

**MINUTES
SPECIAL ALTA TOWN COUNCIL MEETING &
WORK SESSION
SATURDAY, APRIL 25, 2015
3:00 PM
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. Call the meeting to order

The Mayor called the meeting to order at 3:00 pm. All members of the Town Council were present.

2. WORK SESSION: Mountain Accord Discussion

The Mayor explained that the main focus of the work session the land exchange related to Mountain Accord; he is asking for direction from the Council that he can take to the Monday April 27th Cottonwood Canyon's Task Force meeting.

The Mayor acknowledged that the land exchange can take place without the Town's input but the Town has been asked to provide the Town's conditions on the land exchange.

The Mayor has heard from community members and the business community on this proposed land exchange. Now the Town needs to come to a common ground that the Mayor can present to the task force on this matter.

At the last Town Council work session the Council was asked to provide some discussion points on the proposed land exchange. Those suggestions have been compiled into a comprehensive list.

Harris Sondak had understood that the conditions the Council was to provide today were to be restricted to the proposed land swap. Harris felt that the Council had agreed that the land swap was to be connected to Mountain Accord in general. Harris went on to comment that after 25 years of teaching negotiation classes at leading universities, he absolutely disagrees with the idea that some component of the Blueprint should be resolved before the whole Blueprint revision can move forward.

Cliff Curry concern was that the land exchange may be able to go forward immediately and outside of the Mountain Accord process. For that reason the Council thinks it is timely to address the land exchange as an important item now; to make sure it is part of the Mountain Accord process.

Harris did not think the proposed land exchange should be resolved before the Blue print moves forward; it should be resolved as part of the Blueprint revision.

The Mayor opined that the process that the Town Council is going through now as it relates to the land exchange came out of an effort by the entire Mountain Accord group to try to resolve some specific issues effecting Big and Little Cottonwood Canyons. A subcommittee was created by Mountain Accord, the Cottonwood Canyons Task Force, to try and come up with a resolution that could be part of the Blueprint.

Harris believes that if he was advising the Mountain Accord executive committee, he would say that it would be a mistake to come resolution on a critical aspect of the Mountain Accord because once that has been decided it no longer can be part of a further negotiation.

Elise Morgan sees that the Task Force is asking the Town's what it likes and dislikes about the proposed land exchange.

Cliff says a Town Council resolution on this issue is a non-binding expression of its will. The Town is asking that the land exchange not be resolved until all of the concerns are satisfied.

Paul Moxley felt that whatever is resolved or not resolved by the Town Council will not have any legal binding effect on any of this; there are only two parties to this land exchange. The result of this exchange will be subject to the Town's zoning. Paul also felt that the two independent parties to this exchange will or will not reach an agreement based on fair market value.

Harris felt that the final Blueprint adopted by the executive committee in June is of critical importance in what happens next; it become the template against which all subsequent suggestions are judged.

Paul feels the Town will be a third party beneficiary to any decision that is made.

Elise felt that there are so many other items that are part of the Mountain Accord Blueprint and this is one piece that we can now express our concerns about to the consultants and executive committee.

The Mayor felt that the first condition is that the decision on the proposed land exchange should stay as a full integral part of the Mountain Accord process.

There was some discussion on whether or not Onno felt that the proposed exchange was to be kept as part of the Mountain Accord process.

It was agreed that the Council would review the list one at a time to see if there was agreement or disagreement on what to include in the final list that the Mayor will present at the Task Force meeting.

As it relates to the land representing a fair exchange of value, it was agreed that the Town does not have say on this matter because the Town is not involved in this exchange. The process must follow a legal process when it comes to land exchange; NEPA process.

Cliff advocated that the land exchange not be a pre-ordained congressional mandated result; it should be a result of the substantive process and range of outcomes that's mandated by NEPA. Our opinion on this might not be legally binding but it could be politically meaningful.

Elise opined that she supports the NEPA process but is concerned how some of these proposed conditions on this list are worded.

Liz Schulte explained that land exchanges could take place using two pathways: administrative or legislative. This land exchange is between two willing partners and the Town has very little legal authority over which path is pursued. Liz summarized the Council's concern that they would not be supportive of a legislative path for this exchange; the Council would want to see it go through the administrative pathway. Both of the pathways would go through NEPA but each review would be

slightly different.. Liz went on to say a pathway for this process would be determined by how the purpose and needs are defined for this exchange.

