

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, SEPTEMBER 12, 2013
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. The Mayor called the meeting to order. Mayor Tom Pollard and Council members, Cliff Curry, Harris Sondak and Merebea Danforth were present. Paul Moxley was excused.
2. Mayor's Report

Tom Pollard explained that at the Council's special meeting on August 23rd, the interlocal agreement with the BLM to survey the land was approved and the process as started.

John and Claire were excused from this meeting as they are attending the League of Cities and Towns annual convention.

The Mayor reported on the most recent Council of Governments meeting he attended. The main topic of discussion was the continued dialogue about the proposed merger of VECC with the UPD's PSAP.

The next meeting of the Conference of Mayor's will be held in Alta. There will be a presentation on Wasatch Summit by UTA at this meeting.

At the last Conference of Mayor's meeting attendees discussed creating some method of collecting more funding for highway and road improvements. One of the suggestions was a \$.10 per gallon gas tax which would be levied at the distributor level. One of the reasons for this discussion was the ongoing costs of preventive maintenance.

There is a new Region 2 director: Nathan Lee. He comes from Region 4.

The Mayor and Claire attended the Wasatch Summit meeting where they introduced Laynee Jones the project facilitator and Parametrix who will be the environmental consultant. Fehr Peers and Lochner engineering will also be a part of this process.

The fiber optics project should be starting up again in the canyon on September 15th. They say the project should be completed in six weeks. If they do not complete the project by the 15th of November, they will be called off.

The Mayor reported that the Town is committed to running the booth through the last weekend in September. The shuttle will not be running this next weekend but the Town will evaluate its need on a weekly basis.

The Mayor congratulated Sara McCloskey on her win in the Wasatch 100 running race. She placed first for the women and 14th overall in a time of 24 hours and 30 minutes.

The next meeting of the Town Council will be October 10th, 2013.

3. Treasurer's Report:

Marc Dippo read the monthly report which is attached to the minutes.

Hearing no comments or questions, there was a motion by Harris Sondak to approve the treasurer's report as read. There was a second by Merebea Danforth and the motion was passed.

4. Departmental Reports

Marshal's Report: Mike Morey commended Piper Lever in getting \$20,000 on the sale of the police car. That truck was purchased under a state contract for \$27,000 and was in the shop "zero" times.

Mike reported that his department has been very busy in the last week with an investigation of break-ins in six cabins in the Albion Basin. They are working with the homeowners on this issue.

Last week Mike and Claire met with UDOT on the notification procedure as it relates to special events like the recent ½ marathon.

Mike thanked UFA and Warren James for all their assistance in trouble shooting the Town's communication system.

5. Discussion on Planning Commission recommendation to the Town Council on changes to the Base Facilities Zone: coverage, height and setback provisions.

The Mayor went through the recommendations from the Planning Commission. The Mayor feels that the Council should have separate work sessions on these recommendations. His role as the ex officio member of the Planning Commission is to be the liaison between the Commission and the Town Council.

The Mayor explained that the Commission met and discussed these issues for about one and one half years and spent over 10-20 hours on the subject. The Mayor felt that their recommendations were well thought out.

The Mayor explained that when the Commission looked at coverage, height and setbacks they only looked at the base facilities zone and only the parcels of land that exist under the five main lodges in this zone and the land under the Photohaus and the Shallow Shaft. It does not include the Forest Service land inside this area. If you look at the Town's zoning map, the area around the lodges that is Forest Service property is zoned FM 50.

The Mayor explained that based on topography, the Commission decided to break the base facilities zone into three different zones. Zones A, B, & C.

Zone A includes the Snowpine, Rustler and Alta Lodges. Zone B includes the Goldminers Daughter and Peruvian Lodges and Zone C includes the Photohaus and Shallow Shaft.

The lodges in Zone A have road level access whereas the lodges in Zone B have access of the main highway and the GMD parking lot. The businesses in Zone C are on the north size of the road and were addressed separately.

The Mayor explained that in Zone A the Commission recommended to increase the coverage to 75%: the current zoning allows for 25% coverage. The recommendation for the height above the road was reduced from 60 ft. to 25 ft. and the Commission proposed that in no area of your building can you have more than four stories that go straight up as a wall. A building can go more than four stories but there has to be a step back in the building. The Commission also talked about the concept of “view shed” and how the building looks.

As it relates to setbacks in Zone A the Commission recommended a 15 ft. setback from adjacent public land and individually determined setbacks on other lot lines that are adjacent to private land.

