

**MINUTES  
ALTA TOWN COUNCIL MEETING  
MARCH 12, 2009  
ALTA COMMUNITY CENTER/LIBRARY  
ALTA, UTAH**

The Mayor called the meeting to order. All members of the Town Council were present.

**MAYOR'S REPORT**

Mayor Pollard reported on the latest Little Cottonwood Road Committee meeting on March 3, 2009. The main topic of discussion was the traffic metering conducted on the main road the last few weekends. The overall response has been positive. The main issue will be how to budget for this program in the future knowing that there are some weekend days we need this program and some that we don't. Anyone who may have comments on this program should call or email the Town staff. The Mayor thanked the two ski areas for the financial help with this program.

Liam announced at the road meeting that as of March 1, 2009 we were 100.05% of the average snowfall for the year.

The budget committee of the Town of Alta had its first meeting last week to plan for next year's budget. Overall the Town is in pretty good shape when it comes to meeting our budget projections but some trimming will be done.

Kate Black reported that the antimony back wash system has been completed and is being leak tested. The initial payment to Pureflow for the drawings has been made and the Town is on schedule to have the plant/vessels delivered in April or May.

The Mayor reported that the Alta Ski Lifts, Friends of Alta, and the Town of Alta are working with a company out of Ft. Collins, Colorado called the Brendle Group to measure the Town's carbon footprint and to complete a green house gas inventory.

There will be a meeting on March 19<sup>th</sup> on the update of the Canyons Master Plan.

At the Council of Governments meeting held this month the main topic of discussion was the 2010 census and how to best prepare for the process to make sure that it is a true and accurate count. At this meeting it was announced that May 13<sup>th</sup> was bike to work day. Those that attended this meeting discussed the Oxbow Jail and how to fund the opening of that jail.

At the Conference of Mayor's meeting the federal government's stimulus package was discussed and how much will reach the cities and towns in the state. The Mayor does not see much of these monies coming to the Town of Alta. There are some Federal Energy Block Development Grant funds available that could help fund the Town of Alta solar

array project. Claire will be working to submit a request for funding through this program.

The Snowflake Festival is going on this weekend. The public can access the schedule of events on the ACE web page.

The Alta Ski Lifts last day of operation is April 19, 2009.

The next meeting of the Town Council will be Thursday, April 9, 2009 at 10:00 am.

#### TREASURER'S REPORT

Marc Diplo read the monthly treasurer's 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 Cliff Curry and the motion was carried.**

#### DEPARTMENTAL REPORTS

Town Administrator's Report: John Guldner reported that the Town has successfully turned in a request for a federal appropriation for nine gaz-exs. The application was handed into Congressman Matheson's office as well as the offices of Senator's Hatch and Bennett. The request is for approximately 1.4 million dollars.

The Alta Planning Commission met on Tuesday, March 17, 2009. A public hearing was held on the proposed sub-division ordinance. John reported that the Commission is proposing a few changes and would like to review it again at their meeting to be held in April. The proposed sub-division application ordinance lays out in detail and up front everything that someone who wants to sub-divide their property has to do so there are no surprises or guess work. Once the Planning Commission is through with the proposed ordinance it will come to the Town Council, who will have another public hearing on the ordinance.

The Planning Commission talked about having an open house on a Saturday where people can come in and voice their opinion on what they think Alta is, what Alta needs, and what they would like to see Alta be in the future. The Planning Commission would like to define characteristics that the community can all agree on and see how we can reach those goals.

John commented that the Town's Master Plan is good except it is missing one chapter that addressed what Alta want to be in the future. The Commission feels that there are a couple of big players in the Town of Alta that need to come to the table: Alta Ski Lift Company and U.S. Forest Service. The Commission would like to invite representatives from Ski Lift Company to the next meeting scheduled for April 28<sup>th</sup> to explain their plans for the future.

John reported that there are no real changes in the Town's lawsuits. John mentioned that MSI and the View are getting close to agreeing on a settlement to this suit.

