

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, April 14, 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

WORK SESSION

[00:00:01]

Mayor Sondak called the work session to order at 3:00 PM and read the Letter of Determination regarding the Town of Alta conducting public meetings without an anchor location. Mayor Sondak stated that this Declaration applied to both of the work and regular sessions.

1. ACVB

[00:03:31]

Chris Cawley, Assistant Town Administrator, stated that he was the Town's Ex Officio Board Member for the ACVB, and that he was joined at the meeting by Board Members Sarah Gibbs and Connie Marshall. Mr. Cawley then explained that last year prior to quarantine, the ACVB Coordinator left their position with the Chamber. While this was a blow to progress, it was also an opportunity to assess some of the metrics associated with their marketing campaign, including the website, as well as ACVB's mission statement. However, with all of the uncertainty surrounding the pandemic last spring, they decided to hold off on hiring a new employee right away. Instead, the Chamber focused its attention on the strategic planning process and mission statement to enhance Alta as a destination for travelers. This process included a combination of collaborative efforts with partners, enhancements to the website, investments into arts events, enhanced member services, and social media campaigns.

Mr. Cawley reported that it was a good year in terms of engaging ACVB members. They held three outdoor gatherings. Additionally, the Board of Directors had been busy this past year in

reviewing and updating the Chamber's bylaws. He noted that two current Board Members were planning to step down from their current positions.

Mr. Cawley presented ACVB's Year-To-Date financials, stating that they had collected nearly \$20,000 in membership dues. The ACVB had not received any contribution from the Town of Alta. He continued discussing the Chamber's finances. He noted that they were not ready to participate in the Utah Tourism Grant for the current award cycle, and typically these funds supported ACVB's advertising efforts. They were still determining best practices for holding larger, in-person events and were waiting for State restrictions to loosen.

Lastly, Mr. Cawley stated that the ACVB was in a good position moving into 2022. They had decided not to request money from the Town of Alta for Fiscal Year 2021. However, they were requesting \$42,000 for Fiscal Year 2022. Additionally, they were also hoping to participate in the Utah Tourism Grant during the next cycle to kick start a new marketing campaign.

2. PROCUREMENT POLICY

00:25:36

Polly McLean, Town Attorney, noted she sent the purchasing policy and a summary of the procurement policy to Council Members to review prior to this meeting. She discussed the differences between sealed and blind bids. In drafting this policy, Ms. McLean stated that she researched similar policies used by 10 other municipalities. Additionally, she reviewed the websites for the State Auditor's Office as well as the Utah League of Cities and Towns to identify sample policies. The goal of the policy was to ensure flexibility while still receiving competitive bids. She discussed the approval processes for different cost thresholds, noting that for bids ranging from \$5,000 to \$25,000, they needed to obtain two, concrete verbal and/or written quotes. For bids exceeding the \$25,000, a Request for Proposals (RFP) was required. For contracts exceeding \$25,000 and which were not previously line items in the budget, the Town Council would then need to ratify the contract. Ms. McLean then discussed sole source providers that provided unique equipment. She explained that the policy also appointed the Town Clerk as the procurement agent, and she had the ability to delegate duties to two other people. The purchasing agent also had the ability to require a procurement to be stricter in terms of its regulations.

There was subsequent discussion among staff and elected officials regarding the purchasing agent's obligation to act in the best interest of the Town of Alta, and ways to ensure this.

3. BUSINESS LICENSE ORDINANCE & PERUVIAN ESTATES PARKING PROVISION.

[00:46:55]

Piper Lever, Town Clerk, stated that the Town had not received any public comments on this item within the past 30 days.

[00:48:00]

John Guldner, Town Administrator, briefly explained that this item was discussed back in 1997. At the time when this item was last discussed, the Town wanted to solidify that it was okay for

people to rent and have caretaker units in the Peruvian Estates neighborhood. This was desirable because it provided the benefit of employee housing. There were discussions to modify the requirements from two parking spaces for a single-family home and one parking space for a caretaker unit. However, the Town never implemented this change within the zoning ordinance.