Elise felt that the Town Council does not know enough about the NEPA process to make this kind of decision; this should be a decision made by the Forest Service.

The Mayor opined that regardless of whether it is administrative or legislative, he feels that the Council would support that the NEPA process be followed as part of the equalization and fair value land exchange.

Harris supports that existing laws be followed but he does not know enough about the NEPA process to take position on this matter.

Cliff feels his knowledge is also limited on the NEPA process but he does know what happen at Snow Basin and he does not support a similar process for this proposed land exchange.

Harris heard from Dave Whittekiend, Forest Service supervisor, that this exchange will be a fair exchange, according to the regulations governing Forest Service participation in such exchanges.

Harris speculated that the Town has input as to the value of the land in as much as it is currently zoned FR 50.

The Mayor reiterating again that by recommending that the land exchange be kept as part of the Mountain Accord process, it gives the Town more time develop what it wants to see as part of the process going forward.

As it relates to #4 on the list, if the land exchange did take place, the Town would be asking that there be private ownership of the lands which would then be subject to the Town's zoning process.

As it relates to #5 on the list, the Mayor said that this stems from the existing business owners concern's that expansion and development of their properties has been arbitrarily restricted by the Forest Service since the early 70's. To now allow someone to just "get" land it is not fair; there has to be something in this proposed land exchange with regard to protection of access to their properties. There should be a recognition that existing businesses have supported the Town of Alta for 60 years and could now be shut out.

Harris addressed this concern by recommending that in exchange for the Town's support of Mountain Accord , that the Town gets some land.

The Council wanted to make sure that the existing businesses and landowners continue to have access to their businesses; access for all users should be preserved.

The Mayor explained that the number one concern for the lodge owners was that if the Alta Ski Area went into the lodging business, they could give away a lift pass as part of their product. The Mayor did not think that the Town could legally do anything about this possibility.

Harris asked if the Town, when it addressed the zoning, could enter into those types business agreements. Liz said that it would not be part of the Town's land use authority.

Cliff appreciates the lodges concern regarding this matter but is troubled by the idea that the Town Council would get involved in regulating that type of activity. Cliff's concern comes back to a private company being able to establish a business in the base area using land at below market land acquisition costs.

Paul opined that whatever is good for the Alta Ski Lift Company is good for the Town. Also if it is going to result in more income for the Town that is to the Town's benefit.

Cliff commented that whatever brings more tax dollars to the Town of Alta is not necessary good for the community of Alta.

Harris asked if we can ask that the existing uses be respected and protected; current access and operations by various parties be respected.

As it relates to #6 on the list, Elise explained that technically there are two land trades; the first trade that is being discussed today has nothing to do with Grizzly Gulch.

The Mayor explained that in the Task Force there are some issues with regards to what land is actually being exchanged and Grizzly gulch is a "hot topic" among the participants. Grizzly Gulch is very important to the back country and recreational users.

The Mayor would like to take to the Task Force the idea that the Ski Lifts keep Grizzly Gulch. In past Council meetings it has been pointed out that many outside entities are trying to dictate what could happen in the Town of Alta. The Mayor would like to go forward with what the Town of Alta wants and many people would like to see the Ski Lifts keep Grizzly Gulch for a possible expansion in the future.

Cliff opined that if Grizzly Gulch is taken out of the land exchange deal the whole deal might "blow up".

If there is a transportation option that brings more people to the Alta area and if Alta is restricted to its current ski area boundaries, the Mayor was concerned how the Ski Area was going to manage crowd control with the same footprint. The Mayor would like to give the Ski Area the possibility of expansion into areas adjacent to its current boundaries; could be Wolverine or other adjacent areas.

Harris commented that we might want to say that the Town would like the Alta Ski Company to continue to be a viable business and let them decide how to accomplish this task.

Cliff is suggesting that the Town support the Alta Ski Lifts as the economic engine of alpine skiing in the Town but also would support a reasonable expansion of permit area.

Elise feels that we should support an "option" for the Ski Lifts to expand.

AS it relates to #9 on the list, Elise asked how we can zone a piece of land that is not in private ownership yet; the land is owned by the Forest Service at this point in time.

Paul felt that this was an unrealistic expectation; currently the land is zoned FR 50.

Buck Swaney, who is not only a consultant but a land use planner, said the Town also has another tool in place; the Town can impose a development moratorium for a year or so to get the review process completed.

