

**MINUTES
SPECIAL TOWN COUNCIL MEETING
MONDAY, FEBRUARY 3, 2014
5:00 P.M.
ALTA COMMUNITY CENTER, ALTA, UTAH**

1. The Mayor called the meeting to order at 5:00 p.m. All members of the Town Council were present
2. Discussion with possible action on a closed door meeting to discuss litigation matters.

Cliff Curry made a motion to go into a closed door meeting to discuss litigation matters. Harris Sondak seconded the motion and the Mayor called for a roll call vote on the motion.

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

The vote was unanimous with all members voting in favor of the motion.

The Mayor asked the public to leave the room at this time.

3. The closed door meeting of the Alta Town Council was called to order at 5:06 PM. The following people were in attendance: Mayor Tom Pollard and Council members Paul Moxley, Cliff Curry, Harris Sondak and Merebea Danforth; Marcus Dippo, Town Treasurer, John Guldner, Kate Black, Piper Lever & Claire Woodman, Town Staff, Liz Shulte and Shawn Ferrin, Town Counsel. Shawn Ferrin joined the meeting by phone. Litigation matters were discussed and no actions were taken. The closed door meeting was adjourned at 7:12 P.M.
4. Discussion with possible approval of a settlement related to the Shrontz Estate litigation.

The Mayor first asked Paul Moxley to read a prepared disclosure statement. This statement was given to the Mayor today.

Paul Moxley stated that he is required to not only make a written disclosure statement on this matter but he is also required to read the statement into the record in a public meeting. Paul Moxley read that statement which is attached to the minutes.

There was a motion by Tom Pollard to move forward with the settlement negotiations with the Shrontz Estate based on the following:

1. **The case would be settled subject to a development agreement between the Town of Alta and the Shrontz Estate up to 10 lots,**
2. **The Estate would receive water from Salt Lake City by stipulation,**

3. **The Shrontz Estate agrees to pay Salt Lake City \$400,000 and the Town of Alta \$100,000 in fees, and**
4. **An emergency connection between the two systems would be part of the agreement**

Paul Moxley seconded this motion. A vote was taken with Tom Pollard, Paul Moxley, Harris Sondak and Merebea Danforth voting in favor of the motion. Cliff Curry voted against the motion. The motion as carried.

Harris Sondak thanked Paul Moxley for his service at a reduced fee and thanked the Mayor for all the work he has done getting the town to this point.

Onno Wieringa asked for a layman's summary of the motion that was just made.

The Mayor asked Paul Moxley for an overview.

Paul Moxley stated that there has been an agreement by Salt Lake City to give the Shrontz Estate water. Under the various claims against the Town of Alta it always required Salt Lake City's prior written approval and the Estate is on the verge of getting this approval. Salt Lake City is willing to allow one of several solutions: one would be to the 75' Quincy mine and the second would be to build a private water system but not to connect to the town's water system (build a private water system out of the Bay City mine). The Town had agreed to give up to 10 lots but there has to be an agreement between the Town of Alta and the Estate with everything agreed upon so there can't be any further litigation. The only thing that would be lacking is third party approvals like the fire department and Forest Service. Salt Lake City has agreed to sign off on any variances such as the 50 ft. setback requirement.

Paul Moxley went on to say that the Town of Alta has scheduled another meeting on Friday, February 7th to discuss the proposed development agreement and the subdivision.

Cliff Curry opined that what the Shrontz Estate is seeking in this settlement is a guarantee that they would be able to develop 10 lots. Cliff Curry went on to opine that this might require a waiver of the Town's water course ordinances or some sort of variance.

In Mr. Curry's opinion the vote taken today seems to postpone the crux of this issue -coming to decision- because what the motion that passed authorizes is a discussion of settlement on up to 10 lots. What the Estate is seeking is guarantee of 10 lots and so it is not clear how the Town Council would vote on that issue when it comes to it.

5. **Motion to adjourn.**

There was a motion by Tom Pollard to adjourn the meeting. There was a second by Paul Moxley and the motion was carried.

Passed and approved this 13th day of February, 2014

s/Katherine S.W. Black, Town Clerk