

MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY
NOVEMBER 12, 2009
ALTA COMMUNITY CENTER
ALTA, UTAH

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

1. Discussion with possible action on the 2008-2009 Fiscal Audit of the Town of Alta – Ross Youngberg and Alawna Echols, Hansen, Barnett & Maxwell

Mr. Youngberg explained that this report is required at year end . It contains the Management Discussion and Analysis prepared principally by Kate Black. Included in this analysis is a comparison of current year with prior year. Ross went on to explain that the actual financial statement starts on page 13. It starts with the balance sheets and the operating statements which include assets and liabilities and net equity of the Town on an accrual bases. Ross opined that the Town is in good fiscal shape. Much of the net assets of the Town are found in the enterprise funds (sewer and water) and are tied up in the those two systems. Included in the statement of activities is the operation of the Town. Ross pointed out that there was a big increase in operating revenue due to the appropriation by the legislature for the antimony treatment project. Ross went over the other statements in the report and explained that the reports are based on an annual accounting bases and not a full accrual bases.

Ross opined that the General Fund and the enterprise funds are all in good shape. Notes to the financial statements go into great detail and explain the policies and disclosures and what make up the assets and liabilities.

Ross commented that the Town’s auditors are required to go through a set of compliance auditing when conducting their audit. Ross explained that rules set out by the State of Utah require municipalities to go through a set of procedures when handling cash. There was one department, the streets department, which exceeded its budget at the end of the year and the auditors are required to report that finding. Otherwise, Ross explained, the Town did not exceed budgeted expenditures’ in any other department.

Alawna Echols went over the compliance report which lists the different aspects of state laws and regulations. In addition to the budgetary finding mentioned above, the auditors reported on one other finding which Alawna stated was immaterial which means that the finding does not effect their report. Their report sets out an unqualified opinion on compliance which she explained is what the Town should have from the auditors. Alawna explained that the state requires that cash be deposited within three days of its receipt and there were two incidences when that did not happen. That minor finding was reported in the Financial Statement. Alawna went on to explain that on page 42 is a report that explains the scope of testing that the auditors performed on internal testing. As a result of this testing, there were two weaknesses cited in internal controls: one was

certain audit adjustments of annual depreciation of the Town assets made by the auditors after the financial statement were given to them and the other deficiency was the limited segregation of duties. The Town of Alta has a small staff and a limited budget and is unable to hire a large accounting staff. As a result there is some overlapping of duties between cash receipts and cash disbursements between individuals. The accountants have made some recommendations on these deficiencies.

Ross explained that this is an unqualified report and must be sent to the State Auditor by the end of December. He explained that the document before the Council is a draft. Once the Council approves the draft, a final copy of the Financial Statement will be signed by their firm.

The Mayor asked for a motion on the draft financial statement. Dave Richards made a motion to approve the draft financial statement as presented today by Hansen, Barnett and Maxwell. There was a second by Steve Gilman and the motion was carried.

The Mayor thanked Ross and Alawna for their work on this document and stated that the Town staff tries to make improvements every year when it comes to the financial management of the Town. Ross Youngberg reminded the Council that the standard set is pretty high and the Town of Alta does a good job and makes improvements in their operation every year.

2. Mayor's Report

The Mayor congratulated Paul and Cliff on their reelection to the Alta Town Council. He thanked Barbara Jordan and Roger Bourke for participating in the process. The Mayor felt it was healthy for the Town of Alta to have some competition which raised discussions and participation in the election process.

The Mayor thanked the four poll workers who worked the election: Sarah Evans, Claire Runge, Julie Willis and Kent Jensen. They did a wonderful job. He also thanked the Goldminers Daughter for hosting the polling place this year.

The canvass of the election will be held at the Alta Community Center at noon on Friday, November 13, 2009.

The Mayor reported on last Tuesday's annual beginning of the year Little Cottonwood Canyon Road committee meeting at the Albion Grill. Traffic metering in the canyon was discussed along with road closures mornings and how it affects people at the mouth of the canyon. Also discussed was the anticipated change out of the weapon on Peruvian Ridge next summer and the temporary approval of keeping the military weapons program for avalanche control work over the Town of Alta.

The Mayor reported on the COG meeting that he attended. Reported at that meeting were the challenges that non-profits are facing with reduced budgets. The County Cooperative

Plan was also discussed at this meeting and all the communities were asked to address a resolution that supports this plan.

The Mayor reported on a meeting he had with three delegates from China who are college presidents. The Mayor thanked Onno for giving them a tour of the ski area.

Salt Lake County has delivered a twice a year newsletter to the Town that promotes watershed stewardship.

