

**MINUTES**  
**ALTA TOWN COUNCIL MEETING**  
**Wednesday, August 12, 2020, 3:30 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:** Craig Heimark, Del Draper, Gay Lynn Bennion

**WORK SESSION**

00:01:22

Mayor Sondak stated the following:

*I, Mayor Sondak, hereby determine that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at an anchor location. Pursuant to Utah Code Section 52-4-2074, and [Alta] Resolution 2020-R-12, the facts upon which this determination is based, include the percentage number of positive COVID-19 cases in Utah has been significantly higher since May 27, 2020. The seven-day average of cases has been over 300 since June 5, 2020. The COVID-19 patients in Utah hospitals have increased during the same period. Almost half the State cases are in Salt Lake County. As of August 3, 2020, there have been 317 deaths in Utah due to COVID-19. This meeting will not have a physical anchor location. All attendees will connect remotely. Attendees may join the webinar by registering for the meeting through the Town website: [www.townofalta.com](http://www.townofalta.com), or the meeting can be watched on YouTube. Additionally, comments may be emailed to the Town Clerk at [plever@townofalta.com](mailto:plever@townofalta.com). This determination will expire in 30 days on September 2, 2020.*

**1. DISCUSSION OF ZONING CHANGES**

00:05:02

John Guldner, Town Administrator, noted that during the January meeting, the Council determined that whether a structure was in the Upper Albion Basin Protection Overlay Zone or not, non-complying structures could be torn down and rebuilt, as long as approval was obtained from the

health department and public utilities. Furthermore, an additional, one time, 250 gross square feet could be added. One item that needed to be revisited, however, was the ski area and campground infrastructure waterway setbacks, also located in that proposed Upper Albion Basin Protection Overlay Zone. He explained that while the setbacks from any streams or waterways in that zone were greater for occupied structures, certain accessory structures were exempted by the health department and public utilities based on habitability. Mr. Guldner discussed the Town's existing regulations and provided several definitions for structure types. Based on those definitions, the following structures were exempt: lift towers, signs, avalanche control devices, snow making equipment, pump houses, picnic tables, and fire pits.

In response to a question from Mayor Sondak regarding language regarding the Building Official's approval, Mr. Guldner clarified that there were certain structures that the health department and the Salt Lake City Public Utilities do not even look at.

Mike Maughan, Alta Ski Area, said it did not make sense to have the Building Official approve every sign that was upgraded. He stated that their current memorandum of understanding with the Town of Alta and the Forest Service was that anytime there was a habitable structure requiring a building permit, they went to the Town even though it was on public land.

00:12:36

Council Member Cliff Curry agreed with Mike Maughan's comments with regards to Section G3 pertaining to ski area structures. He stated that while he is a strong supporter of Friends of Alta, the requirements suggested by Friends of Alta in this instance would be too onerous and specific as applied to ordinary ski area items such as signage, snowmaking, etc. The intent was not to slow down legitimate ski area operations and maintenance. He noted that there were a couple of good concerns raised, particularly with regard to obtaining approval from the building official. However, as drafted, he said this was not the language the Council wanted, because the intent was not to require independent approval by the building official. Council Member Cliff Curry stated that if this were intended, there were no standards laid out to grant or withhold that approval. He suggested that for the last clause of subsection 3, instead of the words "and if approved by the building official" it state "such compliance is subject to review by the building official." He stated that it was important the Town hold people accountable for compliance without imposing a lot of unnecessary hurdles.

Council Member Sheridan Davis said it was important to reiterate that the Town of Alta was the land use authority of this area, even though an MOU existed. She said she was reluctant to limit the Council's ability to allow for expansion that changed the character of an entire area like she was currently witnessing up at the campground. Mike Maughan stated that the Council's land use authority did not extend into federal land except under the MOU.

00:20:55

Mike Maughan said he would not agree to notifying the Town of every change made on public land.

Polly McLean, Town Attorney, said she would examine the MOU. Based on her understanding of the agreement with the Forest Service regarding building permits anything that was constructed,

the use of which required a fixed location on or in the ground or attached to something having a fixed location on the ground, and which imposed an impervious material on or above the ground, were within the Town's discretion. The Town could discuss this with the Forest Service, but they did give local authorities land use authority within the forest.

There was subsequent discussion on how to best approach this issue, and it was noted that signs and gates had a completely different impact on the area than an avalanche control device or snow making equipment. The Council agreed that it was important to address the definitions of structures.

## **REGULAR MEETING**

### **1. CALL THE MEETING TO ORDER**

00:35:20

Mayor Sondak called the Alta Town Council Meeting to order and noted that all Council Members were present.

