

MINUTES
ALTA TOWN COUNCIL MEETING
MAY 14, 2009 – 10:00 A.M.
ALTA COMMUNITY CENTER
ALTA, UTAH

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

MAYOR'S REPORT

The Mayor reported on the numerous meetings of the Wasatch Canyons Tomorrow committee, which is Salt Lake County's effort to revise their Master Plan of the canyons. The committee is in the process of soliciting information from the public with regard to a series of questions in the form of a survey. The survey can be taken on line by going to www.wasatchcanyons.slco.org. The committee is also conducting a series of public information workshops which are being held throughout Salt Lake County. The process of revisiting the Canyons Master Plan will be a 12-14 month process.

The Mayor reported on the final Little Cottonwood Canyon Road meeting. It was reported that sometime this summer the DOT will be paving the canyon road from approximately Tanners through the Town of Alta. Also, it was reported that once utility work is completed by Sandy City, 9400 south from 2300 east to Wasatch Blvd will be repaved. The Mayor will be meeting with the DOT to address the alignment of the passing lane near the Tanners area of the Canyon.

Little Cottonwood Canyon Clean Up Day will be held on June 23rd. the Alta Lodge will be hosting the breakfast.

The Mayor announced that on Friday, May 1, 2009 the Town held the annual drawing for the dog license. Renata Roxbury's name was drawn.

The Mayor gave an update on the 2010 Census. Staff has been meeting with representatives of the Census to locate all the homes and business in the Town.

Keith Hanson was unable to attend this meeting, so the Mayor gave an update on the Antimony project. The Town went out to bid on the media for the treatment plant. The Town received three bids which were all open on the 27th of May. After reviewing each bid and determining the true operational costs of using each media, the bid was awarded and the Town will be using GTO media. The purchase order has been signed by the Mayor. Keith and Steve have installed the mine tunnel drainage pipe and gravel from the portal to the backwash system. They have also installed the backwash and reclaimed water pipe system and have tested the reclaim water pump. The majority of the backwash system should be installed by the 21st of this month.

The treatment plant and control panel has been built and is being tested. Pureflow is on schedule for delivery of the vessels by mid June. Thayne, from Bowen & Collins, has sent a stamped set of drawings for the chemical feed system to the State Division of Drinking Water for their approval. Three bids will be secured for the chemical feed system, which will be installed before the delivery of the vessels. Three bids are also being secured for the new door at the front of the Bay City Mine building.

On the 28th of April the Alta Planning Commission held a meeting. At that meeting the following items were discussed; Powder Ridge PUD, the Snowpine's set backs for the possible expansion of that building, and a report by Onno Wieringa on the Alta Ski Lift's master plan. Attending this meeting was George Vargus from the Friends of Flagstaff and during the next two weeks, the Mayor reported that he received numerous emails on his phone opposing the lift proposal to the top of Flagstaff.

The Mayor gave a report on the COG meeting that John and he attended as well as the sub-committee meeting on funding for tourism. At the COG meeting Randy Park from the DOT reviewed the road projects for this summer. There was a presentation on the Gang Task Force and the UTA gave an update on the disable service that they provide.

The Mayor and John will be attending next week's UFA board meeting, where a final budget will be presented.

The Mayor thanked all the public safety organizations for their efforts this winter in the canyons: Alta Marshal's Office, Alta Central dispatchers, UDOT, Salt Lake County Sheriff's Office, the two ski resorts and the DOT forecasters.

The Town Council meeting in June will be held on the 3rd Thursday of the Month: June 18, 2009.

TREASURER'S REPORT

Marc Dippo read the monthly report. Kate provided a review of the current financial statement through April with the Town Council.

Hearing no comments or questions, there was a motion by Paul Moxley and a second by Dave Richards. The motion was carried.

DEPARTMENTAL REPORTS

Town Administrator's Report: John Guldner reported that there are no changes in any of our lawsuits.

John gave a report on the City Manager's conference that he attended in St George.

John reviewed the building permits that have been issued thus far this season. He also reported that there have been two home sales recently in the Town.

John reported that the FEMA flood insurance program does effect the Town in a small area below Hellgate. The Town will have to pass an ordinance, which Claire is working on for an up coming meeting.

John gave an overview of the most recent Alta Planning Commission. He gave a history of the Powder Ridge Development and the action by the Planning Commission as it relates to this PUD. The Snowpine asked for and received approval for their set backs as it relates to the proposal to add additional rooms to their lodge.

