

**MINUTES  
ALTA TOWN COUNCIL MEETING  
THURSDAY  
JUNE 18, 2009  
10:00 A.M.  
ALTA COMMUNITY CENTER  
ALTA, UTAH**

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

1. Update on Antimony Treatment Project – Keith Hanson

Keith reported that the pilot report on the GTO media is almost complete and the actual GTO pilot plant has been moved to the Fire Station in preparation for the arrival of the treatment plant.

The State Division of Drinking Water has given the Town final approval on the plant specifications. The electrical and plumbing on the backwash system have been completed and tested. The main system control panel has been wired and programmed and it is running the Town's main system and the Grizzly system. The majority of the electrical work for the new treatment plant has been installed and when the vessels arrive they will be tied into the new electrical system.

Keith reported that the pumps that run the Grizzly system have been moved from the floor of the building to the wall to allow for more space for the treatment vessels. Most of the chemical feed system equipment has been ordered and some of the parts have arrived. Quotes were obtained on all of the equipment needed for this system. A new door has been ordered for the building and should be delivered in the next week or so.

The filters will ship on the 29<sup>th</sup> of June and arrive in Alta on the 30<sup>th</sup> of June.

The Service area has spent 258 hours of staff time on this project and will spend approximately 400 hours in June. Keith feels that they are ahead of schedule on the project. At next month's Council meeting Kate will have a break down of expenditures on this project for the Town Council.

Keith reported that he will be representing the Town at a meeting with Salt Lake County in their efforts to create a County wide plan for protecting ground water sources. The County will be developing an ordinance and a draft of that ordinance will be reviewed by all in attendance at this meeting.

Keith also reported that Cottonwood Improvement District is running their TV camera down the entire sewer line in the canyon including the line in Alta.

2. Discussion with possible action on the awarding of Town Insurance Bid for the period July 1, 2009 – June 30, 2009 – Tom Lanning, Hub International

Tom Lanning prepared a bid proposal for the Town Council and asked for any questions on the proposal. The total premium did go up by \$2,600 and that increase is spread evenly between the different categories of the policy. The management fee did remain the same: \$8,000. Mr. Lanning explained that many aspects of this policy have an effective date of 1986, so premiums are based on claims that still could be filed since the inception date of 1986. He also explained that there is a trend in the industry that shows an increase in general liability premiums.

Paul Moxley inquired as to the cost of increasing the Town's umbrella policy. Mr. Lanning estimated that it would cost two to three thousand dollars more per one million dollars of coverage.

**Hearing no further questions or comments, there was a motion by Dave Richards to award the Town insurance bid for the time period to include July 1, 2009 through June 30, 2010 to Hub International. There was a second by Steve Gilman and the motion was carried.**

3. Public Hearing: To receive comments and questions regarding the final amendments to the 2008-2009 Fiscal General Fund Budget.

The Mayor announced that in April the Town Council passed some amendments to the general fund budget. Now that the Town is approaching the end of its fiscal year, the Town Council needs to address the final amendments to the 2008-2009 general fund budget. The Mayor explained that the Town is required to adjust departmental expense budgets if the Town anticipates exceeding the total budgeted amount in each department. The Mayor reviewed each department that the Town anticipates exceeding. A copy of the General Fund amended budget is attached for the record.

Kate also explained that if the Town of Alta anticipates using any of its unreserved fund balance to balance the 2008-2009 general fund budget, the Council needs to acknowledge that amount at this time. The Mayor announced that the Town anticipates using \$85,000.

The Mayor asked for comments or questions on the amended budget. Hearing none, the Mayor closed this public hearing.

4. Public Hearing: To receive comments and questions regarding the proposed 2009-2010 Fiscal Budgets. The Certified Tax Rate will be discussed.

The Mayor reminded the Council that the tentative budget they approved in their May meeting reflected a proposed tax rate increase. At that meeting, the Council also requested that the budget committee to go back to the drawing board to see if it could cut expenses so a property tax rate increase would not be necessary. The committee met and

came up with a budget that reflects no increase in the property tax rate. The AVB budget took the biggest cut: \$50,000.