As it relates to #13 and based on the concerns of the community about development which could turn Alta into Vail, the Mayor opined that the way the Town can control development are through zoning and water. The Mayor feels that based on the preliminary information the Town has on current water being used, he believes that the Town has enough water to build in excess of 150 hotel rooms. This leaves some room for ancillary uses such as restaurants. To maintain the control we have today, the Mayor feels that Salt Lake City's offer to give the Town more water for the "100" room option should be taken off the table.

Elise wanted to make sure the Town had enough water to do a transit hub and uses that would support the transit hub, community center etc. We should not eliminate that option and the future needs of the community.

Harris asked about snowmaking water. Snowmaking water is treated differently.

Harris said that maybe the statement should be that no more culinary water be allocated to the Town of Alta.

Cliff is troubled by the Town coming forward and asking other bodies to limit the water that is available to the Town of Alta.

The Mayor's has heard from the community that they want to see responsible and controlled growth.

Paul felt that the answer lies in the water contract itself in as much as the Town has a finite amount of water.

The Mayor stated that as part of this negotiation there has been an offer to give the Town more water and if Salt Lake City can do this once, they do it again in the future.

Elise opined that we have authority to zone and plan and we should not be afraid to look at all possibilities. What has come out of the visioning workshops is that people want responsible growth not any growth.

Harris said that if the land swap does occur he can't imagine that the land in question will remain FR 50.

It was asked why Salt Lake City had water on the table. The Mayor explained that they want Grizzly Gulch for watershed protection.

Elise asked the Mayor to keep the Council apprised on these negotiations in the next few months and if Grizzly Gulch doesn't happen then the water does not happen. If Grizzly Gulch does go through, then maybe the Town can relook and adjust.

As it relates to #14 on the list, the Mayor opined that we have long said that land get deeded to the Town as part of this exchange for "community" needs. Harris suggested that we expand it enough that there are opportunities to offer transfer development rights to some of the other private land owners in

Albion Basin. The Mayor said this is already part of the planning documents. Buck Swaney, one of consultants in Mountain Accord, accessed a document on line that mentioned the following: the TR program for Albion Basin may be considered at a future date. Mr. Swaney will forward this document on to Town staff.

Buck went on to review other conditions in this document; initial conditions on the base area land exchange indicated that that the development footprint will be limited to 25 acres and configured in a way that supports the transit stop and town center.

Elise had the following question as it relates to #'s 22, 23 and 14: are we saying that the Town would like to own land or are we saying we want this as part of an agreement with the owner of the land.

Harris would like to see the Town own some of this land in the base area for public purposes or for whatever the Town Council decides is the right use or disposal of that land. The Mayor thought that there should be language that says that there will also be appropriate deed restrictions on this land; the Town could not sell the land for example.

Harris felt that the Town should be able to make a decision on whether it should sell the land. If the Town gets this resource, then the Town should be able to decide how we use that resource.

Elise is comfortable making this a request but she is not comfortable saying it is a condition of the proposed land transfer.

The Mayor and Cliff feel strongly that this should be a condition of the land transfer.

Paul feels there is a difference in the use as a transit hub and a community center; the transit hub is essential and if the Town wants a community center, the Town should raise the money for it or bond for the center.

If the Town owns the land that the transit hub sits on Elise wanted to know if the Town would then responsible for the upkeep and maintenance of that building; we will be taking on a lot of responsibilities if we own the land and building. There are so many positives about this proposed land transfer and Elise she did not want this one thing to stop the negotiations on this land transfer.

The Mayor emphasized that these are conditions that he will present at a "negotiation".

Cliff felt that the list that is presented to the Task Force should clearly present the position of the Town of Alta.

Harris felt that the Council should give Town the ability to present that the Town's interests could be addressed in some alternative way; if they say the Town cannot own the land then maybe they would offer the Town an option to obtain a long term lease the land.

The Mayor brought up the question of parking that was mentioned in #17 on the list. The Mayor wanted to know if the proposed land transfer included the land on the north side of highway 210. This land has been traditionally used for parking for the community and the public. The Mayor wanted to make sure that the use continues; it is unclear what the boundaries are for this proposed exchange.

Cliff asked if this concern could be folded into condition #5 on the list; the Council agreed that this would be appropriate.

