

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, February 10, 2021, 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
Council Member Elise Morgan

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; Karen Travis; Pat Shea; Ben Kraja, United States Forest Service; Dan Ketner; Dr. Richard Haskell, Westminster College

WORK SESSION

• **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 1,395 since February 2, 2021. 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 February 2, 2021, there have been 1,685 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 March 3,, 2021.

00:02:05

Mayor Sondak noted that Town Administrator John Guldner had sent a memo to the Town Council members regarding a list of items that still needed to be addressed for the proposed zoning ordinance. The major topic was exemption for improvements on Forest Service land. Administrator Guldner stated that the language, as proposed, declared that a copy of any permits required by other partner agencies be forwarded to the Town. Town Attorney Polly McLean added that the language limited this to structures on Forest Service property, and required that written notification be given to the Town for any work being done, whether a permit was required or not.

00:10:25

Mayor Sondak asked staff to expound upon the relationship between the Town's jurisdiction and Forest Service property. Administrator Guldner stated that the MOU agreement between the Town and the Forest Service grants land use approval to the Forest Service, but Building permit approval to the Town of Alta. The building permit approval would go as far as to include signs and picnic tables on poured concrete. The Town of Alta didn't really have jurisdiction over what was exempt or not on Forest Service property, but they had control over building permits. Attorney McLean said that staff had recently received another analysis indicating that Town regulations could apply to Forest Service land. She felt that the purpose of this ordinance was to help streamline the process for the Alta Ski Lifts when the improvements were minor structures, but the Town also wanted to ensure that other regulatory bodies approved of the improvements and that the Town was informed. Mayor Sondak noted that the MOU agreement required that the Town communicate with the Forest Service, and the proposed language would facilitate that.

00:14:25

Council Member Bourke said that she was more interested in allowing an exception on a case-by-case basis rather than a list of exemptions. She was concerned about the Town, the local jurisdiction, granting blanket exemptions. This was something Council Member Bourke had suggested in previous meetings. Administrator Guldner reiterated that the Forest Service had final say in what was allowed on their property. If the Forest Service allowed picnic tables three feet away from the creek, all the Town could do was to receive notification and work in tandem with the Forest Service. He asked Council Member Bourke how they could amend the language to reach what she was suggesting, and she responded that she had proposed such language at a previous meeting. The language she proposed would allow the building official to evaluate structures on a case-by-case basis. She was concerned that if the Town didn't do anything, they would essentially be leaving it up to potentially outdated policy and regulations of other entities.

There was some discussion about striking the right balance with the Town's ordinance.

00:27:15

Mayor Sondak suggested addressing the other items listed in Administrator Guldner's memo, and saving ten or fifteen minutes of the work session to allow comments from the Forest Service, Alta Ski Area, and Friends of Alta.

00:28:03

Council Member Davis supported Council Member Bourke's perspective of having an exception rather than an exemption. This would allow the Town to exercise both the spirit and the letter of the MOU, as well as assert appropriately without overstepping.

00:29:22

Council Member Morgan opined that other agencies could work through their regulations on their own, and they didn't always need the Town of Alta. It was important to work together, and the proposed language would facilitate more communication. She was concerned about adding to the workload of the existing Town Staff, and even more concerned about hiring for a new position.

00:33:12

Mayor Sondak asked about the other items that still needed to be addressed, and Administrator Guldner said that they were minor. The biggest decision to be made was the paragraph regarding exemptions, and subsequent changes to the building permit section. Council Member Bourke asked if the Town would receive notification if a project was exempt from needing a building permit, and Administrator Guldner answered affirmatively. Council Member Curry reiterated a concern raised by Mike Maughan at a previous meeting regarding variances. Administrator Guldner stated that there was no way for the Ski Area to get a variance for a non-complying parcel, unless the Council changed the rule for everyone. Attorney McLean added that criteria for granting a variance were very strict under State code, and she wasn't sure that the Ski Area could meet those standards. However, they could include something in the Town Ordinance that would apply to everyone on private land. Mayor Sondak said that the whole reason they wanted to apply an overlay zone was to protect the area. If they allowed for exceptions, they would have to be incredibly careful.

00:46:12

Council Member Morgan commented that the proposed ordinance included a requirement that all new dwellings must connect to the public sewer system, which would prevent anyone from constructing homes in the Upper Albion Basin. Her concern was that the new language didn't take away from what the property owners had. Attorney McLean didn't view the proposed language as a taking. It was within their power to make sure that new buildings were on the public sewer system, and the existing buildings that were not on the sewer system would be grandfathered in. She clarified that the requirement to connect to the sewer system was for occupied structures only. Council Member Morgan was still worried that the overlay zone would impact existing cabin owners. Administrator Guldner said that the proposal would actually be more flexible than the current ordinance. Staff was recommending that owners be allowed to tear down and rebuild, and add 250 gross square feet, with approval from the SLC Public Utilities and the SLV Health Department. Under the existing ordinance, owners couldn't do anything aside from maintain their cabins, and they could only rebuild if the home were destroyed by a natural act.

00:50:50

It was noted that an email came from a representative from the Friends of Alta, and those concerns would be researched and addressed.

