

**MINUTES
ALTA TOWN COUNCIL MEETING
TUESDAY, AUGUST 14, 2018
6:00 PM
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. The Mayor called the meeting to order at 6:00 pm. All members of the Town Council were present

Others present at the meeting were: John Guldner, Chris Cawley, Kate Black, Mike Morey, Nora Pincus, Jay Torgerson, Karen Travis, Roger Bourke. Mimi Levitt, Mark Haik, Alan Orr, Dan Foxman, Ellza O'Reilly, and Chris McCandless.

2. PUBLIC HEARING: To receive comments and questions on the proposed Certified Tax Rate and General Fund Budget for the Town of Alta for fiscal year 2018-2019.

The Mayor called the public hearing to order and welcomed anyone to the podium who had comments or questions on the proposed budget and CTR for fiscal year 2018-2019.

There were no comments from the public at this hearing.

Kate Black announced that she received a comment on the proposed budget and CTR from Nancy Searle, a homeowner in the Town of Alta. Ms. Black read the comment into the record (written comment is attached to the minutes)

The Mayor closed the public hearing.

The Mayor recommended moving citizen input up on the agenda, as Mr. McCandless had not yet arrived at the meeting.

The Mayor also noted that Jay Torgersen, the town's UFA representative will be late, as he has been visiting with the family of Matt Burchett, a fire fighter who lost his life fighting a wildfire in California.

3. Citizen Input – 00:04:47

The Mayor welcomed people to the podium and asked that they keep their remarks to three minutes and enjoined people to speak to new issues and to speak respectfully.

Roger Bourke thanked UDOT for their marvelous job on the paving project in the canyon and recommended the town write a letter to UDOT on their efforts. Mr. Bourke also commented on how the summer road had deteriorated and asked for suggestions on how to remedy this in future years.

4. Mayor's Report – 00:08:08

The Mayor addressed the following matters:

- The effect on his property taxes if the increase in the CTR is approved.
- The Wildflower Festival

- Dr. Glen Haas has delivered his report to the Town of Alta. Dr. Haas's fees were less than anticipated so the item on the agenda addressing a request for an additional appropriation for this project will not be necessary. The Mayor thanked Ms. Bourke for her work on this project. Ms. Bourke reported that Dr. Haas made 5-8 recommendations in his report and recommended that a community wide meeting be held to address the proposed recommendations coming from the report.
- Alan Orr reported that the summer program is going well and has helped to handle public safety issues in and around the summer road. Mr. Orr also reported on their efforts with the USFS to get additional parking in and around the bottom of the old Supreme lift. That effort was unsuccessful.
- Final approval has been obtained from all the legislative bodies on the Town of Alta becoming a member of the CWC.
- A report on the CWC
- The Alta Planning Commission's next meeting will be held on August 28th – there was no meeting in July.
- Update on the 800 MHz radio project and the addition of a P-Ridge component.
- The Mountain Accord lawsuit.
- The Town's formal request to UDOT to have the speed bumps in place for next summer.
- The downhill running race being held on Saturday, August 18th which will close the road.
- Matt McGee will be leaving his position as the lead forecaster in the canyon due to taking a position in Alaska.

The Town of Alta is required by law to appoint a Town Clerk. With the retirement of Kate Black at the end of September, the Mayor is recommending to the Town Council that Piper Lever be appointed as the Town Clerk. The Mayor will be asking the Town Council in September to confirm the appointment of Piper Lever as the Town Clerk. At that time, Kate Black will step down as Town Clerk and remain on the payroll until her departure at the end of September.

5. Treasurer's Report – 00:20:23

John Guldner reviewed the treasurer's report, a copy of which is attached to the minutes.

Hearing no questions, there was a motion by Sheridan Davis to accept the treasurer's report. There was a second by Elise Morgan and the motion carried.