Elise would like to see that avalanche protection study, funding and implementation be part of the proposed transfer and be one of the Town's conditions that the Mayor brings to the Task Force meeting. Cliff would like to add that this whole public safety program that the Ski Lifts have taken on be recognized as a public purpose.

There was discussion on #'s 20 and 21 as it relates to including private land holdings in the Albion Basin in the land transfer. Harris felt that it would seem to him that part of the goal would be to try and minimize the private land holdings in Albion Basin and that some people have expressed that they would like to see all of the privately held land owned by the Alta Ski Lift company be a part of this land exchange.

Elise felt that this type of negotiation falls to the two parties that are part of the proposed land transfer. Elise went on to say that it appears from what Mr. Swaney read earlier that the Task Force is addressing the concerns expressed by the Council about private inholdings in the Basin.

Harris would advocate as part of the Mountain Accord Blueprint to minimize private ownership in sensitive areas including Albion Basin. The Mayor felt that the Blueprint already addresses Harris's concerns.

The Mayor would like to see the condition expressed in #21 as part of the Blueprint because that is more in line with the transportation corridor development.

The Council then reviewed the conditions that they had agreed upon in this meeting. They were as follows:

1. That the proposed land transfer process stay within the Mountain Accord process.
2. That existing right of ways and access be preserved for all users including residents, businesses, business operations, parking trailheads, and access to private lands.
3. That the Alta Ski Area be given the option to expand their ski area boundaries.
4. That base area land intended to be used for public purposes such as transit, trailheads, watershed protection, community space etc. be deeded to public bodies responsible for those purposes with appropriate deed restrictions.
5. That avalanche protection study, funding and implementation be part of the proposed land transfer.
6. That the NEPA process be followed.

There was a question from the consultants as to what the Council would recommend as it relates to keeping the land transfer process under the Mountain Accord umbrella. It was felt by the Council that if the proposed land transfer stays part of the Mountain Accord process that gives the Town Council more time; there has been talk of wanting this land transfer to happen this spring.

Cliff asked if the Council had consensus that NEPA be followed. Elise commented that whether it is administrative or legislative and according to legal counsel, the process has to go through NEPA.

Buck commented that in the case of Snow Basin, the land swap that took place exempted it from NEPA and litigation.

Buck also said that in the case of this proposed land swap, he confirmed that the Forest Service said that even if this exchange is done legislatively, there will be a NEPA analysis.

The Mayor summarized that the Council would like to see the proposed land exchange subject to NEPA review and not be exempted from this review like the land exchange with Snow Basin.

Harris referred to the last meeting of the Council where Onno asked that Council to either remain neutral on the proposed land exchange or to support his efforts; this is what Onno asking the Council to support.

The Mayor felt that Onno was asking the Town to remain neutral and for the land exchange not to stay part of the Mountain Accord process; he wanted it to be separated from Mountain Accord. Elise felt that Onno did not want the land exchange to be stuck with the "transportation piece" of NEPA; that it would tie everything up for a long period of time.

The Mayor opined that if at the end of the Mountain Accord process the land exchange piece splits from this process, he is OK with that. The Mayor wants more time to review the land exchange piece and does not want this land exchange to split from Mountain Accord at this point in time.

Claire offered to get a person to speak to the Council on the NEPA review process. Elise suggested that this be addressed in a separate work session from a Council meeting; sometime in May.

Buck also commented on the American Fork Canyon vision project that is currently going on. Part of the Snowbird proposed land exchange would be to pick up some lands in American Fork Canyon and that has not been subjected to a normal public process like the Mountain Accord has been. Accordingly Snowbird will not be able to conclude its acts inside of this land exchange package until that process is complete; it will take time.

The Mayor closed the work session and called the meeting of the Town Council to order: 01:46:48.

3. Discussion with possible action/directive to be given to Mayor Tom Pollard regarding the Town of Alta's interest in the potential land exchange as it relates to the Mountain Accord-Cottonwood Canyons Task Force recommendations. This action may involve the passing of a resolution to be numbered 2015-R-4. 01:47:17

The Mayor read into the record the six conditions listed below that the Council agreed to have the Mayor take to the Cottonwood Task Force Meeting on Monday, April 27th.

