

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, FEBRUARY 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

The Mayor reported on the January 8, 2009 annual kick off meeting of the Council of Governments. The Mayor has been appointed to the Air Quality , Trax Funding and Intergovernmental Relations Committees.

The Mayor met with Mayor Corroon on January 13th to secure support from Corroon and Salt Lake County on the Town's gaz-ex appropriations request that the Town is trying to move through the federal government. The Town also met with Pam Guliano, Congressman Matheson's legislative aid, on the details of securing this funding through the federal government.

The Mayor reported on a meeting with Cathy Kahlow, the new Forest Service District Ranger. This meeting provided an opportunity for the Town review some of the issues facing the Town as it relates to the Forest Service and also to review the Forest Service's role in the canyon. The Mayor felt it was a very productive meeting.

The Mayor reported on the latest Conference of Mayor's meeting. The review of the Wasatch Canyons Master Plan was discussed and the need to involve the Town of Alta in any discussion on this proposed revision. The Town has been contacted since that meeting and will have a representative on the executive committee. The Town has met with Envision Utah on the subject of the Wasatch Canyons Master Plan Update. This effort is being driven by the State of Utah, Salt Lake County, and Salt Lake City.

On February 2, 2009 the monthly Little Cottonwood Road meeting was held. The major topic was the backup of traffic into the Town on the busy weekend days. The Town of Alta, Alta Ski Lifts and Snowbird have committed to providing funds to hire police personnel to conduct traffic metering during the long holiday weekend as well as all weekends through March. The Mayor feels that the metering should have a positive effect on the "red snake" that appears on Saturday and Sunday as people leave the two ski resorts.

On February 3, 2009 the Mayor hosted Myles Rademan who spoke to about 100 people at Our Lady of the Snows Center. Mr. Rademan challenged those in attendance to "Re-think Alta" and discussed his experience with resort planning. The Town's goal is to keep the energy from that meeting moving forward and the Town is looking forward to holding another community meeting around the first of April. The Mayor assured those in attendance that the Town is planning to consolidate all the ideas from that meeting,

review the studies that have been completed over the years in the Town, and try to secure more ideas and viewpoints from the citizens of Alta on what they would like to see the Town pursue in the near future and down the road. Rademan raised a lot of questions that the community should address.

There will be a meeting of the budget committee sometime in late February to address next year's proposed budget.

The Mayor announced that the Town will hold a public hearing in their April 9, 2009 Town Council meeting on the proposed use of the 2009-2010 CDBG funds from Salt Lake County. The Council will also have a preliminary discussion on this matter in their March meeting.

Kate Black updated the Council on the Antimony Treatment Project for the Town's culinary water system. The Town signed a contract with Pureflow Filtration for the building of the antimony treatment plant. The Town will be an owner contractor on the installation of that plant and all the ancillary appurtenances. The Town will hire DMC to install a back wash tank in a drift approximately 150 feet from the portal of the mine. The Town anticipates that it will expend all of the \$450,000 appropriation from the Utah State Legislation for this project and will exceed that amount by approximately \$25,000. The Town also anticipates that the entire project will be completed by September 2009.

The next meeting of the Town Council will be on March 12, 2009 at 10:00 am.

TREASURER'S REPORT

Marc Dippo read the monthly report which is attached for the record. The Council requested that items that exceed the \$5,000 limit be listed separately on the "bills paid" part of the treasurer's report.

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

DEPARTMENTAL REPORTS

Town Administrator's Report: John Guldner reported on the recent Wilderness Committee meetings. Members of the committee are trying to recommend changes and or additions to wilderness areas without harming the ski areas and Powderbird Guides. There will be two more meetings, after which a map will be drawn up outlining the proposed wilderness areas.

John attended a meeting to address the Salt Lake County Cooperative Plan. Mayor Corroon has a goal to have all the "plans" from all the 22 jurisdictions within Salt Lake County in one spot. Initially the Town of Alta was not contacted about this process but we are now part of the committee that is working on this project.

John expanded on the meeting with Congressman Matheson's aid where the application for federal aid to purchase gaz-exs was discussed and fine tuned. Nine slide paths will be affected by the gaz-ex installations. Senator's Hatch and Bennett offices have been very helpful in this process. Chris Covington, an avalanche forecaster, explained that currently the Willows gun shoots these nine slide paths. The forecasters are recommending that we start installing the new gaz-exs at Valerie's slide path. The aids to the Seantors and Congressmen recommended that we not exceed \$1.3 million dollars in our request.

John reported on the February 10th Planning Commission meeting. The Commission reviewed the proposed Sub-Division Application Ordinance. A public hearing will be required before the Planning Commission which should take place on March 10, 2009. A public hearing before the Town Council will also be required.

John thanked Onno for his presentation to the Planning Commission regarding his potential future plans for the area that was annexed to the Town in 2002.

