

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY
OCTOBER 13, 2011
10:00 AM
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. Call the meeting to order
2. PUBLIC HEARING: Proposed Land Use Application and Approval Ordinance

The Mayor explained that the Alta Planning Commission forwarded proposed language for the Land Use Application and Approval Ordinance to the Town Council who is not holding a public hearing on this ordinance. The Mayor asked if any many of the public wished to comment at this time.

There were no public comments on the proposed ordinance.

Councilman Cliff Curry suggested that the Town add a section to the ordinance that stipulates that any proposed land use change, even if that change is to the building envelope, must be required to post a notice at the public entry from the public road to the property that states that a proposed land use action for this property has been filed with the Town of Alta. It could also state the essence of that proposal, the time and date it was submitted to the Town and that further information may be obtained at the Alta Town Office. Cliff will work with Kimberly to draft this language before the next Council meeting.

Karen Travis commented that this requirement could probably be met in the summer when there is no snow on the ground but to require that a sign be posted in the winter on said property would be problematic.

John commented that it is his experience that posting such a sign in other jurisdictions falls on the public entity and not the property owner.

Hearing no further comments, the Mayor closed the public hearing.

3. Mayor's Report

The Mayor reported on the summer economic roundtable that was held on October 6th at OLS where the focus was the summer economy. There were over 50 people that participated in this discussion which was facilitated by Stephanie Frohman. The Mayor was encouraged and will move forward with having discussions on some of the ideas that came out of that meeting. The director of the Visitors and Convention Bureau of Salt Lake County had some valuable input at this meeting and his comments were very on point and helpful. He has offered to meet with the Town Chamber/Bureau and give them

more direction. The Mayor thanked Claire for all her hard work in putting the roundtable together.

With the most recent snowfall, the summer booth has been removed and the summer road has been closed for the remainder of the season.

The Mayor referred to a report prepared by the Town that outlines the number of cars on the summer road and the number of people using the shuttle. This report also outlines the costs associated with the operation of the booth and the summer shuttle. The Mayor mentioned that donation boxes were put in all the shuttles which added to the total donations collected this year: around \$3,700.

The Town will be holding its annual Road Committee meeting sometime in early November.

The Mayor and John attended the monthly UFA Board meeting where the budget was discussed. The big issue is the funding of post retirement benefits for the fire department.

The Town is still participating in the ongoing Mountain Transportation Study and the Canyon Parking Study.

The monthly conference of Mayors' meeting was held in Alta this month. Alta Ski Lifts made a presentation on the ongoing environmental sustainability program.

The Mayor announced that ACE will hold a meet the candidates' night on Tuesday, October 25th at the Community Center/Library. The election will be held on Tuesday, November 8th at the Albion Day Lodge. The polls will at 7:00 am and close at 8:00 pm. Anyone wishing to vote early may do so in the Alta Town Office. The days and hours of early voting may be found on the Town's web site.

The Alta Planning Commission will be meeting on Thursday, October 30th at Market Street Cottonwood at 12:00 noon. Continued discussion on the General Plan will take place.

The Mayor updated the public on Salt Lake County's program "Commit to be Fit". The Town has slipped to third.

The Mayor also mentioned that the Mayor's Cup Challenge ended last Sunday and the results will be out soon.

The next meeting of the Town Council will be November 10, 2011.

Kate mentioned that a special meeting of the Town Council must be held to accept the results of the municipal election. The date, time and place of that meeting will be announced soon.

4. Treasurer's Report

Marc Dippo read the monthly report which is attached to the minutes.

Hearing no comments or questions there was a motion by Dave Richards to approve the treasurer's report as submitted. There was a second by Paul Moxley and the motion was carried.

5. Departmental Reports

Town Administrator's Report: John Guldner reported on the most recent Ski Magazine ratings of the Alta Ski Area.

John updated the Council on the three lawsuits.

It has been a slow year for building permits. John reported on a few requests from home owners in the basin to tear down and rebuild their cabins. He went over the Valley Health Department regulations regarding this matter. The Valley Health Department is currently reviewing a request from a homeowner in the Albion Basin.

John went over the weekly unsafe building report that is sent by Mountain Fuel.

