

**MINUTES**  
**ALTA TOWN COUNCIL MEETING**  
**Wednesday, December 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 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:** Mike Maughan, Alta Ski Area; Laura Briefer, Salt Lake City Public Utilities; Richard Haskell, Associate Professor of Finance at Westminster College; Kyle Maynard, Friends of Alta; Theddi Chappell; Dan Ketner; Steve Rowley, Keddington & Christensen

**WORK SESSION**

• **LAND USE AMENDMENTS**

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 2,629 since December 2, 2020. The COVID-19 patients in Utah hospitals have increased during the same period. Over half the State cases are in Salt Lake County. As of December 2, 2020, there have been 925 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 January 3, 2021.*

00:02:05

Town Administrator John Guldner said that this was the fourth month that the Town Council had discussed the issue of exempting Ski Area structures, not buildings, from the new waterway setback in the Upper Albion Basin Protection Overlay Zone. One of the concerns expressed at the previous meeting was how to limit that exemption to the Alta Ski Area. On Friday of last week, the Council should have received an email from Town Attorney Polly McLean which contained new language that should address this issue. Another concern brought up in previous meetings was how to keep the Town of Alta involved when development happens on land outside of its jurisdiction. He asked if the proposed language seemed adequate.

00:17:26

Mayor Sondak said that the Council had expressed a need to have a clear distinction between public lands and private lands. The proposed language before them didn't put a lot of burden on the Ski Area in terms of seeking permission from the Town of Alta. It requests that the Town be included. Mayor Sondak reported that Mike Maughan, General Manager of Alta Ski Area, voiced concern that that Ski Area faced multiple sets of regulations in places where they have private lots that are surrounded by public lands. In the Council's previous discussion, they hadn't considered this patchwork of land and it would impact development.

00:10:18

Council Member Curry said that they should allow Mike Maughan to speak on this issue, but he hoped they would give time for the Council to speak first. He was sympathetic to the concerns raised by Mike Maughan. He opined that the issue would come down to ski lift structures and how those would be exempt from waterway setbacks on private land.

Town Attorney McLean noted that it would be legally difficult for the Town to defend their decision to allow the Alta Ski Lifts an exemption, but not homeowners. Town Administrator Guldner added that this would get even more complicated because everything in the Albion Basin was a non-complying parcel. He further clarified that a lift tower would require a permit due to its size and impacts to life safety.

The group discussed the probability of installing a snow-making line that would run through private and public land.

Council Member Morgan expressed that it wasn't too much to ask for the Town to be involved in development. It encouraged partnership between the Town and the developing entity.

00:21:00

Council Member Curry said that it was expected that building code would be followed and structures would ultimately be constructed in a safe manner. He asked if there were any Town ordinances that would have a substantive effect on future projects, aside from the exemption of waterway setbacks. Town Administrator Guldner said that the Town had regulations regarding slope, but it was very easy to obtain an exemption from those regulations.

00:23:20

Mayor Sondak invited a few individuals to speak on this matter.

Mike Maughan stated that Alta Ski Area had reviewed their master plan for future projects and compared them to the proposed ordinance changes. One of the projects they wanted to complete was a snow-making line extending to Supreme, but that line would have to cross through public lands and property owned by the Ski Area. Their intent in having an exception was so that they could treat their private land the same as Forest Service land. The Ski Area was willing to do the same level of work across both types of land. Signs had small impact and did not need Forest Service approval. He also confirmed that they would be happy to submit their plans to the Town of Alta for approval. He agreed that the Town should be involved in development.

Laura Briefer, with Salt Lake City Public Utilities, said that a lot of her questions had been answered during the discussion. Their underlying concern was adequately protecting wetlands and waterways, and she wanted to be sure that the Town's regulations did not conflict with Regulation 14 and Salt Lake City Code Chapter 17. They had a good track record working with the Town of Alta and Alta Ski Lifts, and she wanted that to be maintained. She noted that Salt Lake City Public Utilities was a landowner in the Albion Basin, so they have a vested interest in protecting those lands.

00:33:57

Mayor Sondak requested that the Council move onto the next item on the agenda. He assumed that this item would be postponed to another work session.

- **WESTMINSTER STUDY UPDATE** – *Council Member Bourke*

00:35:34

Council Member Bourke introduced Associate Professor of Finance at Westminster College, Richard Haskell. The purpose of the team that Professor Haskell and Council Member Bourke had put together was to help the Council consider disproportionate services and enhanced costs for services. She had hoped that they would have sufficient information by this meeting to present a timeframe for the study, the scope of the study, and potential costs. However, three people on the team had experienced deaths in their families within the past few weeks. Professor Haskell had the opportunity to examine the last study that was done by Zions Bank in 2013, and next they would be looking at where the Town of Alta was now and where they could go in the future.

