

MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, MAY 12, 2011
10:00 A.M.
ALTA COMMUNITY CENTER
ALTA, UTAH

1. The Mayor called the meeting to order. Mayor Pollard and Council members Paul Moxley, Steve Gilman and Cliff Curry were present. Dave Richards was excused.

2. Mayor's Report

The Mayor thanked UDOT, UPD and Alta Ski Lifts for keeping the Town's transportation corridor open and safe for travelers. Tom also thanked Salt Lake County and the Forest Service for working together near the bottom of the canyon in clearing debris out of Little Cottonwood Creek.

The Mayor reported on the budget committee meeting held May 4, 2011. The committee has put together a tentative budget that will be addressed at this meeting.

At the last Council meeting it was recommended that the Town work with UTA to try and put in place a UTA shuttle between the resorts for next season. The Mayor spoke to a representative from UTA. The representative mentioned that on May 24th UTA would be having a season wrap meeting with the ski areas. The Mayor could not attend that meeting but did express his concerns to UTA about the cancellation of the late season UTA service and requested that the feasibility of a UTA shuttle system between Alta and Snowbird be looked into for next season.

The Mayor gave an update on the proposed mountain coaster at Snowbird. The County Board of Adjustment has overturned the January County Planning Commission decision to allow Snowbird to construct the mountain coaster.

The Mayor reported that on May 6, 2011 the Town received an email from the Forest Service indicated that they will authorize mid-day snow mobile travel by Special Use Permit (SUP) to a single entity such as a homeowners association in Albion Basin.

The Town had its dog license drawing on May 2, 2011 and 14 new licenses were issued.

Little Cottonwood Canyon Clean up Day is scheduled for Tuesday, June 28, 2011.

The Mayor reported that the Town continues to price out and get engineer's estimates on two sewer projects and one water project which the Town hopes to complete this summer.

The Town is continuing to talk about the management of the summer booth program and Albion Basin road for this summer.

The Mayor reported that as of today, the Town is in compliance with the State of Utah transparency rules as it relates to the first three quarters of the Town's financial records.

The Brendle Group has finished the Town's energy audit and the results of that audit will be available next month.

The June Town Council meeting will be the third Thursday or June 16th at 10:00 am.

3. Treasurer's Report

Marc Dippo was asked to be excused, so there was no treasurer's report for this month.

4. Departmental Reports

Town Administrator's Report: John Guldner reported and updated the Council on the on the three lawsuits.

John reported that the Town has not issued a building permit in quite awhile.

John mentioned that the Town will be cutting back on the amount of funds spent on dust control for the summer road. WRR has been contacted and will provide that service again this summer.

John reported on the April 27th Planning Commission meeting. The only item addressed was the General Plan. The Commission focused on two areas: a vision statement and the commercial element of the Plan for the Base Facilities Zone.

John explained that the Assistant Secretary of Agriculture wanted to use the Wasatch Front as a pilot area to establish a blueprint that could be used in any area of the country relating to improving and protecting watersheds. John attended a two day meeting held last week with a consortium of public and private entities that addressed this matter. This committee will be meeting throughout the summer.

Marshal's Report: Mike Morey reported on a recent meeting where different County agencies got together to review the potential upcoming flooding in the County including our Canyon. Mike is working with Salt Lake County Public Works on delivering a load of sand and sand bags. The Town will be holding a sand bagging event in the near future and will alert everyone of the day and time.

Mike reported that Katie Ahrens had a benefit barbeque recently to raise funds for the purchase of emergency equipment to help with situations like flooding. At that event the Town also was able to get a list of volunteers to assist the Town in the event of an emergency.

Mike reported that there have been several gas leaks in the Town over the course of the last month and asked everyone to be on alert for the smell of natural gas in the Town.

There will be a meeting in Salt Lake County to exchange volunteer lists with different agencies in the event manpower is needed in other jurisdictions for emergencies.

Claire and Mike have completed a draft copy of the Emergency Operation Plan (EOP) for the Town. Mike asked the Council to review this document in anticipation that they will approve the Plan sometime this summer. This Plan will bring the Town into compliance with many aspects of federal emergency management protocol.

Cliff Curry announced the passing of a long time member of the Alta Lodge community Tucker Taffe who died on Mount Rainer in a ski accident.

5. Minutes – April 14, 2011

There was a motion by Steve Gilman to approve the minutes of the April 14, 2011 Town Council meeting correcting the spelling of name of the Road Home's Development Director. There was a second by Cliff Curry. Hearing no further comments or corrections, a vote was taken and the motion was carried.