The Planning Commission also discussed the Myles Rademan presentation held on February 3, 2009. Everyone agreed that the Town of Alta cannot talk about what we want to be until the Town brings the Forest Service and the Alta Ski Lifts to the table to join in the discussion.

John updated the Council on the Town's preparations for the 2010 census.

Kate and Claire have been and will be attending the Legislative Policy Committee meetings that meet at the Capitol during the legislative session.

Marshal's Report: Mike Morey gave a brief overview of the traffic metering program that will take place starting the weekend of Feb 14, 15 and 16, 2009. This program will run every weekend through the last weekend in March. The metering will occur from 3 – 6 pm during the weekend days and Mike asked that everyone cooperate with the County Sheriffs that will be standing on the road at entry one and entry four at Snowbird.

Mike read his monthly report which is attached for the record. He also gave an update on the procedures that have put in place at the mouth of the canyon when the road is closed for avalanche control work.

AVB Report: Susan Ragsdale is attending a meeting, so no report was given from this department.

DISCUSSION WITH POSSIBLE APPROVAL OF THE MINUTES OF THE JANUARY 8, 2009 TOWN COUNCIL MEETING

There was a motion by Steve Gilman to approve the minutes of the January 8, 2009 Alta Town Council meeting as submitted. There was a second by Dave Richards.

The Mayor asked for any comments or corrections. The Mayor would like to correct typos: on the second page where it states Flagstaff Pic, it should read Flagstaff Peak and on the same page it should read gaz-ex instead of gax-es. Noting the corrections, the Mayor called for a vote on the motion. The motion was carried and the minutes were approved with the aforementioned corrections.

DISCUSSION ON PROPOSED ORDINANCE 2009-0-1 – AN ORDINANCE REPEALING PART 11-344(Q) OF THE CODE OF REVISED ORDINANCES OF THE TOWN OF ALTA AND ENACTING A NEW PART 11-347 OVER SNOW VEHICLES.

Mike Morey was asked by the Mayor to provide a brief overview of the history behind this proposed ordinance. Mike explained that since the Forest Service Order has been in place regarding the use of OSV's in the Grizzly and Albion Basin area in Town, his department has received questions, comments and inquires on this matter. Historically the Town has had 11-344(Q) to fall back on as it relates to OSV use in the Town. Mike found that the current ordinance did not go very far in answering some of the questions that were being fielded by the Marshal's office. More specifically he mentioned that questions have come in related to where to park OSVs, what happens if someone abandons an OSV on an individual property owners land, does an owner of an OSV have to obtain a state registration for their OSV if they obtain a Town sticker and visa versa, and what does the Town sticker entitled me to, to name a few. Knowing this, Mike felt that the Town should make an attempt to answer these questions by revising and amending the current ordinance by explaining the following: quantify the registration process for OSVs as an administration process of the Alta Marshal's Office and outlining the requirements for obtaining a Town of Alta decal, emphasizing that this is only a registration decal and not an operators permit. The Town Marshal is not the agency that regulates route designations and snow safety while operating OSVs nor does it enforce the Forest Service Travel Order. The Marshal's Office wants an effective tool so it may notify the owner of the OSV if there is a problem or an enforcement issue. The ordinance highlights safety equipment for OSVs that must be in place before an owner can obtain a registration decal from the Town. Mike also explained that there was nothing in the current ordinance that defined who could or could not obtain a registration decal. The proposed ordinance tries to outline those requirements. The proposed ordinance recognizes the existing residents and their need to travel to and from their homes. Mike mentioned the Town has tried to define what a resident is as it relates to this proposed ordinance and OSV use. Mike reminded the Council that the Forest Service Order has made a distinction between a land owner and a resident and has allowed travel based on that distinction.

Mike explained that the ordinance outlines prohibited acts which include parking of OSVs. For example, an OSV owner must obtain permission from a private property owner before they can park that OSV on the owner's property. Mike gave an example of such a situation. Mike also inserted a regulation in the proposed ordinance which states that a person can not operate an OSV while under the influence of drugs or alcohol. In addition, the ordinance states that no person may operate an OSV in any manner, time, or

place prohibited by Salt Lake City Watershed regulations, Utah Criminal and Traffic law or any applicable Forest Special travel order that is in place.

Mike explained that there times when people bring OSVs to Alta, park them at the beginning of the summer road and then fail to maintain them or keep them cleared of snow. If they are not maintained, they could be hit by other machines or for that matter, skiers.

The Town has also introduced a penalty section in this ordinance.

Mike explained his understanding of state law which requires a snowmobile to register with the State Motor Vehicle Division but does not require a snowcat to be registered.

Cliff Curry felt that the proposed ordinance was a good piece of work and went on to ask if the Marshal could administratively define the required safety equipment (section 2(c)) Ms. Lewis opined that it is within the Marshal's ability to define which safety equipment is necessary.

