

**MINUTES**  
**ALTA TOWN COUNCIL MEETING**  
**THURSDAY, JULY 14, 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: 00:00:15

The Mayor updated the Council and the public on the following matters:

- The monthly UFA board meeting; the board finalized the budget. Also Assistant Chief Gaylord Scott has announced his retirement.
- Update on Columbus Rexall mine.
- Canyon Clean-Up Day
- The \$2,275 refund from the Trust.
- The dust control that was put down on the summer road by WWR on July 8th.
- The opening of the summer road; Monday July 11th.
- The opening of the summer booth and its operational hours.
- The speed bumps that have been installed by UDOT.
- The Utah League of cities and Town annual convention; Sept. 14-16.
- The Commercial Core Planning project. The comment period on the plan has been extended to Friday, July 22nd.
- The next Planning Commission meeting will be held on August 1, 2016. The final report on the Commercial Core Planning project will be presented.
- The update on the existing Town entry sign.
- The Central Wasatch National Conversation and Recreation Act of 2016 – (the “Act”)

The Mayor began a discussion on the Central Wasatch National Conservation and Recreation Act of 2016 – (the “Act”). The Act was created within the Mountain Accord planning effort and introduced in the United States Congress by Congressman Jason Chaffetz on July 11, 2016.

Mayor Pollard indicated that during negotiations between Mountain Accord and the stakeholders, he had declined to sign a letter of support that was addressed to the Congressman Chaffetz. Instead the Mayor wrote a separate letter indicating support while also expressing specific concerns with the legislation.

Mayor Pollard referred to a report prepared by Friends of Alta Executive Director Jen Clancy summarizing key aspects of the legislation, which included the following:

- Establishment of additional protective regulations on almost 80,000 acres of the Uinta-Wasatch-Cache National Forest;
- Creation of 8000 acres of new Wilderness areas;
- Creation of the White Pine Special Management Area;
- Evaluation of an Albion Basin Special Botanical Area;
- Adjustment of Wilderness boundaries in Little Cottonwood Canyon along transportation corridors in order to allow transportation projects to proceed,
- Adjustment of Wilderness boundaries in the Salt Lake Valley in order to allow completion of the Bonneville Shoreline Trail and
- Authorization of land exchanges between the USFS and the four Cottonwood Canyons ski areas.

Harris Sondak observed that concerns expressed in the Mayor's letter to Congressman Chaffetz seem to be reflected directly in the legislation. Harris asked Mayor Pollard whether he intended to discourage any changes to the legislation which could arise after the bill was introduced in Congress. Mayor Pollard indicated that he felt some of the language in the bill regarding the proposed land exchange seemed vague and that he wanted to assure his concerns were expressed about the language in the bill.

Mayor Pollard observed that stakeholders had originally intended to introduce the bill by a much earlier date, and shared his concern that conservation legislation is advancing faster than transportation improvements which are the Mayor's primary objective in Mountain Accord. Mayor Pollard opined that the urgency driving the legislation is to demonstrate to state and federal partners that Mountain Accord stakeholders could deliver consensus on major proposals and could also maintain support for transportation projects from the environmental community.

Elise Morgan indicated that while she supported aspects of the legislation, she does not support the bill establishing a National Conservation and Recreation Area (NCRA) within the Town of Alta. Elise observed that the Town of Alta boundary was not included on the map associated with the legislation. Elise opined that there were too many uncertainties regarding potential effects on private land that is surrounded by USFS and also pointed to the potential effects on necessary utility upgrades, and potential effects on land within the Alta Ski Area Special Use Permit.

Elise observed that a primary objective of the bill is to freeze ski area boundaries and stated her objections to freezing the Alta Ski Area boundary. Elise stated that she has not found another example of a municipality being entirely included in an NCRA and expressed general concern that the Town of Alta is already restricted enough in its objectives.

Harris observed that the bill makes allowances for various agencies to conduct regular operations, including the Utah Department of Transportation, and agreed with Elise's concern regarding the potential effects of the legislation on the Town's municipal authority.