Mayor Sondak said that Pat Shea had left a message in the comment section of the meeting, stating, “If you go the exemption route as opposed to an exception, you have greater authority to stop an opposed action if the project goes ahead without notice.”

Ben Kraja, a representative of the United States Forest Service, stated that the Forest Service worked very closely with the Salt Lake Department of Public Utilities, and they were always making higher mitigation ratios for projects. They consult with each other on every project that comes in. The Town Council was more than welcome to have their own ordinance, but he wasn’t sure if the Forest Service would have the teeth to hold Alta Ski Lifts accountable if they fail to submit their permit to the Town. The Forest Service definitely wanted the Town of Alta to be notified.

Pat Shea expressed an opinion that had been shared concerning future legislators taking away the right of the Town to participate in zoning and planning. He felt this wouldn’t be possible because it was restricted by the US Constitution. He was more concerned that the County Council, Legislature, or Governor would come up with a plan that would simply wipe away much that the Town was trying to do in terms of conservation, preservation, and recreation. Mr. Shea then encouraged the Town to speak with the UFA regarding wildland fires.

The work session was adjourned at 4:01 PM.

REGULAR SESSION

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

01:00:19

Mayor Sondak called the meeting to order 4:01 PM and stated that he had read the Letter of Determination at the beginning of the Work Session.

2. CITIZEN INPUT

01:00:40

Town Clerk Piper Lever said that one written comment was submitted before the deadline, and was thus posted to the website and included in the Council packet. Three more comments were submitted after the deadline, so she read them into the record. The comments were from Randhir Jhamb, Richard Manley, and the Paisley Ferguson Cabin owners. Each one addressed the business licensing letter received from the Town requiring three parking spots per home at the Peruvian Estates.

01:06:25

Karen Travis spoke against the requirement for three parking spaces for homes at the Peruvian Estates. When the neighborhood was being constructed, the neighbors got together and created a parking plan, which was submitted to the Town of Alta. Their plan was deemed compliant, and they have followed that plan for 40 years. The homeowners had ensured that their guests knew

they were limited to a maximum of two vehicles, and they were encouraged to use public transportation. Their goal was to decrease the number of cars in the canyon and the Town, reduce the carbon footprint, and reduce pollution. A few weeks ago, the homeowners received notice from the Town of Alta about the business license requirement for three parking spots. This requirement was not enforced in the past.

01:10:47

Sheridan Davis read a written statement about the Mayor's lack of ability to procure vaccines for the Town's most vulnerable population: hospitality workers. Mayor Sondak said that she had been grossly misinformed. He had been working to have all eligible members of the community receive vaccinations. He had repeatedly asked if those in congregate living quarters and frontline hospitality workers could receive the vaccine, and he had been told that they were not eligible at this point. It was not within the Mayor's power to secure vaccinations.

01:15:16

Dan Ketner echoed Karen Travis' comments regarding the Peruvian estates. He felt that the current parking situation had been working just fine, and there was no need to change.

Deputy Town Clerk Jen Clancy, working with Attorney McLean summarized the situation for the Town Council. The existing ordinance, requiring three parking stalls per residence, had been on the books since 2012, although not enforced. Deputy Clerk Clancy recognized this oversight a year ago, and she sent notice to the homeowners to prepare them for the business license renewal coming up in October 2021. The Town Council could examine the language, but since it was in the ordinance now, the Town Staff needed to enforce it at this next licensing cycle.

3. SKI AREA UPDATE – *Mike Maughan*

01:25:33

Mike Maughan provided an update from Alta Ski Area, stating that they were now halfway through the season and they had had no major outbreaks of COVID-19. Revenues were down in Food and Beverage, and in the Ski School; but revenue for Lift Tickets and the Ski Shop were the same as last year. They had reached parking capacity and turned people away eight days this season. He reported on the recent storm, and their preparations for the predicted storm later that week. One of their biggest obstacles in getting people out of the canyon was the traffic coming from Snowbird at the same time. People were stuck in their cars trying to get into the travel lane for hours. Mr. Maughan briefly commented on changes in the UTA subsidy, including removing it for season pass holders but continuing to subsidize its employees' use.

Mr. Maughan offered to share with the Town, the annual summer maintenance plan the company submits to the Forest Service. The company desires snowmaking in the Supreme ski area. In addition he spoke about desires that the zoning offer exemptions or variances, with the same processes on public forest service and private lands. He would also like to see their proposed parking ideas supported by the Town.

4. UNIFIED FIRE AUTHORITY – Jay Torgersen

01:34:29

Fire Chief Jay Torgersen reported that 476 UFA employees had been vaccinated so far, which was roughly 92% of their employees. They started a recruit camp this month, with 36 recruits in training. He reported on the call volume received since January 1- February 9 (21 total calls, consisting of 15 medical, 3 fire and 3 "good intention."). Regarding wildfire, UFA was interested in hosting an informational pancake breakfast event or meeting with the Town Council and staff to discuss the concerns. He also outlined efforts to improve UFA coverage to ensure there was presence in the canyon, even if one vehicle had to take someone out of the canyon.

