

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, MAY 8, 2008
ALTA COMMUNITY CENTER
ALTA, UTAH**

The Mayor called the meeting to order. Those present at the meeting were as follows: Mayor Tom Pollard and Council members Paul Moxley and Cliff Curry. Dave Richards and Steve Gilman were excused.

The Mayor because there is a quorum of the Town Council present at this meeting, there will be no electronic meeting necessary.

ALTA JUSTICE COURT UPDATE – JUDGE CLINTON BALMFORTH

Judge Balmforth gave a brief history leading up to the passage of new legislation that was passed in 2008 that effected Justice Courts as they presently exist in Utah.. The bottom line is that the Town of Alta will retain its Justice Court, however, in the future the Mayor and Town Council will not be able to appoint the Judge as they have done in the past. Candidates will be put forth from a nominating committee and be subject to a County wide election. So once the present term of Judge Balmforth is up in four years, the Alta Justice Court Judge position will be subject to an a County wide election. If the Judge wins that election, his term will be a six year term. The Judge explained the salary changes that were part of the new legislation. He felt that his current salary as the Alta Justice Court Judge will remain roughly the same, even though the setting of that salary will be by the State Court Administrator's Office.

The Judge explained that we have met all the physical requirements for re-certification of the Alta Justice Court for the next four years.

MAYOR'S REPORT

The Mayor reported on the numerous meetings of the Alta Planning Commission in their ongoing review of the proposed additions and amendments of the Land Use Ordinances of the Town of Alta. There will be another meeting of the Commission on May 23rd at 12:00 noon. As a result of that 23rd meeting, the Town Council will move their first work session to Wednesday, May 28th at 1:00 pm at the Alta Community Center. The Mayor went over the upcoming public meeting and public hearing schedule of the Town Council on the review of the proposed Land Use Ordinances. They are as follows:

Work Session – May 28th at 1:00 PM – Alta community Center

Public Hearing – Tuesday, June 3, 2008 at 5:30 PM – Alta Community Center

Work Session – Monday, June 9, 2008 at 1:00 PM – Alta community Center

Possible Action on proposed amendments and additions to Land Use Ordinances – Thursday, June 12, 2008 – 9:30 AM. Alta Community Center

The Mayor reported on the most recent meeting he attended on the new school district process. Assets distribution is the main topic of discussion along with the hiring of a new superintendent which will take place after July 1, 2008.

The Mayor reported on the recent Little Cottonwood Road Committee meeting as well as the most recent meeting of the group that is studying the Little Cottonwood Canyon road. The Mayor attended a meeting with Mayor Corroon regarding the County's increased involvement in this canyon and in canyon transportation issues. The Mayor is encouraged about the County's commitment to this end.

The Mayor reviewed the ongoing concerns that the Pentagon has regarding the overhead firing of military weapons for avalanche control in our community. Laura reported on the recent issues on this matter requested that a member of the Council attend an upcoming meeting in Seattle on this issue.

The Mayor announced that there will be public hearing on May 13th at 5:30 pm on the UTA's proposal to raise fares due to rising fuel costs. In the canyon the proposed increase is projected to be \$.50 per direction.

The Mayor gave an update on our antimony engineering study and the results thus far on the three pilot columns in the Bay City Tunnel. The initial results show that GFH is producing the best results. Bowen and Collins will keep us up to date and they should have some preliminary recommendations by the third week in June.

Little Cottonwood Clean Up Day is scheduled for Tuesday the 14th of June. The rustler Lodge will be hosting the breakfast.

The Mayor has met with Richie Taylor from UDOT on the status of the information sign at the mouth of the canyon. They are trying to work out the kinks. UDOT is still working on the protocol for the AM530 radio as well.

Salt Lake County has informed the Town in a letter that it is time to renew its contract with the County in the administration of the CDBG funds. The contract will automatically be renewed if the Town does not respond to them otherwise. The Council agreed to continue with this relationship.

There is a opportunity for the public to tour the Water Treatment Plant at the bottom of Little Cottonwood Canyon tonight from 6 – 8 PM.

We had our annual dog drawing on the 1st of May. The Mayor announced that the lucky winners for a Class A license are Ken Libre and Spencer Spotts and Class B licenses are Kim Goldsmith and Julie Willis.

