

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, September 8, 2021, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: 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

OTHERS: Mike Maughan, Alta Ski Area
Susie Becker, Zions Public Finance

WORK SESSION

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

1. BUSINESS LICENSE STUDY

[00:01:10]

Jen Clancy, Deputy Town Clerk, introduced Susie Becker with Zions Public Finance. Jen explained that the last time Alta had a Business License Study conducted was in 2013. The purpose of the fee study was to determine what was the maximum the Town could charge. She then outlined three different options, noting that the estimated revenue in all options was based on the number of 2020 applications in each of the 10 business licensing categories.

- *Option A: Meet the requirements of the FY22 Budget.*

In Option A, Categories 1 and 8 (hotels >20 rooms and ski lift companies, respectively) are set to 35% of the maximum amount (65% discount) that could be charged based on the draft of the 2021 study. All other categories are at the maximum that could be charged based on the draft of the 2021 study.

- *Option B: The maximum fees that can be charged based on the draft of the 2021 Business License Study.*

In Option B, all categories are charged the maximum fee that the draft 2021 study identifies.

- *Option C: No one pays more than what they are currently paying.*

In Option C, Categories 1 and 8 (hotels >20 rooms and ski lift companies, respectively) maintain their fee and the rest of the categories are charged the maximum amount they can be charged based on the draft 2021 study.

Council Member Morgan was concerned with the fairness of charging higher fees for Categories 1 and 8. She stated that in-kind contributions also needed to be weighed when determining fees.

Council Member Curry expressed that he did not think disproportionate costs were attributable to one or two categories. If there was, he said it was not reflected in the report. He also said he did not believe there had been full accounting of overhead costs, as well as direct and indirect costs, which should be attributed to the licensing process. He stated that all of the overhead of the Town supported all of the activities of the Town. He stated that \$128 per business license seemed closer to the actual mark than \$62. Therefore, he did not feel there was basis for any action as of today. Council Member Curry said that as a Town they needed to take a step back and assess the business licensing process.

Mike Morey, Town Marshal, stated that Zions Public Finance consistently acted with a high degree of professionalism and credibility. He explained that Zions Public Finance could only react to the information provided to them. Public Safety was inhibited by the records management system at the time. He said that had this study been conducted at a later date with the new system in place, different data would have been provided. Mr. Morey said Zions came to a reasonable conclusion based on the data they were provided. He cautioned against applying maximum allowable fees solely based on the data shown, as police activity was highly variable and it was not always a consequence of the nature of the business.

Council Member Morgan asked when the new system was put in place. Mr. Morey said the later part of June 2021. Council Member Morgan suggested adopting the business license ordinance based on the data available in the current study, and then reassessing with new data a year or two from now.

Susie Becker, Zions Public Finance, reviewed the study process. She explained that the process allowed for disproportionate costs to be charged to a business either by type or location that required a higher amount of services than the base amount. In response to a question from Council Member Davis, Ms. Becker explained there were two parts to the disproportionate costs: regulatory and response, the latter of which being the disproportionate factor. Ms. Clancy noted that the report only reviewed the call data for responses, and did not look at regulatory inspections. Ms. Becker stated that if Public Safety was charging for regulatory inspections, then it was important for Public Safety to be conducting them. She then explained that when looking at the Town's budget, Zions would identify categories where there were indirect costs that could be allocated to the process of business licensing. Categories with the most overlap were included in with the indirect costs.

Council Member Curry challenged why administrative fees were not added into indirect costs. Ms. Becker said they could not take the entire administrative budget and put it into the indirect costs, because all of the direct costs were already coming out of administrative. There was further deliberation on the methodology of this approach.

2. CAPITAL PROJECT PLAN

[00:37:34]

Chris Cawley, Assistant Town Administrator, presented a list of 20 planned capital projects. The balance available in the Town of Alta Capital Projects Account as of the July 30th, 2021, account statement was

\$584,109.11. He explained that a number of these projects had been carried over from previous capital projects plans. Some of the projects had become more urgent.

Council Member Bourke discussed Item #15: Community Center Rear Yard Geotechnical Report. She said a date had not been established for this, and it was a safety issue due to erosion. She stated a date should be set for this project.

Council Member Davis stated that she would like to see the Town Park as a capital project.