John reported on the Mountain Transportation Study meeting held last week. At the meeting Jon Nested was introduced. His firm will be conducting the study.

John gave an update on the meeting that was held regarding the Alta fen that is located near the west end of the GMD parking lot.

Assistant Town Administrator's Report: Claire Runge reported that the Town has a new contract with Zions Bank on the Waste Management Study. Former employees of Lewis Young moved to Zions Public Finance Department and they will be completing the study.

Claire thanked everyone who helped with and participated in the Summer Economic Roundtable event.

Town Marshal's Report: Mike Morey read his monthly report which is attached to the minutes.

6. Minutes: August 11, 2011 Town Council meeting

Hearing no comments or questions, there was a motion Cliff Curry to approve the minutes of the August 11, 2011 Town Council meeting. There was second by Steve Gilman and the motion was carried.

7. Minutes: September 8, 2011 Town Council meeting

There was a motion by Steve Gilman to approve the minutes of the September 8, 2011 Town Council meeting. There was a second by Dave Richards and the motion was carried.

8. Minutes: September 22, 2011 Special Town Council meeting.

There was a motion by Dave Richards to approve the minutes of the September 22, 2011 Special Town Council meeting. There was a second by Steve Gilman and the motion was carried.

9. Appointment of poll workers for the November 8, 2011 Municipal Election.

The Mayor asked the Council to give him the authority to appoint three poll workers for the November 8, 2011 Municipal Election.

Cliff Curry made a motion giving the Mayor authority to appoint three poll workers for the November 8, 2011 Municipal Election. There was a second by Steve Gilman and the motion was carried.

10. Resolution 2011-R-9: A resolution requesting the recertification of the Alta Justice Court.

Piper Lever explained that this resolution will be accompanied by a legal opinion from Kimberly Chytraus which represents that the Alta Justice Court can and does meet certain standards that are required by the State of Utah.

Kimberly explained that there is a state standard committee that requires that all Justice Courts must make an application every four years to request recertification. The state also puts out a list of all the applicable statutes, rules and requirements that have been adopted. Kimberly and Piper have reviewed all those requirements to make sure that the Alta Justice court does in fact meet those standards. Kimberly then must write an opinion letter to that effect.

Piper explained that Judge Balmforth has also written a letter to the State certifying that the Alta Justice Court meets all the requirements.

The Mayor asked if the opinion letter had been prepared by Kimberly. Kimberly had prepared her opinion and apologized for not bringing it to this meeting. She reviewed the contents of that letter for the Council and after reviewing the requirements with Piper it is her opinion that the Alta Justice Court conforms to all the requirements set forth by the State of Utah and is eligible to for recertification.

Based on the aforementioned discussion, there was a motion by Cliff Curry to approved Resolution 2001-R-9 requesting recertification of the Alta Justice Court. There was a second by Paul Moxley and the motion was carried.

11. Update on ACVB – Adrienne Ruderman

Adrienne reported that it has been a busy three months of the ACVB. The organization currently has 29 members with two applications pending. They are trying to recruit new members along with associate members as well. Adrienne explained that because the new organization is showing up in new places with their web site, Snowbird has inquired about becoming a member.

Adrienne explained that ACVB has brought in \$23,435 in membership fees, \$600 in seed money and the Town has contributed one half of their yearly commitment or \$43,500. ACVB expenditures, besides regular operating costs, have included the web site, the email newsletter and their new employee. Adrienne explained that ACVB's web site went live at the beginning of August and since that time visits are up 69%. ACVB is still working on their web site and continue to enhance the site as well.

The first newsletter went out the week of October 3rd and was emailed to approximately 8,000 people. That list was provided by the Alta Ski Area. Adrienne explained that they intend to send a newsletter out each month throughout the ski season.

Kylie North, the new coordinator for the ACVB was introduced to the Town Council.

Adrienne announced that there has been one change to the ACVB Board. Laurie Lee stepped down and Patrick Pike from the Alta Peruvian Lodge has been appointed to her on the Board

12. Update on petition proposing the creation of the Albion Basin Transportation Special Service District.

The Mayor reminded the Council that the Town was presented a petition to create a Special Transportation District (SSD) right before last month's meeting from some of the cabin owners in Albion Basin. The Town has determined that the petition to create the SSD was signed by the required number of people based on a percentage set by state statute. The petition has been reviewed by legal counsel and staff and there are a few details that need to be addressed.