The Mayor reported on Sam's progress with the entry signs.

The next meeting of the Town Council will be the second Thursday of the month or June 12th at 9:30 AM.

TREASURER'S REPORT

Marcus Diplo read the monthly report which is attached for the record.

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

DEPARTMENTAL REPORTS

Town Administrator's Report: John gave a update on the most recent public meetings and public hearing of the Alta Planning Commission. The Commission has formally forwarded on to the Town Council their recommendations on the following ordinances: Planning Commission, Appeal Authority and Land Use Authority. The Council will address those proposals today in a work session. The Commission also agreed to set aside the Sensitive Lands Overlay Ordinance which needs a bit more work. He reported that the Commission will be looking at the proposed Base Facilities and Subdivision Ordinances at their May 23rd meeting.

The Town is still involved in the same lawsuits. John reported that this afternoon a Rich Mrazik, Town Counsel and staff will be going in front of the Records Committee to address an appeal made by Mark Haik on Planning Commission material that was withheld.

The news has reported that Alta had a total of 58 ½ feet of snow this year. John asked that everyone check their gas meters as it relates to the snow load. We had a gas leak in and around a gas meter due to snow creep.

Marshal's Report: Mike Morey read his monthly report and gave an update to the Town Council on the recent LEADS meeting he attended.

SCENIC BYWAYS UPDATE

Robin Hutcheson from Fehr Peers was asked by the Mayor to give an update on the progress her firm has made on the Scenic Byways Grant project. She reported that her firm is two thirds done with this study and they are making reports to the effected entities at this time in the process.

The study was a collaborative effort by many to look at the byways in Big and Little Cottonwood Canyons to prepare a corridor management plan (CMP) and an interpretive plan (IP) which will help these byways compete more competitively for a nice funding pool that goes toward scenic byways. In order to compete for that funding pool you have to complete a CMP and IP. The stake holders have been conducting meetings over the course of the winter and that list gets longer every meeting.

Robin gave a power point presentation Town Council giving an overview of the entire Scenic Byways Program a summary of which is attached to these minutes. At this time the stake holders with guidance from Fehr Peers is developing goals, strategies and actions that will benefit the byways. They are conducting mobile outreach open houses to receive input from the public. They will then come back and report on their findings.

One of the main goals of this project is to identify projects that will benefit the traveling public on the byways and visitors to these canyons. She handed out a list of those proposed projects.

It was explained that there is a State Scenic Byways program as well as a Federal Scenic Byways program. Generally speaking an entity has a better chance of obtaining federal money rather than state money. But in order to qualify for federal scenic byways funding you have to have completed a CMP and a sister plan or IP plan for that highway. She went over the major focus that have been identify for this Interpretive Plan.

Robin gave the dates of the Open Houses that they will hold during the month of June. She assured the Town Council that she would return at the end of the summer to present the final plan.

Laura gave a brief history of how the Town of Alta became involved in this grant. The Town is coordinator for this project.

ACTION ITEMS

Town Council meeting minutes:

There was a motion by Cliff Curry to approve the minutes of the April 10, 2008 Town Council meeting. There was a second by Tom Pollard. Hearing no comments or question a vote was taken and the motion was carried. Dave Richards and Steve Gilman were absent from this meeting.

Tentative Budgets for 2008-2009 Fiscal Year.

The Mayor explained that State Law requires that municipalities adopt a tentative budget in May of each year for the upcoming fiscal year. The budget committee and staff have prepared that budget which is before the Council at this meeting.

The Mayor highlighted some items in the Tentative Budget for the Council and public. We have increased the projected sales tax collection from \$858,000 – 07/08 to &900,000 for 08/09. The Town has a cap on our uniform sales tax due to the holdharmless legislation that was passed a few years ago. The Town is proposing no increase in its property tax rate.

On the expense side of the Tentative Budget, there will be a 3% increase in wages scheduled and the State Retirement contribution for each full time employee of 11.62%. The committee is also recommending that Funds in Lieu of Retirement be set at 6% for the 08/09 Fiscal Year.

