

**MINUTES**  
**ALTA TOWN COUNCIL MEETING**  
**Wednesday, December 11, 2019, 5:00 PM**  
Alta Community Center, 10351 E. Highway 210, Alta, Utah

**PRESENT:** Mayor Harris Sondak  
Council Member Margaret Bourke (via telephone)  
Council Member Cliff Curry  
Council Member Elise Morgan (via telephone)  
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  
Polly McLean, Town Attorney

Jay Torgersen, UFA

**1. CALL THE MEETING TO ORDER**

00:00:25

Mayor Sondak called the meeting to order 5:00 PM and expressed appreciation for those in attendance.

**2. SALT LAKE COUNTY RENEWABLE ENERGY ACT PRESENTATION – DISCUSSION AND POSSIBLE ACTION ON 2019-R-16 – Michael Shea**

00:01:13

Michael Shea presented House Bill 441, the Community of Renewable Energy Act, which was passed during the last legislative session. The purpose was to provide a regulatory pathway for participating communities to pursue the goal of 100% net renewable energy by 2030. They would be creating a payment system for communities to move to divest themselves from fossil fuels and move toward 100% renewable energy. The first step in the process was for interested communities to pass a resolution indicating that they want to be part of the cost study phase. The cost study would be done in conjunction with the other participating communities, utility providers, and state regulators, and that study would take between one and two years. Upon completion of the study, that study would be filed with the Utah Public Service Commission, which is the overall governing entity of the Utah Energy Sector. If the Commission approves the file order, the participating communities would need to decide if they would move their residents and businesses onto the new rate schedule. Residents and businesses would have three billing cycles to opt out of the program. After that, there would be a termination fee to leave the program, but that fee was yet to be determined. The first decision the Council needs to make is whether they want the Town of Alta

to participate in the group. Participating communities would have to help pay for the cost of special consultants conducting the study. That cost would depend on the number of communities participating.

Mayor Sondak asked what kind of governance structure would be making decisions on cost. Mr. Shea said that the actual legislation requires that the participating communities form some kind of governance agreement structure, such as a memorandum of understanding. That agreement would include a voting structure. He noted that the Town could remove themselves from the program at any time during the study if they decided not to participate anymore. There would be multiple chances to opt out before committing their residents and businesses to the new program. He confirmed that there would be no financial obligation at this point. They had 15 participating cities as of now.

It was noted that the deadline for the resolution was December 31, 2019. If the Council did not pass the resolution before then, they would not have the opportunity to join the study later.

The Council pointed out a spelling error in the Resolution, and it was corrected.

00:21:25

**MOTION:** Mayor Sondak moved that the Town Council ADOPT Resolution 2019-R-16, as amended. Council Member Davis seconded the motion.

Council Member Bourke said that there was language in the Resolution stating that the Town would be participating in the Act rather than the renewable energy program. She asked if this should be changed. Town Attorney Polly McLean said that the Town would be participating in the Act because the program wouldn't go into effect until the study was filed with the State Commission. She felt that the language was appropriate.

00:25:05

Mayor Sondak called the question. The motion carried with unanimous consent of the Council.

**3. PRESENTATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 2018-2019 FINANCIAL STATEMENTS AND AUDIT OF THE TOWN OF ALTA –  
Paul Skeen from Eide Baily**

00:27:37

Paul Skeen, from Eide Baily, stated that he would be presenting the overall results of the audit, although the full audit report available to the Council. They were giving a clean opinion, which was the highest level of assurance. The only issue they found was related to an item that was accounted for a certain way for the last 25 years, and that was adjusted. Overall, the Town of Alta was doing well. He briefly addressed the Management Discussion and Analysis, the Government-Wide Financial Statements, the Government Fund Financial Statements, and the Enterprise Fund Financial Statements.

00:40:40

Alawna Echols, with Eide Baily, addressed compliance and internal controls. In addition to their auditors report on the financial statements, they also issued a report on Internal Control Over Financial Reporting. That report began on page 40 of the audit document. They were required to report to the Town Council any significant deficiencies or material weaknesses that they notice during the audit. This year, they did identify two deficiencies. The first was already described by Mr. Skeen regarding how transfers were being recorded between funds and accounts receivable. To correct that, an adjustment was made to the beginning balance. The second deficiency had to do with segregation of duties over cash receipting and the payroll procedure. They understood that it could be difficult to segregate those duties when there were a limited number of Town staff. Regarding payroll, they recommended that there be an additional approval on timecards by supervisors, rather than just the employee's own approval. The Town Clerk had included a corrective action plan in the document, but they would not be auditing that plan. There were no findings of noncompliance.

00:45:47

Upon request, Town Clerk Piper Lever explained her corrective action plan. They would be hiring an independent accountant to ensure proper coding and reporting.

00:49:42

Attorney McLean stated that the Council didn't legally have to adopt the audit, but they could if they so desired. Most cities do approve the audit as a best practice.

