

**MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, FEBRUARY 13, 2014
10:00 A.M.
ALTA COMMUNITY CENTER
ALTA, UTAH**

1. Called the meeting to order. 10:00 A.M./00:00:00

The Mayor called the meeting to order. All members of the Town Council were present.

The Mayor announced that due to the nature of an issue before the Town Council today, some of the items on the agenda will be abbreviated and items number 10 and 11 will be cancelled.

2. Mayor's Report: 10:00:54 A.M./00:00:54

The Mayor announced that Brenda Price, a longtime member of the Alta community, passed away on Tuesday of this week. Brenda was a fixture in Alta and worked at many businesses in our community. She will be greatly missed.

The Mayor thanked everyone over the last few weeks for their efforts in road closures, interlodge events and snow removal.

The Mayor reported on the latest Little Cottonwood Road Committee meeting. There was talk about holding a trial run of an emergency evacuation plan. The Mayor reviewed a possible scenario.

The Mayor reported on the two public scoping meetings held related to the Mountain Accord project.

The first meeting of the budget committee will be held next week.

The Mayor reported on the monthly Conference of Mayors' meeting.

One of the three summer focus group meetings related to the Mountain Accord project have been held so far.

3. Treasurer's Report: 10:05:29 A.M./00:05:29

Marc Dippo read an abbreviated treasurer's report. The entire report is attached to the minutes.

Hearing no comments or questions, there was a motion by Cliff Curry to approve the treasurer's report as presented. There was a second by Merebea Danforth and the motion was carried.

4. Departmental Report: 10:06:25 A.M./00:06:23

Assistant Town Administrator's Report: Claire Woodman reported on the Mountain Accord public scoping meetings she attended and encouraged more people from our community to get involved in the process. Mountain Accord is accepting public comments through March 7th: please go to MountainAccord.com.

Marshal's Report: Mike Morey reported on an event last Saturday where an interlodge restriction and road closure was called with very short notice because of some unexpected avalanche activity that occurred. Mike reported that they witnessed outside activity after interlodge went into effect and would like to keep the community as secure as possible in these circumstances. His department is sending out a direct mailing to all businesses and residents reminding them of the interlodge procedures.

Mike Morey reported that during this time period some residents were unable to get by the UPD checkpoints in the canyon as the canyon was closing down. As a result, Mike has a few resident passes: he can give out one per household and caretaker.

5. Town Council Minutes – January 9, 2014: 10:09:37 A.M./00:09:37

There was a motion by Merebea Danforth to approve the minutes of the January 9, 2014 Town Council meeting with one correction that was already made by Kate Black on page one(1)(the word "of" has been changed to or). There was a second by Harris Sondak and the motion was carried.

6. Town Council Minutes/Special Meeting – February 3, 2014: 10:10:17 A.M./00:10:17

There was a motion by Cliff Curry to approve the minutes of the February 3, 2014 special Town Council meeting. There was a second by Merebea Danforth and the motion was carried.

7. Resolution 2014-R-1: A resolution authorizing the extension and amendment of the interlocal service agreement between the Town of Alta and Salt Lake County Service Areas #3.
10:10:33 A.M./00:10:33

The Mayor explained that this is the contract with Service Area #3 to operate the Town of Alta water system. The contract is for two years. Do to the increased time to operate the antimony treatment plant, the monthly contract has been increased from \$1,800 to \$2,000 and the hourly fee from \$45/hr. to \$50/hr.

Hearing no questions or comments, there was a motion by Tom Pollard to approve Resolution 2014-R-1 authorizing the extension and amendment of the interlocal service agreement between the Town of Alta and Service Area #3 to operate the Town's water system. There was a second by Harris Sondak and the motion was carried.

8. Discussion on appointment of John Guldner as the Town of Alta's representative to VECC:
10: 11:45 A.M./00:11:45

John Guldner explained the recent issues with VECC and explained the importance of having representation on the Board.

There was a motion by Tom Pollard to approve the appointment of John Guldner to the board of the governing body of VECC. Paul Moxley seconded the motion and it was carried.

9. Waste Management update was cancelled.

10. New Business was cancelled
11. Citizen Input was cancelled
12. Discussion with possible action on a closed door meeting to discuss litigation matters.
10:15:12 A.M./00:15:12

There was a motion by Tom Pollard to go into a closed door session to discuss litigation matters. There was a second by Merebea Danforth and a roll call vote was taken.