The AVB budget is projected to increase by 3% which is reflected in the salary increase for those employees.

The Town's contract with UFA will increase by 5% which translates into yearly contract amount of \$100,800.

As we get into the Enterprise Funds and due to the anticipated increase in O & M costs associated with our antimony treatment project, we have proposed a 25% increase in water rates for the next fiscal year. This translates in a cost increase for 1,000 gallons of water from \$2.63 to \$3.29. The single family home rate will go from \$39.40 a month to \$49.25 per month. That 25% increase will provide the Town with an additional \$19,000 in revenue.

Due to the increase in legal fees, we have not built in any other increases over the cost of living costs in our budget.

Cliff Curry made a motion to approve the Tentative Budgets for the 2008-2009 Fiscal Year. There was a second by Paul Moxley. The Mayor opened the floor to discussion.

Cliff asked if the legal fees were spread throughout the budget or did they appear in only one department. The Mayor confirmed that they are spread out over various departmental budgets. Legal fees are about 1/15 of our total operating budget.

Hearing no further comments or questions, a roll call vote was taken on the motion.

**Cliff Curry – aye
Tom Pollard – aye
Paul Moxley – aye
Steve Gilman – absent
Dave Richards – absent.**

The motion was carried by a unanimous vote of the Council present at this meeting.

Kate announced that they will be placing this budget on the Town's web site early next week and copies of the same are available in the Town Office at this time.

CITIZEN INPUT

The Mayor requested that anyone that wishes to speak should speak to something new and to keep their comments to three minutes.

The Mayor recognized Teresa Curtis. Ms. Curtis is a candidate for the third district. The Town of Alta is located in this district. She would like to see more public involvement in the new school district and commended the Town for its involvement in the public process. She is excited about the new school district and would like to be a part of the future of this district. She welcomed any comments or questions.

The Mayor commented that our main objective in the process of creating this new district was to assure that we kept our one room satellite school. It is a very important part of the Alta community and we worked very hard to get it. We had a commitment from the old Jordan School District administrators and School Board to maintain our satellite school room and our primary concern is to keep it here in Alta. Our school is a result of what can be done if a community pulls together and gets involved. Ms. Curtis stated that she would be very much in favor of keeping the school in Alta.

The Mayor announced that the June 24th election that will address this new school board will be a vote by mail election. As a result, there will be no polling place in Alta. Everyone who is a registered voter in district 4790 will receive a ballot in the mail.

Mark Haik spoke to the process that the Council will be going through in their review of the proposed amendments and additions to the Land Use Ordinance. He encouraged all the members of the Council to read the proposed Watershed Overlay Ordinance even though he knows this ordinance has been postponed. Because there are no maps attached to this proposed ordinance it difficult for the public to adequately address what is being proposed. The ordinances being proposed lack transparency because the public could not see the exact text that was being proposed. He also urged the Council to discuss publicly what the failures are in the current regulatory climate that necessitated new law and new regulatory burden on the property.

Paul Moxley commented it was recommended exclaimed to the Council in a public meeting that the Town should address some areas of LUDMA and were advised by legal counsel to start the process of reviewing and updating our ordinances. We are not experts in this area of the law and we are following advice from our legal counsel.

Sam Goedecke announced that he will be leaving the Town of Alta staff on May 23rd. He commented that it had been a great experience working for the Town, staff and Council and hopefully he has left the Town with GIS tools that will benefit the community. The Mayor and Council thanked him for his service.

Laura McIndoe announced that May 23rd will also be her last day on the job with the Town of Alta. She commented that it has been incredible working with the Council, staff and the community and she has absolutely loved it. Everyone thanked her and she will be missed.

Onno Wieringa announced that UTA is starting the conversation with the resorts on next winter's bus service. We welcome all comments and he asked that people use Steve Gilman as their point person.

The Mayor asked Onno about the status of the Swamp Lot and retaining that lot for employee parking. Onno commented that for now it is status quo and Mayor Corroon has committed to the ski resorts and the Town that until another alternative is found, that the use of the area will remain as a parking lot.

The Mayor announced that this is the end of the regular Town Council agenda. The Town Council will hold its first work session on the proposed amendments and additions to the Land Use Ordinances of the Town of Alta that have been recommended by the Alta Planning Commission.

