



**TOWN OF ALPINE
COUNCIL MEETING
Minutes
October 16, 2007**

**Clerk's Note: Minutes are a summary only of a tape recorded meeting.*

Mayor DeCora called the meeting to order at 7.00p.m.and held the pledge of allegiance.

A quorum was established by the clerk through a roll call. Council members present: Don Wooden, Don Jorgensen and Mayor DeCora was also present. Shirley Brown absent. Other staff in attendance: Treasurer – Brenda Bennett, Clerk – Whitney Heller, -- Town Attorney – Stefan Fodor.

Action Items & New Business:

Council Minutes: N/A

Planning & Zoning Minutes: N/A

- ❖ **E&D- Final Replat resolution to adopt Twin Pines Addition: Need Resolution to adopt.**

Carl Scherbel: Representing E&D Inc. and the Robinson's with Twin Pines addition to the Town of Alpine. Yankee Doodle property, last time we met Planning & Zoning had conditions upon approval that were airpark warning for landing strip, easements be shown on plat and any improvements. And no longer be subdivided. Those conditions are on here and we have tracked down the easements, there are a few easements that are blanketed which cover the whole property and can't be shown other than that everything is complete. Donn Wooden makes **motion** to approve Twin Pines Addition as set forth in final plat.

Stefan Fodor: Has planning & Zoning given us a formal adoption to this if conditions are met.

Brenda Bennett: reads from Planning & Zoning packet for Twin Pines Addition, that P&Z recommends for council approval.

Mayor DeCora: reads also from packet, with condition easements on final plat with council signature and approval. Don Jorgenson **seconds** motion **Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Carl Scherbel: when approval resolution will bring Mylar back for signature.

❖ Scherbel Surveyor Lakeview Estates Incorporated Tracts A-F

Jamie DeCora: with Scherbel surveyor representing clients of replat of Lakeview Estates and this started 2 years ago had a couple of owners that had an encroachment of a porch onto another lot 304 & 305 at that time they agreed to do a boundary adjustment between the 2 of them and in the meantime we had contacted other owners in the block to see if they wanted to join in on the replat, it saves the cost plus there was some problems with their deed lines versus their possession lines. In the meantime, the 2 owners previously have sold the lots the new owners are Carrie Daniel, and Paul Pierce. They have come to an agreement on how they want to do boundary adjustment. It will jog around the porch. In the meantime there was another encroachment on Claire Browns family trust her son Bob Brown has agreed to do a boundary adjustment so that this property line doesn't run through house; we have corrected this problem at same time. We have all owners to agree to replat and is asking the town for approval tonight.

Mayor DeCora: this looks reasonable, yet curious Carries house was encroaching on lot 728?

Jamie DeCora: Lot 726 is Bob Brown, Claire Brown family traced. Lot 727 is Paul Pierce and 728 is Carrie Daniel.

Mayor DeCora: landowners are agreeable to this, Carrie Daniel is present here tonight.

Jamie DeCora: has been in contact with Bob Brown, and he and Paul have agreed to boundary on other side.

Donn Wooden: I would like to see this moved along and completed now, planning & zoning has been aware of the issues and problems.

Mayor DeCora: This was turned over by P&Z to a civil matter which was to be resolved by the property owners and evidently the property owners have resolved the issue. It is my understanding and attended several meetings in this matter. P & Z had told the property owners that it is a civil matter and they need to work out on their own. I have the property owners in the audience who agree that they have worked this out and see no reason to take back to P&Z.

Donn Wooden: motions to approve and duly notify P&Z of what action has been taken here tonight and remind them of the past 2 years

Marlowe Scherbel: In your motion can you authorize the Mayor to sign off on the Mylar. We still need to gather the affidavits now that you have approved it. We will send to all the landowners that can sign plat itself then have the Mayor sign off on it.

Donn Wooden: I will include that in my motion to authorize the Mayor to sign off on the Mylar.

Stefan Fodor: From my understanding, P&Z is not involved because there is no zoning issue it is strictly a boundary adjustment between the civil suit.

Marlowe Scherbel: They have been involved we were at the P&Z when we started this replat.

Stefan Fodor: ask Marlowe if he can make a representation that the replat doesn't require any variances or that it's in compliance with Planning and Zoning laws concerning setbacks

Mayor DeCora: the variances have already been approved.

Marlowe Scherbel: If it is on Paul Pierce I agree was an old line that ran through property line.

Mayor DeCora: I was actually at a P&Z meeting where the variance had already been approved.

Jamie DeCora: We are talking about these 2 that had disagreed, and we stayed 10 feet off.