**MOTION:** Council Member Curry moved that the Town Council APPROVE the 2018-2019 Financial Statements and Audit for the Town of Alta. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

#### **4. CITIZEN INPUT**

00:52:24

Mark Haik, a resident, recounted some information shared by Mike Maughan regarding UDOT's ongoing transportation study in the canyon. He encouraged the Town Council to discuss where they think transit stops should be and communicate their thoughts to UDOT and the public.

#### **5. WFRC PRESENTATION**

00:55:37

Assistant Town Administrator Chris Cawley said that he had been working with Christy (no last name given) to organize and work through the commercial core planning that had been done in the past, and to prioritize the elements of that planning, and begin to move forward. The previous study they were utilizing was called the Commercial Core Active Transportation and Implementation Plan. Using that information, they set out to develop a handful of concepts for street design elements that could improve conditions for bikes and pedestrians. Mr. Cawley then walked through the final report with the Council, see attached.

Staff and the Council discussed specific projects within the document, including landscaping, medians, signage, crosswalks, and parking.

Mayor Sondak asked about vehicle/pedestrian accidents that have taken place in the Town of Alta. Town Marshal Mike Morey could only think of three vehicle/pedestrian accidents within his almost 30 year tenure with the Town.

Mr. Cawley said that if the Town Council could make a statement adopting a set of concepts like the ones in this document, The Town would have something material for UDOT to incorporate into their Environmental Impact Study.

## **6. UFA REPORT**

01:36:55

Jay Torgersen, UFA, stated that Thanksgiving weekend kicked off their busy time of year. They had seen an increase in the number of calls for accidents in the canyon. He then reported on the changes to the UFA organization and stated that they were in the process of hiring 33 new firefighters.

## **7. ALTA SKI AREA UPDATE**

01:45: 40

Mike Maughan was not present.

## **8. APPROVAL OF CONSENT AGENDA**

- Treasurers Report
- Town Council Meeting minutes for November 13, 2019
- Election Canvass and Work Session minutes for November 19, 2019
- Staff Report

01:46:28

**MOTION:** Council Member Davis moved that the Town Council APPROVE the Consent Agenda. Council Member Bourke seconded the motion. The motion carried with unanimous consent of the Council.

## **9. MAYOR'S REPORT**

01:47:16

Mayor Sondak reported that the UFA Board had a meeting on November 9<sup>th</sup>, and the focus was on approving the 2019 UFA audit, which came back remarkably clean. The Board approved the audit and the interlocal agreement. The Board also discussed the possibility of making the UFA facilities available as a public space, although that wouldn't be available to the station in Alta for lack of a separate space in the station. Mayor Sondak also reported on the first Little Cottonwood Road meeting, a Council of Governments meeting, and a meeting for the CWCs Legislative Committee. Temporary dog licenses were granted to Hugh Ferguson from November 27<sup>th</sup> to November 30<sup>th</sup>, and Noel Vern from November 27<sup>th</sup> to December 26<sup>th</sup>.

**10. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CHANGE OF SCHEDULE FROM THE MAY 13, 2020 TOWN COUNCIL MEETING TO MAY 6, 2020**

02:03:34

Mayor Sondak explained that he would be out of the country for a few weeks in the middle of May, so he was requesting that the May meeting be changed to May 6<sup>th</sup>.

**MOTION:** Council Member Curry moved that the Town Council APPROVE a change the May 13, 2020 Town Council Meeting to May 6, 2020. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

**11. UFA ILA – DISCUSSION AND POSSIBLE ACTION APPROVING UFA INTERLOCAL AGREEMENT 2019-R-17**

02:05:36

Mayor Sondak explained that the proposed resolution would approve entry into a revised and restated interlocal agreement to create and govern the Unified Fire Authority. The Town of Alta has been asked to enter into this interlocal agreement by the end of the year.

At the request of Council, staff gave a brief history of how the Town of Alta had their fire needs met, and how they transitioned into the UFA.

02:14:59

**MOTION:** Council Member Curry moved that the Town Council APPROVE Resolution 2019-R-17, UFA Interlocal Agreement. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

**12. SALT LAKE COUNTY HAZARD MITIGATION PLAN**

02:15:55

Mr. Cawley explained that the Town was required to follow this process by FEMA via the State and the County. The Council would be asked to adopt the updated Town of Alta Hazard Mitigation Plan. Most of the plan before them was descriptive, but there was also a table that showed the probability of each hazard in the Town of Alta. He noted that developing a wildfire evacuation plan would be a different process. The Council did not need to take action tonight, and he welcomed any input before the end of the month.

