

MIINUTES
ALTA TOWN COUNCIL MEETING &
WORK SESSION
JULY 9, 2015
9:00 AM
ALTA COMMUNITY CENTER
ALTA, UTAH

1. The Mayor called the meeting to order at 9:00 am. Mayor Tom Pollard and Council members Harris Sondak, Elise Morgan and Paul Moxley were present. Cliff Curry participated by phone.
2. Work Session : Mountain Accord Discussion and presentation by Utah State Property Rights Ombudsman Brent Bateman

Mayor Pollard opened the Council Work session and introduced Mr. Bateman. Mr. Bateman indicated that he regularly visits local governments to help decision makers understand Utah state laws and regulations regarding land use, development, and property rights. Mr. Bateman confessed he was not entirely familiar with the land use implications of Mountain Accord but understood enough to sympathize with the council's cautious approach to decision-making in the context of Mountain Accord.

Paul Moxley asked Mr. Bateman what kind of influence a municipality can have on a land transaction taking place between a private company and the federal government. Mr. Bateman opined it was likely the Town of Alta's (TOA) influence on such a transaction would be political rather than legal. Mr. Bateman acknowledged that the TOA could rezone United States Forest Service (USFS) property, although the federal government is not bound by municipal zoning. Mr. Bateman and several council members discussed the effect of rezoning federally-owned land proposed for exchange on the value of that land before or after an exchange to private ownership, and Mr. Bateman opined that it is unclear whether municipal zoning would have an effect on the valuation process.

Harris Sondak asked Mr. Bateman whether a municipality can require that land be set aside for public purposes. Mr. Bateman stated that municipalities can require public improvements to assuage the impacts of private development, and observed that impact exactions must be proportional to the impacts created by individual projects. Harris asked how such impacts are assessed, and Mr. Bateman indicated that the standard for such assessments is difficult to summarize, but that it is essentially a comparison between the impacts a development would have on a community and the monetary cost of whatever impact mitigation is requested.

Harris asked Mr. Bateman whether developers frequently sue municipalities over impact fees and exactions. Mr. Bateman opined that developers often prefer to finish projects efficiently, rather than entering lengthy litigation proceedings. Paul Moxley described that some Town of Alta private properties that are currently surrounded by public land essentially have a prescriptive easement for access to the properties, and that some properties could be "landlocked" by private land which could restrict historic access. Paul asked Mr. Bateman how a municipality could address such issues, and Mr. Bateman stated that a municipality cannot dictate how various property owners within a municipality settle private disputes between themselves.

Paul asked Mr. Bateman how the TOA could exert the most political influence on the land exchange process through its powers to zone property, given the TOA has no legal rights to influence the proposed

land exchange. Mr. Bateman recommended that the TOA not rush to rezone property, because once a decision to rezone has been made, the TOA is bound to approve applications which are in compliance with zoning ordinances. Mr. Bateman recommended the Town consider the possible political influence it can achieve through its own planning, while acknowledging that planning is not a legal act. Harris, Mr. Bateman, and TOA counsel Liz Schulte discussed recent Utah legislation HB 351 establishing a "Mountain Planning District," and Mr. Bateman opined that he would be unlikely to be involved in a dispute regarding the effects of that legislation on municipal zoning authority.

Elise Morgan asked Mr. Bateman whether, given that the Mountain Accord agreement implies that Alta Ski Area may seek to build a hotel on land acquired through the proposed land exchange, the Town of Alta would be exposed to a takings claim if it eventually elects not to rezone base area land for hotel development. Mr. Bateman confirmed that the Alta Town Council is not bound to make land use decisions by the Mountain Accord agreement.

Mr. Bateman encouraged the town council to remember that it's central function is to make local laws and regulations, and that its powers to do so are very broad. Mayor Pollard thanked Mr. Bateman for his time and for his expertise.

Mayor Pollard addressed the most recent version of the Mountain Accord agreement (the "Accord"), which had been made available only hours prior to the council work session. Mayor Pollard observed that the document is constantly being edited by all the future signatories to the Accord, and opined that the sections which pertain most directly to the Town of Alta represent the TOA's best efforts to protect its own interests.