Kimberly commented that the next step would be to set a public hearing which has to be noticed three weeks prior to the date of that hearing.

Jim Burr commented that when the legislature created the public notice web site requirements, notice requirements for the public hearing changed: the hearing must be noticed 35 days prior to the hearing as apposed to 21 days. Jim and Kimberly will consult on this matter.

Jim gave a brief history of the rulings by the Forest Service on daytime OSV access to the cabins in the Albion Basin. After lengthy discussions between the cabin owners and the Forest Service, the Forest Service wrote a decision memo reinstating a daytime

window for OSV (snow mobiles only) travel for the cabin owners for the future ski seasons pursuant to the issuance of a special use permit to an entity formed to hold that permit. The Forest Service was not interested in issuing permits to individual cabin owners and wanted to have a single permit to one entity, hence the discussion of the creation of a Special Service District. Mr. Burr recognizes that it will take time to go through the public process on the creation of this SSD and the determination by the Town Council on whether or not the public interest requires the creation of the District. As a result, Mr. Burr will proceed with establishing an entity to receive the Special Use Permit. That entity will be a Limited Liability Company (LLC) and the Forest Service has agreed that the LLC can sign it over to the SSD in the event that the SSD is created by the Town.

The decision memo from the Forest Service requires there be an operation plan in place and a draft of that plan was just received by Mr. Burr from the Forest Service. Mr. Burr had offered to write the operational plan but the Forest Service declined that offer and they prepared that plan. The cabin owners and the Ski Lifts will be reviewing the draft and making comments or recommendations. Mr. Burr went over some of the requirements in that proposed operating plan.

Only eight of the cabin owners have signed the petition and the Mayor asked if the other cabin owners had been approached to sign the petition and what were their reasons for not signing this petition.

Mr. Burr explained that he cannot speak for the cabin owners that chose not to sign. He has heard that a few have different points of view on the OSV issue itself including a question of why the cabin owners are not hiring a lawyer and going in that direction. Mr. Burr went on to opine that a majority of the cabin owners are willing to work through this issue constructively to try and achieve an outcome that provides safe access to property during the winter months and would address the safety concerns of the Alta Ski Lift Company.

Mr. Burr commented that when the Town does schedule the public hearing, he will be contacting all the property owners advising them of the intention to move forward with this approach. Mr. Burr commented that it is the intention to include all the cabin owners in this SSD. He went on to recommend that those folks that do not want to be included in the District need to show up and say they do not want to be included. Mr. Burr does not want to force a cabin owner to be part of the SSD if that is not their desire.

Mr. Burr explained that the Forest Service will be initially be issuing a ten year Special Use Permit to the LLC and only those cabin owners who express their desire to be a part of the LLC or possibly the SSD, if created, can benefit from the Special Use Permit.

With respect to the SSD, Cliff asked if cabin owner wants to be excluded from the SSD will they have clear right to be excluded without their wishes being overridden. Mr. Burr opined that if you have a proposal to create a SSD and more than 30% of the property owners by taxable value or more than 30% of the registered voters protest the creation of

the SSD, either by showing up and protesting or providing a written protest, then the governing body cannot proceed to create that SSD. Normally if this occurs, the SSD boundaries are more narrowly defined and it is brought back in front of the governing body for reconsideration. Mr. Burr went back and explained that in the original proposed resolution for the creation of the SSD, the people initiating the district had agreed that anyone who protested the creation of the SSD would be then excluded from the District boundaries. Mr. Burr personally felt that those cabin owners who do not think they need the day time window and don't want the benefit of that window should not be forced to be a part of this LLC or a possible SSD. Participation in either of these scenarios would be voluntary.

Dave Richards thanked Mr. Burr for his efforts in working through this process with the Town instead of taking a "let's sue" approach.

The Mayor thanked the Alta school children for attending today's meeting.