John reported on the recent advertisements put in the paper by Tolton that have appeared in the Salt Lake Tribune on water related issues.

John has been receiving the minutes to the Canyons School District's meetings which he will continue to forward on to the Town Council members.

There has been no date set for the proposed open house in the Town.

Marshal's Report: Mike Morey reported on the traffic metering project. They have run a few unscientific tests during some of the weekend days and have found that with this program travel time from the Albion parking lot to entry one at Snowbird has been reduced by 25%. The Mayor also stated that this program has provided better visitors' experience and also reduces the avalanche hazard index on the main road.

Mike read his monthly report which is attached for the record. Mike spoke to the program at the bottom of the canyon. He also mentioned that there is a new electronic information sign going up near the intersection of 9800 South and Wasatch Blvd.

AVB Report: Susan was asked to be excused. Kate Black read Susan's report. The last component of the Alta/Snowbird Campaign has been completed which is comprised of a banner ad on Onthesnow.com web page and a postcard mailing. This portion of the campaign has been targeted to the southern California market. Susan will compile data from this campaign to present not only to the Town Council but the Office of Tourism. There was a day tour with a journalist this month. The journalist is creating a web site exclusive to Utah resorts. The new AVB postcards have been distributed to all the properties in Alta. The AVB committee will be meeting next week to review next year's budget for this department, discuss strategies for next season, and review the edited version of the new video.

#### PUBLIC COMMENT ON THE PROPOSED OVER THE SNOW VEHICLE ORDINANCE – 2009-O-1

The Mayor commented that the proposed ordinance in front of the Town Council addresses the issue of registering OSVs in the Town of Alta. The Forest Service regulation of travel on federal land is a separate issue and is not the subject of this ordinance before the Council. The Mayor asked that the public keep their comments to the issue of this ordinance.

The Mayor also asked that all those wishing to comment to try and keep their comments to four minutes. The Mayor announced that the Town has received written comments from five individuals prior to this meeting. A summary of those comments was prepared by staff and legal counsel. All comments will be part of the public record.

The Mayor asked Mike Morey to speak to the proposed ordinance and respond to some of the comments. Mike mentioned a few people asked why the ordinance was necessary and why the Town is proposing the changes to the existing ordinance. The existing ordinance has a couple of components which do not speak to what the Town actually does in relationship to OSVs. For example the existing ordinance defines the registration process as the duty of the Town Council. That responsibility lies with the Alta Marshal's Office. Therefore the existing language should be updated to reflect what actually takes place. Mike also explained that he wanted to have an ordinance that accomplished a couple of things: to recognize and validate by statute the need for residents to travel to and from their homes by OSV and to require certain safety items to be present and operational while OSVs are in transit. Mike explained that he would like to reduce instances of damaged property due to OSVs being parked which are not visible to other operators. Mike would like to establish an eligibility standard for the registration process that is based on common sense and reality. Mike thanked everyone for their comments. Those comments brought to his attention items that he had not initially considered when drafting this ordinance. He asked the Town Council to consider defer taking action on this ordinance at today's meeting so staff can study the comments.

Paul Moxley asked Mike what his view was about issuing tickets for speeding for example. Mike commented that the Town does not have an ordinance that addresses OSV speeding therefore the Marshals have never had that ability to issue tickets for speeding. He commented that this ability should carefully be considered when drafting this ordinance.

The Mayor opened the public comment period.

Roger Bourke thanked the Council for the opportunity to speak on the proposed ordinance. Bourke asked what is the problem to which this ordinance is supposed to solve. Roger felt this should be sharply identified: safety could be the purpose for example. Mr. Bourke feels that the purpose really needs to be defined. He also feels that the Council should possibly look at other alternatives to changing the ordinance: signage and education. Mr. Bourke would also like the Town to stay away from anything to do with the Forest Service Travel Management Plan. He would also like the Town Council to think about the long term effect this ordinance would have as it relates to the discretion left to the Town Marshal. Mr. Bourke suggests that a group of people get together to help with this ordinance especially those that are affected by the results of this ordinance. He also suggested that the Council wait until future time to act on this ordinance.