Chris Cawley, TOA staff, described that the document shared with the Town Council was not broadly circulated and that the document is likely to be significantly reformatted. Harris Sondak described several comments on the document, including concerns with language inaccurately implying that National Monument status is designated only by US Congress and not by the President, and language implying that a solution to transportation issues in Little Cottonwood Canyon would be dependent upon a tunnel connection to Big Cottonwood Canyon. Liz Schulte clarified that the language regarding a tunnel to which Harris was referring reflects Alta Ski Area's conditions for participation in the Mountain Accord land exchange program. Harris and Elise Morgan discussed language reflecting the TOA's desire that land exchanged to Alta Ski Area to be used for public purposes be deeded to public bodies responsible for those purposes.

Paul Moxley, Harris Sondak, and Elise Morgan debated the extent to which Mayor Pollard represents the entire Town Council and the Alta community in signing the Accord. Liz Schulte opined that it would be preferable for Mayor Pollard to sign the Accord following a gesture of support from the Town Council.

Harris Sondak opined that language regarding a potential chairlift to Flagstaff Peak may not be broad enough to preclude lifts to other areas near Flagstaff Peak.

Harris Sondak indicated that he would not feel comfortable indicating support for the Mayor's signature on the document until relevant attachments are available for review, or until the final draft is available for review. The Town Council discussed holding an additional work session for the purpose of discussing the final draft of the Accord on Monday, July 13th, at 9 AM.

Cliff Curry opined that the Town of Alta must remain dedicated to Mountain Accord and to the process itself, but that the Town should not feel bound to any particular outcome of Mountain Accord or to the contents of the current agreement. Cliff thanked Brent Bateman for his presentation, and opined that the Town's political influence is greater now than it will be once the Accord is signed. Mayor Pollard asked that council members express their most substantial issues with the Accord to him as soon as possible. Harris asked Mayor Pollard whether governing bodies in Salt Lake City and Salt Lake County will be considering a vote or another formal gesture of support for their respective mayors' signature of the Accord, and Mayor Pollard opined that it was unlikely that those bodies would be considering a statement of support such as that which the Alta Town Council may provide.

Mayor Pollard reiterated the sentiment that the Town of Alta will retain the most influence over all the various elements of Mountain Accord if the Town remains an active participant in the process.

Mayor Pollard closed the Town Council Work Session.

ALTA TOWN COUNCIL—REGULAR MEETING

3. Mayor's Report

Mayor Pollard confirmed that Mountain Accord remains his foremost commitment. Mayor Pollard reported that the Alta Planning Commission discussed the Accord at their July 6th meeting and that the planning commission recommended the Town of Alta agree to "carefully consider" the various proposals addressed in the Accord. Mayor Pollard reported that the commission recommended the town consider elements of the Accord proposal to be opportunities to achieve long-term community goals such as planning for a Town Center. Mayor Pollard reported on recent Unified Fire Authority and Valley Emergency Communications Center meetings. Mayor Pollard reported that TOA's annual dust control measures on the Albion Basin Summer Road preceded opening of the road as scheduled. Mayor Pollard reported that several entities in Alta have been connecting to the fiber optic communication system installed in Little Cottonwood Canyon last summer, and that inquiries about connecting to the system should be directed to Syringa Networks employee Mary Wendt, 801-462-0883. Mayor Pollard reflected that Salt Lake County Mayor Ben McAdams would like to address the Alta Town Council regarding the future of county-distributed Community Development Block Grant (CDBG) funds, which have been used by the Town of Alta for purchase of Alta Community Enrichment (A.C.E.) equipment, funding construction of the town park, and other items of significant utility to the Alta community.

4. Treasurer's Report

Marcus Dippo read the monthly treasurer's report, which is attached to these minutes.

5. Departmental Reports

Chris Cawley reported that summer 2015 volunteer stewardship events organized by local non-profit groups have been taking place as scheduled and have become significant attractions for summer visitation. Chris reminded the town council that the Alta community owes the organizations responsible for these events a debt of gratitude not only for the stewardship performed throughout these events, but for bringing people to Alta in the summertime on a consistent basis.