The Mayor reported on the work session and open house held at OLS to discuss the Albion Basin Transportation Program. Different scenarios were discussed and presented the next day in an open house. The Forest Service and the consultants will be going back and putting costs to each of these scenarios. They will also be looking at how we could possibly implement them in the future.

John Guldner, in his report, will speak to the most recent Planning Commission meeting held this week.

The Mayor is hopeful that the Town will proceed with a program to provide the H1N1 shots here in the community. Dr. Ken and the Mayor have been working with the Salt Lake Valley Health Department in securing doses of the vaccine.

The Mayor attended the monthly UFA meeting. Chief Mike Jensen chaired his first meeting and the Mayor is encouraged that communication will remain open and our good working relationship with UFA will continue.

Wasatch Canyons Tomorrow committee released their scenarios and two open houses were held to discuss these scenarios. The Mayor will attend the executive committee meeting next week.

Piper Lever has been working on a program where the Town will accept credit cards for payment of fines and sewer and water usage fees for example. This program should be on line within the next month.

The next meeting of the Town Council will be on Thursday, December 10, 2009.

3. Treasurer's Report

Marc Dippo read the monthly treasurer's report which is attached for the record.

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

4. Departmental Reports

Town Administrator's Report: John Guldner reported on the history of the Little Cottonwood Road Committee and how well all the public and private agencies work together on this committee to work on common problems in the canyon.

John reported on an interesting election story in the County where one candidate had to run against an Osmond.

John congratulated the Mayor, Paul and Cliff on their re-election and thanked them for their hard work.

John reported that this is the slowest year the Town has had in the building department. The Town only issued 13 building permits. He also mentioned that the Hellgate "avalanche wall" is being addressed for the third season in a row. Questar sends a report to the Town on unsafe appliances in individual communities and Alta does not have any on this last report. He recommended that everyone periodically check their gas appliances.

John reported on a call from Woodland Hills near Provo that requested the history of the Town's avalanche ordinances. John will be providing them with that information.

John reported on Tuesday's Alta Planning Commission meeting. The minutes of the previous meeting were approved and the Commission spent quite a bit of time discussing the FEMA Flood Zone Program. The Town of Alta will be required to participate in the FEMA Flood Plan program or FEMA will not provide our community any funding for any other types of disasters like avalanche or earthquake damages.

John gave a bit of history of the Smith Goggle and how the goggle "was born" in Alta by Bob Smith. Mr. Smith worked at the Deep Powder House and invented the goggle while he was working in Alta.

There are no real changes in any of the lawsuits except the Melville lawsuit. John reported that second attempt at mediation will take place on November 23, 2009 between the two parties.

Assistant Town Administrator's Report: Claire Runge thanked Karen Travis for bringing to the Town's attention the Salt Lake County's discount prescription card. If you are County resident you can print out a discount prescription card by going on the Salt Lake Valley Health Department web site. . You do not need insurance and can also receive one if you have an insurance card. Claire will make sure that information goes out in the newsletter and on the Town's web site on this program.

John and Claire took a walk through the Town owned building with a representative from Questar and a private consultant who does energy audits. . A report on our buildings

should be forthcoming. The Town will also be conducting a lighting audit which Rocky Mountain Power will provide for free.

Claire has been talking to the Mayor about improving the Town's communication with the residents and businesses in our community. She asked for everyone to look for new changes in the newsletter.

Claire also reported that the Town has been working with Friends of Alta and ACE on starting a mini anti-idling campaign in the Town.

Claire reported that the Town staff, Cliff and Dave has completed the final review of the Town Municipal Code. We should be able to send the Code back to Sterling Codifiers by the end of November. She thanked everyone that has been involved in this process. Cliff complimented the staff on a job well done. Cliff reported that both Dave and he have reviewed the work done by the staff on the code book and both would recommend that the Code book be sent to Sterling for review.

Kate Black reported on a "garbage collection" fee that seems to be appearing on property tax notices of some of our residents in Town. She has contacted the County Sanitary District who imposes that fee and has informed them that the County does not provide garbage service to our residents. She asked that each property owner in Alta review their notices carefully to make sure they are not being charged for this service. If any owner has questions on this they should contact Kate in the Town Office.

Marshal's Report: Mike Morey read his monthly report which is attached to the minutes.

He reminded the community that the overnight parking restrictions are in effect. Mike reported that there is a live link on the Town's web site reporting interlodge road status. Also, he reminded people to contact Alta Central if they would like to be on the text alert system for road conditions and interlodge notification system. Mike encouraged everyone to sign up for these text messages. The Salt Lake county Sheriff's Department has its own text system.

Mike reminded everyone that the OSV registration program is up and running.