**13. DISCUSSION AND POSSIBLE ACTION REGARDING PLANNING COMMISSION APPOINTMENTS**

02:26:09

Mayor Sondak stated that there are two Planning Commission seats whose terms expire December 31, 2019. Each seat was a five year term. The seats are currently held by Dave Abraham and Roger Bourke. Mr. Abraham expressed interest in serving another term, while Mr. Bourke had sent a letter of resignation. That letter expressed that he would be willing to continue to serve until

his seat could be filled. Mayor Sondak suggested that they reappoint Mr. Abraham for a four year term, which would help stagger the terms in a better way. The Council would need to reappoint Mr. Abraham by the end of the month, or he would automatically be reinstated for another five-year term. Mayor Sondak did have a potential candidate to fill the other seat.

Attorney McLean stated that procedurally, the Planning Commission appointments are made by the Mayor, with the advice and consent of the Council.

Council Member Davis expressed that she felt a responsibility to take a little more time to review the candidates before she could advise and consent any appointments. Council Members Curry, Morgan, Bourke, Mayor Sondak, and staff were comfortable reappointing Mr. Abraham because of his architectural background and his previous service on the Planning Commission. Council Member Morgan expressed that they need some additional time to find a replacement for Mr. Bourke. She expressed a desire to find a local resident to take the seat. Council member Curry stated that he had not read the resignation letter and Mayor Sondak offered to share the email.

Council Member Bourke believed that procedurally the Mayor was supposed to be advised by the Planning Commission regarding its membership. She chose to withhold any comments regarding Mr. Bourke's reappointment to avoid any conflicts due to the fact that he is her husband.

Mayor Sondak assured the Council that the two Planning Commission members he had spoken to, had no complaints about Mr. Abraham, but that he had not spoken to every member. Council member Curry spoke in recognition of Mr. Bourke's valuable perspective as a local resident, and his intelligence, experience and hard work. Mr. Curry stated that if Mr. Bourke were to withdraw the resignation letter he had proffered, that Mr. Curry would support his reappointment. Mayor Sondak agreed that Mr. Bourke's contribution to the Planning Commission has been admirable and appreciated. However, the overriding consideration agreed upon by Mr. Bourke and Mayor Sondak during their telephone conversation is the potential conflict of interest due to the relationship between a planning commission member and a council member. Attorney McLean said that there was some legitimate legal exposure having such a relationship between the decision-making body and the appeal authority.

Mayor Sondak spoke of the qualifications and constraints of potential commissioners and invited Council members to nominate candidates.

There was discussion of asking Mr. Abraham if he was willing to similarly "resign" and agree to stay on until they could decide what his term should be .

Council Member Davis felt that she hadn't been given enough notice to fulfill her responsibility as a Council Member if they act on this tonight. It is important in governance that there was transparency and clear communication around big decisions like these. If Mr. Abraham is the best candidate, she would be fine with his reappointment, but given the time sensitive issue the Council is in, she would like Mr. Abraham to serve one month at a time to allow due diligence. She wanted more time to review the options. Council Member Davis got the impression that Mr. Bourke felt pressured to resign, which she was not comfortable with. She acknowledged there were many

potential conflicts of interest on the Council and that was something that everyone just had to be aware of.

Town Administrator Guldner asked the Council to address the two separate appointments.

**MOTION:** Council Member Morgan moved that the Town Council REAPPOINT Dave Abraham as a Planning Commission Member for the Town of Alta. Council Member Curry seconded the motion.

Council Member Bourke said that her suggestion to delay Mr. Abraham's reappointment was to make sure that the four-year term was enough to get the staggered terms back on track. Attorney McLean was comfortable approving this appointment for a four-year term. It was explained that 3 commissioner terms expire in 3 years; at which time the issue of staggered terms would need to be addressed.

**MOTION:** Mayor Sondak moved to AMEND the motion to include language stating that the reappointment was for a four-year term. Council Member Bourke seconded the amendment. The motion carried with the consent of the Council.

Mayor Sondak called for a vote on the amended motion. Vote on motion: Mayor Sondak, and Council Members Bourke, Curry, and Morgan voted "aye"; Council Member Davis abstained. The motion carried.

The Council agreed to continue the discussion regarding the other Planning Commission seat to a subsequent meeting.

#### **14. NEW BUSINESS**

03:09:49

Council Member Curry thanked staff for posting the proposed resolutions on the Town website. It was a great resource for the Council and the citizens. He requested that a future agenda include a discussion regarding the JOINT LICENSE section of the business license ordinance. The current language was confusing.

Council Member Bourke addressed the letter sent to UDOT regarding the Town's comments on the environment impact study. She wondered why there was not language included on climate uncertainty and concern over more extreme weather events in all seasons, which she believed to be important to the Town. The Mayor and staff said that additional comments could be sent to UDOT even after the formal comment period closed, and might also be made as suggestions for CWC submission, in light of a request for the Town to provide its input to CWC on the matter.

#### **15. MOTION TO ADJOURN**

**MOTION:** Council Member Curry moved to ADJOURN at 8:20 PM. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by Alta Town Council on January 8, 2020

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Piper Lever, Town Clerk / s