**Merebea Danforth – aye
Paul Moxley – aye
Tom Pollard – aye
Cliff Curry – aye
Harris Sondak – aye**

The vote was unanimous and the motion was carried.

The Mayor asked everyone to leave the meeting room at this time.

13. Closed door meeting to discuss litigation matters: 10:20:00A.M./ 00:20:00

The closed door meeting of the Alta Town Council was called to order at 10:20 A.M.. Those in attendance were Mayor Tom Pollard and Council members Paul Moxley, Cliff Curry, Harris Sondak and Merebea Danforth; Marc Dippo, Town Treasurer; John Guldner, Kate Black, Piper Lever, Claire Woodman and Mike Morey, Town staff and Liz Schulte, Shawn Ferrin and Rich Mrazik, Town legal counsel. Litigation matters were discussed and no action was taken. The closed door meeting was adjourned at 11:33:00 A.M..

The Mayor reopened the February 13, 2014 Town Council meeting at 11:40 A.M.

14. Discussion with possible action on the Shrontz Estate Patsey Marley land use application pursuant to a development agreement and discussion with possible approval of a settlement agreement.

Paul Moxley made the following statement for the record:

Paul Moxley stated that he has previously submitted a couple of disclosure statements. Since the February 10, 2014 meeting the Mayor terminated Mr. Moxley as counsel. Mr. Moxley opined that the Mayor and the Town authorized him to enter into settlement with the Estate and Salt Lake City and subsequently reneged on its offer which left Mr. Moxley in untenable position as a lawyer with conflicting responsibilities to the court and lawyers for other parties.

Mr. Moxley went on to opine that he also recognized that some of his esteemed colleagues disagree with his assessment of the situation but that does not fix the issue for him.

Mr. Moxley stated that the court will hear his motion to withdraw and continuance this afternoon in about an hour and a half and the lawyers had requested what is known as an in camera hearing for this which means the court room is closed except for parties and lawyers.

In the event that there is a vote on this today and in light of these disclosures, Mr. Moxley stated that he intends on voting.

The Mayor stated that the task before the Town Council is to re-consider the Patsey Marley subdivision application and determine whether, pursuant to the terms of the development agreement, it is entitled to approval under state law and Town ordinances based on its supplemental materials. If the application complies with the applicable laws and ordinances it is entitled to approval. If the application does not comply with the law and ordinances, it is not entitled to approval.

The Mayor went on to explain that the application was initially submitted in July of 2007. It was deemed complete in March of 2008. It was denied in 2009. Based on new information and in the context of a settlement agreement, it is being reconsidered by the Town Council in its capacity as the Land Use Authority, which it was in 2007 when the application was originally submitted.

The Estate has supplemented its application with additional acreage, including the road, subject to an easement, a culinary water system, and it will be providing an updated plat.

Based on these additional materials, the Town Council is now reconsidering whether to approve the subdivision and the terms of the Development Agreement based on the understanding that the unpaved, seasonal road used for public access should not be included in the calculation as part of the 25% coverage determination.

The Mayor went on to explain that if the Town Council approves this approach, and accepts the subdivision and development agreement, then the Council would also need to authorize the Mayor to execute the stipulation and motion to the court to settle the litigation in its entirety.

Based upon the Town Council's authority as the Land Use Authority since that is the capacity in which the Town originally reviewed the application in 2007, and based upon its review of the Application, as supplemented, including the terms of the Development Agreement and the revised Plat, and the water system design, we find that the subdivision and Development Agreement comply with all State and Town ordinances.

Based on our understanding as to graded areas for the purpose of determining coverage, as a member of the Land Use Authority, Mayor Tom Pollard made a motion to approve the subdivision and the terms of the Development Agreement based on the supplemental material subject to final review and approval of a plat conforming to these ordinances.

Paul Moxley seconded the motion. The Mayor opened the floor to discussion.

Harris Sondak stated that he is glad that this body has chosen to enforce the Town's ordinances in particular we revisited the applicant's request to relax our standards on setback from natural waterways. Mr. Sondak went on to state that he is of the mind in regard to coverage calculations, regardless of who built the road in question, that the road seems to him to be a graded permanent structure for the purposes of the Town ordinances.

Cliff Curry opined that the interpretation of the Town's ordinance on coverage is a close call and the interpretation that has been put forward is reasonable and there are good reasons for that interpretation. Mr. Curry went on to opine that to put this in a larger context, he does not think this is a great day for Town of Alta but he thinks that given the position that we are in today, to vote in favor of the motion is the right thing to do for our community.