John spoke to the Salt Lake County Cooperative Plan and their goal to have a one stop source for all the cities zoning regulations. He went over some of the maps that are coming out of this effort. John reviewed a possible new park and ride lot on Wasatch Blvd about 7800 south with a pedestrian walk under the road. The swamp lot will remain.

John updated the Council on the federal appropriations request that was submitted by the Town for the gaz-ex project. There is no money on the "House" side but we will continue to work with Senator Bennett to obtain funding through the Senate.

Marshal's Report: Mike Morey gave his monthly report which is attached to the minutes.

Mike also gave an update on Senate Bill 81 that was passed by the State Legislature in their last session. The bill allows local and state law enforcement to be cross designated as immigration enforcement personnel. It is the consensus of the Attorney General's Office and the chiefs of all the local law enforcement units that this bill does not compel local and state enforcement to get into this business. Mike does not plan on cross designating any member of his department at this time.

AVB Report: Kate Black reported that the Alta brochure is currently being formatted. Susan plans on putting together a brochure that is not dated and can be used from year to year. DVD's of the upcoming video will be distributed to businesses for their web sites. Members of the AVB committee are meeting to put together next year's Alta/Snowbird campaign proposal for the Office of Tourism Grant. Susan is preparing a final report to the AVB committee for the year end results of all the promotions.

DISCUSSION ITEMS:

1. Proposed Subdivision Application Ordinance as approved and forwarded by the Alta Planning Commission to be codified as part of the Town of Alta Uniform Zoning Ordinance.

The Mayor reported that the purpose of this ordinance is to clarify the subdivision application process which will make it easier for the applicant and the Town to administer this process. A copy of the recommendation from the Alta Planning

Commission was distributed to the Town Council, along with a copy of the proposed ordinance that had some changes recommended by Town staff and legal counsel.

The Mayor opened the meeting to discussion on the proposed ordinance.

John Guldner commented that the ordinance is very heavily front loaded and lays out a lot of requirements for the applicant to submit upfront. It lays out time lines for submittals, which John explained in detail. The applicant will be required to submit everything all at once. Once received, staff will review the submittal and send a letter to the applicant explaining whether or not the submittal is complete. After receiving that letter from Town staff, the applicant has 90 days to make it complete if the submittal is deemed to be incomplete. If the applicant can not make it complete in 90 days, the applicant will be granted a 30 day extension period.

John explained that the proposed ordinance in front of the Town Council is the first in a two step process. The second step will address more details.

Katie Lewis, legal counsel for the Town, explained that the main point of the proposed subdivision ordinance is that it is the first step for an applicant to become vested and to have a complete application. Once they are vested, the applicant's application will be considered under the ordinances in place at that time. The 2nd tear of this ordinance will have the "meat" of the requirements that the applicant has to met in order for the applicant to be approved. Under Utah law, a land use applicant has to submit a complete application before they go down the road towards approval. This ordinance lays out what they need to have in place before they are considered complete.

Cliff asked if this ordinance just addresses the application process and does not address the substantive requirements. Katie explained that the ordinance that addresses the substantive requirements will have to first be considered by the Planning Commission which they plan on doing in their June meeting. Once it is approved by the Planning Commission, it then comes before the Town Council. Katie explained that the Planning Commission requested that staff separate the two issues because it was a lot of material to address in just one ordinance.

The Mayor explained that because this is a land use ordinance, the Town Council will be required to hold a public hearing. After that hearing, the Town Council may take action on the ordinance.

Cliff had a question on Section 4(b) : avalanche hazard as it relates to the Holdharmless agreement. Cliff would like to see those documents defined verbatim in the proposed requirements of this ordinance. Katie explained that 2nd tear of the subdivision ordinance would probably address that language in more detail.

Cliff would also like it to be made clear that what is required in the proposed application ordinance will also be required in the substantive subdivision ordinance. He went on to

opine that the Holdharmless agreement that waives personal liability to some extent should also run with the land.

John reiterated that this requirement along with others, will be spelled out in great detail in the 2nd part of the subdivision ordinance that is in front of the Planning Commission.

Dave directed his question to the same section that Cliff questioned. As it relates to the avalanche paths, he feels that the avalanche paths designated by the developer will probably be different than an avalanche expert's opinion on the same. Dave would like that section to read "descriptions of known avalanche slide paths as evaluated by a recognized avalanche professional". Katie mentioned that the Planning Commission discussed this subject in detail as it relates to how much detail the applicant must provide up front. Katie commented that if you require detail upfront, that is an expense to the applicant before they are even vested as it relates to their application. She suggested that the applicant might be required to show a map where they think the avalanche paths are located first. Then, as a conditional of approval, the 2nd tear requirements would require a certified avalanche expert to show a map. The map proposed by the avalanche expert would be a condition of approval. On the other hand, Katie explained that the Council could make that detailed map by a know avalanche expert a requirement in the first tear requirements. Dave would like that requirement to be part of this 1st tear ordinance.

