

**MINUTES**  
**ALTA TOWN COUNCIL MEETING**  
**Wednesday, August 11, 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, Chief UFA

**WORK SESSION**

Mayor Sondak called the virtual work session to order at 3:00 p.m. per a submitted declaration.

**1. BUSINESS LICENSE STUDY**

[00:24:00]

Deputy Town Clerk Jen Clancy highlighted the study and outlined the path moving forward. She told the council that as they consider changing any of the business license fees it was important to think about the percentage of change from current fees, and the correlation between proposed fees and the actual cost of services. She said that the study primarily looked at base administrative costs which apply to all licenses issued, disproportionate service costs, and enhanced service costs. She explained that there is a maximum application fee that legally cannot be exceeded.

Council Member Bourke sought clarification regarding secondary application fees, asking if they needed to be within the same category. Town Attorney Polly McClean said that that was how it was laid out in the study, but the Town has discretion.

Ms. Clancy explained that the situation only really applies to one category, Category 8: Ski Lift Company, but that the ski area applies under the joint license provision. They have multiple businesses in the same building, and apply for a joint license for each building. In this situation they are charged the maximum license fee for any single business in the joint license. She has not yet seen a combination of a joint license and multiple license applications. Council Member Morgan corroborated that in the past each ASL physical building had a joint license and paid the max license fee for whichever business in the building had the highest fee. She asked if, under the proposed plan, the first building would be charged the first application fee, and each additional building would pay the second application fee. Ms. Clancy said yes,

that's exactly how it would work. She said the reason is because the disproportionate services fee is included only in the first application fee and the town doesn't want to charge a business multiple times for the same location because there's no additional effects on the Town and its resources to manage it and the goal was to not overcharge businesses in that situation.

Mayor Sondak and Council Member Bourke both asked about hotels with other businesses inside. Ms. Clancy explained that a lodging license already included the hotel's restaurant, as this was a common business practice. If a hotel had a spa and owned the spa, it could use the joint license provision. However, if the spa was owned by a separate entity that leased the space from the hotel, it would need its own license, which would be considered a first application.

Council Member Bourke asked about the joint license provision. Ms. Clancy read from the Town Code §3-1-12 regarding joint licenses.

Mayor Sondak pointed out that they weren't talking about changing any procedures, only fees. Ms. Clancy explained that the current system did not have a second application fee, it was a new idea, because the study went into more depth and was able to provide data for disproportionate services and enhanced services that had not been calculated into previous business license studies. She clarified that each building with multiple businesses could still use the joint license provision for that building, but that each additional building would count as a second application.

Council Member Davis asked if other ski town communities like Park City allocate their fees similarly. Aaron Montgomery of Zion's Public Finance answered that, to his knowledge, they don't have a similar system, but that the Town of Alta was in a unique situation. He said that the study showed that certain types of business—specifically Categories 1 and 8—bring more commuters to the town, requiring increased patrols. The Enhanced Services fee was an attempt to capture some of those additional costs to the Town. Ms. McClean added that Park City uses protected information as part of their fee calculation, so it was difficult to determine their breakdown, but that their business license fees were significantly higher.

Ms. Clancy presented the proposed fees to the council. She said that based on the study, most categories were currently being charged more than the maximum license fee allowed, based on the cost to the Town for regulating those licenses. Under the staff proposal, most categories would be set to 100% of the allowable amount. Categories 1 and 8 would see a significant increase in fees, but she explained that the proposed fee is only 35% of the maximum amount that *could* be charged. These proposed fees were calculated based on the number of applications in 2020 and the minimum amount necessary to cover the budget. The rationale for not charging the maximum allowed was threefold: first, they felt like it would be too big of an increase initially; second, these businesses do provide in-kind services to the community; and third, these businesses also provide a large portion of sales tax to the community.

Council Member Cliff Curry disclosed a conflict of interest as an employee of Alta Lodge and asked what the difference was between the previous Zions study and the current study that resulted in such an increase for Categories 1 and 8. Mayor Sondak pointed out that the existing fees only show what fees were adopted, not what the previous study determined was the maximum allowable. Mr. Montgomery said that the proposed fee for Category 8 was just over 10% of what the previous study determined was the total maximum fee. He also said that efficiencies have caused base administrative costs to go down, there's more data about disproportionate services costs than was previously available, and that some data the previous study relied on is no longer relevant.