6. Departmental Reports – 00:23:30

UFA Report: Jay Torgersen reported on the death of Matt Burchett, a 20-year veteran of the fire department. Matt died while fighting a wildland fire in California.

Jay reviewed the effort to create a community wide wildland fire program in the Town of Alta. Jay also reported on a small fire at White Pine and the current fire restrictions in the canyon.

7. Update on the Central Wasatch Commission(CWC) – Chris McCandless, Chair of CWC – 00:29:36

Mr. McCandless is a current member of the Sandy City Council and chair of the CWC. Mr. McCandless provided a brief overview of the mission and goal of the CWC. Mr. McCandless reviewed the boundaries

of the area being address by the commission which includes the Town of Alta – that area is described in the ILA and Alta will be addressed in the proposed legislation. Mr. McCandless referred to the proposed federal legislation directing the public to the CWC website where the text can be seen.

Mr. McCandless stated that transportation, protection of the watershed, and the water in the canyons are big issues and areas of concern for the CWC.

Mr. McCandless reviewed the CWC website and the resources available on that site – CWC staff is trying to update the website in a timely manner including all the public comments and CWC’s responses to those comments.

Mr. McCandless then reviewed the powers and the limitations of the CWC. The CWC is mandated to follow laws pertaining to open and public meetings. The CWC’s mandate is to implement the Mountain Accord.

8. Update on Commercial Core Implementation Project – traffic calming and crosswalk projects – Chris Cawley and Jake Brown, UDOT Foreman – 00:53:25

Jake Brown, UDOT foreman in Little Cottonwood Canyon, and Chris Cawley updated the council on the status and the details of both the traffic calming project, the proposed crosswalk near the Alta Lodge and other safety features on the road that are being considered. An exhibit on the screen was referred to in this presentation.

Mr. Curry expressed his concerns about the proposed location of the crosswalk due to the loss of parking spaces. Further discussion took place on the pros and cons of moving the cross-walk. The Mayor asked Mr. Curry to work with Mr. Brown and Mr. Cawley on this matter.

There was discussion on lowering the speed through the Town of Alta – a speed study would be required. Also discussed were installing rumble strips and speed bumps at various locations in the town.

9. Resolution 2018-R-14 – A resolution approving the Central Wasatch Commission (CWC) Interlocal Agreement and appointing a representative from the Town of Alta to the CWC 01:19:04

The Mayor called for a motion on this matter.

Elise Morgan made a motion to approve Resolution 2018-R-14 and Sheridan Davis seconded the motion. The Mayor opened the floor to discussion on this matter.

The Mayor mentioned that there were two parts to this resolution. The first part authorizes the ILA and the second appoints the Mayor to represent the Town of Alta on the CWC.

Ms. Morgan was concerned there be a representative from the council who can attend a CWC meeting if the Mayor is unable to attend. Mr. McCandless stated that any member of the council may attend the CWC meetings, but he had not come across a request for a council member to sit on the commission as an official voting representative in the Mayor’s absence.

Also, there is citizen input on the agenda of every CWC meeting and the Mayor is confident that, in this case, a town council member would be given an opportunity to speak to any issue before the commission.

Ms. Bourke asked about the language mentioned in the ILA about “in kind” funding by the UTA in the CWC budget and also asked about the mention of the extended bus service in the canyon. To that point, Mr., McCandless has recommended that the CWC have a retreat to answer questions such as this along with other matters of concern.

The Mayor clarified that the Town of Alta financial obligation of \$30,000 mentioned in this document represents two years’ worth of payments – the annual obligation is \$15,000.

Hearing no further discussion on this matter, the Mayor called for a vote on the motion and it was carried by a unanimous vote of the Town Council.

10. Departmental Reports – 01:29:08

It was agreed by staff that no Town Administrator, Assistant Town Administrator and Marshal’s reports would be given at this meeting.