Cliff also suggested the following changes be made to the draft proposed OSV ordinance:

1. Section 3(d), second line, add the word applicable to that sentence: "...any applicable...."
2. Section 5(e), second line, change it to read "... deemed a..." instead of "...prosecuted as...".
3. Cliff also opined that we should consider a bona fide lessee of a person's home as one that could apply for and an obtain a registration decal from the Town of Alta. As it relates to the definition of a property owner, Cliff suggested that it should read " a lessee with a written exclusive lease of at least one year".

Mike Morey pointed out that this ordinance addresses the number of OSVs that may be registered by a single owner: four per individual property owner.

Mike also commented on the revocation language in the proposed ordinance.

Steve Gilman asked if there were any problems with the current parking situation at the beginning of the road which is Forest Service land. Mike explained that often times the cats and snowmobiles get buried and occasionally the park in such a way to make it difficult to get around..

Katie Lewis, Town Counsel, recommended that the Council discuss who has the right to obtain a registration sticker: who is authorized to act on behalf of the property owner.

Mike suggested that the language should say a party with written permission from the property owner. Cliff suggested that it should say it should be subject to written lease of a term of at least a year for exclusive use of the property. Dave Richards agreed with Cliff

that a person should have exclusive use of the property and should provide written documentation.

Paul Moxley stated that it does make sense that it be a legal owner of real property, a lessee, an invitee, or resident. This would provide continuity. Paul also feels that a property owner should be allowed to give verbal permission to someone to use his home and their OSV as apposed to requiring written permission from the property owner.

Mike stated that the intent of this ordinance was to address registration issues. Mike opined that the Town should confined the registration process between the Town of Alta and the property owner and leave who can drive the OSV up to the property owner.

Katie Lewis stated that counsel and staff will work on language as it relates to the recommended changes and prepare a draft for the next Council meeting.

CITIZEN INPUT

The Mayor requested that anyone wishing to comment during this time period, to please state their name and to confine comments to something new. He reminded everyone in attendance that the proposed draft OSV ordinance is not a comment on the Forest Service Travel Order but is about the registration process of OSVs in the Town of Alta.

Roger Bourke recommended that the Town Council hold a public hearing on proposed OSV ordinance. He felt that this ordinance affects many people and those people should be able to thoughtfully comment on the draft. The Town Council should have the opportunity to understand what the homeowner's perspectives are on this ordinance.

The Mayor and Council agreed to have a public discussion on the proposed draft OSV Ordinance at the March 12, 2009 Town Council meeting. Kate mentioned that the Town would welcome written comments from the public on this proposed ordinance. They can be emailed to Mike Morey and Kate Black. Public comments will be welcomed at the March meeting. The Town will prepare the draft ordinance incorporating the Town Council's comments from today's meeting. This draft will be available on the Town web site by the end of next week.

Mr. Bourke thanked the Town for putting Mr. Rademan's presentation on their web page.

Scott Martin, representing Mr. Whitten and Mr. Goodsen, thanked the Mayor and Town Council for the opportunity to speak to the OSV ordinance. He will be submitting written comments to the Town. Mr. Martin opined that this issue is not only an emotional issue but a safety issue to the residents. Mr. Martin feels that the Forest Service Travel Management Plan (the "Plan") presents extraordinary safety issues that the Marshal's office is going to come face to face with. Mr. Martin believes that once the Plan is fully implemented and the prospect of the current mid day exception evaporates, as he anticipates it might, night time travel three miles into the subdivisions will become the real problem. Mr. Martin feels that this situation will create an extraordinary risk and

will become very real. Martin respects the need for the Town to organize and regulate OSV use, parking, OSV maintenance and safety features but feels that the issue of night time travel is something the Town cannot ignore. The constituents need the support of the Town to ameliorate what is a very significant future public safety issue that is going to hit the Town front row center.

Jim Burr, on behalf himself and his neighbor John Phillips, stated that he concurred with the comments of Roger Bourke and Scott Martin. He is looking forward to constructive discussion and dialogue to promote the safety aspects of the OSV operation in Alta. Mr. Burr also commented that he has noticed a lot of day users parking at the end of the parking lot near the beginning of the summer road. Mr. Burr stated that parking in this area makes it difficult for the home owners to load and unload their snowcats. He asked if the Marshal's Office could ticket those cars to keep this area clear.

Charles Livsey would like the Council to consider looking at the following sections of the draft OSV ordinance: Section 2(a) the word storage should be substituted for the word parking; Section 2(c) Mr. Livsey would like to have prior notice given to OSV owners on safety equipment regulations; Section 3(c) Mr. Livsey feels that the permission aspect in this section is a bit problematic. Livsey feels that very few OSV users know whose property they are crossing when they travel on the summer road as well as the short cuts. Mr. Livsey feels that Section 3(e) is also problematic. It should be re-drafted and recognize only public right of ways instead of private land. Mr. Livsey's last comment was on Section 5(d). He opined that it is problematic that the legislative body is also a quasi-judicial body and he also due process concerns. The Justice Court should be that avenue.