Salt Lake County Auditor has given the Town of Alta their Certified Tax Rate ( the “CTR”) which is .000980. The Mayor explained that the total taxable value of the Town of Alta has gone down so the County gave us a CTR that went up over last year’s rate. The law allows the Town to set a tax rate that collects the same amount of property tax it collected in the prior tax year. Last year’s tax rate was .000930.

The Mayor opened the floor to public comments on the proposed budgets.

Hearing no comments on the proposed 2009-2010 budgets, the Mayor closed the public hearing on this matter.

5. Public Hearing – To receive comments regarding the proposed 2009-2010 Fiscal Budget for the Alta Special Service District. The Certified Tax Rate will be discussed.

The Mayor explained the Alta Special Service District (ASSD) has been on the books for a long time and the Board of the District has never assessed a tax rate for the District. Tom Pollard announced that the proposal for the 2009-2010 budget year is the same: -0- budget and a -0- Certified Tax Rate.

The Mayor opened the floor for public comment.

Mark Haik asked when the last election for the Alta Special Service District was held and who are the officials that manage the district.

Mr. Haik commented that the budget for the ASSD should not be zero. With all the recent discussion in the Town about re-thinking Alta and planning for the future, the Town should recognize that they should address infrastructure upgrades on their sewer, water, power, etc systems and should use the District to catalog and inventory those systems. They should use the district to tax for funds to design and build out the required infrastructure for new and upgrades for the future of the Town.

Hearing no further comments or questions on this matter, the Tom Pollard closed the public hearing.

6. Public Hearing – To receive comments on the proposed Subdivision Application Ordinance.

The Mayor announced that under the new guidelines of LUDMA, any land use ordinance needs to have a public hearing in front of the Alta Town Council before the Council can adopt the ordinance. This ordinance was the recommendation that was forwarded to the Town Council by the Alta Planning Commission. Staff and legal counsel have reviewed the proposed ordinance.

The Mayor opened the floor to public comment on the proposed Subdivision Application Ordinance.

Craig Call spoke on behalf of the Estate of Joanne Shrontz. He opined that one of the things that is remarkable about the Alta process is the distinction of the Alta Planning Commission. Because of that, he feels that we are not taking advantage of the members' expertise like we could. In Mr. Call's opinion, what the proposed ordinance does is resolve a lot of planning related issues in ways that require the applicant to invest a lot of money. The ordinance requires finalized plans to a significant degree before the applicant gets programmed and the Planning Commission gets a chance to review that and sign off. By front loading all the approvals, the Town really locks the applicant in permanently and prematurely before the Planning Commission/Land Use Authority really gets a chance to comment. More typical is a process that is done in stages where the Land Use Authority has a chance to comment on the proposal as it goes through the process. He went over some scenarios found in other communities. Another facet of this proposed ordinance is that it attempts to eviscerate what has been created over a long history of Utah law through the courts and the legislature; a doctrine that is called vested rights. An applicant should not have to front load all those kind of expenses without knowing whether they will get an approval at some point. In Mr. Call's opinion this ordinance attempts to delay that point at which the application is considered complete and is significantly unfair to the applicant. The balance of this ordinance works too far against the applicant.

Mark Haik commented that some provisions are likely and necessary under the recent LUDMA regulations and opined that the Town Council should wait and not act on this ordinance just yet. They should put it off until they have completed the cataloging and codifying of all the Town ordinances that the Town undertook with the Sterling contract. Once the Town ordinances are codified, he believes the Council should review this proposed ordinance again with a critical eye to some of the items Mr. Call previously mentioned in today's meeting as well as ways the Town can better facilitate communication with applicants. The Town should also provide people impetus to consider applying and creating new capital improvements in the Town. Currently the application process is not burdened by the existing ordinance but rather by the analysis and considerations of the applications by the staff. Mr. Haik handed the Council copies of letters that he felt highlighted the lack of staff analysis. Mr. Haik reviewed one of those letters written in 1977 as it relates to water to the Patsy Marley area. Mr. Haik then mentioned that the analysis by the Planning Commission of this proposed ordinance did not mention this letter written in 1977. Mr. Haik opined that this bears similarity to other questions namely the road.