11. Town Council minutes – July 12, 2018 – 01:29:51

There was a motion by Margaret Bourke to approve the minutes of the July 12, 2018 with edits. There was a second by Sheridan Davis. Hearing no discussion on this matter a vote was called on the motion and the motion was carried.

12. Resolution 2018-R-13 – A resolution adopting the final General Fund Budget and Certified Tax Rate for the Town of Alta for fiscal year 2018-2019 – 01:30:32

The Mayor called for a motion on this matter.

Sheridan Davis made a motion to approve Resolution 2018-R-13 that adopts the final General Fund Budget and Certified Tax Rate for the Town of Alta for fiscal year 2018-2019. There was a second by Elise Morgan.

The Mayor opened the floor to discussion.

It was clarified that “Exhibit A” was in fact the fiscal budgets for the Town of Alta.

Kate Black stated the budget before the council at this meeting had not changed from the budget that was passed by the Town Council at the June 2018 meeting. Ms. Black confirmed that the Town of Alta had met all statutory requirements related to the public notification of the public hearing – it appeared in the Salt Lake Tribune and Deseret News and on all relevant websites. The certified tax rate, if approved by the Town Council in this meeting, would be .001231 and will generate \$364,903 in property tax revenue.

Mr. Curry opined that the current law forces municipalities to “keep peddling” to keep up with inflation. Accordingly, Mr. Curry recommended setting .001231 as the target rate in the future.

Hearing no further discussion on this matter, the Mayor called for a vote on the motion and it passed by a unanimous vote of the Town Council.

13. Ordinance 2018-O-2 – An ordinance amending a certain provision of the Interlodge Travel Ordinance related to electronic notifications – 01:36:25

There was a motion by Cliff Curry to adopt Ordinance 2018-O-2, an ordinance amending a certain provision of the Interlodge Travel Ordinance related to electronic notifications. There was a second by Margaret Bourke. The Mayor opened the floor to discussion on this matter.

Marshal Mike Morey spoke to this matter and reminded the council of the presentation by staff at the July 2018 meeting – he reviewed the impetus behind this recommendation.

Ms. Bourke wanted to confirm that it is the responsibility of the owner to also check that interlodge travel restriction has been lifted and asked if there was a different mechanism in place to learn this information. Mr. Morey confirmed that if the owner is registered with Alta Central they will be sent the notification that the interlodge restriction has been lifted.

Mr. Morey also confirmed that the owner has the burden to also post notice that Interlodge travel is restricted. If an owner wishes to obtain that language, owners are requested to contact the Marshal's department. In the ordinance it specifies that the responsibility lies with "any owner, operator or manager" to post the approved sign as well as be informed of interlodge travel restrictions.

Hearing no further comments on this matter, the Mayor call for a roll call vote on the motion.

Sheridan Davis – aye

Elise Morgan – aye

Cliff Curry – aye

Margaret Bourke – aye

Harris Sondak – aye

The vote was unanimous with all members voting in the affirmative.

Mike Morey reviewed an additional purchase that is necessary for the operation of the new 800 MHz radio system – a repeater that is being moved from Snowbird to P-Ridge. The Town of Alta is being asked to contribute \$2,000 toward that installation which if added to the already purchased and installed new radio system, makes the total for this approved project less than \$40,000. The initial estimate for the project was \$50,000.

14. Approval of an additional \$300 increase in expenditures for the Albion Basin Capacity Study; 01:46:12

As previous noted in the minutes, the cost of the project came under budget. Accordingly, there is no need to request an additional appropriate for Dr. Haas's time.

Ms. Bourke highlighted Dr. Hass's recommendations outlined in his report:

- 1) Develop a comprehensive recreation use management plan,

- 2) Define the desired recreation opportunity for the Basin,
- 3) Capacity Premier – visitor capacity can help plan and manage Albion Basin,
- 4) Continue the limited fee-based vehicular & ski lift program, and
- 5), Relocate Cecret Lake parking lot and trailhead to Alf's.

