

MINUTES
ALTA TOWN COUNCIL MEETING
Wednesday, November 8, 2023, 2:30 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Roger Bourke
Councilmember Carolyn Anctil
Councilmember John Byrne
Councilmember Sheridan Davis
Councilmember Elise Morgan

STAFF PRESENT: Chris Cawley, Interim Town Manager
Mike Morey, Town Marshal (virtual)
Jen Clancy, Town Clerk
Molly Austin, Deputy Town Clerk

ALSO PRESENT: Cameron Platt, Legal Counsel (virtual)
Craig Heimark, Treasurer

WORK SESSION

1. CALL THE MEETING TO ORDER

00:00:00

Mayor Bourke called the November 8, 2023 work session to order noting it was the first in-person meeting with the full council present in two years.

2. CENTRAL WASATCH COMMISSION UPDATE, LINDSEY NIELSEN

00:01:00 Lindsey Nielsen, the Executive Director of the Central Wasatch Commission, provided an update highlighting the unique nature of the commission, being an inter-local government entity comprised of various local governments, including the Town of Alta. Lindsey emphasized the CWC's focus on addressing issues related to the central Wasatch Mountains, such as transportation, environmental protection, recreational stewardship, and economic sustainability.

Lindsey stressed the importance of the CWC's role in convening different stakeholders to collaborate on solutions, emphasizing a consensus-based approach. She outlined the four focus areas of the CWC: transportation issues, environmental protections, recreational stewardship, and economic sustainability. She described the eight-member board, with three ex officio members, including representatives from various jurisdictions that have authority over or touch the Wasatch Front or Wasatch Back. The significance of the Town of Alta's logo being in the center of the board was noted.

Lindsey highlighted the benefits of remaining a member of the CWC, emphasizing the convening aspect and consensus-based approach to problem-solving. She provided examples of the CWC's work, including a short-term project grant program, partnerships with local entities for improvements in the mountains, a visitor use study, and the development of an environmental dashboard. Lindsey

enthusiastically described the environmental dashboard as a project that compiles data on air quality, water quality, soil and geology, wildlife, and flora and fauna in the mountains, making it an accessible resource for the community. Lindsey concluded by mentioning the Regional Stakeholders Council, a group comprising 35 members from various sectors, aiming to bring regional interests together to provide input and recommendations to the board.

3. UDOT PRESENTATION ON RACS PROGRAM FOR MOUNT SUPERIOR, STEVEN CLARK

00:25:00 Steven Clark, the avalanche program manager, provided an update on the upcoming remote control installation project for avalanche mitigation. The project involves installing Wyssen Towers, a Swiss-made product, on Mount Superior. The motive behind the project is to address the discontinuation of artillery use in inhabited areas like Little Cottonwood Canyon. The project, with an estimated cost of over \$6 million, is partially funded by federal dollars, requiring a Buy America Waiver.

In response to questions, Steven provided some background on the environmental considerations and the visual impact analysis including USFS coloring requirement. He explained that the non-galvanized coloring requirement for towers is due to their visibility, which dulls over time but remains noticeable if breaking the skyline. He conducted a viewshed analysis using UDOT GIS data, emphasizing the balance between viewshed and mitigation effectiveness.

Steven explained that 13 towers were previously installed in the summer of 2020, and the current project covers Mount Superior from left to right. The construction window is expected to be around 50 days, starting mid-summer to later in August, contingent on materials' arrival. The project aims to enhance safety, considering the fragmentation radius of artillery and the potential impact on buildings.

Carolyn Ancil asked for clarification on the number of towers and their placement, while Mayor Bourke raised concerns about the noise impact during construction. Steven addressed concerns about helicopter noise during construction, stating that the Wildcat parking lot was chosen as a base area for safety and accessibility, acknowledging the impact on the community. He also stated that efforts would be made to communicate construction updates and schedules to residents and local businesses. Questions were also raised about the project's funding, its effectiveness compared to artillery, and its potential impact on special events. Steven highlighted the effectiveness of the Wyssen Towers and expressed willingness to address noise concerns anticipated during events.

Steven concluded by giving an overview of the project's timeline, maintenance plans, and its role in keeping the main road open during winters. The Town Council acknowledged the importance of the project for avalanche control and expressed gratitude for the efforts of Steven Clark and his team.

4. MOTION TO ADJOURN

00:50:00

MOTION: John Byrne motioned to adjourn, and Carolyn Ancil seconded.

VOTE: All in favor. The meeting was adjourned unanimously.