Rich Mrazik observed that the Town does not presently have significant absolute authority over federal land within its boundaries. Rich observed that the Town has a cooperative relationship with USFS and agreed with Harris and suggested that the Council consider how the legislation will change the Town's historical relationship with USFS.

Rich acknowledged some of the provisions which allow for avalanche control work and vehicle access for various administrative purposes, and also acknowledged that some regulations were not expressly addressed, such as "laws and rules applicable under the national forest system."

Mayor Pollard asked whether some of the details Rich described are likely to be defined in the Management Plan (the "Plan") for the NCRA as directed in the legislation. Rich recommended that the Town prepare a list of "litmus tests" to evaluate how aspects of the Town's administration would be affected by the NCRA, and provided examples such as utilities projects on federal land with the NCRA. Rich opined that if it is not possible to ascertain what the NCRA Plan will allow, the Town should make sure it engages in the process of writing the Plan.

Paul Moxley recommended that the Town engage Congressman Chaffetz's staff to discuss its concerns. While Paul urged the Council to act quickly to develop a consensus on the legislation, he also observed that the current Congress was unlikely to pass a significant amount of legislation during the remainder of the election cycle. Mayor Pollard observed that the Act will go before various House of Representatives committees before going before the House itself and then to the Senate.

Mayor Pollard observed that the Act makes special provisions regarding the Alta Ski Area boundary. Whereas the other three Cottonwood Canyons ski areas will have boundaries established by the Act, the Alta Ski Area will be eligible to make a one-time request to expand its USFS Special Use Permit area.

Cliff Curry asked whether the boundary illustrated on the map associated with the Act is the current boundary. Mayor Pollard indicated that the boundary represented on the map was in fact the current boundary, and opined that the Alta Ski Area may propose extending the current ski area boundary to align with its avalanche control permit boundary this would include Patsy Marley Hill.

Elise asked Allen Orr to speak to Alta Ski Area's position on this provision of the bill, and Mayor Pollard asked that the Council conclude its discussion before inviting comment.

Harris asked whether the bill would protect current land owners whose property would be adjacent to lands proposed for exchange. Harris also observed that language on page 20 describing an agreement between Alta Ski Area and various interests in the Town of Alta was vague; the words used in this section were “work with”. Mayor Pollard described that the language in question originated in the Accord itself and reflects a provision in the Town Council resolution passed in 2015 prior to the Accord being signed. Cliff agreed that this language may not be legally actionable under federal law.

Harris indicated that he remains interested in zoning land that is proposed for exchange from USFS to Alta Ski Area. Harris felt that this could potentially encourage Alta Ski Area to include more private land in Albion Basin in the land exchange. Harris asked if the Town should zone this land now, later or if it makes no difference.

Elise recalled that the State of Utah Private Property Ombudsman had urged caution on the approach mentioned by Harris. Rich observed that the proposed land exchange between USFS and Alta Ski Area is very different from many other transactions and indicated that while he could prepare legal advice on the matter he was not prepared to do so during the meeting.

Cliff asked whether it might be possible for the appraisal process to take potential future rezoning of lands to be exchanged into account. Paul urged the Council to be cautious regarding zoning of private property, and Cliff opined that merely rezoning property would not constitute an undue taking.

Elise again referred to advice from the State Ombudsman to avoid takings issues. Paul recommended that the Council refocus on the legislation itself rather than questions about appraisal and zoning. Paul felt we should decide what the issues are and then address whether we have a consensus or majority on those issues.

Elise asked whether the Council should hold a special meeting or a work session on the legislation. If the Council decided to hold a special work session the Mayor recommended that a Mountain Accord staff member who has worked on the legislation attend that meeting. Rich recommended that the Council consider whether to pass a resolution and present it during congressional committee hearings on the legislation. Cliff agreed that the Council should consider how to express concerns with the legislation and added that he joined Mayor Pollard in the concerns expressed in the Mayor’s letter to Congressman Chaffetz.