The Mayor went on to explain that in Zone B the coverage would go from 25% to 75% and the recommended height would be 60 ft. The setbacks would be the same as Zone A.

In Zone C the Commission recommended coverage of 75% coverage but they felt that height and setbacks should be individually determined taking into consideration specific criteria.

The Mayor explained that the Council’s task is to either accept the Planning Commission recommendations, come up with other alternatives or do nothing.

The Mayor opined that he got a sense that the community wanted to address some changes to the current zoning so he felt that doing nothing was not one of the Council’s possibilities.

Roger Bourke, a Planning Commission member, opined that the motivation behind this recommendation was a sense that owners of the lodges and businesses located in the three zones felt constrained in their ability to expand. Collectively the Commission felt that in order to maintain and enhance the economic viability of the Town that expansions would be important. But at the same time, Roger explained that the Commission wanted to maintain the character of the Town.

Roger said that a year and a half sound like a long time and felt that it was not all internal discussion; there was a lot of outside input both formal and informal. While no plan satisfies everyone, Roger felt that the Commission tried to incorporate as much of the communities’ interest as they could. The Commission also took a field trip and walked along the rope tow: he felt the Council should do a walk through as well.

Merebea opined that it does look like that even though the current structures are not right next to the road the Peruvian parking lot does go to the road and GMD has an access road to the main road. In terms of setbacks, Merebea felt that it largely came from needing to have at least 30 ft to move snow between buildings.

Merebea also questioned whether the public land will always be public land and if we don’t require the setbacks on public land are we eventually going to run into problems like what is occurring at the Shallow Shaft and Photohaus. She went on to opine that 75% coverage might be too big.

The Mayor asked the Council how they wanted to proceed as relates to separate work sessions in the coming months.

Harris opined that the proposal as it is written says a number of times language like "to offset height reduction " and wanted to understand that trade off better because tripling the percentage probably does more than compensate for lowering of the height in terms of the square footage of a building. Harris is not objecting to that in principal but he would like to see those two factors separated: the compensation versus the expansion.

Harris also would like to know what the current utilization was compared to the current possible utilization of the space because that would provide the Council a sense of what businesses have done to date with their current opportunities.

Mayke Briggs, a home owner in the Peruvian Estates , opined that if you go to 75% lot coverage what is the math for the parking and snow removal: it does not seem to leave enough space. The Mayor explained that parking is part of that coverage: depending on the use and what you are doing with your building (number of guest rooms or restaurant seats) you have to have a certain number of parking spaces.

Katie Lewis explained that there are many other controls other than height, coverage and setbacks that are reviewed before a building can be constructed.

Harris asked if and how any possible expansion of the Peruvian would affect the private home owners west of that lodge. Kate Black explained that it was her understanding that the Peruvian/John Cahill owner the two lots directly west and adjacent to the Peruvian Lodge and those two lots are part of the Peruvian Acre Zone.

Mayke Briggs asked if there were any law protecting the view. The Mayor felt that was discussed but there were no specific guidelines addressed. Roger Bourke said that protecting the view shed was a consideration but the Commission did not quantify that element.

Harris commented that none of the mockups were actually the proposal that is being made. Harris did not know what it costs to create one of those documents but wondered if a mockup of the Commission's proposal could be created. The Mayor felt that the Town should be able to create such a document.

Merebea wanted to verify that the paved parking lots and patios all count in the calculating the coverage.

The Mayor wants this community to be attractive place to visit and does not want to see a 10 story block in Alta in the future. Mayke felt that height was not as big a concern for as the space between the building and the light created by the space.

The Mayor felt that Ms. Briggs had raised some valid concerns especially as it relates to the west end of this zone near the Peruvian Lodge.

Merebea felt the Council would get more done if they had a totally separate work session. There was some discussion on possible dates and it was decided that staff would poll the Council on a suitable date for a work session.

6. Ordinance 2013-O-1: An ordinance amending certain sections of the Business and License Regulations Chapter of the Alta Town Code.

Katie Lewis explained that Piper, Kate and she went through the business license fee ordinance to make sure that whether the proposed amendments to the fee schedule were consistent with the current ordinance. Katie referred to the proposed ordinance in front of the Council and noted that the language that is bold will be deleted and the language that is underlined will be added.

Katie went on to mention that the current business license fee ordinance had a separate section that talked about time period units and condo projects. The current ordinance has these types of businesses going through a separate license application process. Legal counsel and staff recommended that the “time period unit” section of the current code should be deleted all together and that language should be added to the definition section under place of business and should say “lodging facility, home, condo unit and time period unit”.