ALTA TOWN COUNCIL MEETING

1. CALL THE MEETING TO ORDER

00:51:00

Mayor Bourke called the November 8, 2023 Alta Town Council meeting to order.

2. CITIZEN INPUT

00:52:50

Margaret Bourke thanked the Council for considering a resolution regarding phase one for the Little Cottonwood Canyon EIS. She also suggested changing the acronym for Administrative Code Enforcement to EAC to avoid confusion with Alta Community Enrichment known as ACE. Margaret also commented on the potential water fund debt to be paid back to the general fund. She highlighted that the town had purchased a Caselle accounting package in the early 1990s, and then additional software elements in 2018, but that the debt was far older. She questioned whether it was a loan or not meant to be repaid and recommended contacting former town administrators and managers who were involved at the time for insights into the process and not rely solely on the information contained in the accounting software.

3. INTRODUCTION TO SCOTT FROST, DEPUTY DISTRICT U.S. FOREST SERVICE

00:55:00

Scott Frost, Deputy District Ranger for the Salt Lake District Forest Service, introduced himself and clarified misinformation about Bekee Hotze's (District Ranger) departure and emphasized his role as her deputy during her temporary assignment in Wyoming. Scott provided a background overview and highlighted ongoing vegetation projects and environmental clearance efforts, particularly in Lambs Canyon, Middle Creek, and Big Cottonwood, focusing on wildfire-related mitigation work. Scott discussed the impact of an invasive bug, Balsam Woolly Adelgid, causing tree mortality. He outlined plans for environmental clearance projects, similar to those in Lambs and Mill Creek, for Big Cottonwood and Little Cottonwood Canyon within the next two years.

Mayor Bourke raised the issue of fallen trees from avalanches in the canyon posing potential fire hazards, specifically mentioning Tanner's flat campground. Scott acknowledged efforts in cutting and piling at Tanner's flat campground, addressing infrastructure loss, and acknowledging the downed material, and material pushed into the creek. Elise Morgan also inquired about the burn piles in Tanner's campground and the potential burning of trees during winter. Scott explained the contingent nature of the plan based on weather conditions, expressing intentions to burn some piles as weather allows.

Mayor Bourke inquired about staffing shortages within the SL Ranger District. Scott acknowledged three vacancies, particularly in the special use permit related to ski areas, expressing hope for progress and potential hires by February or March. He mentioned a detailee on a temporary assignment for another position, with a similar timeline for hiring in early spring.

Craig Heimark asked about the Forest Service's involvement in the gondola ordinance, specifically the filing of a Record of Decision (ROD). Scott abstained from commenting due to limited involvement in those discussions, suggesting follow-up for more accurate information.

Mayor Bourke expressing appreciation for Scott's time and suggested he visit with the council again in the future.

4. ALTA SKI AREA UPDATE, MIKE MAUGHAN

01:04:00

Mike Maughan mentioned the ski area's opening date is targeting November 17th and that they will continue to evaluate snow conditions for potential adjustments. Maughan said he had a meeting with UDOT to discuss phase 1 and 2 of the EIS. He mentioned they also discussed short-term road issues, and a new sticker program requiring vehicles in Little Cottonwood Canyon to have a sticker during winter months. Mike explained that the enforcement would occur during parking, and that exploratory discussions with partners are ongoing. He said they also talked about parking concerns at Snowbird, including potentially eliminating roadside parking on the north side and extending barriers for traffic merging from entry one to entry 4. The idea of snow sheds under Superior was discussed as a way of keeping the main line open but the cost of the project would be prohibitive.

Mike also mentioned they had a brief discussion with UDOT about the traffic mobility hub in the town of Alta. He said the hub would be the location for buses and potentially a gondola, with the current plan being situated between the Alta Lodge and Rustler. Conversations revolved around the nature of the facility and the potential for it to be a private-public partnership. Certain services like retail and food, which are beyond UDOT's scope, were discussed, raising questions about involvement from the Forest Service, permits, and overall collaboration with the Town of Alta. Ongoing discussions aim to find a solution that benefits both the town and local businesses.

Sheridan Davis asked about the parking situation at Snowbird on the bypass road and whether there were discussions about potentially changing the parking layout to enhance efficiency, given the challenges of backing in and out of spots. Mike shared insights on modeling conducted last year, indicating that altering the parking setup might not significantly improve the gridlock situation. The issue stems from the high number of entry points on the bypass road, creating congestion. Mayor Bourke expressed concerns about accommodating more visitors without a clear solution.