Mayor Sondak explained that the police department comprises a large part of the Town's budget, and that the impetus for the study was largely to try to understand the disproportionate costs associated with policing. Council Member Morgan worried that Category 1 and 8 business were being penalized to meet a budget dollar amount. Mayor Sondak pointed out that these businesses aren't being penalized, they're just getting less of a percentage decrease relative to the actual marginal costs for these services that are being incurred by the Town. He said the study makes it clear how these numbers were generated, and beyond that it's a policy question of how to move forward.

.Council member Davis expressed concern about the methodology of the study, how it compared to the previous study, certain data that were included in the previous study but not the current study, and desired more time to analyze and digest all the data. Mayor Sondak retorted that one of the main points in the study was to avoid externalities and simply calculate the actual cost to the Town for staff time and policing.

Council Member Bourke noted that the study used data from April 2019 through March 2021 and expressed concern that the data might not accurately reflect non-pandemic costs. Ms. Clancy responded that as far as business licenses were concerned, the previous two years were fairly average, that only one business wasn't operating, and that other fluctuations were normal. Ms. Bourke also wanted more detail about how the costs were calculated and asked whether other costs should be included in addition to law enforcement costs, i.e. recycling and legislative costs.

Mayor Sondak ended the discussion by saying that the Council has been involved in this process for some time, and if there were concerns regarding the methodology or scope, those concerns should have been raised previously. He commended staff for their hard work so far.

## **2. LISTENING SESSION RECAP/REVIEW: LCC UDOT ENVIRONMENTAL IMPACT STATEMENT**

[00:53:45]

Assistant Town Administrator Chris Cawley debriefed the council about the Environmental Impact Survey listening session. He said there was nearly 40 people on the call, and that it was a well-engaged discussion. Mayor Sondak said he received positive feedback that people were happy to express their opinions and hear their fellow citizens' opinions as well. He said his first major takeaway was that proceeding on a construction project to change transportation in the canyon without considering the implications of bringing more people into the canyon was putting the cart before the horse. He would like to see the Visitor Use Study that the Central Wasatch Committee had commissioned before proceeding. He also said that it seemed like a plurality of people thought that simply increasing the number and frequency of busses on the existing road was sufficient.

Council Member Davis shared that she thought the listening session was very fruitful and that people were thoughtful and gracious toward each other. She said that many of the constituents believe that a human capacity survey is long overdue. She has also heard from many people that the Alta Town Council and leadership should reflect the interests of the homeowners as well as the many constituencies that they serve.

Mr. Cawley reviewed the components of a letter he's been drafting from the Town of Alta to UDOT regarding milestones in the EIS and what the comments would focus on. He had already provided letters on the Purpose and Need chapter and the Alternatives chapter. He said the letter will include comments about the need to understand capacity, support for incremental improvements, and that Council will have

a chance to look at the draft before anything is submitted. Mayor Sondak said that the purpose of sending these responses to UDOT was to continue to have standing in the process as it moves forward.

*The Work Session ended at 4:02 pm and Mayor Sondak called for a short break.*

## **REGULAR MEETING**

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

[01:26:32]

Mayor Sondak called the meeting to order at 4:04pm and noted that all Council Members were present.

### **2. CITIZEN INPUT**

[01:28:00]

Roger Bourke, Alta resident, joined the virtual session and said that he thought the EIS listening session was wonderful. He wanted to comment on the visual impact of the proposed gondola. He said the terminal had a very large footprint, and the proposed towers in Alta are 130 feet tall and 230 feet tall. The EIS described the visual impact as high. He said that's an understatement, that the visual impact is extraordinary, and asked the Council if, using the words of Dan Schilling from the listening session of having the gondola become the iconic image for the Town of Alta, is what they wanted.

### **3. ALTA SKI AREA UPDATE – MIKE MAUGHAN**

[01:13:56]

Mike Maughan, Alta Ski Area, reviewed progress on summer projects: work was almost done on Nina's Curve, revegetation coming next, snow fence going in above Devil's Castle, footings have been poured for avalanche control towers, just waiting for the towers to arrive. He said they're in the planning process to potentially replace the Albion and Sunnyside lifts next year. Council Member Bourke asked if a new EIS would be needed for that project. Mr. Maughan said the replacement of Sunnyside was included in a 2017 study, but the removal of Albion would be analyzed using a categorical exclusion.

Mr. Maughan said they've been reviewing the 1000-page EIS report and preparing a response. They support anything that can improve transportation and reduce congestion, and pointed out that the primary cause of congestion was weather. Their preference is for a gondola over busses, but recognize the concerns associated with both, and hope for interim solutions. They will be testing their new parking reservation system software over the next few weeks, and appreciate the Town's cooperation with the parking issues. He said season pass sales are trailing, but multi-resort passes are up 30-40%, signaling a trend.