[00:49:26]

Jen Clancy, Deputy Town Clerk, explained that per the Town's land use ordinance, whenever a new house was built in the Peruvian Estates neighborhood there was a provision for two parking spaces. The current discussion was that anytime someone applied for a business license to operate rentals in this neighborhood, approval was conditioned by the zoning requirements which had two additional criteria to comply with: 1) Provision on interlodge notifications; and 2) a total of three parking spaces, which was different than the land use requirements. When the last business license ordinance was passed in 2011, staff and elected officials felt that if there was a caretaker unit plus a house being rented that the caretaker unit would take up one space and the renter would have two spaces. Ms. Clancy explained that when she started administering the business license applications, she discovered that the Town was not providing an opportunity for applicants to submit that information very easily. Therefore, staff decided last fall that an ordinance review was better than cracking down on a significant number of situations that were out of compliance. Notifications were sent to everyone in the area stating these changes in December 2020. This issue had also been discussed in a few Council meetings since that time.

[00:52:09]

Ms. McLean presented two changes to the ordinance. First, she included the following language in Section 2:

A letter from the town marshal confirming that the dwelling can be connected to the Town "interlodge" avalanche warning system, that the dwelling has posted the necessary avalanche warnings to all occupants, and that the town marshal has met with and discussed "interlodge" procedures with the owner and the caretaker.

The second change to the ordinance removed the following section:

A site plan showing that a minimum of three (3) automobiles can be parked on premises; or, written documentation that the owner has permission from another owner within the same zoning district to park three (3) automobiles on said owner's premises for the duration of the license. Said documentation shall be in the form of a license or easement and shall show the location of said parking spaces and that the said premises can accommodate the desired number of automobiles. (Ord. 1997-O-4, 11-13-1997, eff. 11-27-1997; amd. 2010 Code)

[00:52:30]

Council Member Sheridan Davis asked for clarification on why this was the solution that was sought. Ms. McLean explained that the changes dovetailed with the land use and the history of the units in the area in question. She reiterated the requirements adopted in 1997, which the Town never enforced, and she had checked for complaints related to parking with the Marshal. The alternative was for property owners to not have nightly rentals at their homes, which was what this

ordinance is about, and Draconian to leave as is. The proposed ordinance amendments now reflected what was already taking place in the Peruvian Estates neighborhood.

Council Member Davis asked if there was a reason why the Town had not been enforcing its own ordinances since 1997. Mayor Sondak said there was nobody in this meeting who would be able to answer that question. Mr. Guldner added that it was a matter of oversight. Mayor Sondak noted there was a difference between the Code and the practice. After subsequent discussion on the matter, Mayor Sondak asked Council Member Davis if she would prefer that the practice change instead of the Code. Council Member Davis responded affirmatively. She did not desire to see these properties no longer be rentals, but she did have concerns over the quick process by which the ordinance was being changed and the tensions that existed in the neighborhood being overlooked by the proposed changes. She then acknowledged having a conflict of interest with this item, as she was a caretaker of one of the properties in question, and indicated that many on the Council had friendships with people in the neighborhood which could potentially be conflicts as well. She encouraged any other Town Council Members with potential conflicts of interest to state what those conflicts were, as it was a State requirement to do so. Mayor Sondak interjected that this requirement for business license parking did not necessarily resolve parking disputes in the area. Hearing that there were public comments scheduled on the topic in the regular meeting, Mayor Sondak noted the work session time was ending and closed that portion of the meeting.

REGULAR SESSION

1. CALL THE MEETING TO ORDER AND DECLARATION

[1:00:13]

Mayor Sondak called the meeting to order at 4:03 pm.

2. CITIZEN INPUT

[1:01:04]

Piper Lever, Town Clerk, reported that she received a citizen comment from Dan Ketner, the email of which was sent to the Mayor and Council. Mr. Ketner's comments were also posted on the Town's website.

[1:02:15]

Dan Ketner commented on funding for a resort bus shuttle for the upcoming season. He said he outlined all of his points in the letter that was circulated and subsequently posted on the Town's website. He added that hopefully next year they can go back to business as usual, and that the shuttle would be able to serve the public more like it had in the past. Mr. Ketner also commented on the discussion about the Peruvian Estates Parking situation. He noted there were seven houses on the west side of the bypass road, six of which were rentals. Everyone that rented out had been able to make parking work over the last several decades. He said he was not sure that holding an additional hoop for people to jump through was necessary for the community.

[1:05:43]

Mayor Sondak reported that he received a comment from Karen Travis about the Peruvian Estates parking and business license requirement. He noted these comments were sent to the entire Council. The comment stated that the 21-O-2 draft of the Peruvian Estates business license requirement was what was needed. Ms. Travis asked that the Council please pass this updated version, as it was essentially what had been going on for the past 35+ years.

