

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, June 17, 2020, 4:00 PM
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
Polly McLean, Town Attorney
Jay Torgersen, UFA

OTHERS: Del Draper, Roger Bourke, Ginny Marie Leines, Greg Baumgartner

PUBLIC HEARING

00:01:01

- **PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON FY2021 TENTATIVE BUDGET**

00:01:30

GinnyMarie Leines addressed the Town of Alta's Intent to Adjust the UFSA Boundary. She implored the Mayor and Council to use their best entrepreneurial minds to seek and find a resolution that would be fair and just to the entire community.

00:04:32

Piper Lever, Town Clerk, read a comment submitted from Mark Haik into the record (attached to the minutes).

00:07:55

Mike Maughan, Alta Ski Area, requested a summary of how the budget was prepared and how the City would approach shifting revenues and expenditures throughout the new fiscal year. Mayor Sondak discussed concerns regarding this year's sales tax revenue. He said it was good year even though the season ended six weeks early. Conservative assumptions were made regarding next year's revenues so as to balance the budget as of today's date; however, adjustments may need to be made later. He noted the following regarding next year's budget: freezes on pay raises for staff, a 50% reduction to the Town's contribution to ACVB, and several departmental cuts. The sewer

fund debt amounting to \$67,000 would be paid off with savings. Regarding sales tax, the City's budget was built on the assumption of zero sales tax revenue from July through mid-November, and 75% of Alta's three-year average for the ski season. If matters improved, they would restore staff's COLA increases and debate what action to take regarding ACVB. Part of balancing the budget assumed that the Town only needed to continue to fund the UFA through December. Piper Lever, Town Clerk, noted that \$130,000 was being carried forward from the general fund from last year. Mike Maughan stated that they had been monitoring the industry closely around the world. By August, they would need to start making projections and plans.

00:18:25

Mayor Sondak invited comments to the amended 19-20 budget.

00:19:00

Council Member Sheridan Davis asked if UDOT paid the Town for the space that they used on Town property for plowing equipment. Piper Lever stated that they did not pay for the space in the fire station or by the post office. UDOT helped build the fire house, and part of the agreement included this space. Chris Cawley, Assistant Town Administrator, noted that this accounted for \$12,000 of the annual budget through the communications agreement. The Town was signed into the agreement for five years and they were currently in year two. There was discussion regarding what was included in the communications agreement.

00:22:45

MOTION: Council Member Davis moved that the Town Council close the public hearing for the FY2021 Budget. Council Member Morgan seconded the motion. The motion carried with unanimous consent of the Council.

- **PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON TOA'S INTENT TO ADJUST UFSA BOUNDARY**

00:24:01

Del Draper, representing Albion Basin Cabin Owners, noted that he sent a letter wherein the nine residents in the Cecret Lake Subdivision weighed in on this issue. He asked if the letter had been circulated to all of the Council Members, to which an affirmative answer was given. Mr. Draper said he felt the proposal to join the UFSA was wrong. He understood the Town needed to take some action with the County subsidy going away, but he felt that property tax was not a fair way to pay UFSA membership dues because skiers used most of the medical emergency services. He presented statistics to support this statement and suggested that negotiations with the ski lift company be made so that skiers paid the majority of costs related to emergency services. He also suggested that a letter be sent out to all property owners regarding this issue.

00:31:11

Roger Bourke agreed with Mr. Draper's remarks that those who incurred services should be paying for them. He recommended deferring the decision until a more creative and equitable solution could be found.

00:38:07

Council Member Sheridan Davis stated that Dr. Anctil agreed with Roger Bourke's statements.

00:38:22

Mike Maughan stated that the Alta Ski Area users currently paid sales tax and a portion of those revenues went to the Town. The Town then determined how those revenues were used, which could go towards emergency services. Mr. Maughan stated that Alta Ski Area could also have another EMS service provider, which would not take away the cost of UFSA. He was in favor of the UFSA boundary adjustment.