Donn Wooden: that is what I was going to ask you it appears that the setback requirement is in place, on that encroachment is that correct? It is 10 feet off then, so it fits in the parameters?

Jamie DeCora: Yes

Stefan Fodor: You can approve with contingency on them showing everything is in compliance.

Stefan asks; Marlowe If you are comfortable making representation that it is within 10ft setback

Marlowe Scherbel: the setback is 10 foot

Mayor DeCora: Donn would you like to reinstate your motion?

Donn Wooden: I am satisfied looking at the plat that it is, and it looks like it meets it. I would like to make the motion that we approve the Lakeview Estates 12trh addition being part of Lakeview Estates Incorporated tracts A-F and duly notify the P&Z of the action we have taken tonight further to authorize the Mayor to sign the Mylar and the necessary documents. Don Jorgensen **seconds Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Mayor DeCora: Ask if the Mylar is with them

Marlowe Scherbel: No, because wanted to make sure there wasn't any changes and to get Mylar with final prints and get affidavits from landowners and then when we have those in hand we can get that to you in proper order.

❖ **Transfer of Liquor License from Bull Moose to Caddis Properties LLC**

Mike Simmons: I am with Grand Teton Realty we represent both the seller Rocky Mountain Rogues which is currently operating the Bull Moose Saloon, and the buyer Caddis Properties which is out of California. An application has gone through the city and also the state for the Liquor License transfer. To transfer from Rocky Mountain Rogue's to Caddis Properties LLC the advertising has taken place per criteria that the state requires. It is our understanding that this point and time approval has been granted by the state pending a couple conditions that need to be met. And those conditions are of course the close of this property which is on track to do so. All conditions are met right now in the contract and proceeding nicely just on the time schedule that are agreed upon with all parties. This particular transfer also needs a consideration where Caddis

Properties LLC, which is currently under the process of being done as a foreign LLC being registered in the State of Wyoming and expect the completion of that any day now.

Donn Wooden: What do you anticipate as closing date before the end of the year?

Mike Simmons: Our contract states and we are certainly online to do closing on or before and stress that all parties would like to before Nov.30th on this particular property.

Donn Wooden: My question there is because we are in the process of renewing all liquor licenses and are effective January 1, 2008. The issuance of transfer should occur before that takes place but there should be that advertisement not only the transfer and the renewal. Should we be running the same advertisement for that license to be renewed for Caddis?

Stefan: it has been advertised under Rocky Mountain Rogues, it can not be advertised under another if in fact it is not transferred.

Brenda Bennett: Mr. Montoya said once the transfer process has been approved and we still need to wait for the 2 contingencies then we can start advertising for these people to go ahead and renew it. It is going through under who it is now the sale goes through and it will just switch because the transfer will go through and we won't have to worry about. But he did say once this goes through go ahead and get everything ready to start advertising right away get it going so it will be taken care by the first of the year so it continues.

Donn Wooden: we are told it can be adopted and approved with these contingencies. No.1 That Caddis LLC will be qualified to do business in the State of WY according to Wyoming Statutes 12-4-103 which you have eluded to is in the process. No 2. The issuance will be contingent upon closing of the property according to Wyoming State Statute 12-4-103.

Don Jorgensen motions to approve the transfer of Bull Moose Liquor License to Caddis Properties LLC on contingency of being adopted and or approved on contingency that Caddis Properties will be qualified to do business in The State of Wyoming according to Wyoming State Statute 12-4-103 and issuance will be will be contingent upon closing of property according to Wyoming State Statute 12-4-103

Don Wooden seconds motion Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT motion carried

❖ Grease Trap Ordinance Sand & Sediment policy

Victoria DeCora: with the grease trap ordinance we added a sediment policy pursuant to the original grease trap ordinance that allowed an amendment to the policy, so in addition to grease we are saying please don't throw mud and dirt down the drain. I would like to ask for motion to approve the amendment to grease trap policy to include sediment interceptors.

Don Jorgensen: I make a motion to amend the Grease Trap Ordinance to include sand & sediment

Stefan Fodor: Could you make the motion to amend policy, the ordinance stays the same we are only amending the policy.

Don Jorgensen: Motions stays the same to amend the policy to include sand & sediment policy

Donn Wooden: seconds **Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

❖ Irish Properties

Victoria DeCora: P&Z request permit not be granted until engineer stamp be received. Irish Properties is the bank

Richard Reece: I work for Harger & Hoyt CT Architect we did the plan set. We had an emergency meeting with P&Z last night and I think the language on the agenda is not what we would like to happen. What we would ask that you would grant the permit tonight contingent upon Rob Wagner being satisfied with the engineering of the plan set. That is in process and we expect to have engineer stamp documents by Friday. If we wait to grant permit until next meeting Nov. 6th that will set our construction schedule back we are hoping to get started before to much cold weather. We ask to grant permit tonight no construction activity until Rob Wagner is satisfied with documents from engineer.