Work Session – Discussion on the proposed land use ordinance and amendments.

There are three ordinances that have been recommended by the Alta Planning Commission to the Town Council: Land Use Ordinance, Planning Commission Ordinance and Land Use Authority Ordinance.

Counsel for the Town, Kimberly Chytraus, stated that there is a recommendation from the Planning Commission that will become part of the public record of this meeting. The Planning Commission has made three recommendations: an ordinance establishing a Planning Commission, an ordinance recommending a delegation for the Land Use Authority and an ordinance recommending a Town Appeal Authority. LUDMA requires Planning Commission recommendation on all land use ordinances which would encompass recommendations on the Land Use Authority and the Appeal Authority.

This is only a recommendation and the Town Council has the ability to amend it as it sees fit, reject it or accept it as recommended by the Planning Commission.

LUDMA provides that the legislative body may exercise its legislative discretion and it will be valid if it is reasonably debatable that the decisions or regulations promote the purposes of this chapter (LUDMA) and is not otherwise illegal.

Kimberly explained that everything that is discussed at these public meetings is part of the record in support of the enactment of the ordinances.

The Mayor suggested that we take one ordinance at a time and discuss each individually.

He started with the Planning Commission Ordinance.:

The Mayor asked how the proposed ordinance is different than what the Town currently has in place. Ms. Chytraus explained that the old ordinance was based on what would have been the old law. LUDMA states in 10-9-8-301 that a municipality must enact an

ordinance establishing a Planning Commission. She went over the requirements of that ordinance per the code. She gave an example of how the old and the proposed new ordinance are the same: there will be seven members of the Planning Commission with the possibility of alternates and the terms shall be five years.

Kimberly stated there was a comment received in the public hearing held by the Planning Commission that suggested that one member of the Planning Commission be a resident of the Town of Alta. Currently the ordinance does not allow a member of the community to be a member of the commission.

John commented that even though we have more single family homes and condos in Alta, our official census number has gone down.

The Planning Commission decided to forward a recommendation on this matter stating no resident of Alta shall be allowed on the Commission and the make up the Planning Commission shall remain the same.

It is unique that the Alta Planning Commission does not have municipal residents as members. Most commissions do have community members on their Planning Commissions.

The goal of the Alta Planning Commission was for it to represent different disciplines and those disciplines were listed.

John gave a brief history of how the size of the Commission went from five to seven members.

Paul Moxley asked the reason why we have not had a resident on the Commission. John stated two reasons: peer pressure and conflict of interest. He gave an example.

Cliff commented that the interest of property owners and residents should be heard and considered by the Planning Commission. It is interesting that we have removed property owners and business owners from membership on the Commission and yet there is no disqualification from the Town Council which makes the ultimate decision on those things.

John commented that in the past it was difficult to find people to sit on the volunteer commissions and none of the old guard wanted to sit on the Commission. We currently have seven members of the Planning Commission and if we add an eighth member it might get a bit unwieldy. It was suggested that the Council wait until one of the member's terms is up before possibly appointing a resident or property owner.

The Mayor suggested that if the Council felt like it was appropriate to remove that language from the ordinance and open up the option of a resident on the Commission that it should be done when a member's term expires and choose not to be involved.

John felt that we should not change the requirement that various disciplines be represented on the Planning commission. The Mayor agreed.

Kimberly asked if the Council wanted the Planning Commission to be mostly a non-resident body or leave it open so that there could, for example be one, two or even three resident members. Typically residents of the community are appointed and make up municipal Planning Commissions. Our situation is not common.

It goes without saying that no member of the Town Council can be a member of the Planning Commission. Kimberly explained that the Commission has recommended that the Planning Commission be the Land Use Authority and the Town Council be the Appeal Authority and no one that sits on the Land Use Authority can sit on the Appeal Authority. By nature those two organizations must be separate. Even though the Mayor sits as an ex-officio member of the Planning Commission, he/she is restricted from participating in any Land Use Authority processes or voting.

Cliff Curry asked if there was going to be a definitional section. Kimberly agrees that there needs to be some clean up in this area and, to the extent that it is appropriate; they will address that area of the ordinance.

