



PHOTOS BY FRANCISCO KJOLSETH | The Salt Lake Tribune

Installation of ski lifts at Wasatch Peaks Resort during the winter of 2021-22 proved problematic — and dangerous — for Highlander Ski Lifts, but a legal dispute has been resolved.

Falling ski lifts from helicopters among hazards faced on resort job

WPR dispute

Continued from A1

former CEO Bob Wheaton, in an intimate meeting. After no more than an hour, Johnston told The Tribune, the two parties came to an understanding. They agreed to jointly ask Judge Noel Hyde to dismiss the case. Then they exchanged payment for services rendered and, unexpectedly, an embrace.

"We hugged it out," Johnston said. "I'm not a huggy kind of guy, but it was like we were best friends. It went really well. He actually offered me more money than what I wanted. He came in high and I came in low."

Johnston declined to name the Wasatch Peaks owner with whom he met. Wasatch Peaks has closely guarded the names of the investors in the 12,700-acre property near Morgan since its sale in 2019.

"It took a minute to get to that stage, which was unfortunate," Johnston said of the agreement. "But that's the way it goes."

TROUBLE FROM THE START

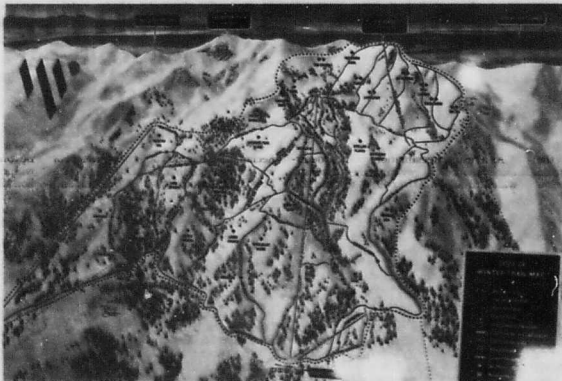
Even before buildings, Wasatch Peaks Ranch wanted ski lifts.

In early 2021, the resort wasn't much to look at — excluding the grandeur of the steep and rugged mountains around it. Few roads had been built and no permanent buildings had been constructed. In fact, Wasatch Peaks Ranch was embroiled in another lawsuit in which five Morgan County citizens were challenging the "special resort district" zoning laws upon which the entire 750-home development hinged.

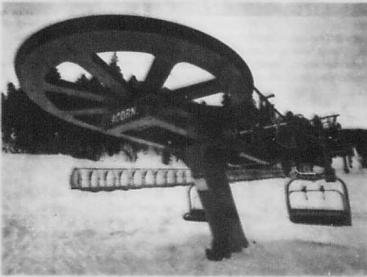
Still, having sold itself to investors as a private ski resort, it pushed ahead with that plan. In April 2021, it contracted with Highlander Ski Lifts at the recommendation of Wheaton, who had worked with the lift installer when he presided over Deer Valley Resort.

For roughly \$3 million, according to court documents, Highlander agreed to install a pair of detachable bubble quad lifts with heated seats, referred to as Lift 1 and Lift 3. Installation included building foundations for and placing the top and bottom terminals as well as the towers, running the cables and other tasks. Both sides agreed the project needed to be completed by December 2021. That deadline would ensure Wasatch Peaks Ranch could offer skiing and snowboarding during the 2021-22 season. Plus, Highlander would avoid trying to erect a lift on a 10,000-foot mountain peak during the harshest winter months.

Before work even began, though, problems arose. "It was a really big job," Johnston said. "There were a lot of



Above ▶ A winter trail map of Wasatch Peaks Resort shows the terrain that the ski-lift contractor encountered. Below ▶ The Acon lift is shown in December. After the difficult installation of lifts in winter 2021-22, the resort became a lift-served ski area in February 2022.



conditions issues, a lot of access issues, a lot to do in such a short period of time. Then the weather kicked in really early and really heavy and difficult. It was tough."

According to court documents, Highlander had planned to work from the top down in order to avoid high-elevation work as the weather turned colder. But snow lingered on the mountain peaks through late spring, blocking access to the top of the lifts. So, the lift installer resorted to a bottom-up approach.