Mr. Bourke mentioned that the state legislature was considering as a cost cutting measure, to furlough teachers for five unpaid days during the year. He asked the Council to consider funding those five days for the Alta teacher.

Dan Gates commented that he feels that the Town Council should give this ordinance more time for consideration and endorsed what had already been said. He would like to see a committee put together of the property owners who use OSVs.

Mark Haik commented that even though the Mayor has commented that the Forest Service policy on OSV use is separate, it is actually, in his opinion, connected to this ordinance. Haik would like to see the ordinance set aside in the meeting today and recommend that the Council not take any action. Haik would urge the Council to do what Mr. Rademan suggested and go through the process that he outlined in his presentation. Haik opined that what is most important is for the Town to communicate better with the affected parties by personally contacting the property owners, any other people affected by this proposed ordinance, and invite them to brain storming sessions. Haik recommended that the Town utilize the existing Alta Special Service District or create a new district to potentially subsidize some of the transportation of the affected parties.

David Jones commented that he has been a cabin owner in the Albion Basin since 1971 and has always had snowcats or snowmobiles. He is not against most of the items in the proposed ordinance. He has concerns about the requirement that the OSVs be kept clear of snow because it is hard to keep up with that requirement. Because of his age and health, Mr. Jones commented that the snowcat is his only means of transportation to his cabin . Therefore he would hate to see a situation where his right to use his equipment is taken away. Mr. Jones opined that the safety of the occupant or driver of the OSV should also be mentioned in this ordinance. He recommended that an area be designated a safe place for the OSVs to park. Finally Mr. Jones stated that he feels the Town should support the property owners in their effort to keep some type of day time travel open.

Onno Wieringa commented on section 3(b) of the proposed ordinance; necessary and direct travel to a dwelling unit or place of business. Onno felt that the “place of business” might be in conflict with the Winter Travel Management Plan and/or the Ski Lifts Winter Site Operations Plan. Also he felt that the Town might have to define recreational purpose which is found in section 3(b): is going to the bar or dinner defined as a recreational use. He asked if there is a minimum aged for operating an OSV. In section 3(f) Onno commented that he is not overly concerned about whether the OSVs are buried with snow as long as they are adequately marked so that his snowcats do not run into them when they are working.

Charles Livsey thanked the Town for changing section 5(d). Livsey opined that hearing the comments that address the purpose of the proposed ordinance, the ordinance is not well tailored to accomplish those goals. He commented that under state code, a DUI is a Class C misdemeanor, so in section three(3) the Town should acknowledge that fact. Livsey commented that he finds it interesting that the Town has lumped the operation and parking without permission on ones property in the same category as a DUI. Parking in a manner to block or hinder travel also gets lumped into the DUI category and Livsey asked if those could be custom fit. He suggested that those two be moved into section two where they would be simple infractions and only a repeat offender gets bumped into the next category. Livsey opined that in Section 3(d) the Town has criminalized violations of outside agency rules by making those violations subject to a Class B or C misdemeanor. He believes that violations such as these should be simple infractions and not subject to six months in prison or a two thousand dollar fine.

Scott Martin stated that he represents Whitten and Goodsen both cabin owners in the Albion Basin. He thanked the Mayor, Council, and Mike Morey for their effort on the proposed OSV ordinance. Martin feels that safety is of paramount importance when you are addressing OSV travel, especially when traveling at night. He opined that the proposed ordinance specifically incorporates the day time closure that is addressed in the Forest Service Special Order and he would like to see an element of common sense and resident safety incorporated in this dialogue. He feels that the first step toward a common sense approach to this ordinance would be to submit this to a “group think” approach. Martin feels like the Town of Alta is taken on this extra jurisdictional enforcement obligation to a heavy handed and legally suspect day time closure. They would like the Town to adopt an approach that protects the day time ability of the Town residents and constituents to travel to the Albion Basin area using their OSVs.. Martin then referred to his specific comments found in his letter to the Town as it relates to the proposed ordinance and asked the Council to continue the dialogue about this subject.

