

MINUTES
ALTA TOWN COUNCIL MEETING
Thursday, March 14, 2019, 9:00 AM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Harris Sondak
Council Member Margaret Bourke
Council Member Cliff Curry
Council Member Elise Morgan
Council Member Sheridan Davis

STAFF PRESENT: John Guldner, Town Administrator
Chris Cawley, Assistant Town Administrator
Piper Lever, Town Clerk
Jen Clancy, Deputy Town Clerk
Mike Morey, Town Marshal
Jay Torgersen, Unified Fire Authority
Nora Pincus, Town Attorney

OTHERS: Mike Maughan, Roger Bourke

1. WORK SESSION TO DISCUSS PROPOSED ZONING ORDINANCE CHANGES

00:00:10

Mayor Sondak called the Town Council Work Session to order at 9:05 a.m. and explained that the meeting had been improperly noticed. Under the direction of the Town Attorney, the Council would take no action today, but they could proceed with the discussions. The Council could call a special meeting after 24 hour notice to take action on the items of this agenda.

00:05:08

Mayor Sondak invited Town Administrator John Guldner to update the Council on the dealings of the Planning Commission. He reported that the Planning Commission has had 13 or 14 meetings to discuss the proposed ordinance. They had a public hearing, and notice was posted on the website, several places in town, and courtesy notices were sent to many interested parties. However, noticing requirements changed during the process and they failed to meet the requirement of sending a courtesy notice to every person in the proposed Albion Basin Protection Overlay Zone. The Planning Commission would be holding another public hearing on Tuesday, March 26th. Council Member Curry had suggested that the Town Council also hold a public hearing, although it is not required.

00:09:09

Mayor Sondak said that Council Member Bourke and Mr. Guldner had taken on the task of addressing the technical issues of the ordinance, such as spelling, grammar, and numbering errors. He requested that the Council use the work session to discuss the content of the

ordinance, and focus on concerns that had been raised by the residents. The Council would discuss bringing other zoning ordinances into compliance with State Code at a later date.

The Council requested the public comments from the last public hearing, and Mr. Guldner said those had been recorded in the minutes. Most of the comments were from cabin owners in the Albion Basin, and their primary concern was that the Overlay Zone would restrict their existing cabins. Based on those concerns, the Planning Commission specifically requested that the ordinance recognize the 21 non-conforming cabins. These cabins would be allowed to be maintained and repaired.

Mr. Guldner said the first big concern of the Planning Commission was establishing the waterway setbacks. They had considered two different options for setbacks. Option A would require 100-foot setbacks, but including an additional 20 feet from the top of the embankment, as determined by the building official. Option B would be to add additional waterway definitions through intermittent streams that could be piped or relocated, and this would require only a 35 foot setback. The Planning Commission recommended Option A, with the exception of allowing non-habitable structures to have 50-foot setbacks. The 100-foot setback would only apply to the Overlay Zone, and the rest of the town would maintain the current 50-foot setback.

Mr. Guldner said that the Planning Commission had also discussed coverage at length. They decided to specify that coverage did not include areas that were graded but not paved and maintained. The Council discussed coverage, and Mayor Sondak commented that he wanted to differentiate residential and commercial uses in this section of the code.

The discussion returned to the waterway setbacks, and Mr. Guldner said that the reason the Planning Commission was recommending 100 feet rather than 50 feet was based on findings from a study conducted by several University of Utah biology professors regarding the area. They strongly recommended the 100-foot setback.

NOTE: Town Attorney Nora Pincus arrived at 9:36 a.m.

Mr. Guldner continued by stating that the professors said that the current standard of 50 feet in the rest of the town was acceptable. Mayor Sondak noted that if the council imposed the 100-foot setback over the entire town, most of the buildings and residences would become non-conforming. Mr. Guldner said that only two cabins in the Albion Basin would be affected by this change. He presented a map of the Basin and identified the proposed setbacks. The structures would be legal non-conforming, which mean that they could be maintained, but they could not be torn down and rebuilt.

Council Member Curry expressed the importance of keeping the requirement for an additional 20 feet from the top of the embankment. The purpose for that requirement was to protect the embankment from eroding into the stream. The embankment doesn't follow a straight line, so some properties would be affected more than others.