00:42:10

MOTION: Council Member Morgan moved that the Town Council close the public hearing for the Town of Alta's Intent to Adjust the UFSA Boundary. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

WORK SESSION

- **FY 20 & FY 21 BUDGET QUESTIONS**

00:43:27

Council Member Margaret Bourke asked how items were being placed into the 2021 Budget. For instance, was there a better way than ACVB to support Alta businesses. It was anticipated that COVID cases would increase as the weather cools, so spending money on ACVB could potentially not be the best use of money that could instead be used to support Alta businesses in a more effective way.

00:46:34

Mayor Sondak stated that one idea was to not actually disperse this money in the first part of this fiscal year, but rather put it in the budget. He clarified that he was suggesting they earmark the money without spending it right now, as he anticipated that more information would be available in the fall. The Council needed to pass the budget in June, and it was always subject to amendment.

00:49:01

Council Member Margaret Bourke said this resolved her concern. She then asked about the impact funds and if there was a way to delay the feasibility study for the community center, which would cost \$75,000. She asked if the Town could delay the study to allow for additional people to participate in the study. Mayor Sondak stated that the impact funds were restricted to certain kinds of uses. This was a qualified use that is not open-ended, which was why the Town decided to pursue including it in the FY21 budget.

00:51:27

Council Member Margaret Bourke asked about water rate increases. Piper Lever, noted that a resolution was not ready. There was subsequent discussion on the matter.

- **DISCUSSION REGARDING EXTENSION OF EMERGENCY PROCLAMATION #1**

00:55:32

Mayor Sondak explained that this created a legal container within which other proclamations could be adopted and implemented. He noted that Mike Morey, Town Marshal, indicated he would like to see this item continued because it allowed for some coordination and faster response times.

00:56:39

Polly McLean, Town Attorney, explained that other municipalities implemented blanket extensions that could be rescinded or terminated by either by the Mayor or the Council. This was the cleaner approach while also giving everyone the same power. She agreed with Mike Morey that it was good to have the state of emergency in place as it would help the Town act faster to unforeseen circumstances, including holding Zoom meetings without an anchor location.

00:59:07

Council Member Sheridan Davis voiced support for putting the pause on some of the big-ticket budgetary items, including ACVB and the monies designated for the Town Center. She listed other items that could also potentially be cut to save the Town money.

The work session was adjourned at 5:01 PM.

REGULAR SESSION

1. CALL THE MEETING TO ORDER

01:01:26

Mayor Sondak called the meeting to order 5:01 PM and expressed appreciation for those in attendance.

2. CITIZEN INPUT (Comments could be submitted in writing to plever@townofalta.com before 3:00 p.m. on Tuesday, June 16, 2020.)

01:01:00

Town Clerk Piper Lever said that there were three communications received from the public, and they would be attached to the minutes. Communications were received from Roger Bourke, Mark Haik, and Nick Besobrasov.

3. UTAH LOCAL GOVERNMENT TRUST LIABILITY AND WORKERS COMP INSURANCE POLICY 20-21 RATE UPDATE – *Greg Baumgartner*

01:09:25

Greg Baumgartner explained that the Town would be getting a 28% decrease on its liability, property, and auto costs for the year, thereby saving the Town \$10,000 for the year. Over the last couple of years, ULGT added over \$2M in new premiums which benefited the entire pool. Workers compensation premiums also decreased, and all coverages remained the same.

01:14:33

Mayor Sondak asked if the insurance would cover any incidences incurred by COVID. Mr. Baumgartner explained that getting a virus could not be proved because it was untraceable; therefore, typically these cases were not covered. However, this had since changed, and emergency first responders were now covered. They were trying to change the law so as to include everyone. Mayor Sondak asked if facilities that were starting to reopen were subject to liability. Mr. Baumgartner explained that an incident would be run through the system, just like any other case. He stated that if all precautions were taken then they would be able to defend any type of claim.

