

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, DECEMBER 13, 2007
10:00 AM
ALTA COMMUNITY CENTER
ALTA, UTAH**

The Mayor called the meeting to order. The following members of the Town Council were present: Mayor Tom Pollard and Council members Paul Moxley, Steve Gilman and Dave Richards. Bill Levitt was excused.

1. Discussion with possible approval of the 2006-2007 Fiscal Audit for the Town of Alta – Ross Youngberg

The Mayor mentioned that the Town of Alta has a general fund budget of around 1.5 million dollars and as a result, our audit is quite lengthy. Governmental accounting standards change every year and those changes often add pages to our audit.

Ross Youngberg reminded the Council that the draft that is in front of them includes not only the financial statements but management's discussion and analysis of the Town's financial records. Their firm not only audits the financial aspects of the Town but they are compliance auditors as well. Mr. Youngberg went over some of the findings, all of which have been addressed by the Town.

Steve Gilman inquired about the Town's reserves and are we in compliance with the State of Utah. Ross commented about the specific reserves and stated that the Town is in compliance with the State.

Ross stated that all municipalities, regardless of size, must comply with the new accounting standards that were put in place this year. The Town of Alta does not have an accountant on staff, so it is more difficult for it to meet those standards. There is a comment in the audit to that effect.

Hearing no further comments or questions, there was a motion by Dave Richards to approve the draft audit for the 2006-2007 fiscal year as submitted by Hansen Barnett and Maxwell. There was a second by Steve Gilman and the motion was carried by a unanimous vote of the Town Council. Bill Levitt was absent.

2. Mayor's Report:

The Mayor reported on the final results of the November 2007 municipal election. Steve Gilman and Dave Richards were elected for the two, four year seats and Cliff Curry was elected for the two year seat. He thanked Roger Bourke for his willingness to run this year.

The new council members will be sworn in on Monday, January 7th at noon.

Both our state Senator and Representative were asked to attend this meeting to answer questions on concerns raised by town residents on the property tax issue. Both of them had other commitments and could not attend.

The Mayor reported on the annual COG meeting with members of the legislature from the Salt Lake area. One of the issues discussed was the property tax issue. Another issue of concern was the Mountain View corridor. At the “super” COG meeting the members re-affirmed their commitment to spend the additional ¼ cent sales tax on the expansion of the light rail system in Salt Lake County.

The Mayor is a member of the Air Quality sub-committee of COG and reported on the most recent meeting of that sub-committee.

The Mayor gave an update on the most recent meeting of the east side and west side Mayors along with current Jordan School District Board members, where the role of the transition team was discussed. The most important task for the team is the splitting of the assets between the new east side school district and the old Jordan District. They also discussed the hiring of an interim superintendent until July 2008, when a new school board will be elected for the new school district. After the board is elected, they will hire a permanent superintendent. The Mayor affirmed his commitment to stay involved in this process to make sure we keep our school in Alta even though we were not a participant and did not sign the final interlocal agreement due to the changes in the law. The new boundaries for the school board members are being considered and we have asked to be attached to the elementary school that our satellite school reports to which is Granite Elementary School.

The Mayor reported on the progress in switching over to the new sign at the mouth and the new AM530 technology. He confirmed that Alta Central will be the primary operator of the new sign and we will still have the ability to access the AM530 radio with local messages. We will not switch over until after the holidays.

The Mayor gave an update on the November 17th Alta Planning Commission meeting.

UTA has published their new rates which have increased tremendously especially for the local businesses who buy monthly passes for many of their employees. Those passes went from \$105 to \$145 per month. UTA has also purchased some new buses. Full service will start on December 16th.

The Mayor announced that we have hired Kevin Payne as our new Deputy Marshal. He will start the Police Academy on January 16th. He was on the Town’s police force from 1995 – 2000 and we welcome him back.

The Mayor reported on the pre-mandatory antimony engineer meeting held on December 3rd in Alta. Eight firms attended this meeting. Their bids are due on January 2nd and we should have a decision by January 4th. The Town has also

submitted an application to the Division of Drinking Water for a grant to fund the engineering study to determine the most cost effective treatment option to remove antimony from our water system.

The Mayor reported that the US Forest Service has been awarded a \$200,000 federal transit grant to study alternative transportation systems as it relates to the number of people and natural resources in Albion Basin. Steve Gilman inquired as to the final car counts from the Forest Service counter that was in place all summer. We will try to obtain the numbers by the January meeting.

Mayor Pollard announced that we will try to have a resolution for film permit fees and fees for GIS data prepared for the January Council meeting.

3. Treasurer's Report

Marcus Dippo read the monthly report. Hearing no comments or questions, there was a motion by Paul Moxley to approve the report as read. There was a second by Dave Richards and the motion was carried.