### **2. CITIZEN INPUT**

00:35:58

Craig Heimark expressed concerns regarding the overuse of the canyon, and discussed the need to preserve the environment and ethos of the Town of Alta. He said he was upset by the recent Council decision to join the UFSA, resulting in a tax increase. Over 60% of the payment would be borne by second homeowners, while the bulk of the expense was due to the occasional visitors. There were several mechanisms such as parking fees, toll booths, vehicle restrictions that could help regulate the use of the canyon. He hoped that moving forward, the Council would consider visitor usage control options.

00:39:47

Del Draper addressed the Council regarding the Upper Albion Basin Overlay Zone. He said the draft ordinance was overly restrictive for remodeling existing cabins. He explained that Albion Basin cabin owners should have more flexibility in being able to remodel their homes.

00:46:03

Piper Lever, Town Clerk, read the following comment from Mark Haik into public record:

*At the Public Hearing regards annexation of the TOA into the Unified Fire Service Area July 21, 2020, Mayor Sondak remarked that the TOA municipal water supply was controlled by the 1976 contract with Salt Lake City Public Utilities and the contract prohibited the supply of water to some areas of the town. Mayor Sondak also alluded to various litigation efforts by Mark Haik which cases have some unspecified effect on the 1976 contract according to Mayor Sondak. What Mayor Sondak failed to acknowledge were the TOA own legislative acts amending the 1976 contract, the effects of the various Shrontz litigation efforts and the consensual agreement between Shrontz's & TOA manifested in the Shrontz Settlement Agreement which amends the 1976 contract*

*with Salt Lake City Public Utilities. No mention of the public record regards TOA municipal water at the Utah Division of Water Rights.*

*Mayor Sondak merely alluding to litigation having occurred and absent any cogent competent analysis regards the status or meaning of the 1976 contract with Salt Lake City Public Utilities (if any exists) regards where the TOA can divert and use municipal water; is insufficient to competently pursue self-governance and make public policy. Mayor Sondak should pursue & the TOA Council should demand analysis by Mrs. Kapalowski/Veasy and or Ms. McClean that they can publicly share the status of the TOA municipal water assets. Merely reiterating the fallacies promoted by your political predecessors and the bureaucrats and minions they directed is insufficient to adequately plan for a viable economic future for the citizens, property & business owners, visitors, guests, inhabitants & neighbors. There is a reason the TOA deliberations are devoid of citizenry and the cause is due to public municipal services being routinely denied to parties specifically annexed to be served basic municipal services.*

00:51:58

Jen Clancy, Deputy Town Clerk, noted that a comment was received by the Friends of Alta after the deadline. Those comments would be posted on the Town's website. Mayor Sondak stated that the comment was a request that the Planning Commission have oversight of the commercial ski area operations on habitable structure projects.

00:53:22

John Guldner, Town Administrator, stated that the Town of Alta had a 1976 contract with Salt Lake City Department of Public Utilities that provided 265,000 gallons of water per day. This contract had not been amended and was still in effect. The Town was restricted geographically to where water could be provided.

### **3. INTRODUCTION OF GAY LYNN BENNION, CANDIDATE FOR UTAH HOUSE DISTRICT 46**

00:55:01

Mayor Sondak introduced Gay Lynn Bennion, a candidate running for the Utah House of Representatives District 46.

Ms. Bennion stated that she had been involved with the Women's State Legislative Council for the last seven years. The group was a bipartisan, 100-year-old group that researched both sides of important legislative issues. The committees for which she had been a director included natural resources, environment, and energy, as well as education. Therefore, she was aware of the environmental issues that the State of Utah had faced in both the past and present. Ms. Bennion noted that she received a recommendation from Canyons Education Association supporting her run for office. She recognized her team of volunteers that was helping to run her campaign. She stated that she loved and wanted to help preserve Alta's resources, and would represent the Town to best of her ability. Ms. Bennion noted that District 46 also encompassed Cottonwood Heights, Holladay, Midvale, and Murray.

In response to a question from Council Member Sheridan Davis, Ms. Bennion stated that healthcare and housing costs were also important issues within the district.

#### **4. ALTA SKI AREA – MIKE MAUGHAN**

01:03:27

Mike Maughan, Alta Ski Area, thanked the Town for extra servicing of the portable restrooms in the Albion Basin parking lot. The canyon was under extreme pressure in light of COVID-19, and visitation numbers were higher this year than they were last year. He reported that they had received positive feedback with regards to having a campground store and information booth in the Basin. Other guests had reported that the restrooms in the area were also clean and well taken care of compared to what they had seen in other parts of the forest.