Kimberly asked if the Council thought a work session on this issue might be helpful before the public hearing is held. This work session would provide an opportunity for the Council to have their questions answered and would give the Council the opportunity to work through issues like the boundaries and what the map will look like for the district. That work session can be an agenda item at the next Council meeting or the Council can hold a special meeting for the work session.

The Mayor asked if the Council could have a public hearing and a work session at the same meeting and then take action at another meeting. Kimberly opined that that timetable would work but recommended that the Council not table the action for months.

The Mayor recommended that the Council hold a work session at the end of next month's Council meeting and if possible hold the public hearing at the same meeting. If the Town cannot meet the public meeting notice requirements on the public hearing for next month, then the Council should hold the public hearing at their December Council meeting.

13. Discussion of UTA participation in a winter shuttle service.

The Mayor explained that when the Council has discussed the funding for the private shuttle over the years, the question about approaching UTA about supporting and augmenting the private service with a public UTA shuttle service has come up. The Mayor has had recent conversations with representatives from UTA on this matter and they were open to discussing some possibilities. UTA reviewed our request and recently replied to the Mayor's request by stating that they cannot provide a shuttle service within their current normal winter service in the canyon. They did say that they have reinstated a couple new midday runs between the hours of 10am and 2pm.

UTA did come up with four scenarios for the Town, only one of which the Mayor felt was appropriate for the Town. UTA offered the Town the option of using one of their passenger vans that they need to retire after five years of service downtown. This

van would be given to the Town and the Town would then operate this service. UTA originally said they would pay for the maintenance, fuel and insurance but they then thought it would be easier for the Town if the Town paid for all those costs. If UTA provided all those services, the Town would have to travel downtown to gas up and get service on the van. Tom explained that they even discussed the Town using an old ski bus instead of one of their vans.

The Mayor explained that once we get the van, we could use it not only in the winter but in the summer as well. The van is not a four wheel drive van and would have to be retrofitted.

Based on ridership numbers, Steve asked if anyone knew what size vehicle we would need. Dave felt that we would need something bigger than a van.

On behalf of her husband Dan Ketner, Adrienne Ruderman opined that businesses that are contributing to the private shuttle service like to provide their guests with door to door service as apposed to having their guests walk down and catch the van on the bypass road.

Steve Goldsmith from Canyon Service commented that the private shuttle service has had multiple issues over the years, one of which is the Blackjack Road leading up to that area of town. It is a dangerous road for people to walk down, there is not a great UTA bus stop at the bottom of that road and the bypass road can get very slippery at this location.

Mr. Goldsmith went on to comment that the private shuttle operators have increased the service and it now runs all day long. The increase in service has increased the cost of operating this service to around \$42,000 a winter season. The homeowners associations, who help fund this operation, are resisting paying for this increased service, so a lot of that is falling back on the management companies such as Canyon Services. As a result, Mr. Goldsmith opined that there is a great need for additional shuttle services such as the UTA van and he felt that businesses would be willing to continue to provide funding for a private/public mix such as this.

Because this discussion is taking place late in the summer, the Mayor felt using the van this year would probably not be an option but it could be for next winter.

Claire asked if UTA had estimated what it would cost to operate one of their vehicles. The Mayor was told to budget for \$.53 per mile.

Onno explained that currently there is a free fare zone on the UTA buses between Alta and Snowbird for season pass holders but the UTA service is limited during the middle of the day. This problem is compounded when Zone 5 opens for skiing. Onno felt that the Town has an advantage over the resorts when negotiating with UTA to provide more service during the day and should be meeting with UTA to push this issue.

Cliff asked if the Town did take over the UTA van, is it possible to legally turn the van over to the private shuttle service and have them operate the van. Onno commented by saying that the private shuttle service did away with vans because it was hard for the customers to get in and out of the vans. They now use a different type vehicle.

Dave asked if the private shuttle service could estimate how many of their riders were private condo owners vs. riders that were skiers coming back from zone five. Onno thought Dan Ketner had those numbers.

The Mayor would be willing to meet with Dan and Steve to continue the conversation to make this option work for everyone. The Mayor opined that the private shuttle service is being partially funded by public funds from the Town so the public skier should be able to use that shuttle.