6. Town Council Meeting and Work Session Minutes—June 5th, 2015

There was a motion by Elise Morgan to approve the minutes of the June 5th, 2015 Town Council meeting and work session with corrections. There was a second by Harris Sondak and the motion was carried.

Chris Cawley asserted that staff had received comments on, and made edits to the June 29th Town Council Work Session minutes, rather than to the June 5th Town Council Meeting and Work Session Minutes. This was an erroneous statement; final minutes of the June 5th meeting reflect edits pursuant to comments by Town Council members on a draft of the June 5th minutes.

7. Town Council Work Session Minutes, June 29th, 2015

There was a motion by Harris Sondak to approve the minutes of the June 29th, 2015 Town Council Town Council Work Session. There was a second by Elise Morgan and the motion was carried.

8. Discussion with possible action regarding the Town of Alta's continued participation in the Mountain Accord process

The Town Council agreed to meet at 9:00 AM on Monday, July 13th for a work session. Staff agreed to circulate any future drafts of the Accord agreement with attachments as soon as those drafts were available.

9. Closed Door Meeting Pursuant to Utah Code 52-4-205

No closed door meeting was held.

10. New Business

There was nothing discussed as new business.

11. Citizen Input

Connie Marshal, Alta Ski Area, addressed the council on behalf of Alpine Event Planning, a new business venture co-funded by Alta Ski Area and Alta Chalets which seeks to promote non-ski season events and other commercial opportunities for Alta businesses. Alpine Event Planning staff is producing promotional material which will be used by Visit Salt Lake event sales people to promote event planning opportunities in Alta to a broader regional and national audience. Harris Sondak asked Connie about a major event several Alta businesses attempted to co-host, and Connie indicated that while the event was not confirmed for Alta this summer, it would potentially be scheduled for next summer.

Mimi Levitt addressed the council on behalf of Friends of Alta, reminding the council of several public surveys which indicate the general public's desire to protect the watershed values of the Wasatch Mountains, including the natural setting of the Town of Alta. Mimi opined that Alta's undeveloped, end-of-canyon experience gives it unique appeal, which is its foremost attraction as a recreation and commercial destination. Mimi recommended that the Town of Alta remain a participant in Mountain Accord, and asked council members to share their perspectives on issues such as various transit modes

and alignments, and the proposed tunnel connection to Big Cottonwood Canyon. Mimi opined that roadway enhancement and establishment of a bus-based transit system will be less environmentally and socially detrimental than a train.

Mark Haik addressed the council and indicated that a recent Alta Planning Commission meeting was not adequately noticed. Mark opined that the planning commission should establish a formal schedule of regular meetings and publish that schedule, similar to the convention used to establish and publish the Alta Town Council meeting schedule. Mark opined that the materials discussed by the council at the morning work session should have been provided to the public. Mark recommended that the Town of Alta research the legal status of all the various lands proposed for exchange through Mountain Accord and indicated he has copies of documents pertaining to those lands.

Maura Olivos, Alta Environmental Center, recommended that members of the town council take an active role in Mountain Accord and engage community members on the subject of Mountain Accord. Maura reported that the Mountain Accord Environmental System Group plans to remain organized despite the conclusion of the formal system group process. Maura recommended council members and audience members attend an upcoming volunteer invasive weed removal event and generally seek to become more informed about local environmental events such as the spread of invasive weeds. Maura reported on purchase of trail and trailhead signage pursuant to a State of Utah Recreation Trails (RTP) program grant awarded to the Town of Alta, and asked the Town of Alta to provide input on the information provided on some of this signage.

Mark Haik added that the chair of the Alta Planning Commission had been appointed to the Mountain Accord executive board, and urged the chair of the Alta Planning Commission to disclose potential conflicts of interest between various volunteer and professional commitments.

Mayor Pollard indicated that the next regular Alta Town Council meeting will take place on August 13th.

12. Motion to Adjourn

Hearing no further business before the Town Council, there was a motion by Paul Moxley to adjourn the Town Council meeting. There was a second by Elise Morgan and the motion was carried.

Passed and approved this 13th day of July, 2015.

Katherine S.W. Black / S
Town Clerk

DRAFT