Ms. Bourke also mentioned that there were other miscellaneous recommendations outlined in the report.

Staff will circulate the report to the Town Council and put it on the Town's website. There was also discussion about asking the Alta Ski Lift Company and Forest Service join the conversation and review of the study, plus a community open house was suggested.

15. Approval of new signatories for all Town of Alta checking accounts – 01:48:33

With the departure of Marc Dippo as Treasurer and with the subsequent appointment of John Guldner as the treasurer, town staff is recommending that the Town Council approve of a fourth person to sign checks for all bank accounts. The following individuals are currently authorized to sign checks – Mayor Sondak, John Guldner and Chris Cawley.

Council member Cliff Curry has made himself available to be that fourth person.

Ms. Black explained that the Town of Alta has three Key Bank accounts and two accounts held at Zions Bank. Two signatures are required on all checks for all bank accounts. In order to give Mr. Curry authority to sign on town checks, the banks required formal action authorizing the same.

There are three individuals authorized to access all the PTIF accounts and that will have to change with the departure of Ms. Black. The Mayor recommending putting an item on the September agenda addressing the changes to the authorization on the PTIF accounts.

Hearing no further discussion on this matter, there was a motion by Elise Morgan to approve the signatories on all Town of Alta bank accounts – more specifically adding Cliff Curry to the list of approved signatories. There was a second by Margaret Bourke and the motion as carried.

16. Discussion with possible approval of expenditure on appraisal for Patsy Marley for future planning purposes – 01:52:26

The Mayor opined that he would like to see something happen on the Patsy Marley estate land other than what is envisioned - 10 homes and a parking structure. As part of looking into options, the Mayor had been speaking to the Friends of Alta, Utah Open Lands, Save our Canyons and the Alta Ski Lift Company. The Mayor went on to explain that as part of moving forward on this option, the Town of Alta, Friends of Alta and the Alta Ski Lift Company are proposing to share in the cost of hiring Phil Cooke, a certified appraiser, accepted by the Forest Service and certified by the IRS.

At a meeting attended by Ellen Rossi, together with Charles Livesey and Wade Budge, the attorneys for the Estate, Rich Mrazik, then attorney for the Town of Alta and Peter Corroon representing the Friends of Alta, the Estate represented that they might be willing to sell this land as a single parcel and asked for the town to make an offer. The Mayor explained that at this time we do not know what that land is worth, so the first step to help determine that figure is to have a current appraisal done.

The Mayor opined that including the Alta Ski Lifts in the discussion made sense because the Alta Ski Lifts Company has the right of first refusal – it was in the sales contract when the lifts sold to the Estate. Accordingly if the council approves the allocation of funds for this matter, the Alta Ski Lifts has agreed to pay 1/3 of the cost of this appraisal together with the Friends of Alta and the Town of Alta . The town paying \$2,200.

The Mayor reviewed what he thought would be the process if approval is given by the council to spend the funds on this matter and questions and discussions took place on possible funding, conservation easements, and other issues related to this matter.

The Mayor requested approval from the council for the Town of Alta to spend 1/3 of the cost of the proposed appraisal on this land which would be completed by Phil Cooke. If a change in the contract or scope of work is proposed by Mr. Cooke, approval by the Town of Alta is required prior to any additional work being completed.

Elsie Morgan made a motion to approve the expenditure of up to \$2,200 on an appraisal of the Patsey Marley - Shrontz Estate property. There was a second by Sheridan Davis and the Mayor opened the floor to discussion on the motion.

Although the Mayor feels like this is a grand scheme, he believes there are interested parties with money who could be approached. It was pointed out that it would be similar to Park City stepping in on the Bonanza Flats project.

Ms. Davis brought forward that the Estate would probably love to have the town pay for the appraisal, but she realized that it would probably not get done unless we paid for it. It was noted that the Estate would most likely get their own appraisal on the property following our appraisal.