4. Departmental Reports

Town Administrator's Report: John Guldner updated the Town Council on his conversations with the County Assessor's on property values in the Town of Alta.

The Council was updated on the Tolton case. The Judge has reviewed and ruled on the personnel records and the attorney/client information. The Town then reviewed the pages the Judge said could be released and we are in the process of responding to Tolton's attorney on this matter. There is one set of documents left to be reviewed: infrastructure information.

John reported on the progress in obtaining the signed Holdharmless agreement from the owners of the Sterns home. They have submitted a revised agreement to the Town that only indemnifies the owner of the home and not any of its quests. It also excluded the use of explosives, projectiles and any man made avalanches. in addition, it excluded the section of the agreement which states that the agreement is transferable to a new owner. Steve and Piney expressed their concern in leaving this open and unresolved.

Wasatch Front Regional Council representatives would like to make a short presentation to the Town Council early in 2008. We will try to get them to attend the January meeting.

The Mayor reported that as of December 12th, the Forest Service signed the special order with respect to the winter recreational travel plan in Albion Basin. It is temporary in nature, lasting only one year. The Mayor reviewed this special order which is attached for the record.

Marshal's Report: Mike Morey reminded everyone that we are enforcing our winter parking procedures. He read his monthly report which is attached for the record.

Alta Visitors Bureau: Susan Ragsdale reported that the Alta Resort Association has officially changed its name to the Alta Visitor's Bureau which is more indicative of what it does. The name change has been well received. Susan updated the Council on the Office of Tourism Grant. All components are up and running including the New York Times weekly report, the Alta/Snowbird.com website, and the coffee sleeve. We also printed a free postcard which is available to all businesses to distribute. Two press trips are planned for this winter.

5. Discussion with possible action on the following items:

- A) There was a motion by Steve Gilman to approve the minutes of the November 8, 2007 Town Council meeting. There was a second by Dave Richards and the motion was carried.**
- B) There was a motion by Steve Gilman to approve the minutes to the November 20, 2007 Election Canvass meeting. There was a second by Paul Moxley and the motion was carried.**
- C) The Mayor explained that Resolution 2007-R-13 is the final piece that needs to be approved by the Town Council in order for the Town of Alta to join the Utah Retirement System.

Hearing no further comments or questions, there was a motion by Paul Moxley to approve Resolution 2007-R-13 which authorizes participation in the Utah Noncontributory Retirement System by the Town of Alta. There was a second by Dave Richards. A roll call vote was taken.

**Dave Richards – aye
Paul Moxley – aye
Tom Pollard – aye
Steve Gilman – aye
Bill Levitt – absent**

The resolution was approved with all those present voting in favor. One member of the Town Council was absent.

- D) The Mayor asked the Town Council to give him the authority to hire an engineering firm to perform planning, system design, construction and start up for a treatment alternative for the removal of antimony. The Mayor explained that between now and the next Town Council meeting, the Town will review all the proposals from engineering firms interested in providing this service. He would like to have this firm on board by the 11th of January, the date of the next Division of Drinking Water Board meeting.

Hearing no comments or questions, there was a motion by Steve Gilman to authorize the Mayor to hire an engineering firm to address a treatment alternative for the removal of antimony. There was a second by Dave Richards and the motion was carried.

E) Ordinance 2007-O-2 – An ordinance establishing a temporary land use regulation prohibiting any new subdivision approvals within the Town of Alta and regulating the erection, construction, or alteration of any building or structure within the Town of Alta during the term of regulation for a period not to exceed six months.

The Mayor explained that under Utah State Code 10-9a-204, the Town is considering a temporary land use regulation in the form of an ordinance that would prohibit the acceptance and approval of land use applications, subdivision applications and development applications for a period not to exceed six months.

This issue came up because the Town of Alta is not in compliance with the land use regulations or LUDMA that were passed by the state legislature in 2005. The town may consider a temporary land use regulation without Planning Commission recommendation or a public hearing however the area must be either un-regulated or there must be a compelling, countervailing public interest supporting the temporary land use regulation. In this case there is a compelling, countervailing public interest. Also, the Town has inadequate land use and zoning ordinances to deal with future land use applications. The Town's concern is that potential land use applications, in the absence of consistent regulatory guidelines, will cause irreversible negative impacts in the Town. We desire to provide a consistent, efficient and fair process to every land use application. The Mayor also noted for the record that, exempted from the moratorium, are building permit applications for projects that have been previously approved and which continue to comply with elements of the previous approval.

This moratorium is a positive direction for the Town of Alta because it will create a system that is fair and equal for every individual seeking to develop within the Town's boundaries with predictability and consistency. The moratorium is not meant to punish property owners. Because there is not a lot of building taking place from December through May or June due to weather and temperature restrictions, the moratorium should not disrupt current development.