Council Member Bourke asked for clarification if an MOU for parking needed to include the US Forest Service or was just between the ski area and the Town of Alta. Mr. Maughan said the Forest Service doesn't see a need to be involved in the agreement. Ms. Bourke also asked if employers were communicating with their commuting employees about parking needs and the survey. Mr. Maughan reported they were taking care of their employees and assumed other businesses were doing the same. Mike Morey, Town Marshal, responded that they were still trying to capture that data from employers.

### **4. UNIFIED FIRE AUTHORITY – JAY TORGENSEN**

[01:47:25]

Jay Torgersen, UFA Chief, reported that it's been a busy summer focused on wildland fire fighting and prevention. They've sent fire crews to California, Montana, Oregon, Michigan, and Florida. He said these are great training opportunities. He thanked the Council for their cooperation and engagement with the outdoor fire restriction and fireworks ordinances this summer.

He reported that their pancake breakfast was a success, there were approximately 120-150 participants who were able to engage with UFA and partners and learn about wildland fire and prevention. He said they have crews available to assist with fuel reduction and site inspection to help home and business owners reduce risk.

He said they responded to an injured hiker call on Devil's Castle; it was a minor injury and the hiker was safely extracted, but any calls to those remote areas require a lot of time and personnel. He said they're working on a system to better notify the Marshal's office when calls come directly to them and not through Alta Central.

From July 1<sup>st</sup> through August 11<sup>th</sup>, there were five total calls, all five were medical calls.

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

- **June 30, 2021 Council Meeting Minutes**
- **July 14, 2021 Council Meeting Minutes**
- **Treasurer's Reports**
- **Staff Reports**

[01:56:46]

**MOTION:** Council Member Bourke moved to APPROVE the Consent Agenda. Council Member Davis seconded the motion.

Council Member Davis moved to strike a paragraph from the July 14<sup>th</sup> Council Meeting draft minutes regarding the Peruvian Estates parking ordinance and have it replaced with language of her perspective, which she had submitted to Town Clerk Piper Lever. Mayor Sondak asked Ms. Lever if the correction submitted by Council Member Davis was consistent with the audio recording. Ms. Lever had not had sufficient time to review and compare the two.

Council Member Davis expressed that she feels that many minutes are heavily redacted and rarely accurately reflect not just her perspective but sometimes other citizens as well.

**MOTION:** Mayor Sondak moved to amend the motion on the table to drop the July 14, 2021 Council meeting minutes from the approval of the Consent Agenda. Council Member Morgan seconded the motion. All were in favor.

**VOTE:** Mayor Sondak called for a vote on the original motion to APPROVE the Consent Agenda as amended. The motion passed unanimously.

## **6. QUESTIONS REGARDING DEPARTMENTAL REPORTS**

[02:00:50]

Council Member Bourke asked for an update on the progress of the traction control laws. Town Marshal Morey said he spoke with their contact at UDOT who didn't have any forward progress to report, that it seems to be tied up in the administrative rules committee. Mayor Sondak said that there seemed to be significant forces in favor of it passing. Marshal Morey agreed. Council Member Bourke suggested enlisting the help of some state representatives.

## **7. MAYOR'S REPORT**

[02:03:58]

Mayor Sondak reported on COVID case rates and encouraged people to submit comments to the County Council in support of Salt Lake County Health Department Director Angela Dunn's request to have schoolchildren wear masks.

He thanked everybody who participated in the listening session, he appreciated the good turn out and good dialogue. He thanked Steve McIntosh and Mike Morey for their quick response to a water leak at the Rustler Lodge. He expressed his concern that a gondola might make an Olympic event more likely and suggested that the Town take a stand against any future Olympic events in Little Cottonwood Canyon as they did in the past.

Mayor Sondak then reported on several meetings he had attended recently, and he outlined the meetings coming up. From the UFA meeting he attended, he shared that a fraud risk assessment concluded that the UFA is in the low risk category for fraud.

