

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, DECEMBER 10, 2009
10:00 AM
ALTA COMMUNITY CENTER
ALTA, UTAH**

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

MAYOR'S REPORT

The Mayor reported that on November 20, 2009, the Shrontz Estate filed an appeal to the Town of Alta Board of Adjustment. The Town's legal counsel has responded to Alan Sullivan, legal counsel for the Estate, with a letter dated November 24, 2009.

John Guldner attended the COG legislative luncheon for the Mayor. Various topics were discussed including that fact that Salt Lake County is considering removing the restaurant tax and is working on a better program to reimburse the County Jail for housing state prisoners. Also discussed were ways to improve funding for transportation.

The Mayor reported on the progress that has been made on the update of the Canyons Master Plan. The concept of a cog railroad has been discussed in this committee. UTA is very interested in pursuing this type of alternative transportation in the canyons. Steve commented that there is 22 acres of parking in the canyon between the two resorts and if they require people to use a railroad type transportation system, he is not sure where they are going to find 22 acres of parking at the bottom of the canyon.

The Mayor reminded everyone that 4x4 or chain restrictions are now in place and will be enforced.

On January 27, 2010, the League of Cities and Towns will be hosting the local elected officials day with the State Legislature. Please contact staff if you wish to attend.

The Mayor announced that the Town of Alta is now accepting Master Card and Visa credit cards for payments on court fines, business licenses, and sewer and water bills.

The Conference of Mayor's meeting is being held today, December 10, 2009. The Mayor will be unable to attend.

The UTA ski bus service will start running their full schedule on December 13, 2009.

Dr. Ken Libre reported to the Mayor that he has acquired a good quantity of the H1N1 flu vaccine. The high-risk groups have been treated and the shots are now available to the general population. People should stop by the Alta clinic. The vaccine is free but Dr. Libre charges an administrative/office fee.

The Mayor congratulated Paul Moxley on his nomination to a possible seat on the Utah Court of Appeals.

There will be no treasurer's report this month due to some travel issues encountered by Kate Black.

DEPARTMENTAL REPORTS

Town Administrator's Report: There will be no report by John, as he has asked to be excused due to illness.

Assistant Town Administrator's Report: The Town Code book has been mailed back to Sterling Codifiers. Sterling's staff will be reviewing the Town's comments and questions and should get back to us in a few months.

Claire reported that the EECBG grant application came out last week. The Town has until the middle of January 2010 to hand in the completed application. The Town has conducted a preliminary audit of the Town owned buildings and a lighting audit was completed last week with Rocky Mountain Power.

The Alta Planning Commission will hold their next meeting on January 21, 2010.

Claire will be attending the local official's day at the legislature.

Claire reported on the monthly Legislative Policy committee meeting she attended where tax issues were discussed as well as changes to the Utah State Retirement system.

At 5:30 pm today, there will be a roast of Wayne Gale a long time employee of the Alta Ski Lift company at the Albion Grill.

Alta Marshal's Report: Mike Morey asked for help from the businesses and residents in keeping the fire hydrants shoveled out. He also asked that everyone replace their batteries in their smoke detectors especially the cabins in the basin.

Mike read his monthly report, which is attached to the minutes.

DISCUSSION WITH POSSIBLE ACTION/ADOPTION OF THE FOLLOWING:

A) Minutes – October 22, 2009 Town Council work session.

There was a motion by Steve Gilman to approve the minutes of the October 22, 2009 Town Council Work session. There was a second by Paul Moxley. Hearing no discussion on the motion, the Mayor called for a vote and the motion was carried.

B) Minutes – November 12, 2009 Town Council Meeting.

There was a motion by Paul Moxley to approve the minutes of the November 12, 2009 Town Council meeting. There was a second by Cliff Curry. Hearing no discussion on the motion, the Mayor called for a vote and the motion was carried.

C) Minutes – November 13, 2009 Municipal Election Canvass Meeting.