Brenda Bennett: I did talk to a couple of people from P&Z and he is explaining exactly how it is to be. That to go through with the contingency that they can not build or dig ground until Rob Wagner has a chance to look over it.

Donn Wooden: I make a **motion** in view of time factors involved that we go ahead and approve the building permit subject to the approval and write off of town building inspector Rob Wagner that if he approves of plans and design that they can move along before the first of November.

Don Jorgenson seconds **Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

❖ Department Updates

Legal/Attorney: Stefan Fodor a couple of things that been in limbo, we are still waiting on Pederson Associates to give the review of Alpine Meadows PUD with comparison to new zoning that they are drafting. With respect to P&Z issues that been addressed Beck Bates property issue that has been hanging out for a while. Hail certificate of occupancy, and an issue with Mr. Scott and a dilapidated building that needs to be addressed waiting on Rob to get me the code. With respect to annexation despite promises to the contrary I still have not received the franchise agreement I was promised it a week ago.

Mayor DeCora: so do I need to make a phone call with this in light of the census coming up

Stefan Fodor: That is my second issue, I have spoke with Whitney and Terra with this there are 2 things that I would like to see happen. One is get Highway 89 annexed by the

end of the year that is a realistic goal non contiguous issue there is a lot of fact gathering Terra & Whitney are doing yet it needs to be placed in priority. With respect to Alpine Meadows annexation if this doesn't get done before the spring time its not going to count for another ten years in terms of the census. This doesn't mean we need to rush into this without making sure all is needed. We need to talk about sitting down with Alpine Meadows representatives and making sure this is a priority for them and not just the Town driving it.

Mayor DeCora: We have to get this franchise agreement in place before we can even think about not even Alpine Meadows, Alpine Junction, Flying Saddle, Dorsey Project all this is contingent on franchise agreement between Northstar Utility and the Town.

Stefan Fodor: my last draft to them was sent before I went on vacation July 28th it is now October 16th. I understand people are busy and whatnot but I guess we need to find out if this is going to happen. This is step one and you can't get 2-12 before we get this one done. Lastly there is an empty seat between Don Jorgensen and the Mayor I don't know where we stand on filling that vacancy. Also as Donn Wooden has suggested look into a multi year contract for snow removal. Snow Bid contract was signed between the Town of Alpine and by Northstar and a letter to proceed has been issued.

Donn Wooden: The idea behind that it is easier for a contractor to look at a 3 year average.

Mayor DeCora: Shirley won't be back until November in the meantime I have had a few more interested people call me. I am not sure the exact dates when Shirley will be back in town I would like the 4 of us need to sit down in an executive session or special meeting. It is growing by proportion, it was in the paper and I am getting phone calls of interested people and Shirley needs to be participated in this.

Streets & Roads/ Mayor DeCora: HK Paving has completed River View Meadows and I drive on it everyday. I would like a letter of thanks to HK Paving.

Brenda Bennett: Can we do as if we are doing for snow and have one of the council members sign off on it, before final payment. I haven't seen anything for monies yet but would like that in the voucher.

Mayor DeCora: also with Mary Crosby with the grant we need that signed off. P&Z we were handed an impact fee from quote from Pederson Engineering that will be a FYI for us and tabled for another night.

Mayor DeCora: Daniels Fund for ball park, I have been working with Sparky this week we are going to get grass we are going to get a sprinkler system we are going to get water, electricity. The one thing with electricity she wants me to call Lower Valley and see what and what not they can donate. Lower Valley being a co-op can not donate they have helped the Jackson Football, Star Valley High School football field with post, that can donate but they can not donate the service light. However what they have done in

Afton and Thayne in the past they have let them cash in their capitol credits to offset the cost of service lines. Right now the Town of Alpine has almost \$12,000.00 in capitol credits. The only bad side on doing that if you cash them in they would be twice as much in 25 years. We figure it will cost maybe with the line going down to WWTP about \$6000.00 so we would only have to cash in half out credits. But they will allow that to happen, we may not have our lights this year but we will have the service lines in place. Is this something the council is willing to do for this project at this time? It will be in the spring.

Donn Wooden: regarding the lights you have talked to Teton County Recreation department?