## 7. Mayor's Report

The Mayor announced that as the Town Council moves through the agenda, a few of agenda items will be moved around.

The Mayor announced that UFA has set their budget and the per-fire fighter expense has decreased this year. As a result our yearly fees have gone \$1,500 from last year. There is no meeting of UFA in July.

On June 4<sup>th</sup> the Mayor and John attended the monthly COG meeting. There was a discussion on the County Cooperative Master planning process. John and Claire have been attending those meetings for the Town. There was a presentation on the promotion called "Life on State Street". The County will be holding open houses on this promotion. The issue of UTA funding for the para-transit system is still being discussed as well. The final item that was discussed at the COG meeting was the upcoming 2010 Census and how important it is for all political subdivisions to get an accurate count.

On July 1<sup>st</sup> the Canyons School District will be commencing operation. There are many activities surrounding this date including a kick off gathering at the Alta Lodge on July 1<sup>st</sup>. The Mayor reviewed the other activities. A time capsule will be put together with items from all the cities and schools.

The annual Little Cottonwood Clean Up Day will be held on Tuesday, June 23<sup>rd</sup>.

A Declaration of Candidacy can be filed with Kate Black or Piper Lever starting July 1<sup>st</sup> in the Alta Town Office. There are two at-large Town Council seats open and the Mayor's seat is open as well. The last day a person can declare their candidacy is July 15<sup>th</sup> by 5:00 pm.

The Mayor announced that the polling place for this year's municipal election has been moved to the Goldminers Daughter Lodge.

The Mayor announced that at this point in time there is no date for the opening of the summer road. We do know that it will **not** be opened by the 4<sup>th</sup> of July.

The Mayor mentioned that he will be attending two meetings next week of the Wasatch Canyons Tomorrow steering and executive committees.

The next meeting of the Town Council will be on July 9, 2009.

#### 8. 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 presented. There was a second by Steve Gilman and the motion was carried.**

9. Departmental Reports: The Mayor announced that due to the length of today meeting, departmental reports will not be given by staff. The ARA report and Marshal's report will be attached to the minutes.

10. Discussion with possible adoption/approval of the following:

a). Town Council minutes – May 14, 2009 meeting.

**There was a motion by Steve Gilman to approve the minutes of the May 14, 2009 Town Council meeting. There was a second by Paul Moxley. Hearing no comments or corrections, a vote was taken and the motion was carried. Cliff Curry was absent.**

The Mayor announced he would like to adjust the order of the agenda to move items (g) and (h) up on the agenda.

g) Ordinance 2009-O-2 – An ordinance establishing a new part of the Code of Revised Ordinances titled “9-521(C) – Permit Required for Excavating, Grading, and Cut and Fill Operations.”

Kate announced that she had Claire proof read the ordinance in great detail and the following changes to the draft that was sent out to the Town Council as part of their packets are being recommended by staff. Kate explained that the word “and” was inserted at the end of all the “Whereas” except the last “Whereas”; on page two under “Permits Required” subsection a), should the language read “each property” or “each site”; on page three. Section 3 Emergency Work, subsection b) the words “...outside of regular business hours...” should be added; on page four staff added the word “Town” before Building Official to make it consistent with the rest of the ordinance and lastly, in Section 7. Fees, should the language read “..\$275.00 per site” or “...\$275.00 per property”.

