

## MINUTES

### ALTA TOWN COUNCIL MEETING

THURSDAY, JULY 12, 2018

ALTA COMMUNITY CENTER

ALTA, UTAH

**1. Call the meeting to order.**

The mayor called the meeting to order at 10:03. Members of the council present were Harris Sondak, Margaret Bourke, Cliff Curry, Elise Morgan & Sheridan Davis.

**2. Citizen Input**

Hearing no requests to speak, the mayor moved on with the agenda

**3. Mayors report - 00:00:26**

Mayor Sondak reported on meetings that have taken place in the past 3 weeks, one of which was the 6/26/18 work session where the council agreed to try to act on some amendments to the animal control ordinance including the number of dog licenses, while not addressing a still sensitive issue of where dogs would be allowed and when. He reported on the progress of the Town's application to join Central Wasatch Committee Board, Council of Mayors meeting, 2020 census, SLCo approval of certified tax rate, dust control, and the June planning commission meeting, which included a dark sky presentation. He also reported on upcoming meetings by SLCo regarding the update to their Wasatch Canyons Master Plan.

The mayor invited Ms. Bourke to update the council on Dr. Haas' upcoming visit 7/24-7/29 to perform a capacity study in the town. Dr. Haas will be interviewing numerous stakeholders and observing the Albion Basin. Ms. Bourke reported that the expenses for the project will likely exceed the \$1000 budget by maybe \$300 and asked the council to consider approving that additional amount. Dr. Haas will supply a report and recommendations within 15 days. The mayor asked staff to put the motion for possible additional funds on the August meeting agenda to address. Lastly, the mayor announced that the next meeting would be on Tuesday, Aug 14 at 6:00 pm as mandated by the State to hold a Truth in Taxation public hearing.

**4. Discussion/possible action on appointment of John Guldner as Treasurer – 00:12:25**

The mayor explained why it was necessary to appoint a new treasurer. Ms. Davis moved to appoint Mr. Guldner, Ms. Morgan seconded. Ms. Bourke brought up the question of whether the allocated \$100 per month would be paid to Mr. Guldner. The mayor confirmed that amount would be added to his salary. Mayor Sondak called for a vote and the motion was carried.

**5. Swearing in of new Town Treasurer - 00:15:40**

## **6. Treasurer's Reports – 00:16:29**

John Guldner presented the June 21, 2018 corrected report and the July 6, 2018 report. Ms. Morgan moved to approve both reports. Ms. Bourke seconded. In discussion, Mr Guldner pointed out a typo on the June 21 report that showed an expense for worker compensation to the ULCT, which was corrected to ULGT. Another typo was pointed out & corrected on the July 6 report. Mr. Sondak raised a question of whether there was too much money in our general fund and if we needed to transfer some. Mr. Guldner said he thought that was already done and Piper Lever replied that she was not made aware of a problem. Mr. Sondak said he would check with Kate Black when she returned from vacation. A question was asked by Ms. Bourke regarding what she understood to be a low payment of \$6K to WRR for dust control. She understood the cost of the required amount of magnesium chloride to be an effective application was around \$9K. She would like to know if more money could be budgeted to achieve longer lasting protection from dust. It was reported by John Guldner that it might be possible to look at a second application, but not likely since it would be necessitate closing the road to traffic. Ms. Davis asked why ASL wasn't bearing the cost of road maintenance. Mr. Guldner explained that the \$6K came from Class C road funds distributed by the State and that is the amount the town budgets for the dust control; he said we will look into those numbers more closely next year. The mayor called for a vote and the motion to accept both reports was carried.

## **7. Departmental Reports - 00:26:45**

John Guldner began by updating the council on construction around town; the Snowpine project has gotten a variance from our building inspector to start work at 5:30am contingent with promises to work around lodge events, turn off the crane lights, silence the backup alarms on trucks, utilize 2 flaggers. The Snowpine sought to have 2 more weeks of this expanded schedule. The foreman did not specify a date that the hours would return to a 7:30 start time. Ms. Bourke asked that in exchange for the council's support, she would ask that they clean their areas daily and not work on Pioneer Day and Wildflower Festival Saturday. Ms. Davis asked that other construction sites also be cleaned up. John Guldner reported 11 building permits have been issued and 3 more are almost ready. He reported that the planning commission is making progress on zoning ordinances which will eventually come before the council and that they listened to a dark sky presentation at their June meeting. He believed a dark sky assessment might be a next step with the commission, but he didn't know when that might be.