The Mayor will continue to work with UTA to explore all options and will continue to pressure on them for more shuttle service within their current winter schedule

Mark Haik recommended that the Town create a Special Transportation District that includes the whole town and Snowbird as well. In Mr. Haik's opinion this type of district would be useful in the long term especially with the gift of the bus from UTA.

14. Closed door meeting to discuss litigation matter.

There was a motion by Paul Moxley to hold a closed door meeting immediately following this meeting to discuss litigation matters. There was a second by Steve Gilman. A roll call vote was taken.

Dave Richards – aye

Cliff Curry – aye

Paul Moxley – aye

Tom Pollard – aye

Steve Gilman – aye

The vote was unanimous and the motion was carried.

15. Citizen Input

Jim Burr mentioned that in the summer there is overflow parking near the gate on the road to his home. He asked if the cone that delineates the overflow parking could be move about 15 feet down the road to allow for the homeowners to park while they are opening the gate. This would prevent a lot of traffic jams in this area of the summer road. Mike Morey will follow through with Mr. Burr's request next summer. Mr. Pruitt also asked that the Town address the culvert on the road between that gate and the campground.

Onno Wieringa announced that the Alta Ski Lifts has projected a opening of November 18th.

As it relates to the Mountain Transportation Study that is being done, it is Onno's opinion that a core question that needs to be answered is what will be the number of people to plan for in the future that will be coming to the mountains based on population projections for the valley.

Onno thanked the Town for taking the lead in hosting the Summer Economic Roundtable meeting.

Onno opined that Jim Burr gave a good overview of the Forest Service's winter travel plan for OSV use to the cabins in the basin. It is Onno's understanding that the Forest Service will be issuing a Special Use Permit to a cabin owners' association and hopes that it is in place fairly soon. Onno believes that issues such as skier safety, access and liability need to be addressed and he is glad that the discussion is taking place now.

Onno spoke to the projects that the ski area addressed this summer: the sewer line near Albion Day Lodge and sewer line at Watson's, and the addition of safety bars on Collins, Supreme and Sugarloaf lifts. The ski area is also putting together plans to address their future needs: building an anchor building between the Wildcat Ticket Office and the Buckhorn.

Onno thanked all the candidates for Town Council for attending the meeting.

Onno addressed the Ski Magazine ratings for the Alta Ski Area.

16. Motion to adjourn

Steve Gilman made a motion to adjourn the Town Council meeting. Cliff Curry seconded this motion and the motion was carried.

A closed door meeting of the Alta Town Council was called to order at 11:57 am. The following people were present: Mayor Tom Pollard and Council members Paul Moxley, Steve Gilman, Dave Richards and Cliff Curry; Marc Dippo, Town Treasurer; John Guldner, Kate Black, Piper Lever and Mike Morey, Town staff; Kimberly Chytraus, Town counsel. Litigations matters were discussed and no action was taken. The meeting was adjourned at 12:49 pm.

Passed and approved this 10th day of November, 2011.

Katherine S.W. Black, Town Clerk / S

TREASURER'S REPORT

13-Oct-11

MAJOR BILLS PAID

Payroll - 3 payroll periods	\$50,607.66
Payroll taxes - 3 payroll periods	\$20,350.69
URS Contributions	\$7,218.97
Health, Dental and Life Insurance	\$10,588.44
Attorneys	\$24,395.59
Alta Shuttle	\$14,525.00
GIS License renewal	\$4,008.00
Building Inspections/Forsgren	\$2,620.45
UFA Qrt Payment	\$24,388.25
Energy Costs	\$1,298.93
Telephone Costs	\$1,576.91
Other Town Bills	\$11,757.46
Total	\$173,336.35

MAJOR REVENUES RECEIVED

Sales Tax/Resort- July collections	\$8,049.86
Sales Tax/Uniform - July collections	\$4,843.78
Property Taxes	\$1,047.75
Court Fines	\$1,050.00
Business Licenses	\$3,676.00
Liquor Licenses	\$1,400.00
Building Permits	\$822.77
Dog Licenses	\$175.00
Booth Donations	\$826.74
Energy Taxes	\$1,246.99
Other Revenue	\$4,112.70
Total	\$27,251.59
General Fund Checking	\$12,998.31
General Fund Savings	\$153,194.10