The Mayor asked if a person was looking to sub-divide but had not yet completed that process, would they required to get a permit for every “proposed” site or one permit for the un-subdivided parcel. The Mayor used another example; if a person had two lots adjacent to each other that were separate and distinct, would they be required to get one permit for each lot or one permit for both lots. Clarence Kemp stated that these regulations and procedures are being put in place to help protect the watershed and give the Town some control over the process. They are not being put in place as a source of revenue. Mr. Kemp recommended that under the section “Permits Required”, it should read “each property”. Mr. Kemp also recommended that a sentence be added that could say that “A single permit for multiple contiguous properties may be granted at the discretion of the Town Building Official.” But if a person owned two pieces of property at opposite ends of the Town, the Town should require a separate permit for each property.

Katie Lewis recommended that under the Fees Required section, it should read “The excavation, grading, or cut and fill permit shall be \$275.00 per permit.” The Council agreed with this language. The \$275.00 fee was determined by the actual cost of the inspector’s time, Clarence Kemp’s time, and some administrative time.

The Mayor called for a motion on the ordinance.

**There was a motion by Dave Richards to approve and adopt Ordinance 2009-O-2 with the aforementioned additions and changes. There was a second by Steve Gilman. The Mayor called for a roll call vote on the motion.**

**Dave Richards – aye  
Paul Moxley – aye  
Tom Pollard – aye  
Steve Gilman - aye  
Cliff Curry – absent**

**The vote was unanimous and the motion was carried, with all those present voting in favor of the motion. Cliff Curry was absent.**

h) Ordinance 2009-O-3 – An ordinance establishing a new chapter of the Uniform Zoning Ordinance of the Town of Alta titled “Chapter 13” – Subdivisions and new sections of Chapter 13 – “Sections 22-13-1 – Purpose through 22-13-6 – Application Completion Deadline”.

Kate explained that Claire reviewed the ordinance carefully and recommended that one change be made in Section 4. Application, (a) (6); add the word “**all**” before “other utility facilities.”

Katie Lewis pointed out that a sentence was added at the recommendation of Dave Richards. In Section 4 Application, (b)(3)(v) a sentence was added to read “A final map identifying known avalanche slide paths shall be certified by a qualified avalanche expert and will be reviewed and approved or denied by the Planning Commission as part of the application review process.” Katie explained that what the applicant submits during the application submittal phase for known avalanche paths will have to be finalized during the review process by a known avalanche expert.

Katie also explained that once the applicant has met the requirements spelled out in the subdivision application ordinance or what the Planning Commission called the “deal killers”, then the applicant goes to the next stage which is the approval and finalization stage. The Planning Commission is currently working on that ordinance.

Dave Richards asked legal counsel to address Mr. Call’s concern that this ordinance unfairly causes the property owner or applicant to “deal all their cards upfront”. Katie Lewis explained that under Utah Law there is a vesting concept whereby a land use applicant should be able to submit an application to the Town of Alta. As long as that application complies with whatever the Town’s application ordinance says, then the applicant is vested and can be considered under the ordinance at that time. When the Planning Commission considered what they thought was very important in an initial application, they discussed what they called the “deal killers”. They felt that if the applicant could not provide these elements which are listed on page three and four of

subdivision application ordinance in their land use application, the applicant should not be vested. The purpose of making this application ordinance so front loaded was because Alta is so unique. Because Alta is so unique and because it is not a given that the applicant might have the basic services such as water, waste water, fire and emergency access, road access and avalanche hazard information, the Planning Commission felt that the applicant should be required to provide evidence that they can provide those services during the application process.

Paul Moxley commented that it was Mr. Call's belief that this ordinance was still too onerous as a matter of law, which is different from what the Planning Commission wants. Mr. Moxley asked legal counsel what her view point was on this statement.

Katie Lewis explained that legal counsel's view is that the subdivision application ordinance is not too onerous. Utah law requires that a Town have a subdivision ordinance in place and whatever that subdivision ordinance says is required for an application for vesting, that is what the applicant has to do.

Kate asked if the Council felt that the word "all" should be inserted on Page 3, section (6). The Council agreed to insert that word.