3. IMPLEMENTATION AND PERMIT PARKING

[00:46:59]

Mr. Morey explained that Ordinance 2021-O-7 was a first step towards implementing a permitted parking plan in Alta. There would be another ordinance containing the fee schedule. Mr. Morey explained that the Town still needed to enact a Memorandum of Understanding with Alta Ski Lifts, which would require U.S. Forest Service oversight. The Town also needed to obtain a special use permit to collect fees on forest service land.

The Work Session was closed and the Council took a short break.

REGULAR MEETING

1. CALL THE MEETING TO ORDER AND DECLARATION

[00:59:25]

Mayor Pro Tempore Curry called the meeting to order at 4:00 pm and noted that Council Members were present, excepting Mayor Sondak.

2. CITIZEN INPUT

[00:59:29]

There was no citizen input.

3. ALTA SKI AREA UPDATE – MIKE MAUGHAN

[1:00:38]

Mike Maughan, Alta Ski Area, reported that summer operations were wrapping up, and that the fee booth would stay open on the weekends until October 12, 2021. He reviewed the status of projects on the mountain including reducing and restoring one-third of the Supreme Bend parking lot. Several other projects were nearly complete with the exception of revegetation work. They were waiting for helicopters to transport the avalanche fence; the helicopters were currently in use fighting fires.

4. UNIFIED FIRE AUTHORITY – JAY TORGENSEN

[1:05:12]

Jay Torgersen, Unified Fire Authority, reported that UFA was currently in the process of recruitment. The exam and interview process had been completed for potential new hires. There were over 700 people who

signed up to take the entry level testing. From that process, 90 people were moved forward. They would hire 25-35 people from those candidates; hiring would happen in February 2022.

Several of UFA's personnel were currently on wildland deployments in California and surrounding states. Mr. Torgersen said California was continually making requests for assistance from the State of Utah. Several departments had worked together to respond to those requests. He explained that this brought back experience to the local fire departments. He then reported on several fires.

Mr. Torgersen reported that they were continuing to monitor COVID-19 statistics in the area. Policies and protocols were developed for personnel in order to address those issues. Lastly, he reviewed call volumes for this month to date; 11 total calls, of which 2 were fire and 9 medical.

In response to a question from Council member Davis, Chief Torgersen suggested what to do in the event of a fire: prepare a "to go" bag with important documents like passport, drivers license, photo albums, items not replaceable and at least a few days of prescription medicine.

- If outside, move to an open area
- If inside, evacuate
- Shelter in place, like interlodge – open area in non-combustible portion of building

"Preparing for wildland fires" pamphlet will be given to Chris Cawley for distribution.

5. DISCUSSION AND POSSIBLE ACTION TO ADOPT 2021-O-7 RE: IMPLEMENTATION OF PERMIT PARKING

[1:13:37]

MOTION: Council Member Bourke moved to ADOPT Ordinance 2021-O-7. Council Member Davis seconded the motion.

There was a brief discussion regarding potential amendments to be made.

MOTION: Council Member Bourke moved to AMEND Ordinance 2021-O-7 to include the amendments she sent to Mr. Cawley, Mr. Morey, and the other Council Members. Council Member Bourke reviewed the suggested ordinance amendments which included: 1) verb tense from "promoting" to "promote" in the preamble WHEREAS; 2) incorporating that the Town was looking at the health and welfare of the people of the municipality rather than just the municipality itself in the second WHEREAS; 3) parking demands to be included third WHEREAS; and 4) inserting the word "jurisdictional" in front of the word "control."

In 6-3-11, Council Member Bourke also wanted the legislative history to include that the discretion to which they were referring in terms of unlawful activity penalties, would include the Marshal's Office.

Council Member Davis seconded Council Member Bourke's suggested ordinance amendments.

There was further discussion on Council Member Bourke's fourth suggested amendment to insert "jurisdictional" in front of the word "control."

MOTION: Council Member Bourke moved to AMEND her suggested ordinance amendments, deleting "jurisdictional" in front of the word "control." Council Member Davis seconded the motion.

Mayor Pro Tempore Curry CALLED the Question. Council Members Bourke, Davis, Morgan, and Curry voted “Aye.” The motion passed.