**00:37:45** - Chris Cawley gave an update on SR210 paving progress; UDOT expects workers will be on the Bypass Road during the last week in July, and in the main part of town after that, up to the bottom of the summer road. Tour of Utah will cause the LCC road to be closed Aug 11 between 1:00-5:00pm. Central Wasatch Commission (CWC) had a meeting 7/9/18, which main purpose was to draft a resolution to introduce legislation to the Senate in August; they also discussed the need for more public input, hearings and comment. We expect that an interlocal

agreement will be on the town council agenda soon, which would be an official show of support for Alta to be part of the commission.

Piper announced that Kate Black became a proud grandmother this morning and that all is well with all involved in that event.

Jay Torgersen, UFA, introduced himself and pointed out fire restrictions, safety message with a reminder to slow down and practice patience, general survey coming soon from UFA information outreach bureau.

**00:54:00** – Marshal Morey reported on minor parking problems on the summer road and on a gas leak incident on SR210. He explained that although Alta has a blanket ban on fireworks in town by ordinance, several years ago the legislature passed a law requiring a government body to have a review and finding that there is a special hazard area or risk (such as an interface with the forest) to support that ban. He wants the TC to address this in some form next month. 800mhz radio system is up and running well, and the project is expected to be well under budget. State of Utah is moving the repeater from Cliff Lodge to Peruvian Ridge gun tower which will result in great coverage for Alta; there's a possibility that the Town might be asked to contribute \$1000-2000 at some point to install a back-up power source. We have money left in our capital projects fund to cover that expense.

**8. Alta Town Council Minutes - 01:00:20**

Ms. Bourke moved to approve both minutes of the June 21 town council meeting and the June 26 town council work session. Ms. Morgan seconded the motion. The mayor called for a vote and the motion was carried.

**9. Discussion/possible action on transitioning to electronic notifications – 01:01:03**

Marshal Morey described the necessity of a faster and more efficient method to notify residents and the public when the town goes into interlodge status. Alta Marshal's Office (AMO) has done a study & found electronic notifications are consistent with peer agencies and prior legal counsel has issued an opinion that the town has no increased liability. Current legal counsel agrees with that opinion. AMO is asking town council's permission to proceed with this notification system.

Ms. Morgan moved to approve the AMO transition to an electronic means of interlodge notification. Ms. Bourke seconded the motion. The mayor called for a vote and the motion was carried.

Marshal Morey also mentioned the need to amend our ordinance to require property owners and residents to provide Alta Central with an acceptable means of communication and to have the means to make themselves aware of current conditions that might include interlodge restrictions.

**10. Discussion/possible action on proposed ordinance 2018-0-1 amending certain provisions of the animal control ordinance -01:12:42**

Ms. Davis asked if we were getting ahead of ourselves since we are not in compliance with the USFS special order. Mayor Sondak answered that by not changing the locations section of our ordinance, we would not be changing our status with the FS special order. Ms. Morgan pointed out that by amending the numbers section of the ordinance, the council would solve the problem of currently being out of compliance with our own ordinance. And if the council could amend the numbers section of the ordinance, they would be able to pass a resolution to change the number of dogs to a compliant number. The matter of being out of compliance with the special order is a separate section of our ordinance which the council agreed not to address immediately at the last work session. Ms. Bourke questioned whether rewording Ms. Davis' concern was whether the council should address the ordinance before the matter of the special order is resolved. Ms. Pincus, town attorney, pointed out the separate issues and separate solutions. Ms. Davis again brought up the question of whether it was appropriate to discuss the amendments without having language to negotiate with the FS regarding their special order. Mayor Sondak reiterated that the council agreed at their last work session to address all sections of the current ordinance at this meeting, except the locations section leaving that section for later action, and that at this point the current temporary licenses deserve to be regularized. Mr. Curry suggested a change in our current ordinance 5-2-3(C)(1)(d) that he said would remove temporary licenses from the count of licenses.