The Mayor asked for further comments on this ordinance. Hearing none, he called for a motion on the ordinance.

**There was a motion by Paul Moxley to approve and adopt Ordinance 2009-O-3 with the word "all" being added. There was a second by Steve Gilman. The Mayor called for a roll call vote on the motion.**

**Dave Richards – aye  
Paul Moxley – aye  
Tom Pollard – aye  
Steve Gilman – aye  
Cliff Curry – absent.**

**The vote was unanimous, with all those present voting in the affirmative. The motion was carried. Cliff Curry was absent.**

b) Resolution 2009-R-4 – A resolution amending the 2008-2009 Fiscal Budget

The Mayor announced that a public hearing was held today to discuss the amendments to this budget. There was no public comment at that hearing.

**There was a motion by Dave Richards to approve Resolution 2009-R-4 amending the 2008-2009 Fiscal General Fund Budget as outlined in Exhibit "A". There was a second by Steve Gilman. Hearing no discussion on this motion, the motion was carried by a unanimous vote of those present. Cliff Curry was absent.**

c) Resolution 2009-R-5 – A resolution amending the sewer use rates.

The Mayor commented that the Town is not collecting enough money through sewer usage fees to cover the cost of treating the Town's sewage by Cottonwood Improvement District. Therefore the Council is recommending that the rates for sewer be increased by 17% to cover the cost of treatment. The Mayor noted for the record that even with this increase, the Town is a bit "light" on the funding for depreciation for the sewer system. Kate also explained that the current sewer rates are determined by calculating a value per ECU based on the total sewer revenue budget. This resolution reflects a change. The value per ECU will be based on the total funds needed to treat the sewer and not based on the total sewer revenue budget. Therefore the sewer usage rate for a single family home will go from \$100.00 per quarter to \$117.00 per quarter based on a new ECU value of \$375.00.

The Town anticipates that it will have to raise sewer rates for the next two years.

**There was a motion by Steve Gilman to approve Resolution 2009-R-5, establishing the new sewer rates of the Town of Alta. There was a second by Paul Moxley. The motion was carried by a unanimous vote of those present. Cliff Curry was absent.**

Kate Black stated that the new sewer rates will not go into effect until July 1, 2009.

d) Resolution 2009-R-6 – A resolution adopting the final budgets and Certified Tax Rate for Fiscal Year 2009-2010 for the Town of Alta.

The Mayor announced that a public hearing was held on the proposed budget earlier in this meeting and the budget was discussed by the budget committee and the Town Council in prior meetings.

**There was a motion by Steve Gilman to approve Resolution 2009-R-6, adopting the 2009-2010 Fiscal Budgets and a Certified Tax Rate of .000980 which will provide \$272,960 in property tax revenue for the Town of Alta. There was a second by Dave Richards.**

**The Mayor commented that he appreciated the efforts of the budget committee in reviewing and cutting the budget so the Town would not have to raise the property tax rate.**

**The Mayor called for a roll call vote on the motion.**

**Dave Richards – aye**

**Paul Moxley – aye**

**Tom Pollard – aye**

**Steve Gilman – aye**

**Cliff Curry – absent**

**The vote was unanimous with all members present voting in the affirmative. The motion was carried. Cliff Curry was absent.**

e) Resolution 2009-R-7 – A resolution adopting the final budget and Certified Tax Rate for the Alta Special Service District.

The Mayor announced that the budget and CTR for the Alta Special Service District will be -0-.

**There was a motion by Paul Moxley to approve Resolution 2009-R-7, establishing the 2009-2010 budget and CTR for the Alta Special Service District at -0-. There was a second by Steve Gilman.**

The Mayor opened the floor for discussion.

Dave Richards asked why we are not setting a tax rate for this District. The Town will probably have to fund infrastructure improvements on its sewer and water systems and revenue from a tax rate for the District could help fund those improvements.

