

**ALTA TOWN COUNCIL MEETING
MINUTES
AUGUST 11, 2016
10:00 AM
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. The Mayor called the meeting to order at 10:00 am. All members of the Town Council were present.

2. Mayor's Report – 00:00:12 -

The Mayor reported on the following matters:

- The earliest the Chaffetz bill (HR 5718) could go in front of the committee is Tuesday, September 27th.
- The UFA has been in the news of late. The public safety provided by UFA has not been compromised.
- Kate and Mike reported on the operation of the summer program.
- Mike reported on his ride around on the summer road with Bekee Hotze, District Forest Ranger.
- Jake Brown from UDOT has spoken with the Mayor about some different traffic flow ideas for the winter season. The speed bump in town was also discussed.
- The Mayor will be attending a meeting on Monday, August 15th to talk about the transfer from what we have called Mountain Accord to the newly formed Central Wasatch Commission. A new interlocal agreement will also be discussed and entertained. The Town will be asked to continue its funding commitment. The Mayor will not commit to funding and participation in the new interlocal until it is brought before the Town Council.
- The next meeting of the Town Council will be held on September 8th.

3. Treasurer's Report – 00:13:01

Marc Dippo read the monthly report.

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

4. Departmental Reports: 00:15:35

The Mayor announced that unless there is something pressing, he will not be calling staff for departmental reports. Where applicable, each staff member will submit a report to the Mayor prior to the Council meeting.

John Guldner reported that Chris and he met with the owner of the Snowpine and the owner will be submitting complete plans for his re-construction effort this fall. The owner is planning starting this project in the spring of 2017.

Marshal's Report: Mike Morey reported that on August 27th from 6:00 am through 8:00 am the road will be closed for a canyon foot race.

There was a lightning strike in the Blackjack Area at Snowbird that started a fire. UFA has it under control.

The UDOT project at entry #1 at Snowbird should be completed within two weeks.

Harris asked that Mike remind UPD that parking on the main road in the actual lanes of traffic during Octoberfest is probably not safe.

5. Town Council Meeting Minutes – July 14, 2016 – 00:18:45

The Mayor noted that Harris had submitted some changes and corrections to these minutes and there was some discussion regarding the same.

There was a motion by Harris Sondak to approve the minutes of the July 14, 2016 council meeting with the corrections and changes. There was a second by Elise Morgan and the motion was carried.

6. Town Council Meeting Minutes – Workshop – July 26, 2016 – 00:21:03

The Mayor noted that the minutes of this meeting were not complete and will be addressed in the September meeting.

7. Resolution 2016-R-7 – A resolution supporting the Central Wasatch National Conservation and Recreation Area Act (CWNCRA) provided certain changes to the act are made – 00:21:15

The Mayor explained that this matter was discussed at the last Town Council meeting as well as at the July 26th worksession. From those meetings came a desire by the Town Council to draft a resolution that outlined the Town's concerns and desires.

Two options were drafted and are before the council today for consideration. The Mayor opened the floor to discussion on these drafts.

Harris felt that the CWNCRA helps the town in some ways but there are also some significant risks as well. If the Act passes, Harris wanted to make sure that the town's concerns are heard when the Management Plan (Plan) is created.

Harris felt that one way to protect the town is to have Section 3 of this resolution be made contingent on Section 4 and 5 of the resolution rather than preceding them.

Harris went on to express that he is concerned that there is no mention of the issue of transportation in this resolution which was a main issue discussed during the Mountain Accord process. Elise shared Harris's concerns.

Elise is also concerned about supporting a resolution knowing that the Plan has not been written related to the Act. Elise would like to see a representative from the town at the table when the Plan is written; the town should try to make sure that our status as a cooperating agency in the writing of the Plan be written into the Act.

The Mayor opined that he does not like the Act as a whole but desires to walk that fine line to try and stay in the process.

Harris felt that a resolution could say that if the Act proceeds, the town expects to be a cooperating partner agency.

Cliff questioned how we can best represent our community as a whole in the process. To remain in the process, the town should express its support for the Act under certain conditions rather than putting ourselves on the side lines. Cliff went on to opine that when we look at the agencies that are involved in the writing of the Plan and expressing our expectation that the town should be involved in that process, he feels the town can expect our interests will be heard during the process.

Harris has become less optimistic over the last two weeks that the town's interests will be heard and acknowledged. Elise is concerned as well.

Harris felt that you do not need to be nice to be part of the conversation; you need to further the Town's interests

Elise asked why the Act could not draw a line around the Town of Alta and exclude the town from the CWNCRRA.

Harris and Elise both felt that it was very important that the town seek cooperating agency status related to the creation of the Plan and the proposed land exchange; this is outlined in section 4 and 5 of the resolution.

