor and everything with Mr. Ritchey has been worked out, he will hook into the sewer system and pay his fees when his fifteen (15) years are up.
- (c) Discussion on Skate Park Grant – Town Administrator discussed an informal discussion on the possibility of a Town Skate Park, at the suggestion of Councilman Johnson he is looking into what grants that would qualify. There is a grant that the business council said would qualify, the deadline to submit an application is December 1st 2009 and it is a 50/50 matching grant. Would like to discuss with the Council what would be the best location for the stake park. We do have a parks & recreation committee that need to be involved. Would like to see if the Council would like him to proceed with this. A parks and recreation meeting scheduled for October 13, 2009.

Mayor DeCora stated her concern as far as a location next to the Civic Center. Ms. Cindy Butera briefly addressed the Council she stated she has done some research regarding grants. Councilman Johnson also stated that there is a Tony Hawk grant that we could pursue. She would like to see this go to the Committee, so that way they can pursue more grants. She also stated that she does not feel that next to the Civic Center would be the ideal place. She is encouraged by the upcoming meeting and would like to get more input, from council and the public. Councilman Johnson suggest that when they are looking into placement of a skate park, please look into the visibility for safety of the public.

- (d) Don Jorgensen - Discussion on Sewer ERU Allocations – Mr. Don Jorgensen discussed the number of ERUs for his building/shop on the property. Mr. Jorgensen was under the impression that he only need to sign up for one. Correspondence from the Town prior to the deadlines only indicated the need for one ERU and Mr. Jorgensen elected to sign up for the one ERU amortization and rebate by the deadlines imposed by the ordinance. Mr. Jorgensen spoke with the office staff and explained that he was informed only after the deadline had passed that he was being assessed for two ERUS. He feels this is a miscommunication between the Town office and property owner and that he relied on the Town in determining how many ERUs his property was being allocated. Therefore he would like to sign up for one more ERU and be able to take advantage of the amortization and rebate as he would have done had the Town informed him he was being assessed for two ERUs. He further asked the Council for this consideration.

Council discussed the issue of two building and two usages. Council further discussed the issue of property owners being informed as to how many ERUs they should be paying. Town Attorney briefly reviewed the ordinance and commented on the ordinance. Councilman Taylor asked to review the Town documentation. Both Councilman Taylor and Johnson feel that this was a Town error, and that the Property owner should have been informed as to how many connection they were to pay and were justified in relying on the Town for that determination..

Councilman Taylor motioned to extend the amortization to Jean Claude Bretin located at 320 Meadows Drive, due to the fact that the Town has miss-informed the property owner by not giving them the proper information. The property owner abided by the time frame and demonstrated goodwill by signing up for the connection this was a mistake on the Towns part. Councilman Johnson seconded the motion.

Public comment was given by Gloria Jorgensen she wanted to make sure she understood what she was paying for. There is only one water hook up and they are paying for two ERUs, sewer is based on usage. Council reiterated to her that is the way the ordinance reads.

Vote: 2 yes, 1 no (DeCora), 1 abstain (Brown), 0 absent, 1 required (Jorgensen). Motion carried.

- (e) Recommendation from P&Z Commission – Phase 2 Septic Permits – Council reviewed and discussed the recommendation from the P&Z Commission.

Council decided that they were not in favor of stopping any construction.

- (f) 192 – Ordinance No. 2009-48: Repeal/Replace Ordinance #188 No. 2009-44 - Business License 3rd Reading – Council reviewed the ordinance with the majority of the changes located in Section 192-03(i) – Persons or entities engaged in business in the Town of Alpine require a business license. Persons or entities engaged in business in the Town of Alpine in wholesale sales shall not be required. Persons or entities engaged in providing delivering goods only shall not be required to obtain a business license from the Town of Alpine, unless the business operates out of or is based in the Town of Alpine.

Public comment was given by Mr. Steve Mavy of Mavy’s Pest Control. Mr. Mavy went on to say that this ordinance is a breach of the US Constitution Article One, Section 10, and Paragraph One. He feels this is a breach of service business contracts, violating someone’s right to contract. He again reiterated that this is unconstitutional and could lead to potential litigation. Town Attorney commented on the restrictions of government, what is allowed, and that governmental regulation has to be reasonably related to a legitimate government interest to curtail rights afforded by the Constitution and that the government regulation needs to be narrowly tailored to the legitimate governmental interest to pass the constitutional test. . Mr. Mavy said he encourages them to remove that portion of the ordinance, he would contest it, it is not the money it is the principal. Mr. Mavy was thanked for his comments. Council discussed the ordinance in further detail, including the enforcement of the ordinance. Councilman Taylor commented the fairness of other Alpine based businesses.

Councilman Jorgensen motioned to approve #192-Ordinance No. 2009-48: to repeal/replace ordinance #188 No. 2009-44 – Business License on the 3rd Reading. Councilman Taylor seconded the motion.

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

- (g) 190 – Ordinance No. 2009-46: Breach of Peace – Council reviewed and discussed the ordinance. It was suggested that the hours need to be changed it would be better suited to have the hours changed to 10 pm to 6 am.

Councilman Johnson motion to approve #190–Ordinance No. 2009-46: Breach of Peace on the 1st reading, with the change in time in Section 2 (Excessive Noise) 20 Noise defined – from 9 pm to 7 am to 10 pm to 6 am. Councilman Taylor seconded the motion.

Public comment was made by Tiphany Gayhart her question was does this pertain to commercial properties and/or /businesses or just residential properties. Council responded for the most part it is residential properties. Town Attorney comment that there no restrictions between residential and commercial properties in this ordinance. Council briefly discussed this issue.

