

**MINUTES
ALTA TOWN COUNCIL MEETING
AUGUST 10, 2006
ALTA COMMUNITY CENTER
ALTA, UTAH**

The Mayor called the meeting to order. Council members Bill Levitt and Steve Gilman were present. Paul Moxley was excused.

1. Consideration and possible selection of new Alta Town Council member to fill a vacancy on the Alta Town Council due to the tragic death of Bill Lennon.

The Mayor announced that the Town has had four people submit their names for consideration to fill this vacancy within the time frame specified. The names were read: Guy Jordan, Mike Lewis, Dawn Page and Dave Richards. All members of the Council received the letters submitted by these candidates. Each person was given an opportunity to speak to the Council before the vote and their letters are part of the record.

The Mayor announced that under the guidelines of the State Code, the Town Council will vote to pick a person to fill the vacancy on the Council. The Mayor also explained that Council member Paul Moxley was prepared to participate and vote electronically at this meeting but was called back from vacation last night due to work related issues and could not be at this meeting today. He communicated his vote via email to the Town Clerk and it was received early today. Paul Thompson, legal counsel for the town, was asked to comment on the legality of this electronic vote by Council member Paul Moxley. Because the Town has noticed this as being an electronic meeting, he felt that Mr. Moxley's email vote should be counted.

Steve Gilman commented that he would have liked to see the public vote on who should fill this seat on the Town Council but state law does not provide for that type of procedure. Whoever gets appointed to this position will sit on the Council for 15 months. At the November municipal election of 2007, there will be an election for this position.

The Town Clerk requested that all members of the Council write their choice on a piece of paper, fold it in half and place it in the box provided. The Town Clerk wrote Mr. Moxley's choice down and did the same.

The Town Clerk counted the votes and announced that a quorum voted for Dave Richards to fill the vacancy on the Town Council.

2. Swearing in of new Council Member

The Town Clerk swore Mr. Richards in as a Town Council member and he was asked to participate as a member of the Alta Town Council.

3. Approval of Minutes – July 13, 2006

There was a motion by Steve Gilman to approve the minutes of the July 13, 2006 Town Council meeting. Tom Pollard seconded the motion and the motion was carried.

4. Mayor's Report

The Mayor reported on the Public Hearing held on Tuesday, August 8, 2006 to address the proposed increase in the CTR for fiscal year 2006-2007 for the purpose of balancing the budget. The Certified Tax Rate increase and resulting fiscal budget was approved by the Town Council. The property tax revenue increased from \$225,000 to \$257,000 with the increase in the rate.

The Mayor reported that the Albion Basin shuttle service started last weekend with two vans transporting visitors to this area of Town. This is a small step to help alleviate the situation on the summer road and have had nothing but positive comments on our efforts. The Mayor also announced the Town received approval from the State on using C Road funds on this project. As a result General Fund monies will not be used. We have worked closely with the Forest Service in obtaining a special use permit for this service and we have contracted with Alta Airport Transportation, Inc.. We also have provided training for the drivers of the vans.

The Mayor reported on the monthly COG meeting that he attended.

Laura reported on the upcoming cooperative effort between the Town and Forest Service in repairing and restoring the upper portion of the Cecret Lake Trail using ZAP funds. She is projecting that work will commence on September 11 and the trail will be closed for eight days.

The Town has hired a new deputy marshal, Tom Bolen. He comes to the Town from the Salt Lake County Sheriff's Office. He is taking early retirement from the County and will be joining the Town on September 1, 2006.

The Mayor reminded everyone of the two bike races in the canyon this weekend which will involve partial and full road closures during part of Saturday.

The Mayor reported on the sewer line project at Tanners Flat. They have taken out a 10 foot section of the sewer line and replaced it with new pipe. The old pipe will be tested and a report will be submitted to the Service Area Board and the Town Council in the near future.

The Rustler Lodge will be hosting the monthly conference of Mayors meeting on August 24, 2006.

The Utah League of Cities and Towns Policy meeting will be held on August 21st. The Mayor and Paul Thompson will attend that meeting. Anyone that would like to attend the annual League convention should contact the Town Office.

Clarence Kemp from Forsgren was asked to give an update on the building department in the Town of Alta. He reported that Forsgren has been working on getting forms and procedures up to date. The next step to get the building department records organized in the Town Office.

Mr. Kemp gave an update on the Hellgate situation. Their first concern is to make sure they go through an appropriate process so the Town does not inherit liability on this project. There has been some demolition and clean up occurring on Hellgate and no approval has been given on rebuilding this structure as is. They were required to perform some clean up after the fire and were issued a permit to do JUST that. They are going through what is called a Chapter 34 audit (Uniform Building Code requirement). Hellgate has submitted some drawings to Eric Kankainen, who is reviewing them for the Town of Alta. Some of the issues that have come up in this process are the use of the existing foundation and the avalanche issue in this area. Hellgate has been told throughout this process that they must meet the avalanche requirement(s) in the process of addressing the re-building of this building. Another issue that has come up in this process is the egress from the buildings. They must meet new building codes on this issue.