Potential applicants are welcome to enter into discussions with the Town about future land use applications, however the Town will not formally accept nor process these applications until the moratorium is lifted.

Currently the Town of Alta does not have a Land Use Authority or an Appeal Authority that is defined under LUDMA. Under state code we have the ability to appoint a temporary Land Use Regulatory Board and an Appeal Authority that will be in effect for six months. In the meantime the Town will go through the formal process of appointing a permanent land use authority and an appeal authority. It will also give the town time to bring their ordinances into compliance with state code.

Mr. Moxley asked if there had been any applications made since this new law was passed by people who would be adversely affected because we had not adopted this new scheme. There have been no applications turned down during this period in the Town of Alta.

The Mayor allowed a statement into the record. Cyd Bruns read the following: As the Town is aware; we have had numerous meetings with Town officials regarding our desire to significantly renovate the Snowpine Lodge as a condo-hotel or similar format for hotel development. We are already significantly invested in this project, with significant non-refundable money paid up. While the proposed moratorium speaks to “subdivision approvals” we are presuming it is the Town’s intention to extend this to any plat approvals, including our proposed project as we see in item #5 (d) in the agenda. We respectfully submit that there needs to be a full and complete series of hearings held, with the opportunity for public written comment, on the possible effect of such a moratorium and any new “process” for projects such as this, which would include a full opportunity to research these possible effects on our project and the Town in general”.

Paul Moxley made a statement that a member of his law firm represents Frank Perkins and Cyd Bruns on this project and he sees this as a possible conflict of interest.

Kimberly Chytraus, legal counsel for the Town of Alta, commented that she aware that there are discussions ongoing with the Town and that further discussions might be delayed however, it is important for the Town to provide a fair process for all applicants including the Snowpine. She stated that there are no ordinances that address the Snowpine project in particular and the Town wants this process to be fair and positive process allowing people an opportunity to have input in the new ordinances.

The Mayor stated again for the record that under Utah Code section 10-9a-504, the Town may consider and pass a temporary land use regulation without planning commission recommendation or public hearing. The Town finds a compelling, countervailing public interest to support the consideration of this temporary land use regulation. The Mayor commented again, that the Town currently has inadequate land use and zoning ordinances to deal with future land use applications and is concerned that potential land use application, in

the absence of consistent regulatory guidelines, will cause irreversible negative impacts in the Town. The Town also desires to provide a consistent, efficient and fair process to every land use application and the Town intends to create a system that is fair and equal for every individual seeking to develop within its boundaries. Potential applicants are welcome to enter into discussions with the town about future land use applications; however, the Town will not formally accept nor process these applications until after the moratorium is lifted.

The Mayor called for a motion on the ordinance. There was a motion by Steve Gilman to approve Ordinance 2007-O-2. There was a second by Dave Richards. The Mayor opened the floor for discussion.

Paul Moxley stated for the record that he will abstain from voting on this ordinance because of his conflict stated previously in this meeting.

Steve Gilman expressed his concern that the passage of this ordinance could put a halt to construction of existing land use approved subdivisions more specifically the proposed construction at Powder Ridge. It is his understanding that Powder Ridge is an approved subdivision and there are changes being proposed for this area and this moratorium could bring a halt to these plans for up to six months. Steve understood that it is the Town's goal to adopt in the Council's April meeting, the changes to our land use regulations.

Mr. Gilman asked if there is an exemption for an existing structure to get a building permit to stay within that existing structure. Dave Richards read a section of the ordinance which stated that the Town may approve building permits for approved projects currently under construction or may approve building permits for renovations of existing building or compliant structures.

Paul Moxley asked if a lodge, for example, was hit by an avalanche or destroyed in a fire, could rebuild under this moratorium. Legal counsel commented that you could lift the moratorium to address this situation or this situation could fall under the exception under this ordinance in as much as the lodge was an existing structure.

The Mayor called for a role call vote on the motion.

Dave Richards – aye
Paul Moxley – abstain
Tom Pollard – aye
Steve Gilman – aye
Bill Levitt – absent

The motion was passed with three members of the Town Council voting in the affirmative, one member abstaining and one member absent.

- F) Ordinance 2007-O-3 – An ordinance establishing a temporary land use regulation designating a land use authority and an appeal authority for the Town of Alta during the term of the regulation for a period not to exceed six months.

The Mayor explained that because the Town does not have these Boards in place, it is considering a temporary land use regulation in the form of an ordinance that will appoint a land use authority and an appeal authority, in compliance with state law. The regulation will be in effect for up to six months and in the meantime the Town will go through the formal process of appointing a permanent land use authority and an appeal authority. The purpose of the appointment of the land use authority and an appeal authority is both to comply with state law and to create a fair and appropriate process for land use applicants.