[1:06:50]

Scott Briggs agreed with Karen Travis and Dan Ketner's remarks. He stated that all of the available wintertime parking spaces were located on someone's private property. He said he understood the Staff's notion to do away with an ordinance that had not been enforced over the last 35 years. Mr. Briggs also agreed with Council Member Davis in that he would like the Town of Alta to investigate the issue further. He added that snow removal was an issue that needed to be taken into consideration as well.

[1:10:12]

Mac Brighton, a homeowner in the Peruvian Estates neighborhood, strongly opposed the proposed change to the parking requirement from three to zero in order to obtain a business license in that area. He explained that he would accept a requirement of two spaces per house. He stated that to remove the requirements for any parking completely would do irreparable harm to a neighborhood that was already struggling with parking issues.

Clarification was given by Mr. Guldner that the change would revert from three parking spots to two, because two was the default. This action would not remove the need for parking spots entirely; rather, it would just no longer be a requirement for the business license. There were other provisions within the Town's Code that address parking requirements.

3. ALTA SKI AREA UPDATE – MIKE MAUGHAN

[1:13:21]

Mike Maughan reported that this year's season turned out better than anticipated. COVID-19 protocols were strictly upheld, and he expressed gratitude to staff for their efforts in this regard. Operations would continue through April 18th. On April 19th, there will be an Alta employee appreciation event taking place, wherein they will be running the lifts for employees and providing lunch. There will also be a limited opening on April 23rd through the 25th. Season passes for next year will be announced on April 20th with sales beginning in May. At that time, the Alta Ski Area will also announce a paid parking system for next season. They were continuing to work with UTA regarding the ski bus agreement for next season. Additionally, if operations continue normally next season they can also bring the carpool preferred parking incentive program back online. He noted that summer operations would remain the same as reported last month.

[1:19:06]

Council Member Davis asked about the changes on Nina's Curve and Schuss Gully widening project. Mr. Maughan explained that when the widening of the Corkscrew run was originally improved, the full width was not taken, which caused the bottleneck to continue. Therefore, Corkscrew would be widened by about 30 feet on the skiers' left-hand side. There were a number

of trees that needed to be removed as part of the project. Ultimately, however, the widening project would help to improve the overall flow of the mountain.

[1:21:55]

Mayor Sondak asked if there was any change to Ikon pass for the 2021-2022 season. Mr. Maughan stated that they were in the last season of the Ikon agreements and they would reevaluate the matter in the late summer. Mayor Sondak also asked about snowmaking in Supreme. Mr. Maughan stated that this summer they would just be doing towers and snow fencing on Supreme. He would need to work with Salt Lake City to get water contracts updated.

4. UNIFIED FIRE AUTHORITY – JAY TORGENSEN

[1:24:56]

Jay Torgersen, Unified Fire Authority (UFA), reported that UFA was doing well as far as COVID-19 was concerned. Most employees agreed to receive the vaccination. Only one person had tested positive since the first of the year. Despite the change in mask guidelines from the State, UFA was not changing any of its guidelines with how personnel responded to calls. He then reviewed UFA's mask-wearing policy.

Mr. Torgersen reported that UFA's 33 recruits were now 10 weeks into their 16-week training camp. Additionally, they promoted five new captains at the end of March. Lastly, he reported that UFA received 44 calls during the first quarter of 2021, consisting of 36 medical, 4 fire (whether or not a fire, smelling smoke or a smoke alarm), and 4 good intentions.

5. APPROVAL OF CONSENT AGENDA

- **March 10, 2021, City Council Minutes**
- **March 12, 2021, Budget Committee Minutes**
- **Treasurer's Reports**
- **Staff Reports**

[1:32:45]

MOTION: Council Member Margaret Bourke moved to APPROVE the Consent Agenda. Council Member Sheridan Davis seconded the motion. The motion carried with unanimous consent of the Council.

6. QUESTIONS REGARDING DEPARTMENTAL REPORTS

[1:33:53]

Council Member Margaret Bourke noted that cardboard recycling was 50% higher than what was budgeted and it was only the third quarter. She asked if the Town was expecting more recycling expenses in the fourth quarter, and also sought clarification on the significant overage.

Piper Lever, Town Clerk, stated the cardboard dumpsters were emptied twice per week in winter and once a week during summer. The cost was not affected by volume of material put into the dumpsters. Mayor Sondak asked if the Town paid more per dumpster, to which Ms. Lever

answered affirmatively. With regard to the overage, Jen Clancy, Deputy Town Clerk, explained that the Town didn't get billed from the waste management company for six months in the last year. When the invoice was eventually paid, it accounted for those unpaid months, thereby causing the sharp increase in cost.