Mayor DeCora: I have talked to them and I got a bid for \$170,000.00 that is everything new. Sarge has sent a letter to them requesting a donation of the lights we haven't heard anything. Right now I can't say in good faith to Daniels Fund that yes we have a donation for lights from Teton Parks & Rec. I can not say in good faith we have a donation from Lower Valley for our poles. But this can be amended right now we are just getting something to take to the board to get approved. Because we can get our grass, water, sprinkler, electric line, everything done now and once those funds are exhausted we can apply for another grant from Daniels Fund. Is cashing in our capitol credits something we are willing to do as a contribution from the Town for this project to get service line for electricity to ballpark.

Donn Wooden: I think the tax payers will go along with that, money that is there put to good use, don't you Don?

Don Jorgensen: My feeling around the town everyone is pushing us to get that ballpark we are not taking the whole amount just half of it. I think the tax payers will go along with that, I really do.

Mayor DeCora: so when we are able to put the poles up and the lights on we will already have the electricity there. That will be the Town's contribution to that. Sarge has offered to contribute the sod.

Brenda Bennett: could we ask Lincoln County Rec. we usually get money from them every year can we ask for a specific amount for one of the projects down there, will that help?

Mayor DeCora: how much have they given us in the past?

Brenda Bennett: \$4000.00- \$6000.00 when we did the climbing wall it was over \$4000.00 if we ask for a grant to go towards ballpark.

Mayor DeCora: I was thinking we should, yes for next year and the Daniels fund will let that count towards the grant. And very seldom the Daniel Funds contributes 50% to a

project. But we absolutely have our turf and our water, and our sprinklers. And maybe even part of our lights and poles. Our we willing to cash in our capitol credits?

Don Jorgenson: makes a motion to cash in half of our capitol credits with Lower Valley to go towards power at ballparks.

Mayor DeCora: can we do a revision because we do not know it will be half.

Don Jorgensen: would like to amend **motion** to cash in capitol credits to amount required to get the power to ball field Don Wooden **second Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Clerk/Treasurer: Whitney Heller Update on classes for project **Tree City USA** and **Census 2010**. I attended class in Rock Springs WY on having The Town of Alpine become a Tree city USA. Being a member of Tree City USA there are so many positive opportunities for the Town in regards to Grants and taking inventory of our trees and education of the public, disease of trees and beautification of our town. There are steps to becoming a member of Tree City USA and forming a committee is the first step James Phillips has attended the Buffalo class and Mayor DeCora also would like to be on committee. We would also like to get a Boy Scout to be able to be on committee we need a quorum of about 5. We would also need to make a Resolution protecting our trees and be able to access trees on private property. We then would inventory the trees of Alpine. This is a wonderful opportunity and to be a part of this and to improve our Town is a great opportunity. I will be sending out donation letters to local businesses to start funding until we get the Grants. Donn you are familiar with this when you formed the committee in 1990.

Donn Wooden: There is a Boy Scout that wants to be involved in our community that calls with garbage and what not.

Whitney Heller: Getting the committee together then donations by the end of the year to have the money and committee to be able to inventory our trees so we can become Tree City USA.

Whitney Heller: I also attended a class in SLC UT for **2010 Census**, and it is imperative that we participate in the census; we are losing \$300-\$1000 per person. The census is a way for us to count each and every person in our community. Growing as much as we are it plays a big part in receiving grants and being considered for help in our growth. The annexation is important to get done by spring of next years so we can count every person. With the class I attended we are able to go ahead and change boundaries and changes where dwellings are. The time line for 2010 census, March of 2008 the complete count committees are formed so we need to have that information to LUCA. Summer and fall training for participant statistical area is performed, late 2008 census offices are open, April 2009 address canvassing and listing begins. We need to have everything in place by spring 2008. The more people we count the more money we receive with grants and

streets and roads and the list for grants goes on. As a town we have not been counted only as a county.

Donn Wooden: We had a special census in 1995 we were counted in 2000 at 200 and then we had a special census we paid for the census bureau put someone in here in 1996 we ordered it in 1995 the census taker was right out of Denver and she spent almost 2 weeks here came with official census in 1996 of 470 which meant a lot to us because we were only receiving revenue for 200. The census people of 2000 didn't make it on the hill because they didn't understand our maps.

Stefan Fodor: Obviously the towns goal and my goal is to get annexation done by March 2008 it probably be wise with the rate of growth that we look into another 5 years and put on calendar to have another special census. Looking at the cost of the census we can offset that by the growth.