Mayor Sondak summarized the work session discussion. The Council had come to an agreement about the issue of coverage and making the distinction between the commercial core and other

areas of town. Regarding the setback, the Council was leaning toward the 100-foot setback in the Albion Basin Overlay Zone and 50 feet everywhere else, but they hadn't come to a conclusion regarding the issue of the embankment.

Council Member Morgan requested that staff follow up on a pending application for a PUD, because it would likely be affected by the pending ordinance.

2. CALL TO ORDER THE REGULAR SESSION

01:00:17

Mayor Sondak called the meeting to order 10:08 a.m. and again explained that the meeting was improperly noticed. The Council would be taking no action during this meeting, but they would continue to have discussions.

3. CITIZEN INPUT

01:03:02

Mike Maughan, General Manager of the Alta Ski Area, reported on the snowfall, which was about 115% ahead of the average. The snow had brought it's challenges, particularly with transportation. He stated that business was only up 6% compared to two years ago, and part of that was due to the increase in Icon Pass holders. He reported that the Ski Area was encouraging UDOT to consider a High T that completely bypasses Snowbird so that Alta traffic wouldn't get bogged down. He spoke of ASL plans for the upcoming summer, including reconfiguring the Albion parking lot, and possible expansion of Alf's restaurant. The target date for opening the summer road was July 4th.

01:16:05

Roger Bourke, a resident, expressed a concern about the lighting at the entrance to Snowpine, which was creating a traffic hazard. The Town had an ordinance concerning lighting, and he was sure they were in violation of that ordinance.

4. MAYOR'S REPORT

01:18:10

Mayor Sondak thanked the Marshals, dispatchers, forecasters, Ski Area staff, and UPD for helping maintain order with the heavy snowfall and busy roads. He reported on the happenings at the legislature and stated that there would not be a change in how sales tax was collected. He stated that there was a fire on February 16th, which brought to light the need to review and upgrade the protection of the Town's gas lines this summer. He reported on various meetings he had attended over the past month, including the UFA Board, CWC, Road Stakeholders, and budget meetings. Temporary dog licenses were granted to the following: Richards Sackler for 30 days beginning February 22nd; Dawn Page for 30 day beginning March 12th; Eva Holland for 10 days at the beginning of March.

5. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2019-R-2 TO SET THE MAXIMUM NUMBER OF DOG LICENSES

01:36:14

Deputy Town Clerk Jen Clancy presented the draft resolution regarding dog licenses, which would set a maximum number of dog licenses and licensing fees. The dog licenses were divided into four classes: Class A was for registered voters of the Town of Alta; Class B was for individuals with property interest in the Town; Class C was for "commuter dogs"; and Class D was temporary licenses. The current maximum licenses allowed are as follows:

- Class A – 22 licenses
- Class B – 43 licenses
- Class C – 15 licenses
- Class D – 15 licenses
- Total licenses – 95 (25% of our population census in 2010)

Ms. Clancy reported on the licenses that had been renewed this year. The highest number of temporary licenses they have had out at one time has been five, which was well under the maximum.

Mayor Fugal noted that a new census would begin this year. Once those numbers came in, they would have to revisit the ordinance.

Council Member Morgan suggested taking some of the Class D licenses and giving a few more licenses to Classes A and B. Mayor Sondak suggested lowering the total licenses from 95 to 90, since they anticipated that the census would come in lower than before. It would be easier to decrease the total now than to take licenses away later.

Council Member Davis said that most citizens press hardest against the Class C licenses. They also feel that the Class D license was just a work-around for those that don't get a Class A or B license. There was discussion regarding lowering the Class C number or maintaining it, but they were not in favor of raising it. Mayor Sondak was in favor of reducing the Class D licenses, but not in favor of increasing the others. Council Member Davis wanted to eventually phase out Class C licenses. Council Member Morgan suggested leaving a little wiggle room for the summer, since they weren't sure what kind of licensing they would need for the season.