6. Update on Alta Chamber Visitors Bureau (ACVB) – Helen Reynolds

Helen reported that Articles of Incorporation and Bylaws for the ACVB have been filed with the State of Utah and IRS. The inaugural Board has been appointed and is made up of the following community members: Tom Pollard and Dave Richards ex officio members, Connie Marshall/ Ski Lifts, Adrienne Ruderman/at large, Frank Perkins/Cottonwood Canyon Realty, Joni Dykstra/Alta Lodge, Laura Lee Church/Rustler Lodge, Helen Reynolds/GMD, Karen Travis/Travis home, Dobber Price/Peak Photo and Matt Farness /Deep Powder House.

An executive Board was also appointed and is comprised of Adrienne Ruderman as President, Laura Lee Church as Vice President, Dobber Price as 2nd Vice President, Connie Marshall as Secretary and Joni Dykstra as Treasurer. The positions are three year positions and Helen went over the details on who is holding the one, two and three year positions.

Helen thanked the Town for their support in getting all the initial work completed to start this organization. To help with this work, Helen explained that sub committees have been set up by the Board to address all areas of this process such as finance, marketing, web site work and business relations. Helen reported that the ACVB finance committee should have a proposed budget to present to the Town Council by their June meeting which will enable the Council to review the possible funding for the ACVB for 2010/2011.

Helen reported that BlueTent is now working with the Town in creating content for the new web site a launch date sometime in June.

By next month the ACVB should also have their grant application completed to submit to the Town of Alta and other granting agencies.

7. Tentative Budgets for the 2011/2012 Fiscal Year

The Mayor explained that Utah Code requires that municipalities adopt a tentative budget in May of every year and a final budget in June. The Mayor explained that for the first time in three years the budget committee is recommending a 1.8% increase in salaries for the Town employees. Most other expenses of the Town are coming in flat: UFA and liability insurance. The Town is anticipating that health insurance premiums will go up around 10%. The Mayor went on to explain that there is a \$5,000 contribution to the Canyon Transportation Study in the budget as well as proposed \$5,000 payment to UPD for some of their services such as training and crime scene support. The Town is still in the talking phase with the Sheriff on this matter.

The Mayor noted that the Water Department budget is out of balance and after talking with Kate Black, who is out of Town, enterprise funds, of which this is one, do not have to balance. The Mayor recommended that the Council pass the General Fund and Water and Sewer Enterprise Fund budgets as presented today but requested that the final Water Enterprise fund budget be balanced for the June meeting.

The Mayor opened the floor to questions or comments. Hearing none, there was a motion by Cliff Curry to adopt the tentative budgets for the 2011-2012 fiscal year as presented by the Mayor. There was a second by Steve Gilman and the motion was carried with Tom Pollard, Paul Moxley, Steve Gilman and Cliff Curry present and voting in favor. Dave Richards was absent.

8. Discussion on the proposed Land Use Application and Approval Ordinance.

The Mayor explained that the Alta Planning Commission worked on this proposed ordinance for over a year and voted to forward it on to the Town Council. The Mayor went on to state that the purpose of today's discussion on this matter is to bring the Town Council up to speed on the proposed ordinance. There will be a formal public hearing on this proposal at a future date.

John explained that during the Planning Commission review process there was a public hearing where public comments were heard and accepted. Many of those comments were addressed and/or incorporated into the ordinance at the March Planning Commission meeting. The Commission then voted to move the ordinance on to the Town Council for consideration.

John explained that the proposed ordinance puts into writing what the Town's standard practice as always been for land use applications, Planned Unit Developments and

Conditional Use Permits. The proposed ordinance lays down the standard practice for any other land use application other than a subdivision. The proposed ordinance is heavily front-loaded by asking for the answers to how, for example, the development plan on address sewer and water service to the land in question. The proposed ordinance also addresses the pre-submission meeting where the applicant would meet with Town staff and go over all the regulations and ordinances. After the pre-submission meeting, John explained that it is the responsibility of the applicant to come back to the Town with a complete application addressing every requirement. At that time, the “clock starts ticking” whereby the applicant has 90 days in which to fix any deficiencies in the application.

The Mayor asked if the Town Council could see the public comments that were made at the Planning Commission level as part of the Council’s review process. Kimberly Chytraus said yes but did not know if there were any written comments. There were comments voiced at the public hearing in front of the Planning Commission. Kimberly reminded the Council that they have the discretion to take the ordinance as is or to make changes.