1. That the proposed land transfer process stay within the Mountain Accord process.
2. That existing right of ways and access be preserved for all users including residents, businesses, business operations, parking, trailheads, and access to private lands.
3. That the Alta Ski Area be given the option to expand their ski area boundaries.
4. That base area land intended to be used for public purposes such as transit, trailheads, watershed protection, community space etc. be deeded to public bodies responsible for those purposes with appropriate deed restrictions.

5. That avalanche protection study, funding and implementation be part of the proposed land transfer.
6. That the NEPA process be followed.

Cliff made a motion to approve Resolution 2015-R-4 with the aforementioned six conditions. There was a second by Elise Morgan. The vote was unanimous with all members of the Town Council voting in favor of the motion.

4. Discussion with possible action on the Mountain Accord Phase II – Program and Funding Agreement. 01:49:12

The Mayor reminded the Council that this item had been tabled from the last Council meeting as there were questions that the Council needed addressed by staff. The Mayor asked the Council if they were prepared to move forward with taking action on this item.

The Mayor noted that in the agreement under number 1 item B, it states that Phase I of the program has concluded. When referring to this, does that mean that Phase I has concluded as of today or is the Town executing this agreement so when Phase I is concluded and Phase II is about to start, the agreement will already be in place.

The explanation that was given to the Mayor was that the purpose of this agreement was to have in place at the onset of Phase II a commitment to funding from all the participants to the Mountain Accord process.

Harris feels giving approval to this agreement is premature because there is still one week left in the Mountain Accord comment period and it does not seem that Phase I is concluded. Also, Harris commented that Phase I is not finally concluded, even by the Mt Accord's own statements, until there is a final Blueprint; that Blueprint is subject to negotiation in June.

Harris believes that the Town should be part of Phase II of the Mountain Accord process however Phase II is about the implementation of a final Blueprint that does not yet exist. Harris feels that until a final Blueprint is negotiated, one could not know if that is something the Town should support. Harris went on to opine that there are two points of control that the Town Council has and one is money and the other is zoning; he is not willing to give up the Council's control over this part of the process until we know what we are paying for.

Elise opined that the Council has repeatedly said that it wants to see Mountain Accord through and by agreeing to this agreement the Town is saying it still wants to participate.

The Mayor feels that the Town will continue to support through the negotiating process and the passage of this agreement shows our commitment to continuing in the process. The Mayor believes that we will probably sign this document at some point. If the Council would like to wait another month to address this agreement, that is fine with him.

The Mayor explained that there is a time table for distribution of funds. Paul also reminded the Council that there is a provision in the agreement that allows us to terminate the agreement at any time.

Harris opined that we do not have a final Blueprint and in fact the proposed Blueprint does meet deliverables that were promised in Phase I outlined in the exhibits.

Paul felt that if we pass this agreement and we are not happy with what is delivered as the final Blueprint in Phase I, the Town can then withdraw from the agreement. Harris suggested that the point is not a legal one but one of psychology and negotiation strategy.

Cliff appreciated Harris's points but asked the Mayor the following question: does the Town have more influence on the process by withholding the money or by allocating the money. The Mayor did not think it mattered.

Harris felt that there are two negotiations going on: one is the Mayor negotiating with the other parties to Mt Accord and the other one is the Town Council negotiating with the Mayor. Harris is talking more about the latter but a strong position by the town council in fact helps the Mayor in the former because he can demand more from the other parties to Mt Accord to satisfy the demands of the town council.

Cliff feels that it is the nature of the Mayor to consult with the Town Council. Harris agrees that the Mayor does consult with the Town Council on matters like this but he is also concerned about the obligation he feels the town council has to the voters.

Cliff did not feel that voting for this agreement meant that we were agreeing to anything substantive. Harris felt that by approving this we were agreeing to whatever came out of Phase I and the Town does not know what that is today.

Elise wants the Town to be looked on as a respected party in this process and not as a party that is holding out; she would vote to approve this agreement.

The Mayor made a motion to approve the Mountain Accord Phase II – Program and Funding Agreement. There was a second by Cliff Curry. The Mayor called for a vote on the motion. Mayor Pollard and Council members Paul Moxley, Cliff Curry and Elise Morgan voted in favor of the motion. Harris Sondak voted against the motion. The motion was carried.

5. Motion to adjourn – 1:58:32

There was a motion by Elise Morgan to adjourn the special Town Council meeting. There was a second by Cliff Curry and the motion as carried.

Passed and approved this 14th day of May, 2015.

S/Katherine S.W. Black
Town Clerk