4. ALTA SKI UPDATE – Mike Maughan

01:18:56

Mike Maughan reported that they were working on the summer road so that it could be opened by the 27th, as planned. They were also trying to open the campground itself, which would be subject to safety conditions. Season passes went on sale, and discounts were offered to passholders that could be applied to next season. Additionally, passes came with a moneyback guarantee through December 31st. The Alta Ski Area hoped to know more by August regarding the conditions in which they would be working. Mr. Maughan reported that they were working on the second half of Albion Basin parking project, and they were hoping to have the trail ready by July. UDOT had since come out with its transportation alternatives, and the ski area's preferred alternative would be a gondola approach that provided additional ingress and egress and allowed some transportation that was not dependent on the road. However, this would be a longer-term solution and they were also concerned about the short term.

01:22:46

Council Member Cliff Curry asked when Alta Ski Area planned to update its winter operation plans. Mr. Maughan stated they hoped to have more information in August, at which time they would hold a Town Hall meeting with the community.

01:24:24

Council Member Sheridan Davis asked about some healthy trees that had been cut down at the upper campground. Mr. Maughan explained that the trees were cut down due to safety concerns identified by the forest service. He noted that some of the trees were unhealthy, and that any trees that were cut down would be replaced.

01:26:47

Council Member Margaret Bourke asked about capacity along trails, as well as the availability of toilets at Albion Basin. She asked if once the road was open, would people be charged for travel when parking in residential areas. She noted that they were not charged last year. Lastly, she asked about the USFS ranger program. Last year the ranger had law enforcement capabilities whereas this year they would not, and she asked if the Town would receive additional ranger hours to make up the cost difference with due to the ranger having less capabilities. Mr. Maughan confirmed that this year's ranger would not have law enforcement capabilities; however, he did not know how many hours they would work. He noted they would not charge residents for going up into the Basin. He then noted where portable toilets would be located. Lastly, he discussed

their intent to install a handwash station at the campground store; however, they were not authorized by SLC Public Utilities to use water from the campground for that purpose.

5. APPROVAL OF CONSENT AGENDA:

- May 6, 2020 Minutes
- Treasurer's Reports with budget highlights
- Staff reports

01:34:50

MOTION: Council Member Bourke moved to APPROVE the Consent Agenda. Council Member Elise Morgan seconded the motion. The motion passed with the unanimous consent of the Council.

6. QUESTIONS REGARDING DEPARTMENTAL REPORTS

01:35:52

Mayor Sondak mentioned the report from Mike Morey, Town Marshal, regarding civil unrest. He also discussed the Marshal Office's policies and approaches to ensuring ethical behavior.

01:38:14

Mike Morey, Town Marshal, stated that nobody at the Marshal's office was okay with the events surrounding George Floyd's death. They believed it was right for the country to be asking questions and finding answers and solutions. He said it was better to hire the right kind of person and train them to be a cop than to hire a cop and train them how to be the right kind of person. He spoke of the quality of his department and the policies in place to ensure ethical behavior.

7. UNIFIED FIRE AUTHORITY – *Jay Torgersen*

01:52:18

Jay Torgersen, UFA, provided an update on COVID, and the measures they were taking to ensure everyone's safety. He discussed call volume and detailed a situation in which the virus had spread to several employees who were then quarantined. He reported that everyone had recovered, and all but one person had returned to work.

01:58:20

Council Member Margaret Bourke asked about the station 113 fire house being used as a safe house. Mr. Torgersen explained that they had limited visits to the stations, stopped tours, and had limited ride-alongs to just personnel. However, the fire house would always be a safe house for anyone in need. He noted that routine health assessments were done every 12 hours at both the stations and main office.

Mr. Torgersen stated that the UFA budget process was moving forward. Any kind of market or CPI adjustments were eliminated, so there would be no adjustments for the coming year. They reduced the member fee increase from 4% to 2% and were seeking to be as efficient as possible. He reviewed call volumes and noted that the water rescue training was postponed until the end of this month. Lastly, he expressed appreciation to Town for its support towards UFA, stating that

they were committed to providing best service possible. He noted that the operating cost of Station 113 was a static number.