Katie Lewis, legal counsel, pointed out that the current Zoning Ordinance does have a definition section and some of the terms may already be defined in that section. Any definitions that needed to be added could appear in this section that already exists.

Cliff asked if there was a provision in the Planning Commission Ordinance that perpetuates the exiting Planning Commission. Kimberly agreed that this should be addressed and will draft a statement that the Planning Commission, as it now sits, is in conformance with the new ordinance when it is eventually adopted.

Tom recommended that once the Planning Commission Ordinance is adopted, that we take action in a Town Council meeting to appoint the sitting members of the Planning Commission as the new Planning Commission.

Paul suggested that in **Section 5. Community Representation**, the language should read “in the event that such people are available”

Cliff commented that **Section 7: Chairman**. should be changed to read “**may** vote on all issues.

Kimberly addressed the issue, that to the extent there is a tie vote on the Planning Commission, that whatever is voted on would not pass and would have to be re-visited. The Council agreed and this issue would be added to **Section 14**.

In Section 4. Grounds for Removal, Kimberly suggested that a sentence be added to say a member can be removed for violation of some kind improper or illegal conduct that might fall outside a technical or ethical standard.

In Section 10. Recommendation Process. John recommended that we replace “shall have one public hearing” with “as mandated by Utah Code”. Kimberly spoke to some concerns about the requirement that the Town must post any notice on its web site. She would recommended that this section simply state that the Town will provide notice as required by State Code.

In Section 1. Planning Commission Created, it was recommended that it should read with “advice of the Planning Commission and advice and consent of the Town Council.”

In Section. Decisions. John recommended that the decisions shall be incorporated into the minutes as soon as reasonably possible. This section will reflect that recommendation.

The Land Use Authority Ordinance was now addressed.

Kimberly explained that a Land Use Authority is required by LUDMA. The Planning Commission made a recommendation to the Town Council as to who should be designated as the Land Use Authority(LUA). This group is responsible for reviewing and making determinations on all land use applications going forward except variances. The LUA performs an administrative role where they apply the ordinances that have been enacted by the Town Council. They may rely on outside agencies who may affect the approvals as technical experts. The Planning Commission has recommended designating the Planning Commission as the Land Use Authority.

The Mayor pointed out that the Town Council made the recommendation and appointed the Planning Commission as the temporary Land Use Authority in December of 2007 before the moratorium was put into place.

Cliff asked if a land use application included a building permit. John did not think a building permit would be included as part of the approval process for a Land Use application. The building permit is an administrative function.

Kimberly commented that they will make sure that there are not undue time constraints in the proposed ordinance.

In Section 7. Voting. the issue of a tie vote will be addressed and changed.

Kimberly stated that a record is created by the process of decisions being made by the Land Use Authority along what ever is submitted to the LUA and the evidence that they rely on to make their decision. If evidence that is relied on is written from, it might not be included in the minutes. Therefore the LUA might have to vote to incorporate that information into the findings. If the LUA does not vote on the minutes until the next meeting, when is the decision final, allowing the applicant to move forward with an appeal. The time line for an appeal is a minimum of 10 days after the final decision of the LUA. John recommended that the decision become final the minute the vote is taken

by the LUA during their meeting. If the time line for an appeal starts after the vote of the LUA, it is important that the LUA be prepared with all of its findings when the vote occurs. The information that is used upon appeal of any decision should encompass the minutes of the meeting that incorporate all the deliberations of the LUA, anything submitted to the LUA by an applicant and anything the LUA relies on in making their final decision.

Kimberly asked if there should be a chair of the Land Use Authority. She recommended that the Chair of the Planning Commission be the Chair of the LUA.

Section 4. Decisions will reflect the same changes as were made in the Planning Commission Ordinance as they relate to the timing of the minutes being approved.

The Council addressed the Appeal Authority Ordinance.

Kimberly explained that the Appeal Authority was created to come in compliance with LUDMA. The Planning Commission recommended that the Town Council become the Appeal Authority. It is a quasi judicial board that looks at the record and could broaden its review by looking at the entire record de novo. The Appeal Authority could have the discretion to over turn, up hold or remand the decision for further consideration.