Mayor Pollard invited comments from audience on the Act.

Maura Olivos urged caution regarding the proposal to establish a Special Botanical Area in Albion Basin. Maura observed that such a designation could further restrict development of trails separate from ski area roads in Albion Basin.

Maura recommended the Town take a leading role in the establishment of Special Botanical Area guidelines. Maura opined that Albion Basin is not the only area in the central Wasatch Mountains with extraordinary botanical characteristics and observed that any additional regulations established in a special botanical area will require additional enforcement capacity.

Harris agreed that the financial implications of this special designation should be considered.

Mayor Pollard discussed previous deliberations over the type of designation Mountain Accord would seek for the central Wasatch such as National Monuments or National Recreation Areas.

Harris asked Maura if there were other areas within Alta that ought to be classified as Special Botanical Areas and while Maura declined to identify any such areas, she suggested that most wetland areas, including Silver Lake near Brighton, are especially diverse, and that rare plant species exist throughout the Wasatch Range.

Harris asked Maura to clarify Alta Ski Area's intent to segregate hikers from vehicle traffic on service roads. Maura described that safety, user experience issues, and current USFS standards for non-motorized trails have led Alta Ski Area to prioritize development of additional trails.

Mark Haik indicated that he remains opposed to establishing any additional layer of federal regulation over public lands in the central Wasatch. Mark opined that the Alta Ski Area boundary depicted in the map associated with the Act was inaccurate. Mark asked the Town to advocate for Alta Ski Area expansion and opined that the Town should be excluded from the NCRA.

Mark recommended the Town remain cognizant of development at neighboring ski areas and discussed the possibility that the federal government will not be financially responsible for mitigating any environmental hazards on lands it receives in an exchange.

Mark observed that lands will only be exchanged between private parties and USFS and only if each entity owns the entire estate associated with various parcels.

Mark observed that the Mountain Planning District established by the Salt Lake County Council has already restricted the Town of Alta's authority and that the legislation would further restrict the Town. Paul asked Mark to clarify this statement and Mark added that the Mountain Planning District has apparently restricted the Town's ability to regulate land use in areas it may one day annex.

Roger Bourke applauded the Council for considering the legislation carefully and seeking to find a consensus position. Roger recommended that Mayor Pollard ought

to testify at committee hearings on the legislation and that the Town undertakes any lobbying required to protecting its interests.

Allen Orr spoke on behalf of Alta Ski Area. Allen indicated that the land exchanges proposed between USFS and the ski areas are not mandatory but rather they are discretionary on the part of the ski areas. Allen observed that much of the land on which a future transportation corridor could be developed in partnership with the Town of Alta is within the lands Alta Ski Area has proposed to receive from USFS. Allen described that Alta Ski Area will have discretion regarding which lands are exchanged pending appraisal and other considerations.

Paul and Allen discussed the appraisal process, and Allen indicated while he did know all of the details of the USFS appraisal and exchange process. Allen also opined that rezoning of base area lands prior to any exchange could potentially cause Alta Ski Area not to seek to exchange such lands.

Harris stated that he wanted to assure the land exchange would be beneficial to both the Town and Alta Ski Area and opined that up to 160 acres of rezoned land in the base area would be quite valuable. Allen opined that there may be too many outstanding variables to adequately assess the potential value of the lands in question, including transportation plans and indicated that Alta Ski Area reserves its discretion to participate in the land exchange on its own terms pending related outcomes.

Marshal Mike Morey indicated that the Alta Marshal's office does not enforce federal law unless Town ordinances or state law mirrors such regulations.

Dave Richards observed that the Town is in a situation similar to where the Town was regarding the Wasatch Wilderness and Watershed Protection Act. Dave observed that the current political climate is different and could affect the passage of this Act. Dave also opined that rezoning base area lands prior to an exchange being conducted was extremely risky.

There was a question about the status of the Plan. The Secretary of Agriculture will the duty of writing the Plan to the US Forest Service they will take public input during this process.