Kimberly opined that once this proposed ordinance is enacted, if someone does submit the type of application outlined in this ordinance, the requirement on the part of the applicant is to comply with all the ordinances. The discretion of the Land Use Authority, which is the Alta Planning Commission, would be that if the applicant meets all the requirements in the ordinances, the applicant is entitled to approval. Kimberly went on to opine that the now is the time, during the legislative process, for the Town Council to exercise discretion and shape the requirements. You cannot impose a requirement if it is not in the ordinance.

The Mayor asked Kimberly how much flexibility the Town Council has in changing the ordinance that was forwarded to them from the Planning Commission. Kimberly explained that the Council has total flexibility: the Council can decline to enact the proposed ordinance, they can re-write the whole thing or the Council could adopt it as is. If the Council made dramatic changes to the ordinance, the Mayor asked if the ordinance needed to go back through the Planning Commission. Kimberly confirmed that the ordinance does not need to go back through the process.

9. Discussion on a proposal to create a Special Service District to provide or enable winter transportation and/or transportation services to the existing Albion Basin cabins.

The Mayor mentioned that there was a Forest Service decision made last week involving this issue. The Mayor asked Jim Burr, a cabin owner in Albion Basin to speak to this issue.

Jim Burr explained a bit of the history of this issue. The Forest Service had issued an order this winter that closed mid day travel to the cabins in Albion Basin. The owners were restricted to traveling before and after the operation of the ski lifts and this situation,

in Mr. Burr's opinion, was quite difficult for the cabin owners. Mr. Burr commented that the record shows, through the minutes, that there was one OSV violation last winter. Knowing this, Mr. Burr felt that there was a genuine effort by the cabin owners to comply with the Forest Service ruling.

Mr. Burr explained that the Forest Service decision provides for a 10 year single Special Use Permit (SUP) to be issued for all the cabin owners for mid day snow mobile access. The cabin owners had requested that SUP recognize not only the use of snow mobiles and but snow cats as well. The older cabin owners do not and can not use their snowmobiles and can only manage with the snow cats. Knowing this, Jim Burr said he would be working with the Forest Service to address this issue.

The Mayor asked if the Forest Service would recognize a medical reason that would allow a person to use a snow cat during that day time window. Jim would hope so but does not know at this time.

Jim Burr explained that the Forest Service decision memo on this matter has a number of requirements. It requires compliance with the Town's OSV ordinance, requires that the homeowners prepare a annual operating plan for OSV access into the Albion Basin which includes safety training for all cabin owners for OSV operations as well as knowledge of the designated route, requires pre-season meeting between the cabin owners who are using OSVs and the Ski Lifts to review safety measures, and requires all the cabin owners that want the benefit of the Special Use Permit have liability insurance on their OSVs naming the Alta Ski Lifts as the additional insured.

Jim Burr went on to say that he is aware the Mayor and a majority of the Council do not believe that there is merit or that it would be in the interest of the community as a whole to have the Special Use Permit issued to a SSD. Mr. Burr went on to opine that a majority of the cabin owners believe the SSD is appropriate for a variety of reasons.: winter access to the Albion Basin is fundamentally a public safety issue, property access is a basic governmental issue, the SSD structure enables the cabin owners to specifically be charged fees to support the costs the Town may incur in the course of forming the SSD, and the SSD would provide a mechanism for direct involvement by the Town in the process. If the Town created the SSD it would be able to define the purposes of the SSD and limitations on those purposes.

Mr. Burr went on to opine that the SUP will help promote dialogue between the cabin owners and the Alta Ski Lift Company.

Mr. Burr explained that the statute requires that 10% of the registered voters or 10% of the assessed value of the properties in the Basin sign the petition. Mr. Burr will poll the homeowners to see if there is a simple majority that want to proceed with a petition to form an SSD. If there seems to be opposition to this SSD petition process from the cabin owners, Mr. Burr felt would proceed in forming their own corporate entity to manage the SUP. Mr. Burr felt that if the cabin owners want to proceed with submitting a petition to

the Town Council, they would probably submit that information in the next couple of weeks.

Dan Gates, a home owner in the Albion Basin, opined that one of the greatest advantages of the SSD is ability to level taxes on those that are in the SSD which would enable funding for the safety measures that need to be put in place. Mr. Gates also felt that having the Town (SSD) on board when negotiating with the Forest Service is a plus.

The Mayor asked if the home owners had any thoughts on what the budget of the SSD would be. Mr. Burr opined that initially he felt the budget would be nominal. The Mayor asked how insurance might be affected by an SSD. Mr. Burr commented that Scott Martin was looking into this with the Utah Local Government's Trust and was not sure how the cost of insurance would be impacted.

Hearing no further comments from the public, the Mayor asked the Council if they would like to make a motion to start the process of creating a SSD for the Albion Basin area. Hearing no motion from the Town Council, the Mayor recommended that the home owners go ahead with the petition process.