Additionally, there was appreciation expressed by the council for Alta Ski Area taking care of visitors at the end of the day, ensuring food availability. Mike reported that Albion Grill's operating hours would be extended until 6 pm on weekends and holidays to provide a convenient option for those waiting.

5. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2023-R-21 RELATING TO THE LCC EIS

01:19:00

Mayor Bourke addressed the council to discuss Resolution 2023-R-21 concerning the Little Cottonwood Environmental Impact Statement (EIS). There were discussions about the goal of the discussion, with the intention to delve into the resolution and potentially pass it. Elise Morgan sought clarification on the protocol, and Mayor Bourke expressed the desire to explore the resolution and assess the possibility of passing it during the meeting.

Elise expressed hesitations about the tone of the draft letter to UDOT as written as the gondola proposal itself. She shared concerns about tolling and the lack of a clear emergency egress plan. She emphasized the need for careful consideration and evaluation before proceeding with the gondola. John Byrne echoed the importance of an evaluation period and suggested a less adversarial approach in dealing with the Utah Department of Transportation (UDOT). Elise highlighted the challenges of living in Little Cottonwood Canyon compared to other areas in the valley.

John emphasized the need for constructive engagement with UDOT, recognizing them as partners in winter recreation. Carolyn Anctil emphasized the importance of exploring alternative solutions before considering the gondola, and Mayor Bourke shared concerns about the significant cost per household associated with the gondola project.

The discussion touched on tolling as a potential solution, with Carolyn mentioning its potential to affect change. Elise expressed concerns about the limitations in implementing tolling, as conveyed by Josh VanJura. The conversation also touched on the challenges of Oktoberfest traffic and the potential benefits of tolling with improved public transportation options.

The overall tone of the discussion reflected a thoughtful and cautious approach to the gondola proposal, with council members expressing a desire for thorough evaluation of phase 1 and 2 results and exploration of alternative solutions before making any decisions.

Craig Heimark expressed concerns about the need for specificity in what the town wants UDOT to test. He emphasized the importance of a testing program to explore viable solutions and questioned the resistance to considering certain technologies.

Sheridan Davis voiced concerns about the current letter's tone and emphasized the need to rebuild bridges with UDOT to improve relationships. John suggested focusing more on being supportive of UDOT's implementation of phase one and phase two. Craig Heimark emphasized the need for the town to specify what it wants tested during the evaluation period.

Elise expressed reservations about voting on the current draft and suggested taking more time, potentially through work sessions, to carefully draft the letter. Mayor Bourke agreed to take inputs and create another version, acknowledging the complexity and importance of the matter.

The discussion concluded with Mike Maughan mentioning that UDOT is open to solutions other than tolling if the same goals can be achieved. He highlighted the potential influence of parking reservations as a solution, and the importance of observing the implementation in Big Cottonwood Canyon as a test case.

6. QUESTIONS REGARDING DEPARTMENT REPORTS

01:42:05

Chris Cawley provided an update on the sewer plan, mentioning that no progress had been made on it, but a state-required Water Drinking Water Source protection plan was upcoming, and an engineer would likely be hired for it. John Byrne expressed the need for a water plan alongside the sewer plan, emphasizing the importance of doing them together. He suggested allocating money in the December budget amendment for updating both plans. Carolyn Anctil and others supported the idea.

7. APPROVAL OF CONSENT AGENDA: OCTOBER 12, 2023, MEETING MINUTES, STAFF AND FINANCE REPORTS

01:45:30

MOTION: Sheridan Davis motioned to approve the consent agenda, the October 12, 2023 town council meeting minutes, and staff and finance reports. Carolyn Anctil seconded.

(Elise Morgan abstained from voting since she wasn't at the meeting.)

VOTE: Four to zero in favor, and one abstention. The consent agenda, the October 12, 2023 town council meeting minutes, and staff and finance reports were approved.

8. MAYOR'S REPORT

01:46:00

In the Mayor's report, the following points were highlighted:

- The CWC letter was discussed earlier in the meeting.
- The municipal election ballots had been mailed to registered voters, emphasizing the importance of each vote.
- The Mayor met with the UTA board chairman to express concerns about the lack of full winter bus service in Alta. The chairman explained that federal funding constraints require prioritizing disadvantaged communities first.
- A meeting with UTA staff members focused on the location of the resort bus stop in Alta, with challenges regarding transportation to and from the proposed location near the Rustler.
- Concerns were raised about the guest experience if the bus drops passengers off in an inconvenient location.
- The need for infrastructure improvements, such as sidewalks, was emphasized to enhance walkability in Alta.
- Discussion on the challenges of implementing a bus system and the potential need for local stakeholder support and investment.
- The Mayor reported on UDOT's plan to have a resort bus stop building operational by fall 2025, pending any litigation challenging the EIS, which could put the project on hold.
- The next town council meeting is scheduled for December 13 at 3 pm, expected to be in-person and hybrid.