Professor Haskell reported that the team had spent quite a bit of time talking about this issue together, and they had worked through all of the information provided by the Town of Alta for the 2012-2013 Zions Bank Study, as well as information from other resort municipalities. It appeared that there were several issues at hand, and he wanted some feedback from the Council regarding their situation. As he understood it, the Town Council had adopted a new fee schedule following the findings of the Zions Bank Study, but some years following that, the Town transitioned the EMS/fire protection service from being a contract entity with UFA to part of the service district (UFSA). As a contract entity, the Town was facing increased costs, but they didn't increase the fee schedule for users within the Town of Alta. Subsequently, the Town bore a disproportionate burden of those service costs. When the Town moves to UFSA, accounting responsibility will shift from the Town's budget to the property tax structure, the prospect which hadn't been

altogether popular with the property owners. Professor Haskell said that it might make sense to revisit and redo the 2013 study in greater detail, and then if the Town moved back to being a contract entity, they could more accurately distribute costs to the users. Another concern was that there were a lot of people coming into the area that didn't pay taxes to the Town of Alta, and possibility didn't purchase anything here. Those people could require emergency services, and someone had to bear those costs.

Mayor Sondak explained various components that went into their decision to enter into UFSA, to provide greater insight. He also made comparisons between the Town of Alta and Brighton, showing that their situations were quite different.

Council Member Davis asked Professor Haskell to describe how funding worked in places like Brian Head and Park City. Professor Haskell said that he would like to describe that in detail, but he was not prepared to do so today.

Council Member Morgan was looking forward to the information the team could bring to the Town of Alta.

- **RANKED CHOICE VOTING**

00:57:10

In the interest of time, this presentation was postponed to a future meeting.

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**

01:03:10

Mayor Sondak called the meeting to order 4:04 PM and stated that he had read the Letter of Determination at the beginning of the Work Session.

### **2. CITIZEN INPUT**

01:03:37

Kyle Maynard, with Friends of Alta, expressed thanks to the Town Council and Staff for all of the work that was put into the ordinance changes. He also thanked the Alta Ski Area for their willingness to listen to the Friends of Alta and consider alternative language. Ultimately, he felt that staff had drafted language that was close to where they all wanted to be.

Theddi Chappell asked if the Council had any questions about the Commercial PACE Program (CPACE).

Mayor Sondak said that he had planned to bring up the CPACE Program during his report. One of the local businesses had requested the use of the CPACE program, so Mayor Sondak and staff had been looking into the program. It was a private-public partnership that would provide or facilitate financing for energy efficient retrofits. The rate of financing was low, and it would require the Town to enter into a professional services agreement. There were benefits to such a partnership, but the legal department was still researching it.

Theddi Chappell provided further information regarding the CPACE Program and how it would benefit the business and the Town.

Dan Ketner commented on the Town's participation in the Alta Resort Shuttle. He had spoken with Mayor Sondak about the Town pulling its contribution this year. With the Town providing funding for the Shuttle, it was technically a public service, but if the Shuttle was not a public service, it would be easier to limit ridership during this winter season in order to decrease risk of virus transmission. They wanted to reserve the Alta Resort Shuttle as a private call service. There was some discussion regarding the matter.

**3. SKI AREA UPDATE – *Mike Maughan***

01:26:16

Mike Maughan, Alta Ski Area, stated that the Ski Area opened on November 23<sup>rd</sup>. They had experienced four days where the parking lot was filled, but it didn't get to a point where they had to turn patrons away. The biggest surprise to the Ski Area was that people simply aren't using the restaurants. He addressed safety practices for employees and stated that there had been no COVID-19 outbreaks among employees in workplaces. Mr Maughan referenced a survey commissioned by a marketing organization that suggested 50% of our usual number of out of state skiers did not plan to travel to Utah this year.

**4. UNIFIED FIRE AUTHORITY – *Jay Torgersen***

01:34:24

Jay Torgersen, Unified Fire Authority, provided the statistics for the fourth quarter; 12 calls, 10 of which were EMS, and spoke about increasing COVID-19 positivity numbers. They were beginning to see an increase among employees, which was a cause for concern. He expected vaccinations for EMS personnel, including ski patrollers, by mid-January, although the County had not yet published the planned roll-out.

**5. APPROVAL OF CONSENT AGENDA**

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

01:42:50

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

**6. QUESTIONS REGARDING DEPARTMENTAL REPORTS**

01:43:24

Council Member Bourke had questions about certain expenses and revenue in the Treasurer's report, and she asked if there were any contingency plans in place. Mayor Sondak said that there would be a budget discussion at the work session in January. These items would be addressed at that time.

01:52:34

Mayor Sondak asked Mike Maughan to speak about UDOT strategy for road closures overnight, and he obliged. They were considering giving resident passes to Town of Alta residents that would allow them to pass through the canyon during those times.