Donn Wooden: revenues immediately changed cigarette tax and gas tax were defined differently. And if you had to wait until the next census, we can calculate fairly well at the post office how much we have grown in town. The one thing I would like to caution the town is buying into this census before 2010 because I don't think we can qualify this growth inside town boundaries, they take your driver license information and use that to calculate your population from the state information. And since there are post office box here as far as Nordic Ranches residents it looks like we are over a 1000 people and as near as I can calculate we are 813 inside the town boundaries and that is rough calculations. We have also been behind in revenue and what we should received.

Whitney Heller: the first step has been completed and we have sent in the application and will be receiving the disk to change boundaries we are the right step to participate in 2010 census.

Mayor DeCora: we also would like to address the penny tax issue, Brenda Bennett has volunteered to help with this because the Town can not do it do you have anything to report.

Brenda Bennett: I am trying to have someone take over on this because people know me as town treasurer and it was causing a problem because it looked as if I was doing this for the town. I need someone to go door to door make phone calls to get the word out .I do not want to get in trouble for this.

Mayor DeCora: as a town official you can not say please vote for 1% optional sale tax, you can promote it and explain what it pays for or what we have lost and what it used for but you can not say vote yes.

Dan Dockstader: The Mayor is correct on that because it is a political issue. It is a paid political ad, so it is cautious territory. You can say how it benefits the town.

Mayor DeCora: Alpine has lost over \$200,000.00 because of this.

Donn Wooden: I was invited to speak on radio for this.

Don Dockstader: I suggested your name for that

Donn Wooden: A careful choice of words, just letting public knows to give it a thoughtful consideration. Don Dockstader is State House of Representative here tonight, welcome.

Police Department/ James Phillips: I have 2 items of business to cover one of those is the expenditure of budget. I haven't been told other wise I am still going off former council advice or resolution any money spent out of funds over \$500.00 it needs to become in front of council to be approved. I need to replace the tires on the black & white. They are becoming dangerously low and will not make it through the winter.

Mayor DeCora: are the tires in the budget?

James Phillips: yes they are.

Mayor DeCora: Then the council has already approved that expenditure if the budget is approved you need to go to your treasurer and find out if it is in your budget or your budget is over ascended your treasurer needs to let you know that.

James Phillips: So is that resolution descended then, I am making sure I understand that correctly? The resolution we need to come before council in 2005-2006.

Mayor DeCora: I have never seen that resolution; at any rate if council has approved budget then you need to communicate with your treasurer because it is her responsibility to handle that budget.

Don Jorgensen: we have just made it procedure to come in front of council anything over \$500.00 for council to approve.

Brenda Bennett: it is just common courtesy to let you know

Mayor DeCora: That is why we should have financial statements to let us know we are over budget or not. And what I am telling to you the budget is approved to get your tires.

Stefan Fodor: If you find that specific resolution please forward to me.

James Phillips: another matter I bring before council is one that Attorney Fodor spoke of earlier, I would like to request that we talk about in executive session because the possible or actual threat of legal action against the town, police department in regard to the action we are about to take. And so that action I would prefer if approved by attorney to catch you up in that case in executive session.

Don Jorgensen: I would like to make a suggestion to not go out of this meeting until we come out of executive session so we can vote on decision we have made in executive session.

Stefan Fodor: Don is correct we will recess the public meeting, go into executive session, and then conclude the executive session reconvene public meeting vote on action then public meeting is terminated.

Donn Wooden: James I suggest and would like to see and respecting confidentiality that we need a police report incidence report things like that so we aware of things that are happening inside of the village we sometimes get blind sided by something and what are we doing about this? I would rather have I am already aware of that. So I believe a police report would be in order to the council it is something we don't need to chatter about around town it is just something for our awareness.

James Phillips: yes I have no problem with that I have been asked by various councils for periods of time and that is fine, I don't have any problem with that.

❖ **Financials Unpaid Bills**

Mayor DeCora: Can we go ahead and pay unpaid bill

Don Jorgensen: I make a motion to pay unpaid bills Don Wooden **second Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Donn Wooden: I make a motion to recess this meeting and go into executive session Don Jorgensen **second Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Mayor DeCora: meeting recessed at 8:10 p.m.

Mayor DeCora: Meeting reconvened at 8.29 p.m. and ask for a motion to ratify executive session Don Jorgensen **motions Don Wooden second Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Don Jorgensen motions to adjourn meeting Don Wooden **second Vote:-3 YES; 0-No; 0-ABSTAIN; 1-ABSENT**

Victoria DeCora, Mayor

Attest

Whitney Heller, Town Clerk

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