Mr. Maughan reported that the Albion Basin parking lot project was completed and had been well-used. New plants and vegetation were starting to grow. He also stated that work on Devil’s Castle Road was almost finished. He noted that this project entailed adding grading to the top of the road and removing grading from the bottom of the road, so as to have it widened. They were currently working on revegetation efforts as part of the terrain work. Most summer projects were nearly complete, with the exception of remodeling work to Alf’s that would be finished around mid-October. Mr. Maughan reported that they were in the process of planting several thousand native plants as well as 1,300 trees.

Mr. Maughan stated that they were now focusing their efforts on developing an operative plan for the winter 2021 season. A community meeting was scheduled for August 20, 2020, at 2:00 pm, wherein this operative plan would be discussed. A Zoom link would be sent out as the meeting time drew closer. He stated that they were remaining flexible as times remained uncertain.

In response to a question from Mayor Sondak, Mr. Maughan noted that Ikon sales were off by approximately 3% this year, and Mountain Collective sales were off by about 30%. Pro-rated refunds would be offered should something happen during the season to necessitate a shutdown of the ski area.

Mayor Sondak asked if public noticing would be needed if a quorum of Town Council Members attended the community meeting on August 20<sup>th</sup>. Polly McLean, Town Attorney, clarified that as long as no decisions by the Town Council were being made, it was allowable under the State Law for a quorum of Council Members to attend without public noticing. However, she recommended transparency with the public, and noted that if the meeting were formally publicized it would require 24 hours of advance notice.

#### **5. APPROVAL OF CONSENT AGENDA**

- July 8, 2020 Minutes
- Treasurer’s Reports
- Staff Reports

01:18:27

**MOTION:** Council Member Margaret 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. UNIFIED FIRE AUTHORITY – JAY TORGERSEN**

01:19:29

Jay Torgersen, Unified Fire Authority, reported that call volume had been fairly low recently. For most of July and the first two weeks of August, there had been a total of seven calls: five were EMS calls and two were false alarms. There had also been a couple of rescues within the last several weeks. Helicopters were used to assist someone who had been injured on Superior to the west of Albion Buttress. Chief Torgersen reported on wildland fire risks, stating that there were relatively few fires in the month of July with minimal damage done. He then provided updates on this year's chipper program. Chief Torgersen stated that there were to be no fires outside of any established fire pits in campgrounds. Violations to fire restrictions should be reported to the Town Marshal. Lastly, Chief Torgersen reported that UFA was moving forward with its strategic planning process. Community workshops would be taking place in September and residents were encouraged to participate.

**7. QUESTIONS REGARDING DEPARTMENTAL REPORTS**

01:33:23

Council Member Margaret Bourke asked about John Guldner's reference to the building permits that had been taken out. She questioned when the Town might see tax revenue from those permits and sought additional information on the valuation of those permits. Mr. Guldner responded that granted permits were sent to the County Assessor on a monthly basis. He explained that tax revenue on new houses or remodeling projects was received in the year they were completed.

**8. MAYOR'S REPORT**

01:36:05

Mayor Sondak stated that COVID-19 was still significantly impacting the community, especially with school starting soon. He noted that he had submitted an op-ed to the Salt Lake Tribune in relation to COVID-19 safety concerns in public spaces. The Towne office continued to operate with one staff member present at a time. Mayor Sondak reported that he applied for an additional \$32,000 in C.A.R.E.S. Act funding beyond the previous allocation of \$11,317, which was granted on a per capita basis. Based on this request, the Town of Alta received an additional \$32,673. These funds allowed the Town to partner with ASL on the extra cleaning of portable restrooms this summer. Mayor Sondak said he also spoke with Senator Romney about revenue reimbursement.

Mayor Sondak reported that on July 9, 2020, he attended a CWC meeting, during which there was discussion on how much fund reserves should be expended on short-term projects. It was agreed at that time to recommend that one full year's worth of funds be reserved. However, the Board did not fully agree with this recommendation and lowered the amount to be kept in reserves at its

next meeting held on July 13, 2020. He reported that the CWC was continuing to explore possibilities in land exchanges.

On July 21, 2020, at the UFA/UFSA Board Meeting, UFSA voted to expand the boundaries of the District to include the Town of Alta. Salt Lake County was working on a final entity plat to show the area that would be included. As was previously discussed, the Town would continue to pay last year's inflation adjustment amount for the UFA member fee. However, beginning January 2021, the Town of Alta would be members of the UFSA for taxing purposes.

Mayor Sondak noted upcoming governmental meetings that he would be attending.