Council Member Curry returned to the discussion to the original motion. He raised the question of to what degree of participation should the Mayor and Town Council have in allocating permits. He suggested that the Mayor have discretion to act with an advice and consent process to follow at the next scheduled meeting.

MOTION: Council Member Curry MOVED to add in language that clarified the above suggestion. Council Member Morgan seconded the motion.

There was subsequent discussion.

MOTION: Council Member Curry MOVED to amend his motion to include the language “and subsequent meetings.” Council Member Morgan seconded the motion.

There was subsequent discussion. Mayor Pro Tempore Curry CALLED the Question.

Council Members Curry and Davis voted “Aye.” Council Members Morgan and Bourke voted “Nay.” The motion failed.

MOTION: Mayor Pro Tempore Curry CALLED the Question to Adopt Ordinance 2021-O-7. The motion passed with the unanimous consent of the Council.

6. FEHR AND PEERS PARKING STUDY

[1:41:58]

Chris Cawley, Assistant Town Administrator, introduced Chris Bender and John Gard.

Mr. Bender, Transportation Engineer, explained that Fehr and Peers prepared a few different options for the Town. He stated that the purpose was to maintain the parking already available, as opposed to taking away parking from anyone. He then reviewed the methodology that went into conducting this study.

Mr. Bender presented several options: 1, 2A, 2B, and 3. He stated that Fehr and Peers was recommending Option 3, which included a progressive pricing structure to provide additional incentives to reduce parking use in town-managed areas. He then reviewed the pros and cons of each plan. Option 3 sought to provide a context-specific permit system to meet the anticipated demands from various land uses. The goal of this option was to provide opportunity to all to purchase some parking, but discourage users from using more than they actually needed. The main advantage of this option was that it provided an informed, need-based, context-specific approach to allocating permits. The main disadvantage was that some users who would like to reserve more parking may feel this option was unfair.

Mr. Morey explained that lodge employees needed the bulk of the parking. As staff, they needed to make a recommendation on the best approach to addressing that matter. A similar conversation would then need to be had regarding resident property owners. He stated that this was not something the Town would be able to address on its own just through permits and fees; this would require every single entity within the Town of Alta doing some planning of their own such as carpooling and ride shares.

Council Member Curry stated that employees had five months of unpaid vehicle storage that contributed to the parking problem and this was not sustainable moving forward. Mr. Morey stated staff would need Council direction on this issue.

Mr. Cawley explained that in order to establish a fee schedule, Council action would be required.

Council Members Bourke and Davis agreed with the recommendation to pursue Option 3. Council Member Morgan also agreed with this recommendation. She further expressed concern with finding a balanced system so that there was equitable distribution. As a Town they needed to determine where to draw the line and when to say no more permits were available.

7. APPROVAL OF CONSENT AGENDA

- **July 14, 2021 City Council Minutes**
- **August 11, 2021 City Council Minutes**
- **Treasurer’s Reports**
- **Staff Reports**

[2:15:09]

MOTION: Council Member Bourke moved to approve the Consent Agenda. Council Member Davis seconded the motion. The motion passed with the unanimous consent of the Council.

8. MAYOR’S REPORT

[2:16:44]

Mayor Pro Tempore Curry reported the Mayor’s Report on behalf of Mayor Sondak, which was sent to staff and Council prior to the meeting.

Temporary dog licenses issued with a start date between 8/6/21 and 9/6/21.

- Penny Heatley 14 days, 8/16
- Tricia Petzold 14 days 8/18
- Scott Lommele 5 days 8/19
- John Fay 14 days 8/27
- Ginnymarie Leines 3 days 9/4
- Sarah Goodson 30 days 9/6
- Talley Goodson 30 days 9/6

9. QUESTIONS REGARDING DEPARTMENTAL REPORTS

[2:17:48]

There were none.

10. DISCUSSION AND POSSIBLE ACTION TO ADOPT 2021-R-14 OPPOSITION TO OLYMPICS IN LITTLE COTTONWOOD CANYON

[2:18:04]

Mayor Pro Tempore Curry stated that this was brought forward by Mayor Sondak. John Guldner, Town Administrator, provided background for the item. Mr. Guldner explained that Alta had adopted a similar

resolution in the late 1990s, prior to the 2002 Olympics. The decision was based entirely on public safety. Due to the narrowness and steepness in the canyon, as well as the possibility of severe weather events including avalanches, made it unsafe for tens of thousands of additional people to be in the canyon spectating events. All of these public safety concerns still exist. While all of the 2002 venues are still up and running, climate change and transportation modifications may necessitate some location changes. Mayor Sondak was concerned that this may put additional pressure on Alta and the use of Little Cottonwood Canyon.