Ms. Morgan moved to discuss, with possible action, to amend certain provisions of the animal control ordinance. Ms. Davis seconded the motion. Mayor Sondak identified the numbers problem as the most critical hindrance to complying with our ordinance. Mr. Curry suggested that by changing the lower-case d in section 5-2-3(C)(1)(d) to a capital D, the council would be removing the number of temporary licenses from the total count of licenses. He also suggested that by making a small change in 3-4 places in the ordinance, the council would take the burden off the mayor and put the decision with the council as to who would get a temporary license. With this change, the decision would be made in a public meeting in the light of day and out of behind closed doors. Ms. Bourke asked if Mr. Curry was suggesting that current temporary licenses expire and then go through this process or if current temporary licenses would be grandfathered. Mr. Curry answered that current temporary licenses would be grandfathered, and in the future, the council would make the decisions on both new temporary licenses and annual renewal of grandfathered temporary licenses. Mayor Sondak moved to amend the draft ordinance to eliminate 5-2-3(C)(1)c(2) and move "commuter" dogs into the G class. Ms. Morgan seconded the motion. Mr. Curry stated he does not support that change as commuter dog owners make a contribution to our community and the businesses that sponsor those licenses have good reason to support them, now and in the future. Ms. Davis suggested a way to combine the 2 proposals by bringing any class C licenses before the council and let them weigh in on how they feel about them. Ms. Morgan voiced her opinion that she doesn't want the council to take any current licenses away from people who have them, but she is ok with sunseting them. She continued to say that she struggles with the decision of telling a fulltime

resident that they cannot have a dog here because that license might be taken by a commuter dog. Ms. Bourke suggested that commuter dogs are more visible to the public than resident dogs because of when and where they arrive at work and that those commuters are currently free to bring their dogs to town even when they are not working; for this reason she is not in favor of commuter dogs. Ms. Davis voiced that the council should use utmost caution to avoid radically raising the number of licenses and that in her opinion 10 or 15% is an extreme increase. Mr. Curry opined that he admired the wisdom of previous mayors and the way they applied the ordinance as written, and the precedent that was set in the way they applied it. Ms. Bourke voiced her support of the new mayor and his attempt to clarify the grey interpretation of the current ordinance.

Mayor Sondak asked Ms. Bourke if she wanted to propose a change to the commuter dogs provision. Ms. Bourke said she was uncertain she supported grandfathering current commuter licenses, and suggested that perhaps owners of commuter dogs should only be allowed to bring their dogs to Alta while they are working. Mr. Curry raised a point of order that with all the motions and amendments to motions, that the council would be wise to have the motions in writing before them so they can be sure about what they are voting on. Mayor Sondak restated the motion that was on the table and Mr. Curry questioned whether that was actually the motion on the table. Piper stated that there was a motion for discussion and possible action to amend certain sections of the animal control ordinance and a second motion to amend section 5-2-3(C)(1)c(2).

**01:42:25-** Mayor Sondak withdrew his motion concerning moving class C(2) licenses and moved to amend Elise's motion to discuss and adopt the ordinance to just take action on the ordinance. Ms. Morgan seconded the amended motion. Ms. Bourke expressed displeasure in attempting to adopt the entire new ordinance and suggested acting on specific provisions, and not the entire 16 or 18 pages, stating it seemed clear that there was confusion among the council about what they were discussing. Mayor Sondak asked for further discussion on the amended motion on the table to take action on the ordinance. The mayor asked for a vote and the motion carried. Mayor Sondak made a motion to adopt the ordinance. The motion was previously seconded by Ms. Davis. Discussion was open on the motion. Ms. Morgan said she has no opinion on how many classes the council decides to establish but does not want to take any licenses away. She is fine with passing the ordinance as written. Her biggest concern is the next action of deciding the number of licenses by resolution. Ms. Morgan made a motion to amend the current ordinance to remove class C(2) and move them into class G with language that restricts the license privileges to the employee's working hours only. Ms. Bourke seconded. Mayor Sondak called for a vote and the vote was aye from Bourke, Sondak, Morgan and Davis. Nay from Curry. 4-1 the motion carried.