Paul Moxley commented that there are only a couple of people affected by this avalanche requirement so it is his opinion that you cannot make this requirement so onerous that it violates their due process rights.

Tom Pollard asked if this requirement would require the applicant to detail exactly where the house would be on an individual lot within the subdivision. Katie stated that as part of the application, the applicant would have to show generally where the lots are located, the boundaries, and the proposed net developable acreage. The actual building sites and more detail elements would be part of the 2nd tear and approval process.

Cliff restated that no one is arguing the fact that the applicant should be required to provide avalanche information, but whether the applicant should provide that detailed information by an expert up front in the application phase.

Katie explained that the Planning Commission felt that if an applicant cannot show the proposed subdivision can address the basic requirements such as culinary water and fire protection, then their application should be deemed incomplete.

There were further questions on this subject. Katie referred the Council to Section 2(i) where the Planning Commission states that the final map that shows known or potential natural features shall be approved or denied by Planning Commission. In this sentence, staff has recommended that the following be added ... "and identified by the Building Official". She suggested that if the Council feels the same about the avalanche map, that similar language can be inserted in this ordinance as it relates to this issue.

Dave Richards commented that he feels comfortable with proceeding with this language as long as the applicant has been put on notice that someone other than the applicant will have to sign off on the avalanche map requirement. Katie will model the “avalanche language” after the natural hazard language already found in this ordinance.

The Mayor asked if the Council felt comfortable moving ahead with the public hearing on the subdivision application ordinance with the aforementioned changes incorporated in the final draft.

Dave and Paul suggested that the Council wait until the 2nd tear of this proposed ordinance is approved by the Planning Commission so they could address both of the proposed ordinances at the same time.

Katie stated that the Council could certainly choose to wait and that the 2nd tear of this ordinance would probably be in front of the Council by the end of the summer. She also mentioned that if someone submitted an application between now and the end of the summer, they probably would be submitting under the old subdivision process.

Katie reminded the Council that if someone submitted a subdivision application under this proposed subdivision application ordinances, they would still have to comply with the Town’s Zoning Ordinance and State Code.

The Council agreed to hold a public hearing on the proposed subdivision application ordinance at their June meeting.

PROPOSED ORDINANCE REQUIRING A PERMIT FOR EXCAVATING, GRADING, AND CUT AND FILL OPERATIONS TO BE CODIFIED AS PART OF THE CODE OF REVISED ORDINANCES OF THE TOWN OF ALTA.

The Mayor commented that in past the Town has struggled a bit in the enforcement of our laws and rules as they relate to excavation without a permit in the Town of Alta. The purpose of this ordinance is to provide the Town with tools and a method of enforcing violators of this procedure and process.

The Mayor understands the intent of the ordinance but he believes that to some extent some of the ordinance might be to onerous. The Mayor explained the process he went through last summer at the Rustler to obtain an excavation permit. Paul suggested that if the job is small as defined as the amount of cat time necessary to complete the job, the Council could scale down the requirements for a permit.

John mentioned that staff was also recommending that we put an exception in the ordinance if the job is an emergency or non emergency repair of sewer lines, water lines, gardens, landscaping, or leaking foundations. The Town does not want to make money on this procedure but wants to make sure that the job is erosion control protected and goes through a revegetation procedure.

Mike Morey explained that when his office gets involved in code enforcement it is helpful to have in place language in an ordinance describing the prohibited act. It is also helpful to incorporate a penalty or classification of the offense.

Dave Richards opined that as someone who digs ditches, this ordinance is not too onerous. The only section he questioned was Section 3-11(c), the Building Official may require a soil suitability report or geology report. Dave stated you have to dig a hole in order to complete a report like this. Dave felt the rest of the ordinance was in line with all the requirements that are necessary to dig in Alta. If you want to dig a hole on your property in Alta, you should be able to provide property lines for that property so you know if you are actually digging on your property.

Mike commented that many cities give their Building Official enforcement powers by providing them with training through POST so that they may become a special functions officer. He was inquiring if Clarence Kemp had this training.