Council Member Bourke suggested modifying the language to state that a smaller scale event, such as a torch relay, could still be viable in the canyon; however, she agreed that an opening or closing event, as well as sporting events would not be suitable in the canyon. The rest of the Council agreed.

MOTION: Council Member Curry moved to CONTINUE this item to next month's agenda. Council Member Davis seconded the motion. The motion passed with the unanimous consent of the Council.

11. DISCUSSION AND POSSIBLE ADOPTION OF CAPITAL PROJECTS PLAN

[2:26:52]

Mr. Cawley presented the Capital Projects Plan.

MOTION: Council Member Morgan moved to approve the Capital Projects Plan. Council Member Curry seconded the motion.

There was a brief discussion regarding the plan presented.

Mayor Pro Tempore Curry CALLED the Question. The motion passed with the unanimous consent of the Council.

12. DISCUSSION AND POSSIBLE ACTION TO ADOPT 2021-O-6 RE: BUSINESS LICENSES

[2:33:51]

Ms. Clancy presented this item noting that the ordinance accomplished two things: 1) adopted the business license study; and 2) provided ordinance language updates.

MOTION: Council Member Bourke moved to approve Ordinance 2021-O-6. Council Member Davis seconded the motion.

Council Member Bourke said this was something the Town Council needed to act on before the October Council meeting. In the future, the Town may want to include other business categories. She said they needed to move forward with at least Option A as presented in the staff report and during the Work Session.

Council Member Curry was concerned that the study was woefully lacking. He had sought clarification on points of the study, but stated that his questions had remained unanswered. In his opinion, the Zions Public Finance study had lost all credibility.

Council Member Morgan asked Polly McLean, Town Attorney, if they could move forward with the current business license structure should the Town need to have a new study conducted altogether. Ms.

McLean stated the study was a draft and had not been adopted yet. If the Town chose not to adopt it as is, leaving the rates the same was an option, recognizing there was some risk with that route. The Council continued deliberating this point and the results outlined in the study.

Council Member Bourke suggested that the Town Council ask Zions to amend the study to define overhead and indirect costs, as well as schedule a special meeting to adopt the study.

Mayor Pro Tempore Curry CALLED the Question on the original motion. Council Members Davis and Bourke voted “Aye.” Council Members Morgan and Curry voted “Nay.” The motion failed.

The Council unanimously agreed to continue this item until September 29, 2021, 4:00 pm, at which time a special session would be scheduled for this purpose.

13. DISCUSSION AND POSSIBLE ACTION TO ADOPT 2021-R-15 RE: FEE SCHEDULE

[3:12:36]

Ms. Clancy recommended amending this ordinance removing “business license fees” so that it only included water fees and dog license fees. The first WHEREAS clause, which also lists the business license fees, would be removed. The second WHEREAS clause, which mentions the study conducted by Zions Public Finance, would be removed. The third WHEREAS clause, which mentions data collected through the study, would be removed. The fourth WHEREAS clause, which mentions amendments to Alta Town Code as it pertains to business license fees, would be removed. Ms. Clancy then displayed the changes that would be made within the accompanying exhibit.

MOTION: Council Member Morgan moved to ADOPT 2021-R-15 with the amendments as stated. Council Member Davis seconded the motion. The motion passed with the unanimous consent of the Council.

14. NEW BUSINESS

[3:15:56]

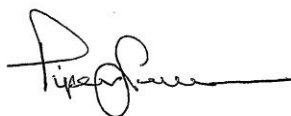
Council Member Davis asked about the costs associated with improving the Town Park. Mr. Guldner stated that this could be added to the capital projects list.

15. MOTION TO ADJOURN

[3:18:00]

MOTION: Council Member Davis moved to adjourn at 6:19 pm. Council Member Morgan seconded the motion. The motion passed with the unanimous consent of the Council.

Passed the 13th day of October, 2021



Piper Lever, Town Clerk