He then ended his report with a listing of temporary dog licenses issued with a start date between 7/9/21 and 8/5/21:

1. Ellie Johnson 14 days
2. Amy Richardson 1 day
3. Trisha Petzold 14 days
4. Amy Youngstown 6 days
5. Kevin McDonald 2 days
6. Holly Henry 1 day
7. Julia Heimark 7 days

Council Member Bourke asked Mayor Sondak to review and expound on the social aspects of the visitor use study he mentioned from his recent CWC meeting. He explained that, as proposed, the visitor use study had two phases. The preliminary results of phase one supported moving forward with phase two, but he expressed his skepticism about the usability of the data for the Commission's purpose and mission, and whether or not the social aspects of the study would be successful. In response to these concerns, the CWC sought to coordinate with the Forest Service who is doing a study that includes several similar variables, which could reduce the cost of the study significantly. In addition, the Commission decided to seek funding from other entities, like Save Our Canyons, before moving forward with the study. He added that the social study was problematic because sentiments are subjective and ever-changing. He agreed that the information would be interesting, but his impression was that the community was more concerned with the physical and ecological impacts.

## **8. TOWN PARKING REPORT, CHRIS BENDER – FEHR AND PEERS**

[02:21:45]

Mr. Cawley explained that the scope of the project was to collect data, study parking permit programs in peer municipalities, get public input, and present it for Council consideration. He introduced Chris Bender, a transportation engineer at Fehr & Peers, who presented preliminary findings to the Council.

Mr. Bender made it clear up front that the goal of the parking study was to preserve some of the historical use for parking throughout the town; early survey results revealed that residents were concerned that they would lose access to parking. The study reviewed the existing parking supply and the projected demand moving forward. He said that any managed parking plan would require a special use permit from the US Forest Service, whose main priority was equity. UDOT had no objections to the Town developing a parking plan as long as it didn't impact traffic operations or safety along SR210.

Mr. Bender outlined the parking plan in Springdale, Utah, at the entrance to Zion's National Park, that's proven successful. He explained that Springdale has three tiers of visitor parking zones with daily, flat-rate fees that vary by location. Residents can apply for two residential parking permits to park in resident-only parking zones. He compared that to the parking plan in Breckenridge, Colorado, where visitors must park in visitor parking zones and fees vary based on length of time. Breckenridge also has resident-only zones, for a cost. Mayor Sondak asked if either of these locations managed parking on federally owned land. Mr. Bender said he hadn't been able to determine that yet, but was coordinating with Springdale to find out.

Mr. Bender shared that the data collection was still in progress, but some things were already clear, namely that the demand for parking along SR210 will continue to increase and exceed supply. Survey results showed that businesses tended to be in favor of encouraging carpooling and ridesharing among employees. He expected to have the survey results wrapped up by next month's Council meeting. He said the next steps were to compile the data, draft a parking plan, determine fees, meet with potential parking vendors, and plan the community outreach.

Council Member Curry commented on the survey that was sent out and requested to be able to see all of the questions in advance before completing the survey. Mr. Cawley said he would follow up with him.

Council Member Bourke asked for clarification on transportation demand management. Mr. Bender explained that TDM included managing the mode choices that make traveling to a location easier—if you can't just add more lanes, making bussing easier and cheaper will incentivize people to choose those alternative options.

Council Member Davis asked if any other comparable locations were studied. Mr. Bender responded that a couple other communities were looked at, but Breckenridge and Springdale had the most similar circumstances to Alta.

Council Member Morgan said businesses can get a UTA rideshare van for their employees. She said UTA makes it very easy and very cost effective. Council Member Davis added that now was the time to communicate with the UTA about it.

## **9. ETHICS POLICY – COUNCIL MEMBER BOURKE**

[2:45:38]

Council Member Bourke introduced the agenda item by suggesting that, as public servants, it was important for the public to have confidence in them, and therefore a town ethics policy was worthwhile. However, in reviewing the various ethics documents (employee code of ethics, conflict of interest policy, ethical behavior pledge, etc), she discovered potential contradictions and inconsistencies, particularly in their definitions. Her hope was to review the ethics policies as a Council and ensure they are being addressed in a consistent manner. She outlined several items to be addressed: to whom should the policies apply; definitions of employee, sometimes meaning elected officials, appointed official, etc.; proper conflict of interest disclosure and what duties could/couldn't be performed in a conflict of interest situation; secondary employment; how the policies apply to spouses/partners and family members; any other situations that may give rise to criticism or suspicion that would damage the public trust. She sought to discuss and determine what was the main ethical stance of the Council and ensure the policies going forward accurately reflect and address that.

Ms. McClean explained that many of the definitions and recommendations came from the State Code and suggested that she and Council Member Bourke meet with someone from the State Auditor's office to understand the State's requirements, make sure the Town is complying, and then move forward with potential amendments to the current policies. Council Member Bourke thought that was a good solution but added that the Town's mission was to have a higher standard than the State and they should keep that in mind through this process. Marshal Morey advised that they be careful in crafting their policy, that it not only had to be compliant, but it also had to be attainable.