Dave Richards had another question about Section a(4). He would like to define "test hole" as opposed to leaving it up to interpretation.

There was discussion on how to define situations that would not require a permit such as emergency work or repair of existing utilities.

The Mayor suggested that the proposed excavation ordinance be put on line for public comment for two weeks or until June 5, 2009. Staff will try to get in on line by the end of next week.

DISCUSSION WITH POSSIBLE ACTION ON THE FOLLOWING ITEMS:

A) Minutes of the April 9, 2009 Town Council meeting.

There was a motion by Dave Richards to approve the April 9, 2009 Town Council meeting minutes as submitted. There was a second by Paul Moxley. The Mayor opened the floor for discussion on the minutes. The Mayor had two corrections to the minutes: on page one the County's Canyons Master Plan should read "Wasatch Canyons Tomorrow" and on page six the word Snowbird should be changed to read Snowpine.

There was a motion by Dave Richards to approve the minutes of the April 9, 2009 Town Council meeting with the aforementioned corrections. There was a second by Cliff Curry and the motion was carried.

B) Ordinance 2009-O-1 – An ordinance repealing Section 11-344(Q) and enacting a new part of the Code of Revised Ordinances: 11-347-Over Snow Vehicles.

The Mayor announced that the Town Council has discussed and revised this ordinance over the last few months. The Mayor called for a motion on this ordinance.

Cliff Curry made a motion to approve as submitted Ordinance 2009-O-1. There was a second by Dave Richards. The Mayor opened the floor for discussion.

Kate mentioned that over the course of the last open comment period, the Town received three comments. Some of the suggestions from those comments have been incorporated into the final draft in front of the Council today. Those suggestions are noted in red in this final draft. Mike stated that he will be developing a new sticker for the OSVs and will be giving OSV owners until early fall to renew their registrations with the Town. Once registered, the owners will be given a new sticker.

Hearing no further comments a roll call vote was taken.

Dave Richards – aye

Cliff Curry – aye

Paul Moxley – aye

Tom Pollard – aye

Steve Gilman – absent

The motion was carried by a unanimous vote of the Town Council members that were present.

C) Tentative Budgets for the 2009-2010 Fiscal Year

The Mayor announced that the budget committee had two times to review and come up with a proposal for the tentative budgets for the 2009-2010 fiscal year. The budgets before the Council are being proposed by the Mayor.

The Mayor stated that there were some challenges putting together these proposed budgets. The diminishing amount of sales tax has led to the proposal to raise the property tax rate by 10% which will raise an additional \$26,950 in property tax. The Mayor mentioned that the proposal to raise property tax is not necessarily endorsed by all the members of the Town Council. The proposed property tax increase would mean that property taxes would go up by approximately \$43.47 for a person who owns a primary residence in the Town of Alta. If the residence was classified as a secondary residence, their property tax would go up by \$79.05.

The Mayor also explained that another area of concern in the proposed budgets was the sewer enterprise budget. Because the Town has not kept up with the increase costs of treating the raw sewerage coming out of the canyon, the Mayor proposes to raise the sewer usage rates for consumers in the Town by 15%.

The Mayor mentioned that there are no proposed increases in salaries for any of the Town's full or part time employees, there is a 5% increase budgeted for health insurance premiums, there is a decrease in the overall AVB budget, and a decrease in legal fees.

Paul asked about the decrease in sales tax reflected in this proposal. Kate mentioned that the anticipated revenue from sales tax would drop from \$900,000 for the 2008-2009 fiscal year to an estimate of \$825,000 for the 2009-2010 budget. Kate also mentioned that the overall general fund budget for the coming fiscal year reflects a 6% decrease from the current year of 2008-2009. She also mentioned that the proposed budget reflects no major work on any of the Town's buildings and no purchase of a new police vehicle. It also incorporates funds in lieu of retirement payments to the full time employees at a rate of 5% and reflects an increase in the state retirement percentage from 11.62% to 11.66% starting July 1, 2009. It should be noted that the contribution by the Town on behalf of its full time employees could be increased half way through the upcoming year to as high as 15%.

Paul Moxley expressed concern that this budget is asking the property owners to subsidize everything even though the increase will only be \$40. He thinks this concept needs to be explored by the Town Council.

Dave agreed with Paul and felt that even though the budget committee has cut a lot from the proposed budget, he feels that the committee could cut even more. Dave would agree to pass it as is today with the understanding that the committee would sit down to see if they could trim the budget even more.