Council Member Bourke also asked about HB 98, and wanted to know if staff anticipated this getting passed once the language therein was fixed and signed by Governor Cox. She was concerned that the Planning Commission would be talking about Dark Sky and other potential ordinance changes, and she wanted to make sure that there was still local control if this bill went into effect. Staff noted they were tracking and following the bill in question and would take a look at the lighting aspect, in particular.

7. MAYOR'S REPORT

[1:44:53]

Mayor Sondak first reviewed the current mask-wearing mandate in both the State and Town of Alta. He stated that he was continuing to discuss parking matters with interested parties, and believed progress was being made in this regard.

Mayor Sondak briefly discussed the trial of Derek Chauvin, and stated that this case was an educational experience for him. He said he had confidence in the Town's marshal, deputies, and dispatchers.

Next, Mayor Sondak reported that under the American Rescue Plan, the Town of Alta was slated to receive some money. The Town would receive approximately \$40,000, as the funding was population based. He would be talking to the County and Governor's Office about receiving additional money, as Alta's census population did not represent the number of people who came through the community for recreational reasons.

Mayor Sondak discussed the Community Center project. Jen Clancy, Deputy Town Clerk, informed everyone that there would be a meeting on April 21st to discuss a feasibility study for the project, and allow for a Q&A session afterwards.

On March 16th, Mayor Sondak attended the UFA/UFSA meeting, during which time there were budget amendments made to account for EMT training costs, as well as amendments made to the policy manual. Additionally, there was discussion about Riverton's departure as a UFSA member, to contract with UFA instead.

On March 19th, Mayor Sondak attended a CWC Mountain Transportation Systems Summit to discuss various possible solutions for transportation in Little Cottonwood Canyon. Staff had a subsequent meeting on this topic on April 5th to talk about the outcomes of the summit. Mayor Sondak stated that he did not support the current plan for a train because the proposed alignment came up the Bypass Road and crossed Little Cottonwood Creek. There was another possible alignment that was on the main line. However, the problem with an alignment on the main line was that it would cost an extra \$100 million. The reason being, they would have to put snow sheds up above the train tracks to protect it from avalanches. A gondola was another potential solution

that was discussed at the summit. He added it was difficult to find a solution until the visitor use study was done.

On March 24th, Mayor Sondak met with the Tourism Recovery Task Force. The main issue right now was whether or not to have vaccination passports, which he anticipated would be controversial. On March 25th, he attended the Council of Mayors meeting to discuss a legislative recap at the American Recovery Act. He reported that through the ULCT's lobbying efforts, municipalities successfully fended off a legislative overreach on billboards and short term rental units. At that meeting, UTA reported that they expected the population of their service area to double in the next 40 years.

Mayor Sondak reported that on April 13th, the CWC Finance Committee met and finalized the recommendations regarding staff compensation allocations to the short term projects committee. Mayor Sondak reviewed upcoming meetings and lastly, the following temporary dog licenses were issued with a start date between 3/9/21 and 4/13/21:

- Peter Lakin 14 days 3/10
- Sophie Danforth 30 days 3/14
- David Heatley 30 days 3/20
- Kathy Moore 9 days 3/27
- Matt Leri 5 days 3/29
- Darcie Watson 14 days 4/2
- Scott Lommele 30 days 4/2
- Andrea Williams 8 days 4/3
- Peter Lakin 9 days 4/7
- David Miller 30 days 4/14

8. DISCUSSION AND POSSIBLE ACTION TO ADOPT PROCUREMENT POLICY

[2:08:35]

MOTION: Council Member Sheridan Davis moved to APPROVE the adoption of a Procurement Policy. Mayor Harris Sondak seconded the motion.

Council Member Bourke started a discussion about Article 4, which states that if a contract comes in 10% above the budgeted amount, then the Town Council may ratify it. She stated that with contracts of large amounts, 10% could be a significant amount of the Town's total budget. To have an excess amount owing could cause there to not be enough time for the Council to properly weigh in. She stated that the Council should be able to weigh in anytime the price goes over the approved amount.

Polly McLean, Town Attorney, clarified the process for reviewing and approving any potential budget overages. Potential other occurrences were then discussed. The Council discussed the option of lowering the percentage amount. There was also some discussion relating to implementing a tier system versus a blanket percentage. Additionally, there was discussion regarding change orders of \$25,000 or more requiring Council review and approval.

Ms. McLean then reviewed the proposed ordinance amendments.

