

MINUTES
PUBLIC HEARING
ALTA TOWN COUNCIL MEETING
Wednesday, January 10, 2024, 2:45 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Roger Bourke
Councilmember Carolyn Anctil
Councilmember John Byrne
Councilmember Elise Morgan
Councilmember Dan Schilling (virtual)

STAFF PRESENT: Chris Cawley, Interim Town Manager
Mike Morey, Town Marshal
Jen Clancy, Town Clerk
Molly Austin, Deputy Town Clerk
Chris Otto, Assistant Town Manager

ALSO PRESENT: Polly McLean, Legal Counsel (virtual)
Cameron Platt, Legal Counsel (virtual)

PUBLIC HEARING

1. CALL THE PUBLIC HEARING TO ORDER

00:00:00

Mayor Bourke called the public hearing on January 10, 2024 to order.

2. PUBLIC HEARING TO RECEIVE COMMENT ON PROPOSED ORDINANCE 2024-O-1 REGARDING THE COMPENSATION OF ELECTIVE AND STATUTORY OFFICERS

00:01:45

Mayor Bourke asked for comments from the public on the draft ordinance regarding the compensation of elective and statutory officers. There were no public comments.

3. MOTION TO ADJOURN

00:07:30

MOTION: Elise Morgan motioned to adjourn, and John Byrne seconded.

VOTE: All were in favor. The public hearing was adjourned unanimously.

RESULT: APPROVED

ALTA TOWN COUNCIL MEETING

1. CALL THE MEETING TO ORDER

00:09:45

Mayor Bourke called the January 10, 2024 Alta Town Council meeting to order.

2. CITIZEN INPUT

00:09:50

Mayor Bourke opened the floor for public comment, there was no public comment.

3. OPEN PUBLIC MEETING ACT TRAINING, POLLY MCLEAN

00:11:00

Polly McLean provided a presentation on the Open Public Meetings Act, emphasizing the annual training requirement mandated by state law. She highlighted the importance of transparency and open decision-making, urging councilmembers to conduct town business in public meetings rather than behind closed doors. Councilmembers were reminded of the legislative nature of their role. While one-on-one discussions are allowed, she again encouraged councilmembers to have conversations in public forums. The Act's broad applicability to various aspects of public business was outlined, with exceptions for subcommittees with less than a quorum of the council present.

Polly reviewed the definition of a meeting, cautioning against discussing town business during chance encounters and discouraging email or text conversations on substantive matters. Chance encounters at social events were deemed acceptable, but caution was advised against discussing town business and/or rehashing intense meetings. The impact of emails on the Government Records Management Act was underscored, emphasizing the public nature of town-related emails. Polly urged councilmembers to be mindful of the potential public disclosure of their communications. The presentation emphasized the significance of conducting discussions in open meetings, and discouraged private exchanges during official sessions. Polly also informed the councilmembers that they could not text each other during council meetings regardless of if the messages were about town business or not.

Elise Morgan shared her experience with closed meetings, mentioning that there were more closed meetings during her initial years on the council. Mayor Bourke and Chris Cawley added their comments on the frequency of closed meetings, with the mention of a placeholder in the agenda for potential closed sessions.

Polly McLean shifted to the importance of agenda setting, noting the 24-hour requirement for setting the agenda and the significance of the public knowing the topics to be discussed. The adoption of the annual meeting schedule in June was mentioned. The public comment section of the meeting was also mentioned and that everyone would be held to the same time cap as noted on the meeting agendas.

The meeting recording and availability of minutes were highlighted. Elise Morgan and John Byrne sought clarification on making motions for topics not on the agenda. Elise explained her understanding of the practice of making a motion for discussion but clarified that a final vote or action couldn't occur without prior notice on the agenda.

The conversation concluded with a brief discussion on the mechanics of proposing and passing resolutions, and Polly McLean reiterated the consequences of knowingly or intentionally violating the Open Public Meetings Act. Overall, the discussion covered various aspects of the Open Public Meetings Act, agenda setting, public participation, and the documentation of meetings.

The discussion continued with John Byrne pointing out a potential conflict in the special meetings provision of the Rules of Procedure and Order for the Alta Town Council, mentioning that the town's rule contradicts what was discussed earlier about the majority of the council being required to call a special meeting. Polly McLean acknowledged this and mentioned that it would be considered for updates.

Polly McLean also touched on various aspects of the rules of procedure, highlighting that the minimum number of votes required to pass any action is three, and a roll call vote is required for all resolutions and ordinances. John Byrne raised a question about the requirement for councilmembers to vote if present unless recused, and whether this was a policy decision. The discussion delved into the topic of abstention, with John expressing his view that councilmembers should be allowed to abstain without providing a reason and the rules of procedure be updated to make that allowance.