They do have an order from the Alta Building Department to mitigate and clean up the building which includes the protection of Little Cottonwood Creek using best management practices.

Mr. Kemp assured the Town Council that Hellgate will be required to meet current building codes and meet all life safety requirements.

There was a question on the proposed avalanche diversion wall that that is being proposed by Hellgate. They have not come to the Town of Alta with any specifics on this wall.

The Mayor thanked Mr. Kemp for his updates on the building department.

5. Treasurer's Report

Marc Dippo read the monthly report for the Council. Hearing no comments or questions, there was a motion by Dave Richards to approve the report as submitted. There was a second by Steve Gilman and the motion was carried.

6. Departmental Reports

Because of staff vacations and court commitments, there will no Town Administrator or Marshal reports. Kate gave a brief report for Meghan who had a meeting downtown.

The Mayor announced the next two items have been publicly discussed in the past and as a result, this will not be a venue for public comment.

7. Discussion of Preliminary Forest Service Assessment for Over Snow Vehicle (OSV) use – Laura McIndoe and Loren Kroenke, District Ranger.

Laura explained that she would recommend that the Town Council respond to the preliminary assessment and study of the OSV as prepared by the U.S. Forest Service - *Preliminary Environmental Assessment Albion Basin Winter Travel Management Plan*. Laura went over the four alternatives outlined by the Forest Service in this study: A) A no action plan which translates into a “no OSV access during the winter months.” B) OSV access between the hours of 5:00 pm to 8:00 am and allows for OSV access after the ski area is closed in the spring. C) gives alternatives for creating alternative routes and does not have time restrictions. D) separates Grizzly Gulch from the rest of the Albion Basin, does not place hourly restrictions for the Grizzly Gulch residents, allows Upper Albion Basin home owners snowmobile access only during the day and snowmobile and snow cat access between the hours of 5:00 pm and 8:00 am and provides options for travel routes as well.

Laura explained that the Town has received comments about this plan mostly concerned with the hourly restrictions placed on the home owners. This would prevent them from transportation to and from their homes for school, medical reasons, work obligations and contractors to name a few. A separate safety issue for the home owners is traveling to their homes at night. Another comment received was that the Grizzly home owners do not cross any ski runs so they should be treated differently. Also there was a comment that there are historic agreements in place between Ski Lifts, Forest Service etc that pledge not to take access away from homeowners in the basin.

Laura spoke to the issue of the “west Grizzly homes” (Lennon and Hymark) and how their particular situation is addressed in this proposal from the Forest Service. Mr. Kroenke commented that they attempted to include them in their review.

The Mayor introduced Loren Kroenke, District Ranger from the Forest Service, who spoke to the process and the proposal in front of the public on this issue.

Mr. Kroenke explained that they have circulated a Draft Environmental Assessment and will receive public comments on this document for 30 days, which ends on August 23rd. He asked the public to submit comments that would let them know “what they missed” during the scoping period for this document and why one or all of the options does not work for the person commenting.

After the comment period is closed, the Forest Service will take all the comments, review them closely and then formulate a decision. That process could take a month or so at which point the Forest Service would issue a final decision and environmental assessment. After that assessment is issued, there will a 45 day administrative appeal

period for any one that as submitted prior comments in this process. Any appeals will then go to the regional office in Ogden where it will go through another 45 day appeal period. After that 45 day period a final decision will be made and implementation will proceed which could bring us until late December or early January, 2007.

Everyone needs to be concerned about the practicality and feasibility of what has been suggested in this document and the Town's concerns about cost and enforceability of this plan and Mr. Kroenke encouraged the Town of Alta to inform the Forest Service of those concerns, comments or suggestions.

Laura went over some of the issues that the Town Council could review and comment on in their response to this OSV Assessment including but not limited to licensing procedures for OSV's, redoing ordinances that address pertinent issues, establishing speed limits and different travel routes. We should also look at the cost to the Town of Alta in implementing any program.

Bill Levitt commented that continuing the Town's ongoing relationship and cooperation with the Forest Service is essential. He suggested that the Council respond with the following suggestions: The Town charge a licensing fee for OSVs and restrict the number of OSVs to two per dwelling unit, require a drivers license and insurance to operate OSVs, establish a holdharmless agreement on this issue with all OSV users and if they violate any of the rules, after three violations, they will loose their permit to operate their OSV in the Town.

For the record, Bill Levitt announced his conflict with this issue, as he is a home owner in the Grizzly Gulch area that could be affected by the final decision of the Forest Service and any recommendations made by the Town of Alta.

Bill Levitt made a motion to provide the Forest Service with the followings comments and suggestions before the deadline of August 23rd so they can review them when making their final decision. Tom Pollard seconded the motion. He asked for any comments and questions on this matter.