Mr. Curry opined that he did not have a problem with spending \$2,200 but he did not want his approval to mean that he is endorsing anything further that might result from this appraisal.

Hearing no further discussion on this matter the Mayor called for a vote on the motion. All members of the Town Council voted for the motion and it was carried.

17. Discussion with possible action on Ordinance 2018-O-3 – an ordinance amending a certain provision of the Animal Control Ordinance – 02:08:20

The Mayor reviewed the history of the matter before the council regarding the temporary tags. After consulting with legal counsel, the Mayor felt that the proposed ordinance in front of the council was a way to address the immediate problem the temporary licenses that have expired.

Mayor Harris Sondak made a motion to approve Ordinance 2018-O-3 amending a certain provision of the Animal Control Ordinance. Sheridan Davis seconded the motion. The Mayor opened the floor to discussion on the motion.

The Mayor reviewed the following matters:

- How the town got out of compliance with the current ordinance.
- The highlights of the review of the Animal Control Ordinance over the last 5 months
- The reasons why he felt the proposed ordinance and resolution addressed the immediate situation of being out of compliance,
- The two lists of licensed dogs prepared by the staff and
- The merits of continuing the practice of the Mayor granting temporary licenses.

The Mayor opined that if the council agreed to address the immediate concerns in the manner proposed today, it did not preclude the council from continuing their review of the entire ordinance in the future – it simply addresses the immediate situation of being out of compliance with the current ordinance.

There was discussion on the following matters related to this proposed ordinance:

- The merits of reviewing and considered the revised ordinance that was proposed at the July Town Council.
- The merits of considering a resolution that retroactively licenses the temporary licenses through October.
- How this ordinance would address the current temporary licenses that would not fit into Class A, B or C.
- The pros and cons of removing the current language in the ordinance that ties the total number of licenses to a percentage of the census versus increasing the percentage from 15% to a greater percentage. v

Marshal Morey expressed empathy with all the comments by the council on this matter, but he opined that the reality of the situation is that the town has a number of unlicensed animals. The Marshal's department has exercised an extreme amount of discretion as it relates to the unlicensed dogs and the department cannot do that forever – the Marshal is uncomfortable being in violation of the law and he will not do it anymore. The Marshal asked the council to make a decision on this matter tonight.

Ms. Bourke amended the Mayor Sondak's motion by changing the language in the proposed ordinance to read Classes A, B, C, and D and changing the cap from 15% to 25% of the census population. Ms. Davis seconded the amendment to the motion. The floor was opened to discussion.

There was further discussion and questions on the following matters:

- **How this proposed amendment affects the two dog lists being discussed.**
- **How the proposed amendment would affect the total number of dogs allowed in the town.**
- **Whether the proposal addresses all the temporary licenses that did not fall into Class A, B, and C.**

Ms. Davis asked about the two lists of dog licenses and how this amendment would affect those lists. There was further discussion on this particular matter.

Ms. Morgan stated that if this amendment to the ordinance passes, the total number of dog licenses would be 95 – 25% of the current census of 383. Ms. Morgan felt this solved the immediate problem and brings the town into compliance.

Mr. Curry asked if Ms. Morgan felt that this proposal addresses all the temporary licenses that would not fall in Class A, B, and C – would those licenses be grandfathered. Ms. Morgan felt those licenses could be renewed by the Mayor using his discretion, but they are still going to be temporary tags. Ms. Morgan felt that the council was only solving the immediate problem by passing this ordinance.

The Mayor called for a vote to amend the motion. Council members Curry, Morgan, Bourke and Davis voted in the affirmative and Mayor Sondak voted against. The motion was carried.

The Mayor called for a roll call vote on the motion as amended.

Sheridan Davis – aye

Elise Morgan – aye

Cliff Curry – nay

Margaret Bourke – aye

Harris Sondak – aye

The motion was carried with four members of the council voting in the affirmative and one in the negative.