02:07:11

Council Member Sheridan Davis asked about the relative cost between UFA and UFSA, with regard to reimbursement for ambulance rides. Mr. Torgersen explained that UFA followed the guidelines that were set forth by the Bureau of Emergency Medical Services; all ambulance service providers charged this same rate. The paramedic transport was a flat rate of \$1,535, excluding mileage and supplies used during transport. EMT transport had a flat rate of \$795. Council Member Sheridan Davis asked what the cost of Station 113 was for everyone it serviced. Mr. Torgersen noted that operational costs were \$2,140,304 per year, \$1 million for staff

8. **MAYOR'S REPORT**

02:15:01

Mayor Sondak reported that reimbursement under the CARES Act would offset a portion of the Town's out-of-pocket expenses. Alta would be receiving \$11,317, which was allocated to the Town on a per capita basis through Salt Lake County. However, he was hoping to obtain more funds because Alta contributed more than other communities. He stated that lost revenue was not covered through the CARES Act. He spoke with Representatives John Curtis and Ben McAdams, as well as Senator Mitt Romney regarding the passage of a 4th recovery bill that would include money for revenue replacement. He encouraged people to write to their elected leaders on this issue. He concluded by reporting on several meetings he had recently attended.

*Note: Item 11 was discussed before Items 9 and 10.

9. **DISCUSSION AND POSSIBLE ACTION ADOPTING A RESOLUTION APPROVING BOUNDARY ADJUSTMENT 2020-R-11**

02:52:32

MOTION: Council Member Elise Morgan moved to ADOPT a Resolution Approving Boundary Adjustment 2020-R-11. Council Member Sheridan Davis seconded the motion.

Mayor Sondak explained that alternatives were suggested by the public in terms of funding fire services apart from remaining part of the UFA, which would cost the Town a total of around \$730,000, compared to \$550,000 for joining UFSA. He explained that the property tax would be higher if the Town of Alta were to pay the fees than if residents were taxed for the UFSA District.

03:02:48

Polly McLean, Town Attorney, consulted on this issue with other attorneys, and she explained that they were limited in taxation and fees as a State. Towns could charge fees, but they needed to be narrow. If a fee was for something that had general application to the entire municipality, then it was viewed as a tax. She addressed whether or not a tax or an insurance fee on a ski pass was possible. She noted that this would be ripe for litigation and that it would have to be a much more restricted type of use. She noted the transportation fee in Pleasant Grove as an example of a lawsuit resulting from the implementation of a fee.

03:07:18

Council Member Margaret Bourke asked about characterizing this as insurance versus a tax or a fee. Polly McLean, Town Attorney, stated she did not believe this was possible.

03:15:02

Council Member Sheridan Davis stated that Alta Ski Area and businesses should pay for more of the burden.

03:20:35

Mayor Sondak called the question. Vote on motion: Mayor Sondak and Council Members Elise Morgan and Cliff Curry voted "Aye." Council Member Sheridan Davis voted "Nay." Council Member Margaret Bourke abstained. The motion carried 3-to-1.

10. DISCUSSION AND POSSIBLE ACTION REGARDING EXTENSION OF EMERGENCY PROCLAMATION #1 2020-R-12

03:21:54

Council Member Cliff Curry excused himself from the meeting.

03:23:26

MOTION: Mayor Sondak moved to APPROVE the extension of Emergency Proclamation #1 2020-R-12. Council Member Margaret Bourke seconded the motion.

Mayor Sondak presented the proclamation to the Council and stated that it would remain in effect until terminated by the Town Council or the Mayor. Polly McLean, Town Attorney, clarified that it would need to be reapproved every 30 days. There was discussion about amending Section 1 to include the following language: "hereby extended until terminated by either the Mayor with the advice and consent of the Town Council or by Resolution of the Town Council."

03:26:53

AMENDED MOTION: Council Member Margaret Bourke moved to APPROVE the extension of Emergency Proclamation #1 2020-R-12 with the aforementioned language. Council Member Sheridan Davis seconded the motion. The motion passed with the unanimous consent of the Council.