Cliff Curry opined that he will still listen to the homeowners and will, with an open mind, go through the public hearing process to consider petition. Mr. Curry went on to opine that it is fair to say that, that having considered the recent decision of the Forest Service, the case is no more compelling to create a SSD than it was before. Steve Gilman said he sees the same three homeowners at every meeting and he would like to hear from all the other homeowners in Albion Basin. Mr. Burr responded to Mr. Gilman's comment by saying that many of the home owners have asked him whether they should attend or not. Mr. Burr has advised them not to so as not to take up the Council time at every meeting on this issue. If there is a public hearing on this issue, Mr. Burr is sure that many of the cabin owners will attend and speak to this issue.

In speaking with the Forest Service, they opined that it did not matter one way or the other whether they would be dealing with an SSD or a homeowners association. The Forest Service representative opined that the Forest Service would like to issue only one special use permit and not a separate permit to each individual home owner.

10. Closed door meeting to discuss litigation matters. The closed door meeting will be held immediately following the regular meeting of the Alta Town Council.

There was a motion by Tom Pollard to hold a close door meeting of the Town Council immediately following the meeting to discuss litigation matters. There was a second by Paul Moxley and a roll call vote was taken.

**Cliff Curry – aye
Paul Moxley – aye**

Tom Pollard – aye
Steve Gilman – aye
Dave Richards – absent

The vote was unanimous with four member of the Town Council present and voting in favor of the motion. Dave Richards was absent.

11. Citizen Input

Bob Pruitt, a cabin owner in Albion Basin asked about the proposed changes to the Albion Basin road this summer that the Mayor earlier in the meeting. The Mayor commented that the Town was going to try and address the access to the entrance of the road. More specifically the Town was thinking about moving the location of the summer booth and making access to the to the summer road more user friendly by stripping the road. The Town also wants to address the dissemination of information to the public by giving them options if the parking areas in the Basin are filled.

Mr. Pruitt also asked the Mayor if the Town had publically supported any of the alternatives that were outlined in the Albion Basin Transportation Study. The Mayor commented that the Town has not come to the point yet. The Mayor's personal opinion is that of all the alternatives proposed, the end result could be a hybrid of a few of the alternatives. The Mayor also commented that the Town could be moving forward in the next couple of months in setting up public forums on the Transportation Study.

Mr. Pruitt asked if the Town had the same concerns that the County Board of Adjustment did about non-ski area type recreation (mountain coaster) and does that include hiking, mountain biking and ski lifts. The Mayor opined, that based on discussion, the Town is pretty far away from ski lift access in the summer time. With regard to the non-ski area activity, he believes that the County Board of Adjustment decision on the proposed mountain coaster relates to a slope variance on the construction of the mountain coaster.

Mr. Pruitt had some further questions on the Transportation Study in the Basin as it relates to trails. Steve Gilman believes that there will be a trail inventory done this summer by the Forest Service. Onno commented that the scope of the Albion Basin Transportation Study was not to address trails specifically and the Forest Service agreed that once the Study was complete that a complete inventory of trails and roads would be done. Onno believes that this inventory will be done this summer. Once that is done, it would be matched up with the Forest Service existing trail plan and then a decision would be made on which trails should be put back to bed, which ones should not, which ones should be improved or changed etc.

Onno Wieringa applauded the Town for establishing their carbon footprint, doing an energy audit and then pursuing changes to their equipment that will result in lower energy use especially with the proposed increases in RMP rates in the near future.

Onno explained that the Ski Lifts is moving snow to help with the runoff and prevent future flooding.

Onno also mentioned the recent ruling by the Utah Supreme Court on Sandy City Water issue in the Glacial Park subdivision at the bottom of the canyon.

Lincoln White requested information on the Patsy Marley lawsuit. John explained that the Town is still in court doing discovery, depositions and addressing amended complaints.

Creighton Hart is assisting the Friends of Alta in collecting old photos and file footage and requested that people contact him if they have anything along those lines.

Hearing no further comments, there was a motion by Steve Gilman to adjourn the Town Council meeting. There was a second by Cliff Curry and the motion was carried.

A closed door meeting of the Alta Town Council was called to order at 11:30 a.m. The following people were present: Mayor Tom Pollard and Council Members Paul Moxley, Steve Gilman and Cliff Curry: John Guldner and Piper Lever, Town staff and Kimberly Chytraus, Town Counsel. Litigation matters were discussed and no action was taken. The meeting was adjourned at 11:55 p.m.

| Passed and approved this 16 day of June, 2011.

| Katherine S.W. Black / S
Town Clerk