Jeff Fletcher commented that he supported the idea of the Town Council taking more time on this proposed ordinance.

Jim Burr, on behalf of himself and John and Cindy Philips, whole heartily supports the comments made by Mr. Martin. He commented that traveling by OSV to and from the Albion Basin can be a harrowing experience and his concerns are expressed in his written comments submitted to the Town Council. He opined that there is a serious conflict between the Alta Ski Lifts, Forest Service and the homeowners in the Albion Basin that is headed to litigation amongst the three parties unless there is some resolution. He commented that he felt that the political process would help avoid litigation and feels that the Town Council has the ability to bring the stakeholders together to work out a reasonable compromise to things. Burr called on the Council to do that. In reference to 3(b), Mr. Burr felt that the Alta Ski Lifts was subject to the ordinance except for the registration requirements and that in his opinion, the place of business reference in the ordinance is the only thing that allows Ski Lifts to operate in compliance with this ordinance.

The Mayor closed the discussion period on the proposed OSV ordinance.

#### PRELIMINARY DISUCSSION ON THE USE OF CDBG FUNDS FOR 2009-2010 PROGRAM YEAR

The Mayor gave examples of projects that would qualify under the CDBG guidelines. That list is attached to the minutes of this meeting. Salt Lake County has announced that the Town of Alta has been awarded \$14,700 dollars for this program year. Notice has been given that the Alta Town Council will hold a public hearing to discuss the use of these funds on Thursday, April 9, 2009 at 10:00 am at the Alta Community Center. Written comments can be submitted to Kate Black in the Town Office through April 2, 2009. The Mayor explained that historically the Town of Alta has given a portion of their allocation to agencies in the Salt Lake Valley such as The Road Home and YWCA

Battered Women's Shelter. Locally, CDBG funds have been spent on park improvements and planning studies to name a few.

Cliff Curry asked why the Big Brothers and Big Sisters were not on the list of outside organizations that would qualify for funding from the Town. Kate explained that these agencies like this must apply Salt Lake County for pass through funding and Big Brothers and Big Sisters had not applied this year.

Creighton Hart asked if any of the CDBG funding could go to support the public school. The school does not qualify for this type of funding.

#### DISCUSSION WITH POSSIBLE ACTION ON THE FOLLOWING ITEMS:

1. Approval of minutes for the February 12, 2009 of the Town Council meeting.

**There was a motion by Steve Gilman to approve the minutes of the February 12, 2009 Town Council meeting. There was a second by Cliff Curry. Hearing no comments or corrections, a vote was taken and the motion was carried.**

2. Resolution 2009-R-2 – A resolution amending the Interlocal Service Agreement between the Town of Alta and Salt Lake County Service Area #3.

The Mayor explained that the purpose of this agreement was to allow Service Area #3 to be the contractor for the installation of the Town's water treatment plant and ancillary appurtenances. The original Interlocal Agreement between the two agencies required that any type of change of this magnitude needs to be addressed by a separate resolution and amendment to the agreement.

Kate explained in section #3 of this agreement the Town added a sentence that, in the event the Service Area felt that the agreed upon amount of \$36,207.50 was to be exceeded, pre-authorization must be sought from the Town of Alta in writing. The other change in that section was the word "labor". The Service Area will be acting as the Town's owner /contractor and a permit will be issued to the Town for this work. The resolution is retroactive to January 1, 2009.

**There was a motion by Cliff Curry to approve Resolution 2009-R-2 as submitted. There was a second by Steve Gilman.**

Dave Richards asked if Keith Hanson could attend the next Council meeting to give an update to the Town Council on the project as a whole. Kate will make sure they attend the next meeting.

For clarification, the resolution in front of the Council for their vote is the revised resolution incorporating the aforementioned changes outlined by Kate.