The conversation concluded with the mention of the need to elect a Mayor Pro Tempore, and it was decided to include it on the agenda at the next meeting. Polly McLean expressed appreciation for the council's efforts and dedication to local governance.

4. REVIEW: RULES OF PROCEDURE AND ORDER FOR THE ALTA TOWN COUNCIL, JEN CLANCY

00:48:14

Jen Clancy emphasized the importance of reviewing documents regularly, especially with the presence of new councilmembers. She highlighted key points such as setting the meeting schedule, agenda procedures, and the recording of votes in resolutions and ordinances. Jen also stressed the significance of timely communication about attendance at meetings for efficient management.

John Byrne expressed concerns about the rigid timeframe for notifying the council about agenda items, suggesting a more flexible approach. He also discussed the need to differentiate between special and emergency meetings. The discussion touched upon the time limits for public comments and the potential imposition of time constraints during the commentary period. Cameron Platt explained the importance of treating all public comments equally to avoid First Amendment issues. The conversation further delved into the council's response time to staff communications, with John Byrne proposing a more flexible approach.

Mayor Bourke suggested there be flexibility in notifying the clerk of attendance changes, considering unforeseen circumstances. Overall, the councilmembers engaged in a constructive discussion to refine and clarify certain procedures for effective governance. Staff said they would prepare and present an

Alta Town Council Meeting
January 10, 2024

edited version of the rules and procedures at the February meeting to address concerns identified by the councilmembers.

5. ALTA SKI AREA UPDATE, MIKE MAUGHAN

01:16:05

Mayor Bourke reported that Mike Maughan was absent and then shared an email communication from Mike regarding updates related to the mountain collective meetings and snow conditions. Mike suggested the possibility of a work session or open community forum to present findings and gather feedback on traffic issues. He also mentioned the idea of the Alta community sending a letter to Snowbird regarding traffic management and, if needed, a letter to various authorities if Snowbird's response was unfavorable. Additionally, he said there is a proposal from BHA Avalanche Safety to explore alternatives for mitigating avalanche risk on the main line under Mount Superior.

Carolyn Ancil expressed concern about the road conditions in the canyon, specifically mentioning that the buses are significantly fewer than before. She questioned whether there was data suggesting a reduction in road conditioning, possibly connecting it to a push for supporting the gondola. Elise Morgan and others contributed to the discussion, mentioning challenges faced by plows in heavy traffic and snow conditions, and Mike Morey explained the importance of vehicular movement on top of plowing efforts for effective salt and sand application. Elise Morgan also mentioned the ability to track plows on the traffic website.

The conversation also touched upon compliance with traction laws, the presence of destination visitors, and the impact of unfamiliar drivers on traffic. Mayor Bourke attributed increased visitors to the area due to having the best snow in Utah and the west. John Byrne mentioned the challenge posed by the high number of Ikon Passes.

6. QUESTIONS REGARDING DEPARTMENTAL REPORTS

01:21:50

John Byrne raised some points regarding Chris Cawley's presentation, noting a discrepancy in the date mentioned by Chris and seeking clarification that "shovel ready" refers to the upcoming building season in calendar year 2024, not the fiscal year. The conversation then shifted to a discussion about purging files, with Chris Otto suggesting they discard unnecessary documents and consider the opportunity to archive the rest in state archives for no or low-cost storage.

Chris Cawley previewed Administrative Code Enforcement, mentioning that they lost track of it after the November or October meeting and staff plans to bring it back to the council in February. Cameron Platt explained the three enforcement options—criminal, code enforcement, and administrative enforcement—and the proposed approach to have civil code enforcement for any town ordinance that is a misdemeanor or below. John Byrne expressed support for this direction, and Elise Morgan also approved, highlighting the flexibility it offers. The discussion touched on the importance of having additional tools in the toolbox.

Mayor Bourke asked for any questions on the staff reports and prompted Mike Morey to elaborate on his report. Mike Morey provided a brief overview of a recent sexual assault case that the police department handled. He reported that the incident occurred at the Albion Day Lodge, where workers observed a visually distressed young female. Initial field interviews didn't reveal evidence of a crime, but further investigation led to the discovery of a relative relationship between the individuals. After gaining intelligence and coordinating with partner agencies, the police were able to gather evidence supporting six counts of forcible sexual abuse of a child. The suspect was been booked into the Salt Lake County Jail, is being held without bail, and awaits further legal proceedings.

Mike Morey expressed the challenges faced by the police department in handling such cases, particularly the lack of resources for forensic interviews in crimes against children. He emphasized the need for the department to become more adept at managing various situations. Mayor Bourke mentioned the significance of investing in resources for the police department, and Mike expresses his intention to discuss this further at the upcoming retreat.