AMENDED MOTION: Mayor Harris Sondak moved to AMEND the motion to add the language “the purchasing agent shall make decisions which are in the best interest of the town” to Article 2A, and to amend the language in Article 4-D-2 to read, “Additionally, accumulated "Change Orders" outside the original budget amount which would overall increase a previously council approved contract by \$25,000 shall be granted by Town Council in an open meeting”. Council Member Elise Morgan seconded the motion. The motion passed unanimously.

Council Member Bourke brought up Article 6-A regarding Appeals. Mayor Sondak motioned to amend language to read “Protests in regard to specifications of an invitation for bids or request for proposals shall be submitted, in writing, prior to opening of bids or proposals. Protests to other aspects of the bidding process shall be submitted to the Purchasing Agent, prior to opening of bids or proposals”. 4. Council Member Bourke seconded the motion. The motion passed unanimously.

Mayor Sondak called for a vote to ADOPT the Procurement policy AS AMENDED. The motion passed with unanimous consent of the Council.

9. RATIFICATION OF TOA ZONING MAP AS PART OF ORDINANCE 2021-O-1

[2:33:04]

Mayor Sondak stated that the Town of Alta Zoning Map was meant to be attached to the zoning ordinance, but it was not. This action would officially attach the map to that above-stated ordinance. John Guldner, Town Administrator, then stated that the ordinance had previously been discussed at length.

MOTION: Mayor Harris Sondak moved to RATIFY the Town of Alta Zoning Map as part of Ordinance 2021-O-1. Council Member Sheridan Davis seconded the motion.

Council Member Margaret Bourke pointed out that the legend included buffer amounts not listed in the ordinance.

AMENDED MOTION: Council Member Cliff Curry moved to AMEND the motion to eliminate the Rangesites and stream setbacks in the legend, from the Town of Alta Zoning Map. Mayor Harris Sondak seconded the motion. The motion passed unanimously.

10. DISCUSSION AND POSSIBLE ACTION TO ADOPT BUSINESS LICENSE ORDINANCE UPDATES

[2:43:13]

Council Member Cliff Curry stated that he was not convinced the Town should go from three parking spaces to zero. He was in favor of staff and elected officials spending additional time researching this issue. Mayor Sondak noted that there wasn't any particular hurry on this item.

Council Member Margaret Bourke also requested additional information on this item. It was noted that relevant Town Council minutes from 2011 and 1997 were included with the staff report, but

not Planning Commission discussions. Council Member Bourke stated that she would also like context from 1989 from the Planning Commission before this zone was created, as well as why the Commission recommended the change in 1997.

Mayor Sondak requested information on the implications of not making changes to this ordinance. He stated that this could potentially affect some of Alta's businesses and sales tax revenues.

Mayor Sondak and Councilman Cliff Curry indicated they would like to better understand the burden this would place on the property owners and the impact it would have on sales tax revenue. Staff noted that obtaining this information would depend upon homeowners' to provide that information, because staff could not make assumptions about how they could or could not comply.

[2:52:45]

MOTION: Council Member Margaret Bourke moved to TABLE Business License Ordinance updates until the May or June meeting to allow staff additional time to provide more information on this item. Mayor Harris Sondak seconded the motion. The motion passed with the unanimous consent of the Council.

11. NEW BUSINESS

[2:59:22]

Council Member Bourke commented on the election notice that went up on the Town's website for candidates to be present in person June 1st through the 7th. She asked if this was the case. Staff clarified that the County Clerk indicated these requirements would not change and that people would have to file in person. Mayor Sondak requested that by the next Town Council meeting they have a procedure by which someone wishing to file would be able to do so. Piper Lever, Town Clerk, concurred, stating she would be available to walk people through this process.

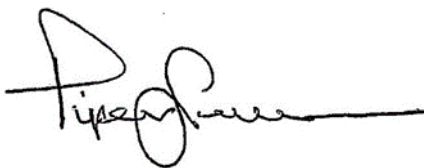
Council Member Sheridan Davis commended Mayor Sondak on his work with the CWC. She asked why the CWC recommendation was a train over a dedicated bus lane. Mayor Sondak clarified that the recommendation was from staff and not adopted by the CWC body.

12. MOTION TO ADJOURN

[3:15:32]

MOTION: Mayor Sondak moved to ADJOURN at 6:27 PM. Council Member Morgan seconded the motion. The motion carried with unanimous consent of the Council.

APPROVED by the Town Council on May 12, 2021

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