Katie explained that what we would be doing is making any lodging, any home, any condo and any time period unit that holds itself out as a place of business subject to the business license fees. Staff felt that the time period unit section of this regulation did not fully captured all the different types of private homes or condos that might be included as a place of business.

The section numbers will be changed when we send it to Sterling to codify.

There was a motion by Harris Sondak to approve this ordinance as submitted. There was a second by Merebea Danforth. A roll call vote was taken.

**Merebea Danforth – aye
Tom Pollard – aye
Cliff Curry – aye
Harris Sondak – aye
Paul Moxley – absent**

The motion as carried with four members of the Town Council voting in favor of the motion. Paul Moxley was absent.

7. Resolution 2013-R-8: A resolution amending the Town of Alta Fee Schedule

The Mayor explained that the Town Council has discussed this issue over the course of many meetings and the spread sheet that has been used by the Council as a reference during these discussions is not part of the resolution.

The Mayor explained that on page five (5) of the business license fee schedule the Town has broken down the business license fees into categories: one to ten. Then on page 10 of the fee schedule, the Town has broken each category out and defined each one.

The Mayor reviewed the spread sheet sent out by Harris and Merebea and made some recommendations on some of the rates. The Mayor felt that most of the categories were fine except for the retail and general services. He recommended changing the recovery of the fire inspections costs in that category from 100% to 25% which would be very similar to how the Town would be treating the "lodging B" businesses. The other change the Mayor would like to see is in the cafeteria and bar category: he would like to reduce the fire inspection fee recovery in this category from 100% to 75%. The Mayor also pointed out that by requiring the individual condos that are rented out to get a business license, we are creating around 54 more licensed business. This will bring the Town more revenue in business license fees but it would also increase the workload for the business license department.

Harris opined that because the total amount collected by the Town is going up and it is easier for the Town to defend a single rate or percentage, he would recommend charging everyone the base rate and everyone some percentage of the fire inspections costs that is consistent across all categories: his recommendation would be 25% of inspection costs for all groups/categories. As a result the Town would recover around \$18,000 in business license fees.

Katie Lewis opined that if the Council concerned about defensibility of these fees then to create consistent fee regardless of your category may make more sense. Cliff went on to opine that he cannot support the doubling of the business license fees for small lodging properties: it is not wise and the Council is not compelled to do it. Cliff went on to opine that if the Town want to see more overnight lodging in Alta and if you tax something more you will get less of it.

Mayor Tom Pollard made a motion that the Town move forward with Harris Sondak's proposal of collecting the full amount of the base administration fee of \$128.00 and recovering 25% of the fire inspection costs as determined by information given to the Town by UFA. Merebea Danforth seconded this motion.

The Mayor liked this proposal and asked legal counsel if the Town should address the clarification of the definition more specifically footnote #3 to give better guidelines to the staff. Katie agreed and suggested that the Council make it as clear as possible now so that staff is not asked to use their own discretion.

Merebea asked if lodging "A" and lodging "B" is defined anywhere. They were initially separate categories based on the number of rooms.

Katie suggested that the Council clarify the definitions at this time and went down the list.

- Category 1: Lodging with guest rooms greater than 20
- Category 2- Lodging A: Hotels with 20 or less rooms but more than 10 guest rooms
- Category 3- Lodging B: All other lodging including homes, condos, time period units and other small lodging facilities

The Mayor amended his motion to include the language that said that Category 3 was defined more clearly by saying " other lodging less than 10 rooms and a home, condominium or time period unit" and change the definition of Category 1 & 2 as outlined lined above. The Mayor added that his amended included the proposal to charge 100% of the base administrative cost and 25% of the average fire inspection costs by category of business.

Karen Travis opined that as she looks at this schedule the cost to the private home for a business license has doubled, no other businesses' fees are doubling and the Ski Lift fee is going down. It seems to Karen that the smaller lodging facilities are picking up the slack.

Merebea opined that the issue with that is that you are assuming that what was in the past was good and smart. She went on to say that after thoughtful consideration, we are asking everyone to pay the base administrative cost plus some of the fire inspection costs now. Cliff aside, most of the Council feels that \$154.00 is hopefully affordable.

Karen replied by saying it might be affordable if you are renting out a lot but if you are not renting out that much it is not affordable. Karen went on to say she got her "first time" ever fire inspection and it took 10 minutes. They found nothing wrong and Karen did not feel it cost her \$104.