**The Mayor called for a vote on the motion. The vote was unanimous with all members of the Town Council voting in favor of the motion.**

ORDINANCE 2009-O-1; AN ORDINANCE REPEALING PART 11-344Q OF THE CODE OF REVISED ORDINANCES OF THE TOWN OF ALTA AND ENACTING A NEW PART 11-347 – OVER SNOW VEHICLES

**There was a motion by Paul Moxley to discuss the proposed OSV ordinance. There was a second by Steve Gilman.**

Paul Moxley felt that the Town Council should defer action on this ordinance, that the ordinance should not be adopted for this ski season, that the Town specifically state in the ordinance that the Town will not be enforcing the existing or future travel plan(s) of any other parties, and whether the Town Council's needs to engage in any future dialogue with those affected by this proposed ordinance. Paul agrees that OSVs should be registered and should supervise speed and enforce safety.

Dave Richards agrees that the Town Council should defer action on this proposed ordinance. Dave, after talking with Mike Morey, felt that unless the Town authorizes the Marshal's Office to enforce the Forest Service Special Order through something like this ordinance, then the Marshal's Office cannot do so. Mike explained that his officers are empowered to enforce local, county and state laws. They do not have statutory authority to make arrests on a federal violation.

With that in mind, Dave Richards suggested that the Town completely remove Mike's ability to be involved in the enforcement of the Forest Service Special Order. Paul Moxley and Cliff Curry agreed with this concept.

The Mayor mentioned that he was concerned with the ability or lack thereof of the Marshall's Office to site someone under our current ordinance that traverses from the backside over the ridgeline into the Town of Alta on their snowmobiles. Mike commented that his best tool for enforcement currently is the watershed ordinance. Mike feels that there is a need to be able to prevent unauthorized use of an OSV within the Town of Alta and some enforcement provision when it occurs.

Cliff agrees with Mike and feels that this is what is driving this ordinance and feels the ordinance has nothing to do with the regulations the Forest Service has made or will make in the future.

Mike reminded the Council that there are other areas in the Town that his department has concerns about when it comes to OSV travel: the transfer tow, the bypass road, and the entire north side of Highway 210.

Steve Gilman felt that the Town Council was not ready to address this ordinance and also recommended that we address it at a future meeting.

The Mayor suggested that if there are additional comments that the public would like to submit to the Town of Alta, that they be allowed to do so until March 19, 2009.

**Paul Moxley withdrew his motion.**

**Tom Pollard made a motion that the Town Council not take action on Ordinance 2009-O-1 today and move it to another date. There was a second by Paul Moxley. The motion was carried with all members of the Town Council present and voting in favor of the motion.**

Mr. Bourke asked if the Council was going to pursue a “group think” on this issue. The Mayor commented that he would discuss this with staff and get back to those interest parties with our decision.

**RESOLUTION 2009-R-3 - A RESOLUTION ESTABLISHING A MAXIMUM NUMBER OF DOG LICENSES THAT WILL BE ISSUED FOR THE YEAR 2009 AND FEES CHARGED FOR LICENSES.**

The Mayor explained that the resolution in front of the Town Council establishes the total number of dog licenses that can be issued for the year 2009: that number is 44 licenses. The Mayor announced that 43 dog people have renewed their licenses for the 2009 year. Accordingly, there is a possibility of one license available through the drawing. The other decision that must be made by the Council is what category the license should be issued to: Class A, Class B and Class C. The Council by passing this resolution will also establish the fees for dog licenses for the year 2009.

Kate explained that as part of the dog ordinance, the reason that 44 is the magic number is that the number is tied to 12% of our 2000 census which is 370. In order to change the percentage, the Town Council would have to amend the Animal Control Ordinance.

Dave Richards recommended that the limit be set at 44 with one new license available for the drawing and that license given to someone who qualifies under the definition of Class A.

The Mayor felt that we should issue the maximum number of dog licenses available under the current ordinance which is 44.

