

MINUTES
ALTA TOWN COUNCIL
WORK SESSION
TUESDAY, JUNE 26, 2018
ALTA COMMUNITY CENTER
ALTA, UTAH

1. Call the meeting to order

The Mayor called the meeting to order at 1:00 pm. Members of the Council present were Harris Sondak, Margaret Bourke, Cliff Curry & Sheridan Davis. Present via telephone was Elise Morgan.

Also present were Kate Black, Piper Lever, Nora Pincus, Karen Travis, Dave Richards, John Guldner and Marshal Mike Morey.

2. Citizen Input – 00:00:20

Sheridan Davis read a text message from Dan Foxman expressing his view that it was unrealistic and a waste of taxpayer money to enact legislation that would prohibit owners from allowing dogs off-leash in specified negotiated areas and his wish to have watershed tags be reciprocal with other watersheds outside of LCC.

Cliff Curry read Ken Libre's June 26, 2018 email to the Council (copy attached).

3. Discussion of certain sections of Town of Alta Animal Control Ordinance – 00:03:30

Harris responded to statements made to him personally by affirming his and staff accomplishments since taking office, stating that numerous other important issues have been addressed in addition to this dog issue. Contrary to what some have accused him of, he did not choose this issue to examine; rather it was brought to his attention on his first day in office that we were out of compliance with our own ordinance and an existing USFS special order. Harris stated that he feels he has made progress through meetings with the USFS District Ranger that would allow Alta-licensed dogs to be on public property.

Sheridan asked him for a summation of those meetings or that progress, but Harris declined. She stated that not only has the USFS not responded to requests for documentation, but that her understanding of the District Ranger's comments at the last work session did not indicate any slackening in their position and did not promise any official action, which leaves the Town's ordinance in an "illegal" standing.

Harris stated that today's work session should address certain sections of the ordinance: location and control and enforcement and penalty. In addition, the proposed amended ordinance should change the total number of licenses permitted and the locations where dogs are allowed to be.

00:15:25

There was conversation regarding the number of dogs in current categories and how that might change with the proposed changes to classes. Harris believes that the district ranger conceded certain property locations that dogs could be present on-leash and he named those areas including the commercial core, the residential section of west Alta, the summer road up to the Memorial Grove pullout and the trails on public land on the northside of SR210. He stated that he believes there should be a provision in the ordinance that recognizes private property owner's and special use permit holder's authority to say what rules apply to dogs on their property.

00:23:40

Sheridan is not in favor of giving any areas away that currently exist in our ordinance, given the opinions of some council members, our legal counsel and certain citizens, that the special-order lacks teeth.

Margaret recalled the district ranger's position to be that the north side of SR210 area could be conceded, but since that is mostly private property that was not really a concession. Also, that since a change to the special order would involve so much time and lengthy processes that Ms. Hotze advised the Council to circumvent that period of time by amending their ordinance, even though amendments would be in violation of the order. Harris said he trusts the district ranger when she said she would not ticket dog owners if they were on USFS property in certain "negotiated" areas.

Sheridan proposed keeping wall to wall access, applying existing classifications scrupulously, rigorous enforcement, better identification, and clear good-faith effort to try to meet USFS concerns of water quality and public complaints.

00:34:03

Cliff would not be in favor of passing a leash law that would be against the nature of dogs and would be routinely violated. He would propose language stated in a May 31st email that he distributed to the other council members (see attached).

00:39:56

Elise likes the locations in Cliff's May 31 draft with a few changes and likes the current leash law. Elise is in favor of adding better signage to inform the public of the presence of Alta-licensed dogs.

Margaret suggests a good map of where dogs are and are not allowed, specifically wetlands areas from the Town's maps.

00:49:01

Conversation ensued about locations where dogs should be allowed and when (seasonally and times of day). Margaret pointed out the complexities of defining the areas and suggests amending the ordinance piecemeal and changing the parts that the council can agree on first.

00:58:45

Cliff agrees with supplying a wetlands map as a possible start for allowed areas because it offers a rationale for the water quality issue.

Marshal Morey weighed in on the USFS order; that despite conflicting regulations and due to the prevailing sovereign authority, the AMO will enforce it. Mike personally thinks the Special Order is poorly worded and doesn't like the intent of it. However, the AMO will not stand in open violation of federal, state or local law.

Morey asked council to convey authority to justice court judge to order probation or revocation of a license for findings of fierce or dangerous animals.