The Mayor asked if the Appeal Authority could only overturn a decision based on the fact that the Appeal Authority does not think the Planning Commission applied the ordinance correctly. Kimberly agreed with this statement.

Kimberly explained that an appeal can be brought by the applicant or the Town or anyone that is negatively impacted by the decision. The burden is on the appellant to allege that there is an error and they have ten days from the date of the decision.

Variations come before the Appeal Authority. The reason behind that is the Land Use Authority's job is to say whether or not an ordinance applies and you can only get a variance if the ordinance doesn't allow what you want to do.

Cliff brought to counsel's attention that there might be a drafting issue in **Section 5**: "shall allege".

Cliff also pointed out that under **Section 6** he believes that are some definitional issues : the word "filed" and "town administration" should be defined.

In **Section 7**, Cliff asked about the nuances of the term public hearing and public meeting as it relates to public notices. Katie Lewis explained that under this section it is intended to be a public meeting and not a public hearing where anyone can speak. The hearing of the appellants appeal shall take place in a public meeting. The attorneys will clarify the wording in this section.

There were some questions regarding **Section 9. Standard of Review** and the attorneys will clarify this section for the next work session.

Cliff recommended that **Section 11. Variances.** (e) read that “Variances and requirements imposed under Section 11 (f) below shall run with the land”. Counsel shall make those changes.

John had some concerns under **Section 8. Appeal Process.** it states that the Appeal Authority may consult with the appellant. Kimberly explained that to the extent that the Appeal Authority might want the appellant to participate, we might want to leave this language in the ordinance.

If the time set for the appeal was not convenient for the appellant, to what extent does the Appeal Authority have to accommodate a request such as this.

Counsel will incorporate the Council’s comments into revised drafts of all three ordinances discussed at this work session for discussion at the next work session.

The Mayor stated that when the moratorium was put into effect, the Town Council felt there were two issues that needed to be addressed: pending applications and how our ordinances dealt with those applications and the Town’s compliance with LUDMA .

The Notice of the Public Hearing will be published in the Salt Lake newspapers.

The Planning Commission will be meeting on May 23rd and John is hopeful that they could be a recommendation on changes or amendments to the Base Facility and Subdivision ordinances. If that happens, the Town Council can address them at their next work session which is set for May 28th at 1:00 pm.

There was discussion about changing the times of the upcoming work sessions. It was decided that the work session that will be held on Monday, June 9th shall be at 3:00 pm at the Alta Community Center.

Cliff asked if there had been a final decision today to allow a resident(s) to be a member(s) of the Planning Commission. It was decided to leave the recommended changes that were discussed in today’s work session in place.

There was a motion by Cliff Curry to adjourn the Town Council meeting and work session. There was a second by Paul Moxley and the motion was carried.

The minutes of this meeting were approved on the _____ day of _____, 2008.

Katherine S.W. Black. Town Clerk

TREASURER'S REPORT	
8-May-08	
MAJOR BILLS PAID	
Payroll	\$17,740.66
Payroll Taxes	\$7,328.89
Retirement - URS	\$6,706.58
Attorneys	\$21,704.61
Workers Compensation Insurance	\$587.34
Health, Dental and Life Insurance	\$9,934.55
Donations from Spring Festival	\$2,830.00
AVB Promotions	\$4,425.00
Other Town Bills	\$18,352.05
Total	\$89,609.68
MAJOR REVENUES RECEIVED	
Sales Tax - Resort - February Collections	\$167,997.68
Sales Tax - Uniform - February Collections	\$64,502.45
Property Taxes	\$3,140.11
Court Fines	\$2,165.00
Energy Taxes	\$5,395.99
Dog Licenses	\$75.00
Post Office Contract	\$1,166.67
Salt Lake County Sheriff/Alta Central	\$13,407.44
Community Center Use Fees	\$47.00
Records Copying Fees	\$2,990.00
Reimbursement/Snowbird - 4x4 enforcement	\$2,362.50
Donation - FOA	\$27,726.10
Permits	\$4,455.81
Other Revenue	\$170.54
Total	\$295,602.29
General Fund checking	\$26,199.39
General Fund Savings	\$502,747.47