**Tom Pollard made a motion to make section #1 read the total number of dog licenses be 44, the number of new licenses issued will be one and that there should be a random drawing between Class A and Class B applicants. Cliff Curry seconded this motion.**

The Mayor called for discussion on the motion.

Piper felt that the Council can determine which Class should get the license.

**Hearing no further comments on the motion, the Mayor called for a vote. The vote was unanimous with all members present and voting in favor.**

Piper clarified a section of the ordinance by reading the section which states "the Council shall allocate the new and forfeited licenses to one of the above classes."

**With that reading of the ordinance, the Mayor rescinded his motion.**

**The Mayor made a new motion that stated that the Town of Alta will issue a total of 44 dog licenses, that one new license be available in the drawing for the year 2009, the license be issued to a person who qualifies under Class A, and there be no changes to license fees. There was a second by Cliff Curry. The Mayor opened the floor for discussion.**

Steve Gilman asked why we do not change the fee structure. Piper was asked if the fees covered her time for administering the dog licenses. She recommended that we review the ordinance again this summer including the fee structure. The Mayor felt that the licensing fees were adequate.

**The Mayor called for a vote on the motion. The vote was unanimous with all members of the Town Council present and voting in the affirmative.**

The Mayor suggested that we revisit the dog ordinance in the May meeting of the Town Council.

#### CITIZEN INPUT

Mark Haik commented that at the Planning Commission meeting it was mentioned that the Ski Lift Company had retained a consultant to prepare a model of a proposed build out in the base facilities of the Town. Haik felt that it would be a tragedy if the Town did not engage in this process and should meet with the public in the next 12 months to discuss with the public and property owners the future of Alta. Haik commented that he felt that visitors do not find the available restroom facilities quaint or charming and that the Town should take a tour of these facilities.

Karen Travis asked if the CDBG funds would be available to help with the building of the new entrance sign in the Town of Alta. Kate will inquire as to whether this is a qualifying project. The Mayor also commented that he has a goal to get this project completed by the end of this summer.

Charles Livsey thanked the Council for postponing their action on the proposed OSV ordinance. He opined that the Town has been saddled with the issue of the summer road for many years and he does not see that changing. Livsey has heard that the Town Council has been advised that their liability would be reduced by not excepting ownership of the summer road or refusing to acknowledge that they might have some

ownership or regulatory authority over the road. Mr. Livsey opined that he is not confined that that is necessarily the case.

Scott Martin revisited a scenario where someone would come up with a bunch of snowmobiles and drive around the Town of Alta. He feels that by a carefully crafted ordinance, the Town could address this situation by a recreational use limitation and could only operate within the Town boundaries on an OSV that is in fact registered with the Town.

The Mayor thanked everyone for their input.

**With no further business before the Town Council, Dave Richards made a motion to adjourn the meeting. There was a second by Steve Gilman and the motion was passed.**

The minutes were approved by the Alta Town Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Katherine S.W. Black  
Town Clerk

#### TREASURER'S REPORT

12-Mar-09

#### MAJOR BILLS PAID

Payroll	\$34,794.09
Payroll Taxes	\$14,618.48
Utah Retirement System Contributions	\$6,175.91
Health, Dental and Life Insurance	\$9,499.83
Traffic Metering Program	\$4,500.00
AVB Promotions	\$51,071.00
Attorneys	\$7,286.34
Other Town Bills	\$12,675.92
Total	\$140,621.57

#### MAJOR REVENUES RECEIVED

Resort Sales Tax - December collections	\$89,490.81
Uniform Sales Tax - December Collections	\$37,415.54
Telephone Taxes	\$736.34
Court Fines	\$352.00
Dog Licenses	\$200.00

Post Office contract	\$1,166.67
AVB Matching Promotion funds	\$1,500.00
Energy Taxes	\$7,277.24
CC Rental	\$105.00
Other	\$14.01
Total	\$138,257.61
General Fund Checking	\$5,324.64
General Fund Savings	\$242,189.69