9. FY 2023 AUDIT, RON STEWART, GILBERT AND STEWART, CPA

01:59:30

Ron Stewart, a partner with Gilbert Stewart CPAs, provided an overview of the audit conducted for the Town of Alta for the fiscal year. He covered three main areas of focus for auditors:

1. Financial Statements:

- Ensuring the financial statements are materially correct.
- Confirming balances with third parties, reviewing invoices, and performing tests on various financial elements.

- Checking assumptions and calculations made in financial statements.
 - Conducting analytical reviews to compare current and previous years.
2. **Internal Controls:**
- Evaluating the effectiveness of internal controls through interviews, walkthroughs, and questionnaires.
 - Identifying material weaknesses or significant deficiencies in controls (none reported in this case).
3. **State Compliance:**
- Performing procedures required by the state auditor to ensure compliance with state laws.
 - Areas examined include budgetary compliance, fund balance, fraud risk assessment, government fees, restricted taxes, cash management, and open/public meetings.

Ron concluded by stating that the audit resulted in an unmodified opinion, meaning the financial statements are materially correct. He also mentioned the implementation of Gatsby 96, which didn't affect the town council's financial statements.

Mayor Bourke praised Jen for her role in providing information promptly and accurately, and Ron concurred.

John Byrne inquired about a significant swing in the pension liability, and Ron explained that it was market-driven, affected by shifts in the market, and clarified the nature of the pension liabilities. Despite a substantial adjustment, the pension was considered fully funded. Steve Rowley provided additional insights into the complexities of pension accounting, emphasizing the impact of market returns and the estimation process. The council acknowledged the uncontrollable nature of these factors and Steve highlighted the large swings that could occur based on market performance. The conversation delved into the details of footnote six in the financial statements, John ultimately accepted that the pension was still fully funded. Steve mentioned the delayed measurement date for pension assets and liabilities, noting the possibility of seeing a bigger swing in the next year's report. The discussion covered historical trends in net pension liability and the fluctuating contribution rates.

10. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FY 2023 FINANCIAL STATEMENTS AND AUDIT OF THE TOWN OF ALTA, JEN CLANCY AND STEVE ROWLEY

02:17:30

MOTION: Elise Morgan motioned to approve the FY 2023 Audited Financial Statement. Sheridan Davis seconded.

VOTE: All in favor. The FY 2023 Audited Financial Statement was unanimously approved.

11. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE COMMUNITY RENEWABLE ENERGY PROGRAM UTILITY AGREEMENT

02:18:00

Chris Cawley asked if there were any questions about the slides in the packet or questions about the program. John Byrne shared initial skepticism while reading the individual contracts with Rocky Mountain Power but

expressed excitement about the program based on the slide presentation and recommended approval of the agreement. Chris explained that signing the agreement was a prerequisite for participation, emphasizing it didn't commit the town to the program's actual implementation. He highlighted the need for a subsequent ordinance adoption step, clarifying that it wouldn't make participation mandatory but would automatically enroll ratepayers, allowing them to opt out.

Mayor Bourke sought confirmation that the program wouldn't impose significant obligations to Alta's constituents. Chris explained that the program would automatically enroll all ratepayers within the town's boundary. Each ratepayer would receive two opt-out notices included in their monthly utility bills before the program's implementation. Notices would inform ratepayers about their automatic enrollment in the program, presenting an estimated additional cost of \$5 to \$7 per month. This communication served as an opportunity for ratepayers to opt out if they wished to do so.

Elise Morgan inquired about the necessity of a motion to participate, leading Chris to explain the cautious approach in updating the council on the program.

MOTION: Elise Morgan motioned to approve the Community Renewable Energy Program Utility Agreement. John Byrne seconded.

VOTE: All in favor. The Community Renewable Energy Program Utility Agreement was unanimously approved.

12. DISCUSSION ABOUT CIVIL CODE ENFORCEMENT, CAMERON PLATT

02:23:10

Cameron Platt called out the staff report based on previous comments from the council on segregating or breaking out Civil Code enforcement from the existing town code. Cameron outlined titles for potential civil violations, recommending the enforcement of all ordinances within the town as potential civil violations except for the Criminal Code and moving violations, which are prohibited by state code from using civil enforcement.