Rich reminded the council that there are going to be two potential NEPA processes; the land exchange and the Plan creation and the town desires to have cooperating agency status for both.

Rich also pointed out that if the forest plan that currently manages all the federal land in and around the town came up for revision, the town is exactly where it would be if the Act passes; asking for cooperating status.

The Mayor opened the floor to comments from the public.

Mark Haik opined that the town should be exempted from the proposed "area" in its entirety. Mark went on to opine that all the language in the "whereas" section of the resolution can be accomplished with the present jurisdictional partners.

Onno Wieringa commented on the following matters:

- As it relates to access issues that are addressed in the resolution, he felt that those issues were addressed through the Mountain Accord process with the Mayor. The Ski Lift Company is comfortable with the current language in the Act.
- The Ski Lift concerns with the CWNCRRA are related to transportation and the fact that the Town's support for the Mountain Accord agreement was conditioned on transportation. The town should continue to keep the pressure on about the issue of transportation.
- The Alta Ski Lift Company is deeply concerned about the effect of a national conversation and recreation area going over the ski area and affecting its operation. They are going to work to clean up the language to that end.

- The language in the Act about the “no ski lift option” was conditioned on an avalanche study to study options for avalanche control over the village. Until such time as the study states that a ski lift is not an effective option, Onno wants to keep that option on the table.
- The Ski Lift Company is going to fight hard to keep all the ski area boundaries’ as they are now until the land exchange is complete with deeds exchanged, recognizing that there might be several steps in that process.
- The Alta Ski Lift company will not agree to freezing its ski area boundaries until various other aspects of the Mountain Accord agreement are addressed.

Harris asked, the way the Act is written today, is the ski lift option off the table?.

Onno agreed that the way the Act is written today, the ski lift option is off the table and the Ski Lift Company thinks that is wrong.

As a follow up to that question, Harris asked Onno if they would be hiring a lobbyist to represent their interests before Congress. Onno stated that his company is considering hiring a lobbyist. Onno explained that their other avenue to pass on their concerns would be to the Mountain Accord team who could be drafting an amendment to the Act. That amendment could be put forth to Representative Chaffetz’s office as a consensus from all the participating agencies; he is optimistic that this could be accomplished.

Cliff joins in Onno’s optimism that we can reach a new consensus that is more specific on concerns of the Alta Ski Area and the Town of Alta.

Onno stated that as it relates to the Grizzly Gulch area that they own, the Alta Ski Lifts have put it on the trade map as land that they would be willing to trade; the Ski Area can remove part of their land from this process. Onno went on to say they would take the land out if they do not reach some negotiation that is reasonable.

Dave Richards opined that there are some good parts to the Act but taking it as a whole, he thinks it is bad for the Town of Alta. Dave encouraged the Town of Alta to walk the fine line of gentle political support so the town can be included in the future discussions.

With that said, Dave went on to bring up Section 3(c)(2) and strongly encouraged the Act to include the Town of Alta as an agency that should be consulted.

Tom closed the public comment period.

Cliff brought up Section -2 of the resolution and felt that one of the problems with the Act is found in section 7(b)(4)(d), (Cliff read this section) more specifically the language that reads “work with”. Cliff feels this language does not work as statutory language. The land that is currently being considered in the land exchange is in public ownership now and has numerous rights of ways that access both public and private land. Cliff opined that we need to protect that access in a legally binding way.

Harris asked Rich Mrazik what protections zoning can provide to resolve this issue at the local level. Can local zoning apply to land that was public that is now private land to guarantee access to other privately held parcels?

Rich opined that local zoning regulations can only apply to private land and cannot control activities on federal and state land. Currently, for example, parking on land owned by federal government is permitted but the federal government and the federal government could change their mind at any point in time to prohibit that use.

Rich went on to opine that if the new owner of land that was once public wants to do something with that land that requires a zoning change that change has to be in the public interest. The Town could then influence use and access and could say, for example, that approval of the zoning change request is in the public interest if we had the historical uses restored.

Harris pointed out that those historical uses could be prohibited by a new, private landowner until a zoning application is approved. Rich agreed that is one possible scenario.

The Mayor, hearing all the comments on the Act during the last few meetings, felt there might be a desire to oppose the Act. If we oppose the Act, the Mayor asked the Council if the Town would lose our good faith working relationship with the Mountain Accord and lose our ability to ask Forest Service to be a cooperating agency in the process.

Cliff opined asked if the Town would do better on the whole by supporting the Act with our reservations.

Harris asked if we could simply state that here are our concerns with the Act and then engage in this process as the Act proceeds. Harris asked if the town would benefit from hiring a lobbyist. There was discussion on this matter.

Elise wants to make sure that whatever language we propose does not make it so we cannot continue to be part of the process.

