

MINUTES
ALTA TOWN COUNCIL VIRTUAL MEETING
Wednesday, September 9, 2020, 3:00 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
Mike Morey, Town Marshal
Polly McLean, Town Attorney
Jay Torgersen, UFA

OTHERS: Mike Maughan, Del Draper, Marti Woolford, Karen Kupiers, Jarrett Pelletier

WORK SESSION

• **DISCUSSION OF ZONING ORDINANCE CHANGES**

00:00:01

Mayor Sondak called the work session to order at 3:00 PM and read the Letter of Determination regarding conducting the Town of Alta public meetings without an anchor location, which applies to this work session and the regular session directly 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 52-4-207(4), 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 September 3, 2020, there have been 414 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, or the meeting can be watched on YouTube. Additionally, comments may be emailed to the Town Clerk at plever@townofalta.com. This determination will expire in 30 days on October 3, 2020.

Mayor Sondak asked Town Administrator John Guldner to provide the background information regarding the work session discussion item.

00:02:59

Administrator Guldner said that there was one issue on which the Council had yet to reach a consensus, and that was the concern of having non-habited structures within the waterway setback. Based on feedback from the Council and residents, staff has proposed the following language in the definitions section of the ordinance as an exception to the building permit requirement:

However, Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, do not require a building permit so long as, and only if, such Structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service , US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities. (Ord., 6-8-1989)

When the Council discussed this item previously, they had questioned whether such language was too much or not enough to meet the needs of the Town, residents, and Alta Ski Area. There was also a question as to whether the building official needed to be involved in these instances.

00:06:15

Council Member Curry felt that the proposed language adequately addressed their concerns.

00:06:43

Council Member Bourke said that she was unclear about the exemptions, particularly in the language specific to stream regulations. She was concerned that the regulations of the Health Department and Public Utilities have been in place for quite some time and may not be up to date with current science. As they have seen with COVID-19, science changes quickly while policies take longer to update. Council Member Bourke believed that they should look forward as they examine these ordinances rather than relying on what was acceptable in the past. In Alta, the community could be no healthier than the ecosystem in which they are, and the Town's ordinance needs to encourage environmental health. The ordinance should also allow existing structures to be grandfathered in without creating exceptions for new structures that might violate current science. Council Member Bourke proposed that they consider adding language to Subsection G that would apply to the broader community rather than just the commercial recreation ski area operations and campground. The Council should recognize that the residents in the Albion Basin were an important part of the community as well. She proposed language to ensure grandfathering of existing structures, and five provisions to consider for new applications. The provisions were as follows:

1. No heavy use will occur in the vicinity of the waterway during the construction.
2. No heavy use will occur in the vicinity of the waterway following the installation, during the operation of that structure.
3. By submitted design and engineering, damage to the watershed, waterway, and jurisdictional wetland during construction and thereafter is diminishing in scope and area,

both for the submitted proposal as well as any cumulative impacts from prior approved actions.

4. Structure placement is supported by then-current science and complies with the requirements of all applicable regulatory bodies having jurisdiction including but not limited to US forest service, etc.

Or

5. If those four things couldn't be met, instead the application needs to demonstrate that the improvements to existing previously approved structures would enhance waterway protections overall due to improvement to existing apparatus, structure, or improvements consistent with the current watershed science.

Council Member Bourke stated that the suggested language would allow residents to make improvements to their structure or move their structure out of the waterway.

00:14:09

Mayor Sondak asked Legal Counsel if applicants would need to meet requirements of the various regulatory bodies that have jurisdiction over those properties under the language provided by staff. Town Attorney Polly McLean answered affirmatively. Even if such language wasn't expressly stated in the Town ordinance, those regulations would have to be followed. Mayor Sondak said that he would tend to rely on the experts from those agencies to know what current science was, and he would rely on them to update their regulations accordingly.

00:16:52

Council Member Davis requested the Council Member Bourke forward her proposed language to the Council for review and discussion.

00:18:44

Council Member Morgan thought that the section was fine the way it was written. An applicant would have to work with all agencies that have jurisdiction in the area before making a proposal to the Town. The language proposed by staff covered that. Her only concern was that the language may not have included all possible structures that could be exempt in the future. Administrator Guldner agreed that they may have missed something, but he hoped that the language "such as" would act as a catch-all.