Carolyn Anciales acknowledged and applauded the efforts of the police department in handling the incident mentioned. She reflected that her daughter and the other community members that reported what they had witnessed were treated professionally and with care. She expressed gratitude for the support and suggested providing any assistance or legal work that the community can offer to support the police department.

John Byrne mentioned he felt the finance reports were great.

7. APPROVAL OF CONSENT AGENDA: DECEMBER 13, 2023, MEETING MINUTES, STAFF AND FINANCE REPORTS

01:40:30

MOTION: John Byrne motioned to approve the consent agenda including the December 13, 2023 town council meeting minutes, and staff and finance reports. Elise Morgan seconded.

VOTE: All were in favor. The December 13, 2023 meeting minutes, and staff and finance reports were approved.

RESULT: APPROVED

8. MAYORS REPORT

01:41:00

Mayor Bourke highlighted the monthly meetings with other mayors from Salt Lake County, where homelessness was a recurring concern. He said the Council of Mayors would be meeting in Alta in July. Mayor Bourke mentioned his support of trailhead toilets and said he had an upcoming meeting with the Forest Service to discuss potential placement.

Mayor Bourke also addressed the upcoming legislative session, emphasizing vigilance through our lobbyist.

Mayor Bourke mentioned the potential removal of year-round roadside parking on the north side of SR 210, though he acknowledged it as a long-term goal. He stated the Central Wasatch Commission had held a retreat in January and took a position on the Little Cottonwood Canyon EIS that they strongly favored phase one along with a canyon wide parking reservation system and suggested with these improvements a gondola wouldn't be necessary.

Mayor Bourke mentioned the upcoming town retreat organized by Chris to address long-term plans. He said the next town council meeting was scheduled for February 14, with a start time subject to revision. The councilmembers discussed the meeting start times for the rest of the fiscal year. It was generally agreed upon that a 4pm start time worked better and the council asked staff to prepare a revised schedule that they could vote on at the February meeting.

MOTION: Mayor Bourke motion to change the start time for the February town council meeting from 3pm to 4pm. John Byrne seconded.

VOTE: All were in favor. The February town council meeting was rescheduled to start at 4pm.

RESULT: APPROVED

9. **DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION 2024-R-1 CONFIRMING APPOINTMENT OF THE TOWN MARSHAL**

01:49:30

Cameron Platt, explained that the next few resolutions confirm existing appointments and discussed the absence of a legal provision for reappointment. Cameron highlighted the council's request for this resolution and suggested the option to close the meeting when discussing the character or professional competence of an individual. Chris Cawley expressed satisfaction with the appointments of Mike Morey as Town Marshal, Jen Clancy as Clerk, and Craig Heimark as Treasurer, praising their exemplary fulfillment of duties and value beyond statutory obligations.

MOTION: Elise Morgan motioned to approve Resolution 2024-R-1 confirming reappointment of the Town Marshal. Dan Schilling seconded.

ROLL CALL VOTE: Mayor Bourke – yes, Councilmember Anctil – yes, Councilmember Byrne – yes, Councilmember Morgan – yes, Councilmember Schilling – yes, Resolution 2024-R-1 was unanimously adopted and Mike Morey's appointment as Town Marshal was reconfirmed.

RESULT: APPROVED

10. **DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION 2024-R-2 CONFIRMING APPOINTMENT OF THE TOWN CLERK AND APPOINTING THE BUDGET OFFICER**

01:53:10

John Byrne commended Jen for her excellent job as the town clerk and expressed that appointing her as the town budget officer was overdue, offering congratulations. Carolyn Ancil inquired about potential education opportunities for Jen, who mentioned pursuing a clerk certification (CMC) and utilizing training opportunities in her current role.

MOTION: Elise Morgan motioned to approve Resolution 2024-R-2 confirming appointment of the Town Clerk and Budget Officer. John Byrne seconded.

Mayor Bourke – yes, Councilmember Ancil – yes, Councilmember Byrne – yes, Councilmember Morgan – yes, Councilmember Schilling – yes, Resolution 2024-R-2 was unanimously adopted and Jen Clancy's appointment as Town Clerk was reconfirmed, and Jen Clancy was appointed the Budget Officer.

RESULT: APPROVED

11. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION 2024-R-3 CONFIRMING APPOINTMENT OF THE TOWN TREASURER

01:55:30

Mayor Bourke acknowledged that Craig Heimark does his job responsibly on essentially a volunteer basis. The mayor praised his expertise that was volunteered for the benefit of the town, highlighting it as a commendable display of community spirit.

John Byrne chimed in, noting that although there were rough spots at the beginning, Craig had shown significant growth in the role. John expressed satisfaction with the ongoing exchange of information and the positive direction of their relationship.