Bill Levitt commented that the following items should be part of the Town's response to the Forest Service, which would include the support of Alternative "D" with these additions:

- 1. Annual OSV registration with a fee**
- 2. Permit to only licensed drivers**
- 3. No joy riding**
- 4. Owners must have insurance on their OSVs**
- 5. Owners must sign a holdharmless agreement holding the Lift Company, Forest Service and the Town of Alta harmless if an accident occurs or someone is hurt while operating the OSV**
- 6. Homeowners would share the cost of creating and maintaining new routes for the OSV if ones are necessary.**
- 7. Allow a maximum of two OSV's per building or dwelling**

- 8. A three phase penalty by imposing a warning first, by imposing a fine for the second offence and if you violate any of the regulations three times then you the owner/operator would loose the use of the OSV.**

Levitt would also recommend that we implement this for a year and if after a year we find that the rules are not working, we review and change them.

The Mayor clarified for the Council that they need to come up with a final recommendations and comments on the *Assessment* referencing one of the alternatives mentioned by the Forest Service. We should also include why we feel this is the correct way to proceed and what the Town can do to help with the implementation of the alternative.

Steve Gilman asked how the Forest Service's decision on this matter would affect other areas in the Forest. Mr. Kroenke did not think this would set a precedent for the Forest Service.

By way of a disclosure on this matter, Steve Gilman announced that he is the Ski Patrol Director for the Alta Ski Lift company and in that role, is somewhat responsible for enforcing the Winter Travel Plan once it is adopted by the Forest Service and the Town. Mr. Gilman also explained some concerns from the Ski Area's point of view when it comes to OSV operating within the boundaries of the ski area that the Ski Area has no say or control over.

Dave Richards expressed his concern over how realistic it is to require that people have a license to drive and operate an OSV. Mr. Kroenke explained that there is a state registration of OSV already in place.

The Mayor closed the discussion on this motion and called for a vote which supports alternative "D" and includes Bill Levitt's additions listed as #1 - #8 above. The vote was unanimous with four members of the Council voting in favor of the motion and Paul Moxley absent.

8. Discussion and review of Snowbird Base Area Master Plan Update and Revision dated May 1, 2006.

The Mayor reported on a meeting that Laura and he attended in front of the Salt Lake County Planning Commission on the approval of the Update of the Snowbird Master Plan. The Mayor was allowed to submit his comments and concerns to the Planning Commission at this meeting. The Town also met with representatives from Snowbird about the Town's concerns. The Town's major concern surrounds Little Cottonwood Canyon Road.

As part of the approval of this plan by the Salt Lake County Planning Commission, the Town was able to submit as part of the condition of use approval process, that Snowbird

must address the issue of extra capacity on the road. The Mayor asked Jerry Giles from Snowbird to address this issue.

Mr. Giles went over the history of Snowbird and their development over the years. He explained that when Snowbird approached the County for permits on a 16 unit townhouse near entry four in 2005, the County requested that they update their Master Plan. The last update was in 1986.

He explained that when Dick Bass originally envisioned Snowbird he planned for 6,000 hotels rooms. Snowbird's present room count is 904 and after revisiting the original plan, they are proposing an addition of 2185 rooms. Whether they build that many additional rooms has yet to be determined. Their decision to go ahead with any additional development will be based on whether they have the need, have the money and whether they can pass all the conditional use processes. He mentioned that the Master Plan gives them no rights to build those additional units and Snowbird will be required to go through the conditional use process and impacts will be assessed at that time. Mr. Giles mentioned some of the areas of concern: the capacity of the road, capacity of the sewer and of course water availability.

Mr. Giles recognized our concerns about the road and the fact that the Town of Alta is chocked off at times. He also recognized that the canyon highway is at service level "F" for fails. He announced that if and when Snowbird does their expansion(s), they committed to work with the Town of Alta and the Alta Ski Area to mitigate traffic on the highway. They will also have to address the increase number of employees that will be required to staff the expansion. They plan on moving some of their administrative departments downtown and would also work with UTA, Canyon Transportation and shuttles to reduce the number of vehicles on the road.

Bill Levitt mentioned that as a result of the traffic issues in the canyon, we have secured funding to complete two major traffic studies on the canyon road. He feels that our concentration should be on the issue of the canyon road and asked that Snowbird help us in getting these studies done before any additional major development takes place.

The UDOT study is complete but as not been written up and was very comprehensive involving the participation of many key agencies including the Town, the Ski resorts and of course the UDOT.

The Mayor thanked Mr. Giles for his time and commented that many positive things came of these recent meetings with Snowbird especially a better understanding of the Town and Snowbird's needs and the commitment from both parties to cooperate with each other to solve our problems and issues in the canyon.

With no further business before the Town Council, the meeting was adjourned.

Approved on this _____ day of September, 2006

Town Clerk