18. Resolution 2018-R-15 – A resolution establishing a maximum number of dog licenses which may be issued for 2018 and fees to be charged for licenses – 02:53:12

The Mayor made a motion to approve Resolution 2018-R-15 with the following changes; in Section 1 it shall read Class A, Class B, Class C and Class D. The Mayor also stated the numbers in those classes should be as follows: Class A – 25, Class B – 40, Class C – 15 and Class D – 15. Elise Morgan seconded that motion. The floor was opened for discussion on the motion.

There was discussion on the following matters:

- The proposed numbers in each of the classes.
- If there were additional licenses in these classes, what procedure would the town follow to allocate those licenses.

Elise Morgan made a motion to amend the Mayor’s motion such that the total number of licenses in each class be as follows: Class A – 22, Class B – 43, Class C – 15 and Class D – 15. There was a second by Cliff Curry and the amendment to the motion passed.

There was discussion on the second sentence of Section 1.

The Mayor made a motion to make an additional amendment to the original motion to strike the last sentence from Section 1 of the proposed resolution. There was a second by Ms. Bourke and the motion was carried.

Hearing no further discussion on the motion with amendments, the Mayor called for a vote. The vote was unanimous with all those voting in the affirmative. The resolution was approved as amended.

19. Discussion on proposed language to present to the USFS as a means of negotiating a way to solve the problem of being out of compliance with the July 11, 1997 USFS Special Order 04-19-85 02 – 03:07:53

Ms. Davis mentioned that because the Town of Alta is out of compliance with the USFS order, she proposed a MOU or a letter be sent to the USFS. In that letter Ms. Davis recommended that the town request an exemption from the Order based on the fact that the town is a municipality, has its own law enforcement and ordinances that address animal control.

The Mayor mentioned that even though the recent enforcement situation with the dog ordinance was unfortunate, the USFS and Salt Lake City Public Utilities recognized our efforts to enforce the dog regulations. In a phone call with Forest Supervisor Whittiekiend the Mayor asked the supervisor to consider the same consideration from the USFS given to Alta by the Salt Lake Valley Health Department in its regulation about dogs.

The council agreed that proposing this request to the USFS would be acceptable and encouraged the Mayor to write a letter to the USFS on behalf of the Mayor and Town Council with this request and to also ask the USFS for their interpretation of the language in the Order.

20. New Business – 03:16:15

Mr. Curry opined that over the past few months it seemed that the council did not know whether they had clear path to get an item on the agenda and Mr. Curry feels that that needs to be fixed.

Accordingly, Mr. Curry made a motion to be an item on the agenda in September to consider an ordinance that would give any Town Council member the ability to put an item on the agenda by giving notice to the Town Clerk. Ms. Davis seconded the motion. The Mayor opened the floor to discussion on this matter.

The Mayor felt that there are two mechanisms to get an item on the agenda. The first is to ask the Mayor to place an item on the agenda and the second is to make a motion in new business to request that an item be put on the agenda for the next meeting. Ms. Black confirmed that these were the two paths currently in place.

Mr. Curry said that the ordinance he is proposing is a third path – a Town Council member can put an item on the agenda.

Ms. Morgan mentioned that there are circumstances where an urgent matter could come up between meetings that might need to be considered. The Mayor commented that this situation is one where a request to the Mayor would be appropriate.

Ms. Morgan recommended that this topic be brought up for discussion at the next meeting, as this may be the first time some of the council members have heard of this suggestion. Ms. Morgan clarified her statement by saying that the item on the agenda should read “discussion with possible action.”

Hearing no further discussion on the motion, the Mayor called for a vote and the motion was carried.

21. Motion to Adjourn – 03:21:13

Hearing no further business before the council, there was a motion by Elise Morgan to adjourn the meeting. There was a second by Cliff Curry and the motion as carried.

Passed and approved this 13 day of September, 2018.

s/Piper Lever, Town Clerk