Mayor Pollard indicated that he would contact legislative staff, Mountain Accord staff, and USFS representatives and ask if they can send representatives to an upcoming Town Council work session.

### 3. Treasurer's Report – 01:11:48

Marc Dippo read the monthly report.

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

4. Departmental Reports: 01:17:13

John Guldner and Chris Cawley were excused from this meeting.

UFA Report: There will be a special meeting of the UFA board on July 19th to address the stepping down of the Assistant Fire Chief.

Marshal's Report: Mike Morey reported that the Town has hired two new part time Deputy Marshal's; John Freeman and James Nay.

They have received positive identification on the remains that were found near Hellgate last year. John Ehlers, Cory Ehlers's father, was notified and expressed his thanks to the Alta community for all their help and assistance.

Mike reported on the incident on June 19th of a person that was reported missing. The woman, Amanda Caseiro, was found the next day deceased above Secret Lake.

Mike mentioned the speed bumps on highway 210 they have slowed people down. They are seasonal and will be removed before the winter season. Mike felt that the speed limit signs and speed trailer help slow people down.

Kate Black thanked CCF, the Alta Environmental Center (Maura), Friends of Alta and all the volunteers that participated in the annual Town of Alta restoration day.

5. Town Council Meeting Minutes – June 16, 2016 – 01:24:00

**There was a motion by Harris Sondak to approve the minutes of the June 16, 2016 Town Council meeting. There was a second by Paul Moxley. Hearing no comments or corrections, the Mayor called for a vote on the motion and it was carried.**

6. New Business: 01:25:55

Elise Morgan asked if the Town of Alta had an update on the Alta Avalanche Study. Staff will follow through with this and report back to the Town Council in August.

Cliff Curry gave an update on the ordinance improvement project. They are close to wrapping up. The first presentation will be made to Alta Planning Commission.

Cliff Curry had some suggestions on a new entry sign and recommended that the Town move forward with that sign. The Mayor offered to talk with Jake Brown about this matter.

## 7. Citizen Input – 01:30:30

Maura Olivos went over the upcoming events in Alta; running race, owl prowls, weed pulls, hawk watch and the Wildflower Festival.

Maura reviewed the summer host program and the information that is decimated through this program to the public.

Maura reported that many new trail signs that have been put in place throughout the Town and the ski area's special use permit area. Maura is asking the public to stay off the chair lifts and not access the Albion Meadows Trail through the cat shop area.

Mark Haik commented on the following matters:

- The lack of comments from the Mayor and the public at the last Planning Commission meeting after the presentation on the Commercial Core Planning project.
- The data that was collected by John Guldner through a FOIA request on the number of skier days over the 15/16 ski season and the fact that he feels this information should be shared with the Town Council.
- The land conveyance and survey of the land to the Town of Alta by the federal government. Mr. Haik wanted to know what the parking policy was going to be on the property now owned by the Town of Alta.

Roger Burke commented on the following matters:

- He asked if the Town of Alta had a noise and light pollution ordinance. Mr. Bourke believes the Town should address both as relates to the proposed Commercial Core Planning study. Mike Morey commented on this matter as it relates to what is currently in place in the Town ordinances.
- He thanked the Town for putting down the speed bumps and for keeping the summer road closed until mid-July.

Kate Black commented on the parking problems on the upper parts of the summer road that occur after the booth closes. The Town is trying its best to manage this situation with the financial resources it has available.

Kate Black encouraged everyone to comment on the US Forest Service "standard – amenity fee sites" proposal. The proposal can be accessed through the Federal Register.

Margaret Bourke asked if trash cans could be put closer to the beginning of the summer road.

## 8. Motion to Adjourn: 02:00:19



**Hearing no further business, there was a motion by Paul Moxley to adjourn the meeting. There was a second by Cliff Curry and the motion was carried.**

Passed and approved this 11 day of August, 2016.

s/Katherine S.W. Black  
Town Clerk