00:20:38

Council Member Curry stated that by incorporating the applicable regulations of those other jurisdictional bodies, the Town didn't make a judgement on whether structures were grandfathered in or not. That judgment was up to the agency having jurisdiction over the property. The Town of Alta's ability to regulation in these areas was debatable. He felt that the language proposed by staff covered Council Member Bourke's concerns.

00:22:13

Administrator Guldner stated that the proposed language was in line with the Health Department and Salt Lake County, and there was further restrictions within the Upper Albion Basin Protection Overlay Zone. There were existing structures there from the Ski Area that need to remain in order

for them to continue operations. The proposed language regarding the exemption included structures that were currently exempt by other jurisdictional entities.

The Council discussed the language proposed by Council Member Bourke. Attorney McLean asked for clarification on her reference to “prior proper approval”, and Council Member Bourke confirmed that this meant any structure that was previously approved, compliant or not. Her intention was to make the language more inclusive. Mayor Sondak expressed concern about the term “currently accepted science”, because that could be subject to interpretation. Council Member Morgan said that the thing that stuck out to her was the language requiring any improvements or new structures to have a permit. She was concerned with this because the whole purpose of this section was to eliminate the need for a permit from the Town of Alta for uninhabited structures. Council Member Bourke hoped that this kind of language would better help the Town mitigate potential issues.

There was a discussion regarding other entities acting in the best interest of the environment, and the displeasure around the Supreme Lift. Council Member Davis said that Council Member Bourke’s proposal may prevent something like that from happening again.

Administrator Guldner noted that Council Member Bourke’s proposal would put a lot of burden on the building official.

00:39:03

Mayor Sondak invited Mike Maughan, with Alta Ski Area, to make a few comments. Mike Maughan said that there was some misunderstanding around the Supreme Lift, and he would be happy to provide additional insight at another time. Based on the MOU between the US Forest Service and the Town of Alta, the Forest Service had jurisdiction over land use, while the Town of Alta had jurisdiction over building codes. Attorney McLean read the language referenced and stated that the purpose of the document was for the US Forest Service and the Town of Alta to work together. Mike Maughan questioned whether the proposal to streamline the permit process fell under “land use” or “building code”.

There was a brief discussion regarding the language allowing a 250 square foot expansion, which would be extended to the entire Town of Alta. Administrator Guldner noted that the proposed language would be more beneficial for anyone who was currently non-complying.

The work session was adjourned at 3:59 PM.

REGULAR SESSION

1. CALL THE MEETING TO ORDER AND DETERMINATION LETTER READING REGARDING NO ANCHOR LOCATION

01:00:00

Mayor Sondak called the meeting to order 4:02 PM and stated that he had read the Letter of Determination at the beginning of the Work Session.

2. CITIZEN INPUT

01:00:30

Staff confirmed that citizen input received via email would be attached to the minutes. Council Member Davis read her statement regarding the community center and the suggestions of including affordable housing. See attached.

01:03:49

Del Draper, a cabin owner, stated that the Cecret Lake Cabin Owner's Association opposed the proposed Upper Albion Basin Overlay Protection Zone for reasons previously expressed. Their major point of opposition was the belief that Alta should support cabin remodeling with greater flexibility than the proposed ordinance would allow. The cabin owners felt singled-out by this proposal. Del Draper stated that there had been no new cabins in the Cecret Lake Subdivision since 1976, and no new cabins in the proposed overlay zone since 1980. He argued that the existing ordinance seemed to be adequate in preventing new cabins from being built.

3. CENSUS UPDATE – *Marti Woolford, Salt Lake County*

01:13:20

Marti Woolford stated that she worked for the Salt Lake County mayor and the Office for New Americans, and she had been tasked with outreach and education for Census 2020. Historically, new Americans were undercounted in the census for several reasons, including the fact that they simply didn't understand the importance of the census. The census takes place every ten years, and the census was used in allocating trillions of dollars of federal funds to states, county, and municipalities. There were also a number of programs funded using the census, including Medicaid and food stamps, community health clinics, preservation, and road funding. For each person that doesn't complete the census, the State of Utah loses \$1,860 each year for ten years. Due to COVID-19 and other causes, the 2020 Census had been delayed, and was currently set to be completed by September 30th. Roughly 70% of Salt Lake County residents had responded to the census, with the Town of Alta at 17%. This low percentage was common in resort towns, because many employees and residents were there only for the winter season. The census could be completed online at my2020census.gov, over the phone, or with a representative.