Paul Moxley added to what has been said by opining that he thinks that today we are honoring the agreement that we made previously and the offers we made previously that we would deliver 10 lots in exchange for other promises. Mr. Moxley went on to say that this vote today delivers on promises made previously by the Council, predecessor Councils and the Mayor and Paul, the lawyer and agent for the Council.

Cliff Curry wanted to make clear that those are not the reasons why he is voting in favor of the motion.

Harris Sondak does not feel he was party to an agreement previous to this that we are now implementing.

Merebea Danforth thanked the three Council members for their comments and stated that she shared a lot of the same sentiments.

Paul Moxley commended the Mayor and staff for their hard work and thanked Parsons Behle and Latimer for their time and energy. They skillfully negotiated this Development Agreement and solutions and demonstrated tremendous skill and ability.

The Council all agreed with Mr. Moxley's statement.

Hearing no further comments or discussion on the motion, the Mayor called for a vote. Mayor Tom Pollard and Council members Paul Moxley, Cliff Curry and Merebea Danforth voted in favor of the motion. Harris Sondak voted against the motion. The motion was carried.

The Mayor announced that there are two further matters before the Town Council.

As a member of the Town Council, Paul Moxley made a motion to authorize the Mayor to execute a final Development Agreement consistent with the terms provided in the Development Agreement reviewed today, with the guidance the Town Council gave legal counsel about this agreement, and based on the submission and approval of the final plat agreement consistent with the time table the Town Council discussed.

Cliff Curry added an amendment to Mr. Moxley's motion by stating that approval of subdivision plat would be in accordance with all Town ordinances consistent with the interpretation the Town Council set forth today. Paul Moxley accepted this amendment to his motion.

There was a second by Cliff Curry. The Mayor opened the floor to discussion on the motion.

The Mayor stated that this motion authorizes the Mayor to execute the Development Agreement.

The Mayor called for a vote on the motion. All members of the Town Council voted in the affirmative. The motion was carried.

Paul Moxley made a motion to approve the form of the Stipulation and Motion to the Court and moved to authorize the Mayor to finalize and execute the Stipulation and Motion to the court settling this dispute in the form approved today. There was a second by Merebea Danforth.

The Mayor opened the floor to discussion on the motion.

Hearing none, the Mayor called for a vote on the motion. All members of the Town Council voted in the affirmative. The motion was carried.

15. Motion to adjourn: 11:51:23 A.M.

There was a motion by Paul Moxley to adjourn the Town council meeting. There was a second by Harris Sondak and the motion was carried.

The Mayor allowed Jen Clancy to make a comment for the record.

Jen Clancy thanked the Mayor and Town Council for their efforts in the matter and asked when the Development Agreement would be made public.

Rich Mrazik said that once the Development Agreement is edited consistent with the Town Council discussions and once it is executed, it will become of record and available to the public.

Passed and approved this 13th day of March, 2014.

s/Katherine S.W. Black
Town Clerk

TREASURER'S REPORT
PERIOD TO INCLUDE
1/9/2014 - 2/13/2014

MAJOR BILLS PAID

Payroll	\$32,541.66
Payroll Taxes	\$14,438.66
Attorneys	\$30,000.00
Health Dental & Life Insurance	\$12,742.99
Utah Retirement Systems Contributions	\$11,443.18
Mountain Accord	\$12,500.00
Zions Bank - 2 Toyota Lease Payments	\$1,921.03
Alta Resort Shuttle	\$2,000.00
Forsgren - Building Official/Inspections	\$1,805.60
Recycling Costs	\$1,720.00
Traffic Metering	\$5,265.00
Eide Bailly - 1/2 of Audit	\$9,500.00

Workers Compensation Insurance	\$448.66
Telephone Costs	\$1,275.21
Energy Costs	\$3,099.28
Other Town Bills	\$5,099.77

Total \$145,801.04

MAJOR REVENUES RECEIVED

Sales Tax/Uniform - November Collections	\$20,714.09
Sales Tax/Resort - November Collections	\$54,557.29
Property Tax	\$9,057.86
Business Licenses	\$1,046.00
Dog Licenses	\$6,220.00
Court Fines	\$995.00
Post Office Contract	\$1,166.67
Energy Taxes	\$8,888.59
Donations	\$25,000.00

Total \$127,645.50

General Fund Checking	\$26,834.80
General Fund Savings	\$214,432.21