Cameron proposed allowing the marshal's office discretion in cases of repeat civil violations within a year or those endangering health or safety, giving them the option to use criminal enforcement instead. The discussion delved into specific issues, such as the noise ordinance, which could be enforced either criminally or civilly based on the council's preference.

John Byrne expressed initial difficulty in navigating the text and separating criminal and civil violations. Concerns were raised about the standards of evidence for criminal complaints, leading to a preference for a middle-of-the-road approach. Cameron suggested passing Civil Code enforcement to provide flexibility, allowing policies and lists to be developed later. The council agreed to explore a comprehensive list for a clearer understanding.

Mike Morey highlighted the state's inclination towards limiting municipal authority on criminal code enforcement, emphasizing the need to get ahead of potential issues. Sheridan Davis inquired about potential costs, and Mike clarified that while a compensated administrative law judge might be required, it wouldn't necessarily increase workload but would involve a shift in procedures.

Elise Morgan sought clarification on potential impacts on the court, and Cameron explained that it would shift criminal court procedures to a civil appeals process. Mike emphasized the importance of adopting a range of tools, aligning with the state's direction, and avoiding forceful encounters. The council expressed confidence in the marshal's discretion and willingness to explore a civil approach for certain violations.

The discussion also touched on changes in the standard of proof, warrantless searches under civil enforcement, and the rarity of civil search warrants. Cameron agreed to prepare a comprehensive list and integrate the draft ordinance into the existing code, addressing specific concerns and providing more clarity for future decisions.

13. DISCUSSION ABOUT THE WATER FUND DEBT TO THE GENERAL FUND

02:42:50

Mayor Bourke introduced a discussion on the water fund debt to the general fund. Elise Morgan referenced Mayor Sondak's push to address the debt (payments were made) and asked for clarification on what staff was asking? Steve Rowley explained the historical context, noting the issue's presence on the books for several years, and noted that during COVID the payments stopped. Again, the need to address the debt arose due to accounting standards, and Steve explained that the town faced a choice of continuing to treat it as loan or a transfer and needed to take action.

John Byrne emphasized the importance of repaying the debt to maintain the integrity of the enterprise fund. He suggested a \$30,000 yearly payment over roughly ten years, expressing confidence in the town's financial capacity. Sheridan Davis inquired about ethical considerations, and John addressed the concerns of certain populations, particularly those in Albion Basin. Carolyn Anttil clarified that repaying the debt did not imply admitting fault or incurring interest.

Craig Heimark emphasized the absence of a proper procedure for the loan and presented the opposing viewpoint (so both sides could be considered), citing the potential burden on future water users and the lack of procedural adherence.

Elise corrected any assertion that the decision was solely Mayor Sondak's, emphasizing the town council's involvement in deciding to repay the loan.

MOTION: John Byrne motioned to get back on payment plan and start with an initial \$30,000 a year from the Water Fund to the General Fund. Carolyn Anttil seconded,

Discussion ensued about the agenda only listing discussion of this agenda item, and not listing any action. John withdrew his resolution.

Jen Clancy said she would draft a resolution for future action and then if adopted include the loan repayment in future budgets.

14. NEW BUSINESS

03:05:30

Elise Morgan said the ski area was scheduled to begin their parking reservation system on December 15, 2023.

She inquired about the town's parking situation, particularly on Wednesdays when in-person council meetings are held. Chris Cawley mentioned the South Flagstaff and the Rustler Mine Dump as good parking options for council meetings. Mike Morey added that overnight parking requirements would go into effect when the ski area opens and that the Town's parking reservation system would commence simultaneously with the ski area program starting December 15.

Sheridan Davis expressed awareness of an increasing number of suicides among people in their external circles, Sheridan urged everyone to check in on others, inquire about their well-being, and stay informed about available resources. She emphasized the growing proximity of this issue to the community and called for a collective effort to be sensitive, aware, and supportive to address the challenge effectively.

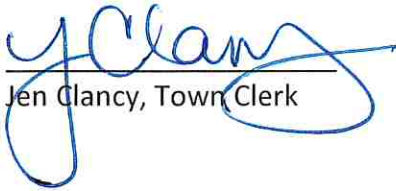
15. MOTION TO ADJOURN

03:08:45

MOTION: John Byrne motioned to adjourn, and Sheridan Davis seconded.

VOTE: All in favor. The meeting was adjourned unanimously.

Passed this 13th day of December, 2023


Jen Clancy, Town Clerk