01:05:00

Harris asked Nora, town counsel, for her opinion of the USFS 1997 special order. She responded that it is a poorly-worded order, ("it is vague and unclear and has problematic language"), but nonetheless they have the authority to issue the order; it is "not unenforceable". She further opined the police force could be in danger of violating the terms of our cooperative agreement with the USFS if they were to selectively enforce federal, state and local laws. That could constitute grounds for termination of that agreement.

01:11:00

Nora expounded that there may be ramifications that could flow from enacting an ordinance that is inconsistent with the interpretation of their order.

Harris shared a comment made by Dave Whittekiend that when the order was issued in 1997, one reason for the order was to prohibit the transport of trout up the canyons to be released in the watershed creeks. Cliff pointed out the ambiguity of the language and if it were meant to target dogs, it would say so. He recalled that Marshal Alford, the USFS recreation officer, committed that he would share everything in the special order file that would tell us what the order was about, but we have not seen that. Nora suggested the Town put in a FOIA request for that information. Cliff brought up the question of whether doing so would be in the best interest of the community; would it stir up a hornet's nest and provoke the USFS into passing another order that would be worse. Harris agreed, which he said is why he has tried to tread carefully. Harris has been told by the USFS leadership that they will ticket our citizens this summer for violation of the special order.

01:18:00

Piper suggested passing an ordinance at the July meeting that amends only section 5-2-9(C), removing the sentence that imposes a total limit of licenses to 15% of the population in order to solve the problem that the mayor first identified as a violation of our own ordinance.

01:27:00

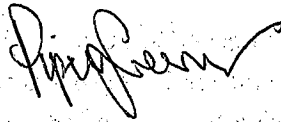
Conversation followed about other sections that could be amended that the council agrees on. The Council agreed that this might be a good next step. Cliff suggested we make changes to everything except 5-2-9.

4. Motion to adjourn – 01:35:00

Margaret motioned to adjourn the work session. Cliff seconded the motion and the motion was carried.

Passed and approved this 12th day of July, 2018

s/ Piper Lever, Assistant Town Clerk.

A handwritten signature in cursive script, appearing to read "Piper Lever", written in black ink.

To the Town Council,

I write to express my vehement opposition to the latest rendition of the dog ordinance (directed by Mr Sondak) to have dogs leashed at all times in Alta.

It seems that Harris is representing the Forest Service more than his constituents. Not every rule or directive handed down by the US Government is correct and needs following - witness the populist uprisings all over our country regarding overreach by the Federal Government.

For the health and sanity of TOA dogs, they need to be able to run free at some point everyday. Even New York City allows an off-leash period for dogs in Central Park.

Many reasons have been lobbed about to curtail dog freedoms. One constant is excremental. Until evidence is produced showing harm to the watershed from dog waste, I don't believe this argument. The leaking Albion basin snow cats at the gate of the summer road certainly do more harm to water quality.

Taking freedoms away from the electorate is not a winning recipe. The Harris administration has riled the populace of this Town more than any other in the 20 years that I have lived here. I would suggest that work be addressed to better the lives of the townspeople rather than this current project which has consumed a ridiculous amount of time and serves the goals of anti-dog people and career climbers in the Forest Service.

Sincerely,

Kenneth Libre MD

Piper Lever

From: Cliff Curry <cliffcurry@altalodge.com>
Sent: Thursday, May 31, 2018 6:34 AM
To: Kate Black; Harris Sondak; Piper Lever; John Guldner; Mike Morey; Rich Mrazik
Subject: Re: Agenda for work session [Dogs and leashes]

Hi all -

I'll be out of town and out of contact during the June 5 work session.

Recent news in Alta reminds me that some dogs should always be on leash. That is the owner's responsibility.

Here are some ideas about areas and leashes:

No dogs:

- Cecret Lake Trail (and within 100 feet)
- Cecret Lake (and within 100 feet)
- Albion Basin Campground (and within 100 feet)
- Snakepit Trail (and within 100 feet)
- Summer Road (and within 100 feet) July 1 - Sept. 30, except Summer Road residents
- Within applicable waterway setbacks (except on a road, bridge, culvert or maintained trail, or on private property)
- Alta Ski Area lift operation areas during public lift hours, except direct travel between home and work

Leash required:

- SR 210 and other paved roads (and within 50 feet)
- Within applicable waterway setbacks
- Summer Road July 1 - Sept. 30 (Summer Road residents) (and within 50 feet)
- Alta Ski Area lift operation areas during public lift hours (direct travel work/home/work)
- Albion Meadows trail
- Catherine Pass trail (please, let's not ban dogs; it's the only reasonable access to the ridgeline from Albion Basin)

I'm also emailing the other Council members separately about this.

See you on June 21.

Thanks - Cliff

Cliff Curry
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