The Town Council is proposing that the Alta Planning Commission become the land use authority which means that they will make the final approval or denial of any land use application. This approval or denial will occur after the Town Administrator has made a recommendation to the Planning Commission.

If the application is denied by the Land Use Authority, the applicant will have the right to appeal to the appeal authority. The Town Council will be the appeal authority.

The Town may consider and pass this temporary land use regulation without planning commission recommendation or a public hearing however the area must be either unregulated or there must be a compelling, countervailing public interest supporting the temporary land use regulation. In this case the current ordinances do not have either a land use authority or an appeal authority. There is a compelling, countervailing public interest to do this at this time.

The compelling, countervailing public interest is that the Town received and is currently processing land use applications that may be appealed and there is at least one pending subdivision applicant who has requested an appeal for a land use decision in the Town. The Town is not equipped to hear and decide such land use application appeals in the absence of a designated appeal authority.

The Mayor called for a motion on Ordinance 2007-O-3.

Paul Moxley made a motion to approve Ordinance 2007-O-3. Dave Richards seconded this motion. Hearing no comments or questions, a roll call vote was taken.

Dave Richards – aye

Paul Moxley – aye

Tom Pollard – aye

Steve Gilman – aye

Bill Levitt – absent

The motion was passed with four members of the Town Council voting in the affirmative and one member absent.

6. Discussion Items

- A) Enactment of subdivision ordinance and amendments to existing land use ordinances, including zoning ordinances.

The Town of Alta intends to direct the Planning Commission to prepare new land use ordinances in compliance with state statute and also revise some of the existing zoning ordinances. This is a positive effort to bring the Town into compliance with state code and give us a chance to look at some of the things we are lacking in our ordinances. This step is not meant to be punitive in nature and we are doing this during a time of year when the capability of building is limited due to the weather.

We will have public hearings during this time period and will except written comments. We will try to have a schedule in place by the next meeting on those hearings. Kimberly Chytraus commented that the Planning Commission will make recommendations on any changes or additions to the Town ordinances and the first meeting of the Planning Commission on this matter is tentatively set for January 8, 2008.

Karen Travis asked the Mayor if he anticipates that the Planning Commission will change anything dramatically. The Mayor commented that he did not foresee that they will be any dramatic changes.

Mark Haik asked if the Council would give some direction to the Planning Commission regarding their vision for the future of Alta because he felt the Planning Commission did not know what their vision was for this community.

Paul Moxley commented that to the extent that we have the Master Plan, that sort of directs the community.

Onno Wieringa commented that he attended the Planning Commission meeting and it is unfair to say that the Planning Commission did not know what their role was. They had a discussion as to how their role might change the future but to say that they did not understand their role is unfair.

7. Citizen Input

Karen Travis commented, with the upcoming legislative session approaching, that the Town ought to let everyone know the email address and phone numbers of Senator Carlene Walker and Representative Karen Morgan. She recommended that everyone who owns property in this Town inform both of them of our concerns and suggestions on new laws regarding property taxes. The Mayor stated that that information will be available on the Town's web site. He also mentioned that he has already spoken with Karen Morgan on our concerns.

Onno Wieringa recommended that we also send a message to both Walker and Morgan on continuing the funding level for the Office of Tourism, a state agency that promotes our industry.

Christina Gates, a homeowner in the Secret Lake area of Albion Basin who was not included in the temporary exemption for OSV usage during the middle of the day, asked how to handle emergencies such as the necessity in getting a plumber to her cabin during day time hours. Mike Morey's understanding of those situations was that the homeowner must contact the Ski Lift Company and the Forest Service to obtain permission to travel outside the hours authorized by the Forest Service.

8. Discussion with possible action on closed door meeting to discuss litigation matters.

There was a motion by Steve Gilman to go into a closed door meeting to discuss pending litigation matters. There was a second by Paul Moxley and a roll call vote was taken.

Dave Richards – aye

Paul Moxley – aye

Tom Pollard – aye

Steve Gilman – aye

Bill Levitt – absent.

The motion was carried with all members voting in the affirmative. One member of the Council was absent.

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

A closed door meeting of the Town Council was held immediately following this meeting. The following people were present at the closed door meeting: Mayor Tom Pollard and Council members Paul Moxley, Steve Gilman and Dave Richards; John Guldner, Laura McIndoe and Piper Lever, Town staff; Marcus Dippo, Town Treasurer and Pat Winmill, Rich Mrazik, Kimberly Chytraus and Katie Lewis, legal counsel for the Town of Alta. Current and reasonable imminent litigation matters were discussed and no action was taken.

Passed and approved on the 10th day of January, 2008.

Katherine S.W. Black, Town Clerk – Signature on file

Piper Lever, Assistant Town Clerk – Signature on file