Cliff mentioned that he has a lot of respect for the work that the Mayor and Kate have done on preparing this budget and recognizes that the proposed increase to the property owners is only around \$40. But he does not feel that he can vote for the final budget with the property tax increase incorporated into the budget. Cliff mentioned that he respects the work that Susan and AVB does for the committee but in hard economic times he feels that AVB's budget needs to be reviewed again to see if it will, in the long run, accumulatively pay for itself in the sales tax revenue. Dave asked if the property owners should pay more in taxes so the Town can do marketing for private businesses. Paul stated that the other side of this is in developing any business, the result of what you plan today might not be seen for years to come. The Mayor mentioned that the Town is also proposing to increase the sewer user fees to the property owners by 15%. This rate, though, has not been increased since 1994.

The Mayor stated that he does not want to see property taxes go up as well. If there was a way to decrease the expenditures in the general fund budget by \$26,950, the result could be that the Town would not have to increase property taxes this year. At the same time, the Mayor mentioned that in order to balance the budget, the Town will have to use some of its unreserved fund balance. We have tried to avoid this in the past.

The Mayor also commented that AVB budget is an easy target. When the public voted to allow the Town to increase its sales tax by an extra 1/2%, it agreed to use the additional money to fund the Alta Visitors Bureau to help promote our community and not to fund ongoing Town operations.

Kate asked the Council for guidance as it relates to whether or not they would like to see any property tax increase incorporated into the budget. Cliff would like to go back to the drawing board to see if the committee can balance the budget without a property tax increase. He asked if AVB could save any money this year by not doing a new brochure. He recommended that we take the brochure from this year, change some minor items on it, and use it again for the 2009-2010 season. Marcus Dipppo commented that the lion share of the cost of the brochure is in printing costs and not design costs. Marcus went over some of the options the AVB committee has considered as it relates to next year's brochure. The committee's final recommendation was that they wanted to see a tangible brochure that could be used from year to year for the next few years. By printing a brochure that had no specific yearly dates on it, it could be used for years to come, thus cutting down on the overall printing costs.

Dave wanted the Council to consider shelving the printing of the brochure for this next year, thus saving those printing costs.

The Mayor recommendation would be to pass this tentative budget before the Council today with the understanding that the budget committee would meet to see if they could cut more from the budget. This could result in the Town not having to raise the property tax this year.

Paul Moxley asked if we have had inflation or deflation this year as it relates to employee salaries. If we have had deflation, then we are asking the staff to subsidize it.

Hearing no further comments or questions, there was a motion by Cliff Curry to approve the tentative budget as submitted. There was a second by Paul Moxley and the motion was carried.

The budget committee decided to meet Monday, May 18th at 3:00 P.M. in the Town Office.

CITIZEN INPUT

The Mayor announced that the Canyons School District is planning many activities that will surround the official beginning of the district which is July 1, 2009. He reviewed some of the activities. On July 1st, the district will have a breakfast in the Town of Alta. Further information will follow.

Hearing no comments from the public, there was a motion by Dave Richards to adjourn the meeting. There was a second by Cliff Curry and the motion was passed.

Passed and approved this _____ day of _____, 2009.

Katherine S.W. Black, Town Clerk

TREASURER'S REPORT

18-Jun-09

MAJOR BILLS PAID

Payroll - 3 payrolls and year end FILOR	\$68,822.05
Payroll Taxes	\$23,142.48
Attorneys/ March - May	\$21,122.85
Building Department - Forsgren	\$2,770.06
Solar Panel Structural Engineer	\$1,500.00
Health, Dental and Life Ins.	\$9,704.23
Workers Compensation Insurance	\$634.93
Plan Checks	\$1,100.00
USI - New GIS Computer	\$1,013.60
Brendle Group - green house gas inventory	\$620.00
Judge Clinton Balmforth	\$2,400.00
Planning Commission remuneration	\$650.00
Other Town Bills - 2 billing cycles	\$15,360.96
Total	\$148,841.16

MAJOR REVENUE RECEIVED

Sales Tax - March Collections	\$41,147.08
Sales Tax - March Collections - Resort	\$105,489.07
Property Taxes	\$3,493.57
Energy Taxes	\$4,083.22
Solar Grant Transfer - Structural Engineer	\$1,500.00
Post Office Contract	\$1,166.67
Court Fines	\$1,044.00
Refund - Workers Comp.	\$348.56
Dog Licenses	\$100.00
Other Revenue	\$110.00
Total	\$158,482.17
General Fund Checking	\$14,619.90
General Fund Savings	\$434,547.27