**01:55:00-** Mr. Curry moved to amend section 5-2-3C1d by deleting the word "mayor" and inserting the words "town council;" section 5-2-3C1e by deleting the words "mayor or his/her designee" and inserting the words "town council;" 5-2-3C1g3 by deleting the word "mayor" and

inserting the words “town council;” 5-2-3C1g3 by adding language “in the event of a tie vote, the license shall be renewed;” 5-2-3-L 1c by deleting the word “mayor” and insert the words “town council.” Ms. Morgan seconded the motion, and Mayor Sondak opened discussion on the motion. Mr. Curry explained that applicants for short term temporary licenses would have to plan ahead and submit the application far enough in advance to get on the agenda for the next council meeting. Ms. Pincus pointed out that the process would involve the council acting in the form of a resolution for each temp license at a public meeting. The mayor called for a vote. Curry, Sondak, Morgan and Davis voted aye. Bourke voted no. The motion carried 4-1.

**02:03:00** – Ms. Bourke raised the question of whether council members could contact legal counsel, as doing so would incur costs to the town. Mr. Curry and Mayor Sondak answered that as a matter of policy, council members should have mayoral permission to incur town expense in that manner. Ms. Bourke felt unprepared to adopt the whole ordinance as amended. She suggested a change to the classes A through G, eliminating all classes and instead identifying policy reasons for license holders, by language she had emailed to council members and staff, but not legal counsel. . She also moved to amend the revocation section 5-2-3M. Ms. Bourke read the proposed language (see appendix A).

02:09:30Ms. Davis seconded the motion. Mr. Curry responded that while the language contains all the elements of due process, he believes it is too complicated; and that due process has already been served by the licensee being convicted 3 times in court. He would like to see the current drafted language stay, but change the word “may” to “shall” to remove the discretion element of revocation. Mr. Morey weighed in as in favor of the administrative hearing language as best practices. More discussion took place. Mayor Sondak called for a vote. Bourke, Sondak and Davis voted aye. Curry voted no. Morgan had left the meeting. The motion carried 3-1.

**02:33:35**--Mayor Sondak moved to act on amended section 5-2-3 only, including Mr. Curry’s amendments. There was no mention in the motion of the other two amendments to this section, which were the moving of the Class C2 licenses into the G class and the revocation section M. There was no second to the motion.

**02:39:22**--Mayor Sondak called for a vote on the motion to adopt amended Ordinance 2018-O-1. Curry and Sondak voted aye. Bourke and Davis voted no. Morgan had left the meeting. The motion was not carried.

**11. Resolution 2018-R-12 - A Resolution setting the total number of Town of Alta dog licenses to be issue in 2018, approving the special identifier for each licensed dog, and setting license fees - 02:40:00**

Mayor Sondak announced that under advice from counsel, the town council cannot act on this resolution.

**12. New Business -02:40:05**

*(no discussion took place under this agenda item. However, it was requested that matters of new business discussed during the meeting be documented during this section of the meeting minutes)* Mayor Sondak wants to authorize expenses from the Town of Alta Capital Projects Fund that was left over from the \$50K allocated towards the radio purchase, towards the P Ridge power source.

Ms Bourke wants up to \$300 possible additional funds authorized towards Dr. Haas' capacity study reimbursement expenses. Ms Davis wants to discuss proposed language to present to FS as a means of negotiating a way to rectify the town being out of compliance of the special order. Mr Curry conveyed an invitation from the Sierra Club to attend a film at Snowbird on July 26 (noting it might be postponed until August). Sierra Club would like to make a presentation to the town council to ask them to commit over a period of time to move towards using 100% renewable energy. Mr Curry also brought up a citizen comment that the summer speed bumps were missed and would like to have the subject on next month's agenda with a resolution of support.

### **13. Motion to Adjourn - 02:47:00**

Ms. Bourke moved to adjourn. Mayor Sondak seconded. Mayor called for a vote and the motion was carried.