Cliff felt that a resolution from the Town of Alta will get attention and believes that even if we cannot get consensus from all the stakeholders on those items, that we should still express our concerns in the form of a resolution.

Elise felt that transportation should be incorporated as part of the resolution; she does not trust Mountain Accord to represent our interests at this point.

Harris opined that the Town of Alta did not anticipate another layer of federal control along with no transportation solution.

Cliff felt that the Council had a consensus for strengthening the language and asking for participation in administrative processes going forward and making that all subject to what is now Section 3. Cliff felt the Council still needs to discuss Section 2.

The Mayor opined that the statement that says “work with” does not hold a lot of strength and is not legislative language. The Mayor felt that when the Act goes through “mark- up”, that language will probably be stuck unless the Mountain Accord supporting document had alternative language with similar intent.

Rich reviewed the two resolution options that were presented at this meeting. Rich explained that one of the options does not request any changes to the legislative language, expresses the town's intent, expresses agreement with the language and outlines the expectation on how it is going to work. The other option requires a change to the legislative language that uses the word "require."

Harris suggested that instead of actually naming the Alta Ski Lift Company in the resolution, should the language in the Act require any private owner to respect access/provide access to the existing other private entities. Rich explained that after talking with the Forest Service, that type of language would be a heavier lift because the federal government doesn't like to see encumbrances or other limitations on the land that they are either receiving or giving.

There was discussion on the next step related to the language of this resolution.

Rich opined that the Town would be best served in having some representation in the process in addition to whatever is stated in a resolution, for example, hiring a lobbyist to represent us before Congress.

Elise thought that the language should not necessarily state that we support the Act but rather the Town wants to be part of the process, that is, re-wording section three. Elise also felt that there should be another section added to the resolution that mentions transportation and our concerns related to transportation.

Harris agreed with Dave Richards that the Town of Alta should be specifically identified in that section of the Act.

Rich opined that the Town should state what they want the Act to say.

The Mayor recommended that the Town Council meet in a special meeting. The Mayor asked everyone to mail their availability to Kate and she will schedule that meeting.

8. Hunting on private property – Ted Kimball – 01:29:10

Ted Kimball explained that his company, R & K Hunting, brings a scientific approach to managing wildlife. Mr. Kimball stated that his company has worked with other ski resorts that have multi use needs and his company manages about 10,000 acres around Snowbasin and another million acres in Colorado, Montana, Wyoming, and Utah.

Ted explained that his company uses their expertise to drastically reduce the number of weapon carrying hunters in these properties. Ted estimated that between Snowbird and Alta there are probably 200 hunters. Many of these hunters are respectful and stay on public land but some do not and trespass on private land.

Their company manages the private land in such a way that it reduces the number of hunters down to a number that one could count on two hands. These individuals are professionally guided and indemnified by a multimillion dollar insurance policy.

Ted has spoken with Onno from the Alta Ski Lift Company and Bob Bonar from Snowbird, both of whom are enthusiastically on board with what his company brings to the table and have given them permission

to manage the wildlife and hunt on their resorts' private land. Ted explained that his company will be in and around these two areas for a couple of weeks this fall to gather information, study the two areas and guide a few hunters on the private land.

Ted also explained that they hold a permit to hunt and guide on public lands owned by the Forest Service in the area.

The Mayor asked Mike Morey to speak to this matter from the Town's perspective. Mike confirmed that he has met and talked with Mr. Kimball and has reviewed the Town's hunting ordinance. Mike stated that inside the Town, only archery hunting is allowed. The area described by our hunting ordinance that is closed to all hunting will remain closed. The Town's ordinance also states that nothing shall prevent an owner of private property to close, restrict and post their lands with respect to hunting.

Mike feels that most of the hunting taking place with this company will be in Grizzly Gulch and on the north side of highway 210 and on private land owned by the Ski Lift Company and Snowbird Resort.

Mr. Kimball's wildlife management plan favors big game animals; therefore the impact on the surrounding environment is limited to foot traffic.

Their company will be hunting mostly mule deer in the canyon; there are not a lot of elk in the canyon. They also hunt antelope and moose. In order to shoot a moose you must have what is called a "moose tag" and they are extremely rare. If someone did draw a tag, they would probably hire this company if they hunted in this canyon. Utah Department of Fish and Game issues those tags.

Harris asked Mr. Kimball to contact the Marshall specifically to inform him in advance if a moose hunt would ensue. Mr. Kimball agreed he would do so.

9. Update on Commercial Core Plan – Chris Cawley – 01:46:39

Chris Cawley reported that at the Town received public comment on the plan that was presented to the Planning Commission and all those comments were forwarded to the Council.