Mayor Sondak reported that the following temporary dog licenses were issued with dates starting between 7/1 and 8/11:

- Sarah Goodson 7/1 - 7/30 (30 days) Albion Basin
- Talley Goodson 7/1 - 7/30 (30 days) Albion Basin
- Tricia Petzold 7/3 – 7/5 (3 days) Peruvian Acres
- Pam Labadie 7/8 -7/21 (14 days) Sugarplum
- Julia Heimark 7/8 – 7/10 (3 days) West Grizzly
- Libby Heimark 7/17 – 7/21 (5 days) West Grizzly
- Marcia Decker 7/29 -8/27 (30 days) Peruvian Acres
- Colin Gibbs 7/30 – 8/2 (4 days) Albion Basin
- Kaitlyn Gibbs 7/30 – 8/2 (4 days) Albion Basin
- Jeffrey Selikoff 7/30 – 7/31 (2 days) Powder Ridge
- Dave Valenti 8/3 – 8/16 (14 days) Albion Basin
- Connor Gibbs 8/11 - 8/16 (6 days) Albion Basin

Council Member Sheridan Davis asked it was possible for COVID-19 testing to take place throughout the community, especially with out-of-state tourists coming in and out of the area; if so, she further questioned if funding was available from the State for community-wide testing. She then asked if it would be possible to test the Town's sewage flows to determine best practices for keeping everyone safe. Mayor Sondak discussed several hurdles he had faced in trying to get tested; he was currently investigating options for streamlining the individual testing process.

Regarding sewage, Mayor Sondak stated that he had been engaged with MIT/Harvard Public Health on this question. Utah had been doing some of this testing at the sewage treatment plant. Each of these sewage tests cost around \$1,000. He said he was considering approaching the ski lodges to determine whether or not COVID-19 was present in those areas. The question, however, was a matter of what to do with the information once it was received. Mayor Sondak reviewed the research that he was doing on this matter as part of efforts to develop productive solutions for the Town of Alta.

## **9. DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2020-O-4 SUPPORTING LAND USE AMENDMENTS**

02:01:59

The Council discussed tabling this item until the next work session. It was determined that prior to adoption, Council Members would like to review two versions of the document: a red-lined version and a cleaned-up version, along with the land use map. Strategies for finalizing the ordinance amendments were then discussed.

**10. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2020-R-19 ADOPTING A HAZARD MITIGATION PLAN**

02:09:24

Mayor Sondak turned the time over to Chris Cawley, Assistant Town Administrator, to summarize this document. Mr. Cawley explained that this document was last reviewed in January, and that many of the potential hazards outlined in the document had since taken place. In general, the function of this plan was to maintain compliance with federal disaster mitigation and hazard recovery funding opportunities. Mr. Cawley stated that having this plan in place did place the Town of Alta in line for those opportunities.

**MOTION:** Council Member Cliff Curry moved to ADOPT Resolution 2020-R-19. Council Member Margaret Bourke seconded the motion. The motion passed with the unanimous consent of the Council.

**11. APPOINTMENT OF UFA BOARD MEMBER REPRESENTATIVE AND ALTERNATE UFA BOARD MEMBER**

02:13:22

Mayor Sondak stated that the UFA would like the Town of Alta to identify a Board Member Representative and Alternate Board Member in case he could not attend a meeting.

**MOTION:** Council Member Cliff Curry moved to APPOINT Mayor Harris Sondak as the UFA Board Member Representative. Council Member Margaret Bourke seconded the motion. The motion passed with the unanimous consent of the Council.

**MOTION:** Council Member Cliff Curry moved to APPOINT Council Member Elise Morgan as the Alternate UFA Board Member. Council Member Sheridan Davis seconded the motion. The motion passed with the unanimous consent of the Council.

**12. NEW BUSINESS**

02:18:23

Council Member Margaret Bourke said she appreciated receiving written public comments prior to the meeting, and that they were subsequently posted to the Town's website.

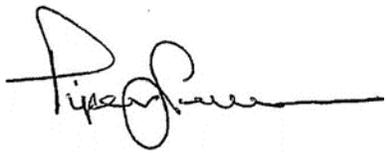
Council Member Sheridan Davis made additional comments on temporary dog licenses, as well as people not taking safety precautions in public. She asked if tickets were issued to both of these types of violations. Mike Morey, Town Marshal, said that violations and citations were situational.

**13. MOTION TO ADJOURN**

02:42:47

**MOTION:** Council Member Sheridan Davis moved to ADJOURN at 5:58 pm. Council Member Margaret Bourke seconded the motion. The motion passed with the unanimous consent of the Council.

APPROVED by the Town Council on September 9, 2020

A handwritten signature in black ink, appearing to read "Piper Lever", with a long horizontal flourish extending to the right.

Piper Lever, Town Clerk