Mayor Sondak asked for clarification on the Town of Alta's response percentage, and Marti Woolford explained that this was 17% of the housing units in Alta. These were physical addresses rather than P.O. Boxes. Mayor Sondak asked how they could help increase that number. Marti Woolford said that human connection encourages people to participate. Those that don't respond to the census often are those with limited internet connection, those that struggle with technology, and those with language or cultural barriers. It would be helpful to educate residents about the purpose and importance of the census.

01:25:53

Council Member Bourke stated that the Town of Alta receives almost no mail via street address. They also had many people leave before April 1st because the season ended early this year, and they wouldn't be returning to the Town before the end of September. Marti Woolford asked how

the Council Members received information about the census, and Council Member Bourke said that a bag was left at their door.

4. SKI AREA UPDATE – *Mike Maughan*

01:30:20

Mike Maughan, Alta Ski Area, reported that the last day of the campground would be September 12th, and the fee booth would stop daily operations on September 13th. The booth would remain operational on weekends until the end of September. They intended on keeping the restrooms open and running until the road is closed. He then reported that there had been 22,725 vehicle visits to the Albion Basin as of today. This was double the number from last year. They were finishing up work on the Devil’s Castle Road, trail work, and weed pulling. The Ski Area was actively preparing for the winter season. The target opening date was the Saturday before Thanksgiving. Mike Maughan briefly touched on measures they would be taking because of COVID-19. He asked if the Town had a plan for when they begin to see positive test result cases in the Town during the winter season. They should discuss how to quarantine or isolate individuals, and the possibility of getting people tested locally.

01:39:12

Mayor Sondak said that there had been hotel spaces used for quarantine in the valley, but he wasn’t sure how those were paid for. The Town could explore that with the Salt Lake County Health Department. There had been conversations about getting testing in the Town of Alta, but there were still questions about that. Mike Maughan suggested working with other businesses in Town about contributing to a quarantine area.

5. APPROVAL OF CONSENT AGENDA

- Treasurers Report for August 2020
- Town Council Meeting minutes for August 12, 2020
- Staff Report

01:43:20

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

6. UFA REPORT – *Jay Torgersen*

01:44:10

Jay Torgerson, UFA, reported that there had been two deaths within the UFA, one individual was retired and the other was currently serving. The UFA had experienced an Urban Search and Rescue deployment to Louisiana, and an Emergency Management Assistance Cooperative deployment to California. He then reported the total calls to the Town of Alta in the third quarter so far.

7. QUESTIONS REGARDING DEPARTMENTAL REPORTS

01:56:51

There were no questions.

8. MAYOR'S REPORT

01:57:00

Mayor Sondak turned the time over to the team from Ennead that was conducting the Community Center Feasibility Study for a report.

Jarrett Pelletier thanked the Council and those that had participated in the study thus far. Since they began the study in mid-July, they had engaged with the community, met frequently with the advisory board, and worked with staff to obtain information on what the community wants in a community center. They had also worked with experts on avalanches and other environmental components to ensure that any of those concerns were addressed. A website had been created to share information, accept feedback, and conduct surveys. There were 50 unique responses from the website survey, 33 small group participants, and five more participants in the open workshop. 60% of the respondents either live or work in Alta year-round, 23% live or work in Alta seasonally, and 17% were either visitors or had some previous affiliation with the Town. Based on these responses and communications, they were able to develop the following four guiding principles for the community center:

1. The community center is envisioned as a resource where the Alta Community will gather for the wellbeing of its members.
2. Articulate the story of Alta, from the perspective of its history and ecologies, educate visitors about the ongoing stewardship of the place.
3. The center will need to be financially sustainable, not a burden to the town.
4. Exemplar of environmental stewardship—need to have a high sustainability benchmark.

Jarrett Pelletier described their work with the advisory committee. Some of the ideas for the community center included an information center, coffee shop, community programs, gathering spaces, and a post office. There had been a discussion about a large gathering/multi-purpose space, which could be divided and used for smaller purposes. Other discussion included a dedicated fitness space, and a dedicated education space should Alta School be moved from its current location. One of the greatest needs in the Town of Alta was parking, so they had discussed the idea of raising the community center to provide for an on-grade parking deck. The next steps in the process would be to work through the rest of the feasibility study and again reach out to the community for feedback.

Administrator Guldner encouraged the Council to engage with the Ennead team at any time, not just during meetings. There was a link to the feasibility study website from the Town of Alta website.