5. APPROVAL OF CONSENT AGENDA

- Treasurers Report for January 2021
- Town Council Work Session minutes for January 5, 2021
- Town Council Meeting minutes for January 13, 2021
- Staff Report

01:45:00

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

6. QUESTIONS REGARDING DEPARTMENTAL REPORTS

01:45:50

Mayor Sondak thanked Mike Morey and his crew for their assistance in getting people out of the canyon during the storm on Friday, and asked him to comment on their plans for future storms. Town Marshal Mike Morey said that they learned a lot from the events of last weekend. One thing they discussed in the road meeting was promoting the road closure earlier in the day, hoping that could result in a phased exodus. They were also working to secure some off-duty officers for Friday morning to help direct traffic.

7. MAYOR'S REPORT

01:54:33

Mayor Sondak provided a report regarding the Town of Alta's response to COVID-19, and the case rates in Salt Lake County. While the weekly average had decreased, the numbers were still considered high. Budget season would be starting up, and they would soon know more about their revenues from December. Mayor Sondak reported on the UFA/UFSA Board meeting and stated that he had been appointed to the UFSA Finance Committee. He also reported on his meetings with CWC, the CWC Budget Meeting, and the Tourism Task Force, as well as the LCC Road Meeting. He then reported on the dog licenses that had been granted since the last Town Council meeting, as follows:

- Stephanie Chafee, 3 days 1/13

- Brooke Maclean, 14 days 1/14
- Evan Unger, 14 days 1/15
- Mariana Abelson, 3 days 1/16
- Kevin MacDonald, 2 days 1/17
- Larry Williams, 30 days 1/18
- Kathy Moore, 29 days 1/20
- Page Keho, 13 days 1/23
- Katie Shigeoka, 30 days 1/29
- Paxton Maeder, 30 days 2/1
- Kevin Dennis, 14 days 2/3
- Evan Unger, 6 days 2/3

8. **DISCUSSION AND POSSIBLE ACTION ON A BUSINESS LICENSE STUDY** –
Westminster Professor Rick Haskell

02:12:30

Mayor Sondak introduced the item and stated that the business license study was designed to allow the Town to decide whether or not the business license fees were proportional to the burden that a business was putting on the Town.

Dr. Richard Haskell said that he took the feedback from the previous meeting and made some amendments to the proposal. It seemed that the Council was looking for something broader than a business study, so he proposed to include a study of revenues, costs, and allocations that the Town, property owners, and residents were facing. He briefly identified the changes to the proposal.

02:20:45

Mayor Sondak invited the Council or staff to discuss the proposal. Council Member Bourke said that when a study of this cost magnitude was proposed, they were required to obtain three oral bids. She received an oral bid from Zions Public Finance at \$6,500, and Lewis, Young, Robertson and Burlingham at \$6,000. Mayor Sondak was concerned that the other two entities were bidding for only a business license study, while Dr. Haskell was proposing something much more inclusive.

There was a discussion regarding the Town's involvement in UFA/UFSA. Mayor Sondak expressed his frustration over the misinformation surrounding the Town becoming part of UFSA. He suggested that they take the UFA question out of the discussion and consider what they want to do about the business license study. Council Member Davis felt it was valid to look at UFA and gain as much information as possible as they make decisions regarding the Town. The citizens had clearly expressed interest in the UFA question. Council Member Morgan agreed that the business license study should be done, but questioned the timing of it. With the financial impact of COVID-19, the budget was tighter than usual. She suggested holding off the study until next year.

02:50:38

MOTION: Council Member Bourke moved to continue the Discussion and Possible Action on a Business License Study to the Town Council meeting in March, and direct staff to solicit comments from the Town Council on what should be included in the study. Council Member Davis seconded the motion.

Council Member Cliff Curry suggested it made sense to have both a narrow business license study proposal and a broader study proposal and get out an RFP. The Town Council discussed, and agreed to allow staff the opportunity to draft a RFP and discuss it at the next work session. Council Member Bourke withdrew her motion.

9. DISCUSSION AND POSSIBLE ACTION ON 2021-O-1 LAND USE AMENDMENTS

03:09:20

MOTION: Mayor Sondak moved to continue the Discussion and Possible Action on 2021-O-1 Land Use Amendments to the next Town Council meeting. Council Member Bourke seconded the motion. The motion carried with unanimous consent of the Council.

The Council agreed to put the item on the March work session agenda. Council Member Curry encouraged the Council to come to a consensus and move forward on this action. with proposed language distributed 10 days ahead of the meeting; no late breaking questions.

10. NEW BUSINESS

03:15:00

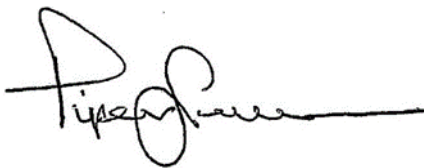
There was no new business.

11. MOTION TO ADJOURN

03:15:10

MOTION: Council Member Curry moved to ADJOURN at 6:17 PM. Mayor Sondak seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by the Town Council on March 10, 2021

A handwritten signature in black ink, appearing to read "Tipson", with a long horizontal line extending to the right.