Cliff opined that Karen had expressed his concerns and the proposal that is currently in front of the Council is simply unfair to small lodging properties and will not be able to vote for it.

The amendment to the motion was restated and is reflected above. Harris seconded the amended motion.

Mayke Harris asked if the fire inspections costs were already being paid for by the Town. The yearly contract was explained and then Harris clarified that going forward this proposal would be asking for the businesses to cover some of the fire contract costs.

Hearing no further discussion or questions, the Mayor called for a vote on the motion and its amendment. Tom Pollard, Harris Sondak and Merebea Danforth voted in the affirmation and Cliff Curry voted against the motion. The motion was carried.

8. Discussion on amending CDBG Contract BV3850C to reallocate \$2,500 from the Talk Box Project to a new project called Accessibility Improvements for Alta Central Building.

The Mayor explained that when the Town approved the allocation of CDBG funds for the 12/13 year, the Council approved the installation of the talk box at the bottom of the road in front of the Church. This phone would provide the public with access to the Police and Administrative departments if they could not walk or drive up the road. After looking into this situation, the talk box was not feasible.

As a result, staff is recommending that the Council amend Contract BV3850c to spend the funds on accessibility improvements to the Alta Central Building. This will involve the survey and engineering for improvements to the upper ramp to the Alta Central building. Kate explained that the grade of the road has changed over the years and as a result the ramp needs to be upgraded. This is allowable expense under CDBG guidelines. The amendment must be approved in the public meeting.

Hearing no further comments or questions, there was a motion by Cliff Curry to approve the amendment to this contract to use those funds to address accessibility Improvements to the Alta Central building. There was a second by Merebea Danforth and the motion was carried.

9. Closed Door Meeting

The Mayor there was no need for a closed door meeting.

10. New Business

There was no new business before the Town Council.

11. Citizen Input

Roger Bourke noticed that the recycling bins are not holding the recycling and was wondering if the Town could put a third bin out. The Mayor explained that the Town is trying to maximize the economic efforts of how much it costs each time they empty the bins.

Piper responded by saying that she does keep track of the bins and how full they get each week. She feels that they have only overflowed about two times this summer which tells her that two bins are generally managing the demand of the Town. Maura reminded everyone that the Ski Lifts does have two recycling bins emptied by the Town near the Albion Base and the Buckhorn that can be used by the public. Piper will try to monitor them more carefully and will look at putting one more in place during the months of July and August next summer.

Roger asked about if the Council could give a periodic update on the progress being made on trash pickup in the Town. The Mayor mentioned that the Town is reviewing the possible solutions and could be meeting with the board of the Wasatch Front Waste and Recycling District (WFWRD) in October.

The most recent power outage reminded Roger that when this occurs the houses that are located above the 10,000 reservoir in Grizzly lose water when the power goes out. Roger asked if the Town could look into this situation to see if there were any solutions. He recommended that the Town purchase and install a small generator which could be fueled by natural gas. Roger offered to participate in some cost sharing for this improvement. Kate mentioned that the Mayor and staff have a meeting scheduled with Keith Hanson and will bring this up with him at that time.

Jen Clancy from Friends of Alta commented that she appreciates most of the Planning Commission recommendations that have been submitted to the Council but FOA has concerns about jumping from 25% to 75% coverage in one single regulatory process. She looks forward to discussions with the Town Council on these matters.

Jen invited the Town Council to a tree planting event which will be held tomorrow, September 13th in the Albion Basin.

Maura Olivos from the Alta Ski Lifts opined that as it relates to height in the base facility zone, the view shed is not just from the other houses but from the whole area. She would not want the height of the lodges and business on the road to increase because we could potentially lose a lot of the view from the road.

Maura updated the Council on their tree planting efforts last Saturday where they planted 2,000 limber pines and 400 Engelmann spruce all over the mountain. In the afternoon they planted over 500 plants

around the Wildcat Base area. The trees were given to the Ski Area by the Forest Service and are estimated to cost about \$2.00 each.

Maura reminded everyone of the USEE conference at the end of October. The focus will be on outdoor recreation. It will be held October 24th through October 26th.

12. Motion to Adjourn

Hearing no further business before the Council, there was a motion by Merebea to adjourn the meeting. There was a second by Cliff Curry and the motion as carried.

Passed and approved this 10 day of October, 2013.

s/Katherine S.W. Black
Town Clerk