The Mayor agreed that in the future the District could be used to help fund those improvements but today the District does not have a “plan” to utilize those funds.

Dave commented that even though we do not have a plan in place, should or could we pass a tax rate in anticipation of that plan.

Kate Black opined that staff and legal counsel would have to review in detail current code for this type of district to see under what circumstances the District could impose a rate. Also, the ASSD does not include the entire Town of Alta; the Blackjack Area Annexation is not included in this District. When this area was annexed, the property owners in this area elected to remain in the Salt Lake County Service Area #3 boundaries for sewer and water services.

It is Kate’s opinion that if the Board of the District sets a CTR other than -0-, it would have to go to a Truth and Taxation Hearing in August because it would be raising the CTR from -0- to “something”. Also, she felt that the District would be imposing taxes on property owners in the District when the District does not know how they are going to use the funds raised by those taxes. Kate recommended that staff and legal counsel review the statutes and laws governing this type of District and come back with information on this matter.

Dave Richards asked if this budget and CTR had to be adopted today. Kate felt that a rate had to be established and voted on today but she did not know if the District would cease to exist if the Board did not vote today for a rate.

Let the record reflect that Paul Moxley asked to be excused from the remainder of this meeting.

Katie Lewis opined that it sounds like a rate has to be passed today and recommended that the Board pass the rate given to the District by the County Auditor today. The Board should require staff and legal counsel to review and research the law as it applies to all the questions that have come out of this discussion. Dave requested that staff and legal counsel proceed in this manner and report back to this body.

Steve Gilman recognizes that a special service district can deal with sewer and water but the Town already deals with its sewer and water system expenses by imposing sewer usage rates on both. He recommended that we review all matters related to the District for next year but pass a -0- budget and CTR for this year.

**The Mayor called for a roll call vote on the motion.**

**Dave Richards – aye**

**Paul Moxley – left the meeting and did not vote**

**Tom Pollard – aye**

**Steve Gilman – aye**

**Cliff Curry - absent**

**The motion was carried with three member of the Board voting in favor of the motion and Paul Moxley and Cliff Curry absent from this vote.**

f) Alta Town Meeting Schedule for fiscal year 2009-2010.

The Mayor announced that the monthly Town Council meetings will be held the second Thursday of each month at 10:00 AM except for the June 2010 meeting which will be held on the 3<sup>rd</sup> Thursday of the month.

**There was a motion by Dave Richards to approve the 2009-2010 meeting schedule as submitted by staff. There was a second by Steve Gilman and the motion was carried. Paul Moxley and Cliff Curry were absent.**

## 9. Citizen Input

Mark Haik commented that the way the staff can find out what special service districts can and cannot do is to ask Keith Hanson for a copy of the resolution establishing the Special Service District #3. There are a lot of other things special service districts can do.

Haik commented that Tolton had an inventory done of all the documents withheld by the Town in his case. Haik presented the Council with seven documents that were on that list. He went over those documents. He urged the Town Council to review the inventory with staff. In his opinion, after the Council reviews the inventory, it will realize that staff has erred in their classification of the withheld documents.

Sara Gibbs announced that the Wildflower Festival will be held from June 17<sup>th</sup> – 19<sup>th</sup> and held in Alta on Saturday, June 18<sup>th</sup> in the summer booth area.

Jen Clancy from the Friends of Alta announced that the Green House Gas Inventory for the Town has been completed. It was a three way partnership between the Alta Ski Lifts, the Friends of Alta and the Town of Alta. It was a 2007 base line inventory for the Town of Alta.

Mr. Haik further commented that the documents that he gave to the Council today were classified as private and protected by staff in the Tolton case but had already been given out to other people.

**Hearing no further business before the Town Council, there was a motion by Steve Gilman to adjourn the meeting. There was a second by Tom Pollard and the motion was carried.**

Passed and approved this 9<sup>th</sup> day of July, 2009.

Katherine S.W. Black/s  
Town Clerk  
Town of Alta