There was a motion by Cliff Curry to approve the minutes of the November 13, 2009, Municipal Election Canvass meeting with the following change: “except” should be changed to “accept” (page 1, paragraph 5) There was a second by Steve Gilman and the motion was carried.

D) Anti-Idling Resolution.

The Mayor commented that last year the Town Council had put in some effort to address and pass an anti-idling ordinance. There were some concerns relating to the enforcement of such an ordinance along with the large number exceptions that the Town would have to make with regard to this issue. There was a recommendation by Town staff that the Town move forward with this again but do it in the form of a resolution instead of an ordinance. A copy of Park City’s resolution was distributed to the Council to assist in the discussion of this program.

Cliff Curry commented that he would like to see the Town move ahead with this resolution but possibly do it a bit differently than Park City.

Paul Moxley expressed some concerns with this program because one of the difficult issues the canyon has is the red snake. It becomes problematic if we tell people they cannot keep their cars running while they are waiting in line.

Steve Gilman likes section “e” in the resolution that gives a temperature gradient.

Claire commented that the Town would be encouraging people not to idle their cars and would not be sending the Marshal after people that do not comply. With the passage of this resolution, the Town would be trying to bring awareness and to show our commitment. Claire mentioned that Park City did struggle with the same issues when it addressed an ordinance on this issue.

Claire volunteered to draft a resolution for the Council to review at their January meeting on this issue.

The Mayor explained that he was involved in an air quality subcommittee with COG and the one thing that was never determined in that committee was the threshold as to when it is better to shut one’s car off versus keeping it running. Claire answered by stating that it is 10 seconds for gas consumption and 60 seconds for over all cost effectiveness based on

the damage that is done to the car. Many of the numbers on this matter come from a comprehensive study done in Canada.

Cliff volunteered to work with Claire in drafting a resolution for January Council meeting.

Karen Travis opined that a resolution is a waste of the Council's time and the better use of time is in trying to educate the public. The Town should consider putting up signs throughout the Town and even putting the same message on the flashing sign at the mouth of the canyons. The Mayor recommended that we print up stickers and have the officers hand them out to the public when they find them idling their cars.

Mike commented that the Town is under strict restrictions on what type of messages can be put on the flashing signs at the bottom of the canyons.

The Mayor feels that a resolution can be drafted without spending a lot of time and energy. It should address the educational component and a few of the "exception" guidelines.

Dave Richards commented that resolutions like this often bring the issue to the attention of the public and as a result, accomplish half of the education component.

Cliff Curry agreed that if we pass something a resolution that address idling, the Town will receive a bit of press that would appeal to great majority of the people that come to our community.

The Mayor announced that the agenda was amended to include the next item on the agenda.

E) Reappointment of three Alta Planning Commission members: Skip Branch, Prescott Muir, and Jan Striefel.

The Mayor announced that he has not had the opportunity to speak with these three members of the Alta Planning Commission and would recommend that the Council put off any action on this matter until the Town Council meeting in January. The Mayor also explained that if no action is taken on their re-appointment, then the three members will continue to serve until such time as action is taken.

The Mayor mentioned that during the most recent election cycle in the Town, there was discussion about appointing a resident of our community to the Alta Planning Commission and asked the Council for their input on this matter.

Many members of the Council felt strongly about following through with an appointment of an Alta resident to the Planning Commission.

The Mayor pointed out that Mr. Muir, Ms. Striefel and Mr. Branch have been an integral part of the Planning Commission for many years and personally the Mayor would recommend them to be re-appointed if they wished to continue their service on the Commission. In the ordinance it allows for an alternate to be appointed to the Commission. The Mayor would like to consider increasing the number on the Planning Commission to eight.

Steve Gilman suggested adding two members to the Commission and making it a nine member body.

Dave believes that the Town should stick with appointing seven members to the Planning Commission and take a careful look at whether or not those members up for re-appointment should be re-appointed. He also opined that the Council should look at increasing the number of community representatives on the Planning Commission.