MOTION: Elise Morgan motioned to approve Resolution 2024-R-3 confirming appointment of the Town Treasurer. Carolyn Ancil seconded.

ROLL CALL VOTE: Mayor Bourke – yes, Councilmember Ancil – yes, Councilmember Byrne – yes, Councilmember Morgan – yes, Councilmember Schilling – yes, Resolution 2024-R-1 was unanimously adopted and Craig Heimark's appointment as Town Treasurer was reconfirmed.

RESULT: APPROVED

12. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 2024-O-1 REGARDING THE COMPENSATION OF ELECTIVE AND STATUTORY OFFICERS

01:57:15

Elise Morgan raised a question about the necessity of voting on this issue, to which Chris Cawley explained that it is a statutory requirement for all municipal governments to approve the compensation of appointed officers by ordinance annually. John Byrne added that it was not a new requirement but rather a modest non-compliance that the council was not aware of in the past.

Elise expressed her lack of recollection of voting on this annually but expressed satisfaction with the compliance efforts. Jen Clancy clarified that this was a catch-up action to ensure compliance and mentioned that such votes would become more regular in the future. Chris Cawley explained that it usually gets wrapped up in the budget approval documents in most cities, and going forward, the council should expect to see it annually.

MOTION: John Byrne motioned to adopt Ordinance 2024-O-1. Elise Morgan seconded.

ROLL CALL VOTE: Mayor Bourke – yes, Councilmember Anctil – yes, Councilmember Byrne – yes, Councilmember Morgan – yes, Councilmember Schilling – yes, Ordinance 2024-O-1 was unanimously adopted.

RESULT: APPROVED

13. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 2024-O-2 UPDATING SECTION 1-15-1 OF THE TOWN CODE REGARDING BOND AND CRIME COVERAGE

01:59:15

Chris Cawley explained that this update was related to the town manager appointment, and it stemmed from the town manager ordinance passed the previous March. He detailed the discussions about getting a bond and the proposal to include an option in the ordinance allowing the crime insurance policy to provide the necessary coverage instead of obtaining a special bond.

Mayor Bourke expressed confidence in the town's system for protecting fiscal resources, highlighting the practice of having two signatures on each check. Jen Clancy provided additional details on the coverage, including policies for receiving cash and payments in the office.

Mayor Bourke voiced comfort with the idea that the regular insurance covers these aspects. John Byrne raised a question about a past credit card issue, and Chris Cawley clarified that it was covered by fraud protection with the bank. Jen Clancy confirmed that they recouped 100%, though the downside was the time spent dealing with the issue. The council expressed satisfaction with the resolution of the matter.

MOTION: John Byrne motioned to adopt Ordinance 2024-O-2. Mayor Bourke seconded.

ROLL CALL VOTE: Mayor Bourke – yes, Councilmember Anctil – yes, Councilmember Byrne – yes, Councilmember Morgan – yes, Councilmember Schilling – yes, Ordinance 2024-O-2 was unanimously adopted.

RESULT: APPROVED

John Byrne raised a question to Cameron Platt regarding consents, seeking clarification on whether the council would still demand consents for appointed officials annually. Cameron Platt explained that going forward, individuals appointed to positions would serve until replaced, and the process of removal would only occur when a replacement is found.

14. UPDATE ON THE JANUARY TOWN COUNCIL RETREAT

02:05:30

Chris Cawley expressed gratitude for everyone's participation in the retreat preparation. He shared the adjusted schedule for the retreat due to potential road closures and thanked Carolyn for making adjustments to participate. Elise Morgan expressed excitement about the retreat, emphasizing the importance of dedicating a day to discussing important matters that couldn't be addressed in regular council meetings.

Carolyn Antil commended Chris for his efforts, seeking outside counsel and involving each council member in the process. Dan Schilling expressed enthusiasm despite being unable to physically attend today's meeting due to the road closure and appreciated the communication among the team. John Byrne shared his excitement and readiness for the retreat, mentioning the survey and acknowledging that it's a new and exciting prospect.

Chris Cawley discussed the challenges of finding the right balance and timing for such work, recognizing the special constraints of the town. Mayor Bourke expressed expectations of coming out of the retreat with eager resolves and action items and acknowledged the challenge of sustaining enthusiasm.

Jen Clancy asked the council if they would be ok without a Zoom setup for virtual participation and the council supported the idea. She assured the council that the meeting would be recorded.

15. NEW BUSINESS

02:16:50

There was no new business.

16. MOTION TO ADJOURN

02:17:10

MOTION: John Byrne motioned to adjourn, and Elise Morgan seconded.

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

RESULT: APPROVED

Passed this 14th day of February, 2024


Jen Clancy, Town Clerk