The Council thanked the team for their work, and they requested that this presentation be available online.

2:37:07

Mayor Sondak gave a report on the UFA/UFSA Board Meeting from August 18th, the Council of Governments Meeting on August 20th, an informational meeting with Alta Ski Lifts on August 20th, and a meeting on August 26th between Alta Ski Area, US Forest Service, UDOT and the Town of Alta about perfecting the easement through Town. Upcoming meetings included an UFA/UFSA Board Meeting on September 15th, and initial road meeting on September 15th, and the next Town Council meeting on October 14th. Mayor Sondak reported the following temporary dog licenses issued since the last Council meeting:

- Luke Dennis 10 days (8/16 – 8/25) Sugarplum
- Marcia Decker 21 days (8/28-9/17) Peruvian Acres
- Dave Valenti 8 days (8/31 -9/7) Albion Basin
- Sarah Goodson 30 days (9/1 - 9/30) Albion Basin
- Talley Goodson 30 days (9/1 - 9/30) Albion Basin
- Cam Hoffman 8 days (9/2-9/9) Deep Powder House

Mayor Sondak then addressed his concerns regarding the upcoming winter season, with his primary concern being increased automobile traffic in the canyon. This increase would be a result of five factors: the increased popularity of back country skiing, people opting for rental units in the valley rather than an open lodge in Alta, people travel to Utah in cars rather than airplanes, problems with the Alta Resort Shuttle, and the inability to add busses to the route. The Council needed to figure out a way to manage the increased number of cars. Mayor Sondak also had concerns about the Ski Area operations, including the use of insufficient face coverings, food and beverages, restrooms, and damage to the watershed. He was worried that Alta's reputation would be sorely challenged if they experience high COVID numbers during the winter season.

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

02:55:58

Mayor Sondak wasn't sure that they were ready to pass an ordinance on land use, given the conversation that they had during the work session. Council Member Curry agreed that the item should be tabled. He stated that this process had begun in January of 2015, and many Planning Commission and Town Council members had gone through this. They had the opinion of multiple attorneys, and they had citizen input. Everything in the proposed ordinance was a compromise, and they would never truly be finished in fine-tuning the ordinances. He hoped they could come to an agreement and take action on this ordinance at the next meeting. He suggested that they have another work session to discuss the ordinance, and put the item at the beginning of the regular session so they had adequate time for discussion

02:59:48

MOTION: Council Member Curry moved that the Town Council TABLE Discussion and Possible Action on Ordinance 2020-O-4 to the next Town Council meeting, and to discuss this item during the work session. Mayor Sondak seconded the motion. The motion passed with unanimous consent of the Council.

10. DISCUSSION AND POSSIBLE ACTION ON 2020-R-20 A RESOLUTION AUTHORIZING EXECUTION OF SL COUNTY ILA REGARDING CDBG PROGRAM

03:00:50

Mayor Sondak explained stated that this was a housekeeping issue, and Salt Lake County was required to have this completed by September 18th. The Interlocal Agreement required unanimity from all the municipalities in the valley. Mayor Sondak introduced Karen Kupiers from Salt Lake County to answer any questions.

03:02:12

Karen Kupiers explained that this was basically an Urban County renewal. Every year, the county receives an allocation of community development block grant funds from HUD. One of the stipulations to receiving those funds was an Interlocal Agreement between all participating jurisdictions. HUD had requested a few changes to the language of the previous interlocal agreement, so those changes were part of the renewal. They briefly discussed how those funds could be used in the Town of Alta.

03:17:24

MOTION: Council Member Davis moved that the Town Council ADOPT 2020-R-20, a Resolution authorizing the execution of Salt Lake County's Interlocal Agreement regarding the CDBG Program. Council Member Morgan seconded the motion. The motion passed with unanimous consent of the Council.

11. NEW BUSINESS

03:18:10

Council Member Bourke asked if the Council could adopt a resolution regarding the lack of an anchor location rather than having to create and read a document before every meeting. Attorney McLean said that State Statute states that the determination can only last for 30 days, so they have to continue making the determination letters.

03:35:02

Town Marshal Mike Morey reminded everyone that Friday would make the 19th anniversary of September 11, 2001.

12. MOTION TO ADJOURN

03:26:01

MOTION: Council Member Bourke moved to ADJOURN at 6:30 PM. Council Member Davis seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by the Town Council on October 14, 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