Yet even accessing the base of the ski area proved difficult, according to Highlander's complaint. Unable to drive pickups over the rough-hewn roads and washouts, the installer said it had to pull trailers loaded with material up the mountain with bulldozers. Later, it turned to Blackhawk and Chinook helicopters to move equipment. One time, a landslide kept the company from reaching

its work area, and for much of the project the staging area was "a muddy bog," the complaint states. Other contractors also got in the way, according to the complaint.

And, Highlander notes, some workers had to be pulled away to install an Avalauncher avalanche mitigation device, a side project commissioned by Wasatch Peaks Ranch.

Those were minor inconveniences, though, compared to the challenges Highlander said it faced once the actual installation started. In its complaint, it said Wasatch Peaks Ranch and Leitner Poma of America, which constructed the lifts, didn't pick the line for Lift 3 until August 2021. When they did, it was a doozy.

"Highlander considers the Lift 3 line to be the most difficult lift line in North America," its complaint states.

Workers had to excavate nearly a dozen tower foundations by hand using shovels, Highlander said,

because they were plotted on steep rock faces. At least one tower had to be redone because of "geotechnical conditions." And when work on the lift started, no road to the top of the lift existed, Highlander complained, which meant its workers had to hike to the towers.

"All survey equipment, food, water and excavation gear had to be hiked uphill," Highlander stated in court documents, "including carrying fuel to the specialized excavator machine in fuel cans until there was road access to the top of Lift 3."

All along, the project was in a race against the elements. Then, 2021 produced one of the snowiest Octobers in decades. November warmed some, but when Leitner Poma didn't deliver some parts for Lift 3 until Nov. 30, with the worst of winter ahead, court documents say Highlander asked to pause the project.

Wasatch Peaks said that wasn't an option. Promises had been made.

FINISH AT ALL COSTS

So Highlander pressed on. Its workers melted ice from parts with propane torches but, according to court documents, "not all the ice could be removed from the towers and crossarms, so dangerous falling ice was an issue." They welded spikes onto a tracked crane so it could climb the slick mountainside. They spent hours clearing snow off towers and equipment.

"As a result of WPR's directive to complete the Project in the winter months of 2022," Highlander's complaint states, "Highlander had to complete the installation of Lifts 1 and 3 in extremely hostile and even unsafe weather and snowfall

conditions, which was very costly to Highlander.

"Highlander ended up losing several of its skilled and long-term workers, who were not willing to perform dangerous installation work high on a mountain in the middle of winter and who were not comfortable with staying with Project. Highlander had to perform repeated extensive snow removal work to perform its work in the winter. Tasks would take up to 10 times longer to complete in the winter conditions."

Wasatch Peaks, on the other hand, said in its counterclaim that Highlander arrived at the project unprepared. The installer was consistently short-staffed, the resort's representatives argued in court documents, and knew it would have to work around other contractors.

What's more, the resort's lawyers said the line for Lift 3 had been chosen and Highlander employees had walked it before the contract was signed. They allege it was Highlander's efforts to change the route that led to many of the delays.

"While Highlander wanted to change the layout and spend an unreasonable amount of time trying to rework the location and layout for Lift 3," the counterclaim states, "WPR affirmatively states that the location and layout for Lift 3 never changed from the original plans Highlander agreed to construct."

Wasatch Peaks Ranch finally became a lift-served ski resort in February 2022, when Lift 1 was completed. However, Lift 3 was not fully installed until March 28, 2022.

Wasatch Peaks Ranch did not respond to an email requesting comment on the settlement. In January, it also denied a request for comment on the abrupt settlement of its legal battle with six Morgan County citizens over zoning laws.

The first hearing in the case against Highlander was scheduled for this November. Until it wasn't. Johnston said that despite all the animosity, he knew the courtroom could be avoided if he could speak to Wasatch Peaks Ranch's top decision-makers.

"I finally got to talk to the right guy," Johnston said, "and it went really well."

Wasatch Peaks Ranch now has five lifts. The other three were installed by Leitner-Poma, which stepped up to provide personnel when some of Highlander's staff walked off the job. Johnston said his company will be tied up for the next several years with installing some of the 37 lifts Deer Valley Resort plans to place in its newly expanded terrain. However, he said he'd pick up the phone if Wasatch Peaks came calling again.

"I definitely would work for them again," he said. "I just made other commitments."