Passed and approved this 14th day of August, 2018.

s/Piper Lever, Assistant Town Clerk

## **APPENDIX A**

### **M. Revocation of dog licensing:**

**(a) The Department may initiate an administrative action to seek a revocation or restriction of a dog license when it has reason to believe three convictions for violations of this chapter have occurred or that the presence of a dangerous vicious dog as defined by this chapter has created a threat to public safety.**

**(b) "Parties" to a hearing include owner(s) and the Department.**

**(c) Commencement of an administrative action pursuant to this section shall occur when the Department issues a Notice of Hearing to Revoke or restrict a Dog License or Licenses by first class mail to an owner, which contains at least ten (10) days' advance notice of the date, time and place of a hearing before a Hearing Officer. A notice shall be sent to the address of the owner as stated in the most recent license application. Failure of an owner to receive a properly addressed notice shall not invalidate the outcome of an administrative action. A notice may pertain to more than one dog of an owner.**

- (d) The Department may request any complainants and/or witnesses to attend a hearing.
- (e) A Notice of Hearing to Revoke or restrict a Dog License or Licenses shall contain the following additional information:
- (1) The name(s) and license number(s) of the dog(s) that is/are subject to the administrative action.
  - (2) The reason(s) or ground(s) for why the Department has commenced an administrative action.
  - (3) Notice that the parties as well as any complainants and/or witnesses shall be given an opportunity to present evidence, and to call and/or cross-examine witnesses.
  - (4) Notice that the parties may obtain one postponement of the initially scheduled hearing if the Town Clerk's office receives a dated/signed written request for a postponement at least two (2) business days prior thereto. In that event, the Department shall issue a Notice of Continuance by first class mail to an owner, which contains at least ten (10) days' advance notice of the date, time and place of a hearing before a Hearing Officer.
  - (5) Notice that the Hearing Officer may continue the hearing from time to time at the discretion of the Hearing Officer.
  - (6) Notice that the hearing will not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence will be admissible, regardless of the existence of any law or statute that might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be alone sufficient to support a finding unless it would be admissible over objection in civil court actions.
  - (7) Notice that the burden is on the Department to show by a preponderance of the evidence that cause exists to revoke or restrict the license of any of the dogs subject to the administrative action.
  - (8) Notice that failure of an owner to attend a hearing shall not preclude the Hearing Officer from proceeding with the hearing, receiving evidence, and issuing a Notice of Decision.
- (f) The Hearing Officer shall, within fifteen (15) calendar days of the conclusion of any hearing, issue a Notice of Decision by first class mail to the owner(s) and the Department that includes the following:
- (1) A summary of the evidence, including oral testimony.



**(2) Findings of fact with regard to each instance of cause, or the absence of cause, to revoke or restrict a dog license due to a violation of the chapter.**

**(3) A statement that the license has been revoked or restricted, effective immediately, provided the Hearing Officer has determined causes exists for the revocation or restriction. The Hearing Officer may extend the revocation or restriction to all licenses of any owner if the Department's Notice of Hearing to revoke or restrict named other licensed dogs. Restrictions may include placing the license on probation, restricting where, when, and how a dog may be handled or restrained away from the owner's property, and may be set for a temporary or permanent time frame by the hearing official.**

**(4) A statement that the Hearing Officer's decision is final and not appealable, but that judicial review of the Hearing Officer's decision is subject to the provisions and time limits set forth in the Utah Code of Civil Procedure. (cite reference?)**

**(g) An owner shall surrender the revoked dog license and dog tag to the Department within five (5) days from the issuance date of a Notice of Decision.**

**(h) Unless otherwise set forth in a Notice of Determination, an owner whose license has been revoked shall complete one of the following options within ten (10) days from the date of mailing of the Notice of Decision:**

**Option 1: Relocate the dog(s) to another jurisdiction and provide proof in acceptable form to the Department that, for each dog, states the name of the new owner, the address where the dog now resides, and that the new jurisdiction has issued a dog license for the dog.**

**Option 2: Relocate the dog(s) to another person or persons in the Town, provided the new owner has obtained prior written approval from the Department for the dog as well as a new dog license and tag from the licensing authority. The Department shall not issue its approval if it has cause to conclude the former owner retains any interest in or responsibility for the dog(s), which determination is not appealable and shall be provided to the owner in writing. In such instances, owners shall proceed under Option Nos. 1 or 3.**

**Option 3: Surrender the dog(s) to the shelter for disposition.**

**(i) An owner whose license has been revoked pursuant to this section shall not be entitled to obtain a dog license for the same dog from the licensing authority for a period of twenty-four (24) months from the date of revocation.**

**(j) The hearing official shall be the Town Marshal or other person(s) designated by the Town Council in the event the Marshall has a conflict due to being the citation issuing official.**

**(k) The Justice Court shall have authority to restrict or revoke dog licenses for violations of this chapter.**