Onno Wieringa stated that the Alta Ski Lifts will be turning in written comments on the proposed draft OSV Ordinance.

Onno commented that the required updates on the Wasatch Canyons Master Plan are dictated by law. Onno opined that one of Ski Utah's highest priorities from all ski areas is to work with any plan, such as this plan, to put more emphasis on mountain transportation.

Onno comment that after last year's traffic metering experiment, the DOT was asked to look at the feasibility of placing a "traffic device" at Entry One at Snowbird. After the DOT engineers reviewed the area in question, they found that there was not enough sight distance for vehicle operators. Onno also commented that the Ski Lift has offered to share the cost of the upcoming traffic metering with the Town and also offered Mike a helicopter ride while this meter effort is going on.

Roger Bourke suggested that we let the people know that are going to be metered before they find themselves in that situation. He suggested using the electric sign boards and AM 530 radio. Mike Morey agreed that people should be informed before the metering takes place. Mike also reminded people that there is a live update on the Town's web site

for activities like this. Mike stated that the Town is looking for funding for more interactive signage for times like this on the road.

Mark Haik commented that the Myles Rademan presentation was very good and the title was particularly interesting – “Re-think”. Haik believes that the Town should follow thorough with Mr. Rademan’s suggestion and start engaging in some kind of similar dialogue. Haik feels that this public hearing on the proposed OSV ordinance would present a unique opportunity for the Town to engage some of the processes outlined in Rademan on this particular issue. Haik recommended that the Town Council review Mr. Rademan’s presentation, make notes on how the Council could present their notion of what present thinking is on the roadway and the over snow vehicles, and then put down their “re-thought” ideas regarding the same issues. Haik, having attended numerous public hearings over the last 13 years, feels like Mr. Radamen’s comments were pressing regarding what has occurred on major issues before the Town in the past decade. Haik believes that the sooner the Town Council, in a public hearing, publicly declares what they used to think, what they re-think, and then state some short sentences about what they desire to occur, then a lot of these issues will present ideas of how and what path the Town is going to choose.

Cliff Curry commented that he supports the public hearing on the proposed OSV ordinance. Cliff stated that the ordinance is a narrowly drafted ordinance and does not impact at all the Forest Service Travel Plan. He does support the ability of the home owners to access their property by OSVs during reasonable times and places.

Paul Moxley added that he feels it is not clear to him that the Forest Service Travel Plan is constitutional and so to the extent that the Town is asked to do their bidding by this registration process, he has his questions..

Creighton Hart inquired as to how much CDBG funds were available this year. There will be around \$14,500 available.

Mr. Haik commented that he would like to see a scalable exhibit available at any public discussion about parking and the OSV ordinance that outlines the specific areas that are the subject of the discussion. Haik believes this will help facilitate people’s general knowledge of the geography of the area. Haik would also like to see the status of property under discussion in this exhibit.

With no further business before the Alta 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.

The February 12, 2009 Town Council minutes were passed and approved on the _____ day of _____, 2009.

Katherine S.W. Black, Town Clerk
TREASURER'S REPORT

12-Feb-09

MAJOR BILLS PAID

Payroll - 3 pay periods	\$50,841.68
Payroll Taxes	\$21,117.61
Attorneys	\$18,164.70
Health, Dental and Life Insurance	\$9,498.44
Forsgren -Inspectors	\$1,735.52
Kankainen - Plan Checks	\$350.00
Bypass Shuttle Payment	\$2,500.00
Utah Retirement Contributions	\$6,222.33
Haycock - gasoline	\$2,652.68
AVB Brochure	\$13,331.99
UFA Qrt Payment	\$24,884.67
Recycling Service - monthly payment	\$1,120.00
Other Town Bills	\$21,114.65
Total	\$173,534.27

MAJOR REVENUES RECEIVED

Sales Tax - Local Option for November collections	\$13,788.53
Sales Tax - Resort taxes for November collections	\$33,456.44
Property Taxes	\$9,632.54
Court Fines	\$3,645.00
Post Office Contract - 2 months	\$2,333.34
Dog Licenses	\$2,650.00
Salt Lake County Sheriff/Alta Central Contract	\$13,407.44
Snowbird/Alta Central Contract	\$13,407.44
Business Licenses	\$75.00
Energy Taxes	\$4,636.77
Alta/Snowbird Marketing Campaign contribution	\$1,500.00
Other Revenue	\$115.00

Total \$98,647.50

General Fund Checking	\$14,211.66
General Fund Savings	\$234,306.38