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

- (h) Continuation – Civic Center - Mr. Jerry Myers commented that in his list of items to discuss he overlooked the front roof canopy. He met with the roofing contractor today and after removing the

front roof canopy of the Civic Center building, it was found to have no sheeting, it has been recommended to install 5/8^{inch} plywood sheeting over the top of the decking, that will even the roof out. The contractor has put together a number not to exceed one thousand dollars (\$1,000) to re-sheet the roof on the north entrance. Mr. Myers approves this recommendation.

Councilman Johnson motion to approve the sheeting on the front of the building, (front roof canopy) of 5/8 inch plywood. Cost not to exceed \$1,000 for the north entrance. Councilman Johnson further requested a full cost update for the next council meeting. That would include the budget, all costs for the building including any and all change orders. Councilman Jorgensen seconded the entire motion.

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

- (i) Pay Request #1 - Nelson Engineering for Maintenance Shop (Steel Vision) – Council reviewed the payment request that was received on work done to date on the Maintenance Shop.

Councilman Jorgensen motioned to approve payment request #1 Nelson Engineering (Steel Vision) for on the maintenance shop. Councilman Taylor seconded the motion.

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

- (j) Pay Request #3 - DeWall Construction for Child Development Center Project – Council reviewed and discussed the payment request that was received. Councilman Johnson asked if that included the grading that was done on the parking lot, where it was not already approved. Mayor DeCora asked about the changes and whose decision it was to make the changes? Town Administrator discussed the budget and monies that are available. There was some confusion with the previous architect and some unforeseen costs on the project, which include surveying costs, power costs, propane tank, testing, kitchen cabinets, fee for plan review from the state; they were not thought of. Council asked why these items were not brought to the Council. It was commented that changes were made, when it was bid they went budgeted off the plans and addendums. The contractors had to absorb some costs. There was just not enough money for the paving, so that had to go. Everyone involved needs to know these items and these need to be brought to the Council. The bid was already tight; there is only a five percent margin for contingencies. May DeCora suggest talking with the County for some funding; this project benefits the whole Lincoln County area. Town Attorney suggested that the Council send letters to Ms. Gogol and the Contractor explaining how the system works with additions and changes that need to go before the Council.

Councilman Taylor motioned to approve pay request #3 for DeWall Construction for Child Development Center Project in the amount of \$56,292.82. Councilman Jorgensen seconded the motion.

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

It was requested to have Ms. Kay Gogol at the next meeting in addition it was requested to have a complete list of all changes and the budgeted items on this project.

Tabled Items – On Going Business:

Impact Fees

Department Updates:

Legal/Attorney: Mr. Stefan Fodor – had a brief report for the Council.

He is still waiting on the amendment to the Construction and Use Agreement with NSU, pertaining to the ERU allocation and pre-purchases under the amended financial plan. He has asked the Town Administrator to coordinate with the Alpine Meadows HOA to address issues they have with annexation. NSU requested that these issues be addressed before moving forward.

Town Administrator: Deb Wolfley – A brief overview of the activities:

1. Received a call from Robert Norton, Nelson Engineering asking if the Town would be willing to rent out the Flow Trend Machine to Teton Village Water & Sewer District and they will take care of the maintenance and will be renting it for two weeks in October and two weeks in November for Twenty Five Hundred Dollars.

Councilman Johnson motioned to approve the rental of the Flow Trend Machine, to Teton Village Water & Sewer District. Councilman Taylor seconded the motion.

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

2. Town Attorney suggested to have Teton County draft that lease proposal for the Town of Alpine.
3. Update on the Wyoming Water Quality (DEQ) permit application, working with Ryan Erickson, Sunrise Engineering on Phase II of the Sewer System. It is projected that the bid for the project will be out the last week of this month.
4. Brief discussion on request by Ms. Rhea Worten and the road she would like the town to put in. Council feels that this is a civil matter. It was directed to have Town Administrator to notify Ms. Worten to this fact.
5. He had some contact with an interested individual in purchasing the Buffalo Sage Townhomes project, this individual wanted to confirm the water hookup, sewer fees and building application fees.

Councilman Johnson stated the building fees are null & void. Town Attorney commented on the water and sewer hookup/fees that are fully vested. He further stated that this is an issue between the buyer and the seller and the town should be no part of this. If the property owner wants to come to the Council that would be what is recommended.

6. Terrace Lane Retaining Wall Project – Mr. Norton, Nelson Engineering, will start on that project next week.
7. The County had a meeting last month on the recovery bonds which initiates funds for towns and governmental entities for bonds. This program allows for funds using the 6th penny sales tax. The funds would go back to the towns to pay for the projects. But need to get the 5th penny decided, first. County would like all towns to pass a permanent ordinance, rather than vote on the issue every year. Council briefly discussed this issue.

Parks & Recreation: Shirley Brown & Victoria DeCora – No report given

Water & Sewer: Don Jorgensen & Mayor Victoria DeCora – No report given

Streets & Roads: Don Jorgensen – Councilman Johnson wanted to remind everyone about the re-paving and/or chip sealing on Trail and Meadows Drive in the spring.

Planning & Zoning: Designated Board Member & Victoria DeCora - No report given

Alpine Fire Department & EMT: Beau Taylor - No report given

Police Dept. /Court: James Phillips – Officer Phillips presented Council with a written report.

Clerk/Treasurer: Council reviewed the bills. **Councilman Jorgensen motioned to pay the bills. Councilman Taylor seconded the motion.**

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

Councilman Jorgensen motioned to adjourn the public meeting. Councilman Taylor seconded the motion.

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

The meeting was adjourned at 10:15pm.



Victoria DeCora

Mayor Victoria DeCora

10/21/09
Date

ATTEST:

Brenda Bennett

Brenda Bennett, Treasurer

10/21/09

Date