At the Alta Planning Commission meeting on August 1st the following was discussed:

- In light of the comments that were received on the Commercial Core Plan, the Plan was discussed.
- The commission members came up with some key adjustments to the language in the Plan which included 1) a stronger acknowledgment of the intent of the Plan with regard to some of the economic development components, 2) stronger acknowledgement of the key issues discussed in Mountain Accord and the relationship between this Plan, this project and Mountain Accord, 3) clarification of the conceptual intent of the architectural concepts, and 4) clarification of the magnitude of the summer events zones illustrated.
- Joan Degiorgio wanted to make sure that we stated in the Plan that this Plan is neutral on a fixed guideway transit system mode and neutral on a tunnel or any other connection to Big Cottonwood Canyon.

Chris went on to explain that at the conclusion of the Planning Commission meeting, the commission did consider a motion to forward the Plan to the Town Council for your review and endorsement.

John explained the options that the Town Council has with this Plan. The Council can keep the Plan just the way it is or they can change or alter the Plan. After reviewing the Plan, the Council could recommend that changes be made to the General Plan or zoning ordinances. If that is the Council's recommendation(s), then those recommendation(s) go back to the Planning Commission to start that public hearing process.

Harris asked if the current General Plan included a commercial core plan component. Harris also asked if this Plan would be an amendment to the commercial core plan which is part of the General Plan. John confirmed that statement.

Harris wanted to know what the Alta Planning Commission is asking of the Town Council related to this Plan.

John felt they were asking two things. First, does the Town Council like the proposed Plan or do they want to change it or add to it. Once the Council has made any changes to the Plan, does the Council want to amend the General Plan to reflect the changes made from the Plan.

Once the Council has expressed that they want to amend the General Plan, then the process will go back to the Planning Commission so they can begin the required public hearing process. After that review, the commission would forward their recommendations on the General Plan amendments to the Town Council for their consideration.

The Council asked some specific questions on the Plan.

The Mayor felt that the Alta Planning Commission made a generalized statement that the Town of Alta supports the development of a community center in the center of town and transportation improvements to enhance traffic flow and accessibility in the Albion Base area. The Plan map also represents that the Town has the most influence over building on the land it currently owns.

Harris asked for a review of the logic of having the Town center in the center of town and transit hub in the Albion base area. Chris opined that to him the current Plan honors the current layout of the town and recognizes three nodes of activity. When the commission reviewed the three alternatives offered up by the consultants, the proposed alternative reflected the sentiment on the general layout of the town. The decision also combined that with a pragmatic preference to utilize land that the town currently owns.

John commented that the natural end point and location of a transportation hub is at the end of town or the Albion base area.

Chris also commented that the proposed Community Center does not have to be everything to everybody; it can provide some of the public functions that currently exist elsewhere and can have some commercial use as well. The Community Center can also fill in some of the gaps that currently exist in the town such as a gathering center, public restrooms, and a trail head location and exhibition space.

The Mayor would like to put a timeline on the Council to address this Plan and recommended that the discussion start at the September 8th Town Council meeting. Tom would asked that the consultant attend those Council meetings to be a resource for the Council

9. New Business – 02:08:32

There was no new business introduced.

0: Citizen Input – 02:08:43

Mark Haik commented on the following matters:

- The proposed resolution as it relates to the sovereign property in the Town of Alta and his recommendation that the Council read the title documents related to the conveyances.
- The status of the roads in the Town of Alta.

Onno Wieringa commented on the following matters:

- The language in the proposed resolution related to access; the Ski Lift Company cannot be bound to maintain the specific access that exists today.
- The Ski Lift Company will maintain access but that access is going to change.
- Are the current uses tied to a Special Use Permit with the USFS? If not, how can the lodges and business ask for a preservation of those uses?
- The Mountain Collective pass has and will change in the future.

Roger Bourke commented on the following:

- The Town of Alta has a bit of leverage with the Central Wasatch Commission because they want money from this community. He believes that the Town should have veto power on any positions that Mountain Accord comes up with that affect the Town of Alta.
- As it relates to the Commercial Core Plan, the economic case for this development has not been made and supporting data should be provided by our consultants.
- The most important conclusion on the Commercial Core Plan was the location of the town center; it ought to be in the center of town not on either end.
- The Plan addresses better traffic flow at the east end of the Town of Alta; the proposed loop works for both summer and winter.
- The traffic flow in and around the Wildcat area of Town was discussed by the Planning Commission.

Cliff agrees with Onno that the access will change and it should but the starting point for this discussion has got to be maintaining access. Once we have access maintained, then from there we can make change happen.

11. Motion to Adjourn – 02:23:06

Hearing no further business before the Town Council, there was a motion by Harris Sondak to adjourn the meeting with a second by Elise Morgan. The motion as carried.

Passed and approved this _____ day of _____, 2016.

Piper Lever, Assistant Town Clerk