11. DISCUSSION AND POSSIBLE ACTION ON ACVB AGREEMENT

02:28:22

Mayor Sondak suggested continuing this agreement with some notice. He then turned the time over to Chris Cawley, Assistant Town Administrator. Mr. Cawley introduced his ACVB colleagues Rosie O'Grady (President), Brandon Ott, Connie Marshall, and Sara Gibbs. Ms. O'Grady recapped a letter that was sent out by the Chamber. She then introduced the concept of synergy with ACE in offering experiential programming for the community. She stated that they were looking for feedback from the Council on how they could channel resources in ways that

would benefit Alta the most. There was a discussion of not having a formal agreement but keeping the money in the budget that was earmarked for marketing purposes.

12. DISCUSSION AND POSSIBLE ACTION AMENDING 2019-2020 BUDGETS 2020-R-13

03:28:35

MOTION: Mayor Sondak moved to APPROVE amending the 2019-2020 Budget. Council Member Margaret Bourke seconded the motion.

Council Member Sheridan Davis asked why the Town was paying UDOT for the use of its community center area. It was clarified that the Town was not paying UDOT; rather, UDOT was paying the Town. Staff clarified the line item as it was presented in the budget.

03:32:01

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

13. DISCUSSION AND POSSIBLE ACTION ADOPTING NEW WATER RATES 2020-R-14

This item was postponed.

14. DISCUSSION AND POSSIBLE ACTION ADOPTING FINAL BUDGET 2020-R-15

03:33:01

MOTION: Mayor Sondak moved to ADOPT the Final Budget 2020-R-15. Council Member Elise Morgan seconded the motion.

Council Member Sheridan Davis asked about legal fees spiking this year and asked if building that increase into next year's budget was necessary. Mayor Sondak said that the Town lowered the legal fees in some categories. He explained that a portion of the \$11,000 CARES Act amount included legal fees engendered by the COVID pandemic. Council Member Margaret Bourke suggested implementing a retainer model, to which Mayor Sondak committed to having that conversation with legal counsel. Council Member Margaret Bourke also suggested delaying the Community Center feasibility study, and there was subsequent discussion on the matter.

03:43:02

Mayor Sondak called the question. Vote on motion: Mayor Sondak, and Council Members Elise Morgan and Sheridan Davis voted "Aye." Council Member Margaret Bourke voted "Nay." The motion passed 3-to-1.

15. DISCUSSION AND POSSIBLE ACTION SETTING ALTA SPECIAL SERVICE DISTRICT BUDGET AND CTR 2020-R-16

03:43:50

MOTION: Council Member Margaret Bourke moved to ADOPT 2020-R-16. Council Member Sheridan Davis seconded the motion. The motion passed with the unanimous consent of the Council.

16. DISCUSSION AND POSSIBLE ADOPTION OF THE 20-21 COUNCIL MEETING SCHEDULE ORDINANCE 2020-O-2

03:45:47

MOTION: Council Member Margaret Bourke moved to ADOPT the 20-21 Council Meeting Schedule. Mayor Sondak seconded the motion.

Council Member Margaret Bourke suggested earlier start times November through April. Mayor Sondak suggested moving the meetings up by an hour. There was some discussion on the matter.

03:53:58

MOTION: Council Member Margaret Bourke moved to AMEND the meeting schedule to start Work Sessions at 3:00 pm and Town Council Meetings at 4:00 pm. Council Member Elise Morgan seconded the motion. The motion passed with the unanimous consent of the Council.

17. NEW BUSINESS

03:56:51

Mayor Sondak said he was asked by a citizen to investigate the process of disincorporation for the Town of Alta. He stated that he would research this issue and report back to the Council on the matter.

18. MOTION TO ADJOURN

MOTION: Council Member Elise Morgan moved to ADJOURN at 7:59 pm. Mayor Sondak seconded the motion. The motion passed with the unanimous consent of the Council.

APPROVED by the Town Council on July 8, 2020



Piper Lever, Town Clerk