Council Member Curry proposed the following:

- Class A – 25 licenses
- Class B – 45 licenses
- Class C – 14 licenses
- Class D – 11 licenses

There was some discussion regarding the proposal, and Council Member Davis said she would prefer to put more licenses in Class A than Class B. Council Member Morgan agreed. It was noted that there was some discrimination against individuals that rent in the Town of Alta, and they may want to change the wording of the ordinance in that regard.

Council Member Davis proposed the following:

- Class A – 28 licenses
- Class B – 43 licenses
- Class C – 14 licenses
- Class D – 10 licenses

She again proposed phasing out Class C licenses. Council Members Bourke and Morgan supported her proposal.

Ms. Clancy briefly addressed Section 2 of the ordinance regarding fees. She was not proposing any changes at this time. Council Member Curry expressed a concern about the fees that could compound upon each other for temporary licenses. He suggested adding language that allowed the Mayor to waive fees.

6. TREASURER'S REPORT

02:24:23

Town Administrator John Guldner presented the Treasurer's Report for the period of February 9 to March 8, 2019 and highlighted a few items.

No action was taken.

7. DEPARTMENTAL REPORTS

02:27:06

Mr. Guldner restated the noticing issues with the public hearing for the Planning Commission. He anticipated a busy building season this year, as staff was already doing plan checks on a couple of houses and four or five remodels. Mr. Guldner reported on the WaterSMART grants available through the Bureau of Reclamation, which could provide 50% of the funding for some projects in the Town. As part of their application, the governing body would need to provide an official resolution showing their support of the application and their ability to supply 50% of the funding. The application deadlines are April 24th and April 29th.

02:39:59

Town Clerk Piper Lever said that there would be a Budget Committee meeting at the beginning of April.

02:41:08

Ms. Clancy said that she was currently working on the Town's bail forfeiture fines.

02:43:23

Jay Torgerson, Unified Fire Authority, stated that he was no longer at the station, but he took a job in the medical division. He requested to remain the Town's liaison. Regarding the gas meters, he explained that it was important for the gas meters to be protected, but also accessible. He reported on a few other incidences from the past month.

02:53:32

Town Marshal Mike Morey reported on a few staff changes, and a grant they received to fund two portable VMS signs. He agreed that the Town needed to update their fines, particularly fines for parking violations.

8. **APPROVAL OF THE TOWN COUNCIL FEBRUARY 14, 2019, MEETING MINUTES**

No action was taken.

9. **APPROVAL OF THE FEBRUARY 28, 2019, TOWN COUNCIL WORK SESSION MINUTES**

No action was taken.

10. **DISCUSSION AND POSSIBLE ACTION ON CRA INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY**

03:01:02

Mayor Sondak said that the Interlocal Agreement had been reviewed by the Town Attorney and she had submitted a few changes. After some time, the County approved the changes. He noted that the agreement did not commit the Town to anything, but it creates a structure for the relationship between the two entities. Mayor Sondak presented a map depicting the parcels that they proposed to be included in the CRA. He noted that they could not split parcels, so a parcel either needed to be in or out of the CRA in its entirety. The purpose of the CRA was to create an area in which tax increment funding was possible. This funding would not increase taxes, but it would keep sales tax money in the Town of Alta.

The Council was in favor of the agreement.

11. **WATER NOW UPDATE – JOHN GULDNER**

Mr. Guldner provided this update during the Departmental Reports.

12. **NEW BUSINESS**

03:09:15

Council Member Bourke suggested that the council not have 9:00 a.m. meetings during the winter. It was suggested that the Council revisit meeting times. A new Town Council meeting schedule would be adopted in June.

03:11:30

Council Member Davis suggested renaming the proposed zone the Upper Albion Basin Overlay Zone, since the zone would not cover all of the Basin.

03:12:35

Mayor Sondak initiated a discussion regarding a special meeting to approve the items of today's agenda. They agreed to notice the meeting for Monday the 18th at 8:00 a.m. Some Council Members would be attending in person and some via phone. Staff would notice the special meeting and send a new agenda to them for review as soon as possible.

13. MOTION TO ADJOURN

MOTION: Council Member Bourke moved to ADJOURN at 12:25 p.m. Council Member Morgan seconded the motion. The motion carried with unanimous consent of the Council.

Passed and approved this 11th day of APRIL, 2019.

Piper Lever, Town Clerk