Paul Moxley asked how involved the members of the Planning Commission have been in issues facing the town of Alta. Katie Lewis commented that they have been pretty busy with their review of the Powder Ridge PUD, the new land use ordinances, the Snowpine request, and the proposed Patsey Marley Subdivision application review. Some the votes on these issues have been contested and some have resulted in a consensus of the Commission but all of them have been very thoughtful decisions made by all the members.

Katie Lewis opined that if the Town Council chooses to increase the number of members on the Planning Commission it would take an amendment to the Planning Commission ordinance, which she believes is a land use ordinance. The current ordinance limits the number on the Commission to "7". Alternate members may also be appointed.

Paul Moxley asked if there were situations in other communities where the Planning Commission had advisory boards that did not participate as voting members but advised the Planning Commission.

Katie Lewis opined that the Planning Commission is an advisory board to the Town Council on land use ordinances and believes that Planning Commissions generally do not have advisory members. She will look into this situation.

Cliff Curry felt that seven was the right number on the Planning Commission and asked if the Commission did in fact have an alternate member at this time. The Mayor responded by stating that the Planning Commission does not have an alternate member. The Mayor gave a brief history of how the number of commission members increased from five to its current number of seven.

The Mayor went on to explain that the ordinance states that an alternates may be appointed to the Planning Commission with advice and consent of the Town Council but it does not have any language that explains whether that alternate, in the absence of a true

member of the Commission, can actually vote in a meeting. Katei Lewis said she would review other cities' practices on the matter of alternates.

Dave Richards asked how often all seven members of the Planning Commission are in attendance at the meetings. Ms. Lewis commented that that happens quite frequently.

Paul Moxley agreed that the Town should keep the number of members to the Planning Commission at seven.

The Mayor will contact all three members up for re-appointment to see if they would like to continue as members of the Planning Commission and will bring a recommendation back to the Town Council in the January meeting.

CITIZEN INPUT

Mark Haik opined that over the course of meetings on the OSV and the Patsey Marley subdivision issues, there has been a lot of discussion on the status of the summer road. Haik feels that the staff has failed to fully inform the Planning Commission and the Town Council of the Town activities on the road. Mr. Haik went on to opine that when Mr. Gilman, in prior a meeting, mentioned that the he had done some of the work on the summer road he did not indicate that his employer was paid by the Town to do the work. Therefore, Haik feels that staff should have disclosed publically that the Town in fact had placed the most recent culverts in the road including the engineering that went into the decision on the placement of the culverts.

Mr. Haik opined that the reservations in the deed from the Lift Company to the Shrontz Estate should have been disclosed to the Planning Commission and the Town Council and feels that both the Council and the Commission should have reviewed a title report regarding the encumbrances on the Shrontz Estate's property. Mr. Haik cited a particular reservation on the deed; the right of the Ski Lift Company to re-purchase the property of the Shrontz Estate. Mr. Haik went on to opine that because Mr. Gilman and Mr. Richards are both employed by the Lift Company, that that fact should have been noted when the Council voted on the proposed Patsey Marley Hill Subdivision application. This situation could have been a potential conflict of interest, along with the work that was performed by the Ski Lift Company under contract on the summer road.

Mr. Haik went on to opine that other reservations on the deed were the right of the Lift Company to expand their maintenance facility and the right to reserve water unused by the applicants.

Mr. Haik mentioned that Ms. Lewis stated that Mr. Kapaloski had recused himself from the votes on the Patsey Marley matter. Mr. Haik opined that he did not hear that statement by Mr. Kapaloski in those public meetings held by the Planning Commission and if Mr. Kapaloski recused himself in another way, and if that document exists, it should be produced along with his reason for recusing himself.

Mr. Haik requested that staff produce documentation on all the work that has been done on the summer road and where the Town's authority comes from to do the work.

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

Approved on the _____ day of _____, 2010.

Katherine S.W. Black
Town Clerk