**7. MAYOR'S REPORT**

01:58:35

Mayor Sondak reported on meetings he attended since the previous Council Meeting, including the CWC, UFA/UFSA, and the Council of Governments, as well as CARES Act additional funding and the release of the MIT study on likely risks due to transmission of the virus in various settings. Mayor Sondak reported the temporary dog licenses, as follows:

- Ali Meiners 30 days starting 11/13 in the Meadows
- Tricia Petzold 14 days starting 11/14 in Peruvian Acres
- Kevin MacDonald 3 days starting 11/14 in Albion Basin
- Luke Dennis 14 days starting 11/17 in Sugarplum
- Brooke MacLean 30 days starting 11/28 on the Bypass Rd
- Paxton Maeder 30 days starting 12/1 in Powder Ridge
- James Laughlin 8 days starting 12/3 in The View

**8. DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2020-R-21 A RESOLUTION ESTABLISHING AN INTERNAL AUDIT COMMITTEE**

02:12:21

Town Clerk Piper Lever explained that the Office of the State Auditor, in response to general public concern about fraud and abuse, came up with a program that offers guidelines on how local governments can measure and lower their risk. Included in that program was an assessment the municipality is required to fill out that would determine their risk. According to the assessment, the Town of Alta currently measured as high risk. Creating a formal audit committee was one way the Town could lower their risk. She explained the basic duties of such a committee, including updating or drafting policies for the Town Council to adopt. In the staff report, she had requested the committee be comprised of the Mayor and two Council Members, but it was pointed out

that this would create a quorum. Instead, she suggested the committee members consist of the Mayor, one Council Member, and the Town's external accountant, Steve Rowley.

Steve Rowley joined the conversation and spoke about the potential cost of an Internal Audit Committee. Essentially, the cost of the committee would depend on what the Town Council wanted them to do.

Town Clerk Piper Lever reminded the Council that the item before them would simply create the committee. The scope of the committee could be determined at a future date. She noted that staff could still complete and submit the risk assessment without the committee.

Council Member Davis volunteered to serve on the Committee, if it was formed.

Council Member Bourke had concerns about the Mayor serving as chair of the committee, as it would be a conflict of interest. Mayor Sondak agreed. Council Member Bourke said there were a few other items that the Town Council could complete to lower their risk without forming this committee. These items included completing the State Auditor's online training and committing to abide by a statement of ethical behavior.

The Council discussed whether the committee was necessary at this time, and whether a motion was needed to commit the Council to the other items mentioned above. Town Clerk Piper Lever said that it wouldn't hurt to have a vote showing that the Council agreed to complete the items requested. A resolution was not required in order to complete the assessment.

The Council members each committed to completing the State Auditor's online training and commit, in writing, to abide by a statement of ethical behavior. They would report back to the Town Clerk within two weeks.

## **9. STATE AUDITOR FRAUD RISK ASSESSMENT**

*NOTE: This item was discussed as part of Item 8.*

## **10. EXTERNAL AUDIT PROGRESS – Steve Rowley**

02:43:30

Steve Rowley reported that the audit was going very smoothly, considering that they had a late start when they switched auditors. The audit was nearly complete, and the Town should receive the audit report within the week. They could expect to see two findings: the General Fund Balance limitation, and the Fraud Risk Assessment. Both of these findings were minor and could be easily remedied.

## **11. DISCUSSION AND POSSIBLE ACTION ON 2020-O-4 LAND USE AMENDMENTS**

02:47:10

Mayor Sondak asked if the Council wanted to postpone the item for another month. Council Member Davis felt that it would be appropriate for the Council to look at the document as a whole again before approval. Council Member Bourke reiterated her request to separate the document into two motions. This would allow the Council to approve the bulk of the ordinance that they agreed upon, and they could continue to work on the portion that was still in conflict. Council Member Bourke said that she had also put language out there for consideration, but that hadn't been discussed during a meeting. Council Member Morgan opined that it would be difficult to vote on the document in parts, since so many sections related to each other. Council Member Curry said that he had reviewed and discussed the language provided by Council Member Bourke, and while he agreed with many of the items addressed, he felt that they weren't part of Land Use.

The Council requested special work session to discuss the ordinance amendments. The special work session would take place on Tuesday, January 5, 2021 at 11:00AM.

## **12. NEW BUSINESS**

03:04:22

Mayor Sondak noted that there would be a regular work session on January 13<sup>th</sup> at 3:00PM. They would be discussing the budget amendments and he would make a presentation regarding Ranked Choice Voting.

Deputy Town Clerk Jen Clancy recognized Mayor Sondak and his work in getting CARES Act funding for the Town of Alta. Because of his efforts, they would be receiving \$144,000 in CARES Act funds.

## **13. MOTION TO ADJOURN**

03:09:35

**MOTION:** Council Member Curry moved to ADJOURN at 6:10 PM. Council Member Bourke seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by the Town Council on Jan 13, 2021



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Piper Lever, Town Clerk