#### **10. DISCUSSION AND POSSIBLE ACTION ON 2021-R-13 PERTAINING TO WATER RATES**

[2:57:10]

Ms. Clancy introduced this agenda item by explaining that a member of the public discovered a typographical error in resolution 2021-R-9 which allocated the incorrect rate for commercial water users. It was determined corrective action was necessary and that a resolution to repeal and replace all prior versions was a better solution than an amendment.

**MOTION:** Council Member Curry moved to APPROVE Resolution 2021-R-13. Council Member Morgan seconded. The motion passed 4-1, with Council Member Bourke opposing, reiterating her objection to the different metric in applying rates to commercial versus residential users.

#### **11. DISCUSSION AND POSSIBLE ACTION ON 2021-O-6 PERTAINING TO ADOPTING THE BUSINESS LICENSE STUDY AND AMENDING TITLE 3 CHAPTER 1 RELATED TO BUSINESS LICENSE, DISPROPORTIONATE COSTS, AND ENHANCED FEES**

[3:02:25]

**MOTION:** Council Member Davis moved to APPROVE Ordinance 2021-O-6. Mayor Sondak seconded.

Council Member Curry opened the discussion by reiterating his conflict of interest as employee of the Alta Lodge which pays business license fees to the Town of Alta. He requested on behalf of Alta Ski Area that they have more time to evaluate what in-kind contributions the ski area makes to the Town that should offset some of the proposed fee increase. He objected to the quantification of police service calls as a disproportionate service and felt that public safety benefits all, and the cost should not be assigned to any specific business category. He lauded staff for their diligent, careful, thoughtful, hard work compiling the report, and appreciated the 65% mitigation, but felt that the fees were disproportionately applied across business categories.



Council Member Morgan agreed that more time was needed to review the study and worried that Category 1 & 8 businesses were bearing the brunt of a large increase while all other business categories would see a decrease in license fees.

**MOTION:** Council Member Morgan moved to POSTPONE possible action on Ordinance 2021-O-6 until the next Town Council Meeting. Council Member Curry seconded. All voted in favor. The motion to postpone passed unanimously.

Ms. McClean pointed out that the Council could order a new study to be completed, but that in her professional experience, Zions Public Finance and their methodology was very well regarded. She recommended that they reach out to their representative, Mr. Montgomery, with questions and concerns.

Ms. Clancy offered to answer any questions the Council had, as she was very involved with the study and could clarify and explain any of its contents.

## **12. DISCUSSION AND POSSIBLE ACTION ON 2021-R-14 PERTAINING TO THE BUSINESS LICENSE STUDY AND FEE SCHEDULE**

**MOTION:** Council Member Bourke moved to POSTPONE the agenda item until the next Town Council Meeting. Council Member Morgan seconded. All voted in favor.

## **13. CAPITAL PROJECTS PLAN – CHRIS CAWLEY**

[03:19:30]

Mr. Cawley explained that when money is put in a capital account with the Public Treasurer's Investment Fund, there had to be a plan in place to allocate those funds to various projects. A list of projects was included in the agenda packet for the Council's review and approval, mistakenly placed into the Consent Agenda.

Ms. Lever pointed out that the Council could not approve the capital projects plan at this time because it was not listed as an action item on this agenda. She asked the Council to review it in preparation for next month's meeting when it would be listed as a discussion and action item.

## **14. NEW BUSINESS**

[03:21:32]

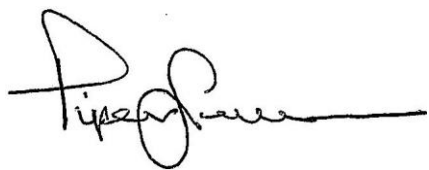
Council Member Davis shared that she's received questions from citizens regarding the town park not being as robust as it once was. Mr. Guldner explained that the metal slide was removed because it posed a burn hazard when heated by the sun. Ms. Lever added that the swings had to be removed because the surrounding ground area was not large enough to comply with safety codes. Both were insurance liability issues. Mr. Guldner said he would look into options for installing new equipment.

## **15. MOTION TO ADJOURN**

[03:25:11]

**MOTION:** Council Member Morgan moved to adjourn. Council Member Bourke seconded the motion. The motion passed unanimously.

APPROVED by the Town Council on Sept 8, 2021

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

Piper Lever, Town Clerk