5. Discussion with possible action/adoption of the following items:

- a) Town Council Minutes – September 3, 2009 Work Session

The Mayor called for a vote on these minutes. There was a motion by Dave Richards to approve the September 3, 2009 work session minutes as submitted. There was a second by Cliff Curry and the motion was carried.

b) Town Council Minutes – October 8, 2009.

The Mayor called for a vote on these minutes. There was a motion by Steve Gilman to approve the October 8, 2009 minutes as submitted. There was a second by Dave Richards and the motion was carried.

c) Resolution 2009-R-10 – A resolution renewing and amending the agreement with National Benefit Services who administers the Town Cafeteria and Cobra Plan.

Kate explained that a few years back the Town signed a contract with National Benefit Services, a subcontractor of Blue Cross and Blue Shield, to administer the Town's Cafeteria Plan. There is no direct cost to the Town for NBS's services. The cafeteria plan involves the administration of the employee's dependant care and health care savings plans. NBS now administers the Town's Cobra Plan. They provide efficient and quality service to the Town and its employees. Kate went on to explain that NBS has to amend their service agreement with the Town as federal employment laws change. The amendments before the Council recognize the Cobra Services they now provide the Town. The resolution also provides approval to continue service with this company.

Hearing no comments or questions, there was a motion to approve Resolution 2009-R-10 which amends the agreement with National Benefit Services who administers the Town's Cafeteria and Cobra Plans. There was a second by Steve Gilman and the motion was carried

d) Resolution 2009-R-11 – A resolution recognizing the need to formally support the Cooperative County Plan for municipalities within Salt Lake County.

The Mayor explained the Cooperative County Plan recognizes the importance of communication between individual municipalities in overall county planning.

There was a motion by Dave Richards to support Resolution 2009-R-11. There was a second by Steve Gilman and the motion was carried.

e) Proposed Patsey Marley Hill Subdivision.

The Mayor said it is his understanding that a state statute exists which requires a staff report must be issued and received on a land use matter at least three business days before the agenda item. With the holiday yesterday, November 11, 2009, that report did not get delivered to the Estate three business days before the meeting today. Is the applicant willing to waive the three days notice? Alan Sullivan, legal counsel for the Estate, stated that he would waive the three days notice requirement.

The Mayor stated that the Town Council has been reviewing the the Patsey Marley Hill subdivision application to see whether it is entitled to approval under state laws and Town ordinances. If the application complies with applicable laws and ordinances it is

entitled to approval. If the application does not comply with applicable laws and ordinances it is not entitled to approval.

The Mayor went on to explain that the initial Patsey Marley Hill subdivision application was submitted in July of 2007 and it was deemed complete in March of 2008. It has been under review first by the Alta Planning Commission and now by the Alta Town Council since July of 2008. The Estate has submitted a large amount of information both to the Town Council and the Alta Planning Commission that has been included in the record for the Council and Commission's review. The Town Council has reviewed the information submitted by the Estate.

The Mayor reported that staff has submitted a revised staff analysis on the application as it stands today and the report was submitted in two documents; a checklist and a text that speaks to those items on the checklist that are in compliance, those that are not in compliance with the relevant laws, and the current status of those items.

The Mayor asked the applicant if they had additional information that they would like to present to the Town Council at the meeting today.

Mr. Alan Sullivan, legal counsel for the Estate, had a couple of comments. The Estate received the revised checklist and Mr. Sullivan took a moment to comment on the checklist that is titled and dated "Updated checklist, November 2009" (attached to these minutes). Mr. Sullivan asked the Council to refer to the first page of the checklist where he indicated that there was no check on item #1 referring to Utah Code Annotated 10-9a-603. Mr. Sullivan referred to the comments on this item. The Estate's responded to the comments on Item #1 by stating that they believe that the plat map that the Estate submitted in 2007, as it has been revised since that time, satisfies this provision in the code. Mr. Sullivan opined that the Estate feels that they are entitled to have this item in the "comply column" of the check list.

Mr. Sullivan then referred to the last item on the first page of the revised checklist. The comment suggests that the Estate does not comply with the requirement that existing rights of ways and easements of record for underground facilities or other utility easements be reflected on the plat map. The Estate believes, as they have stated many times to the Town staff, Planning Commission and the Town Council that they comply with this requirement because the Estate accurately and completely reflect all easements on the map that they have submitted.

Mr. Sullivan then referred to page three of the check list; there is a discussion about minimum lot area, one acre net developable acreage. Mr. Sullivan opined that this issue involves the issue of natural waterways. The Estate has addressed this issue in a session or two before the Town Council on natural waterways. He understands that the issue of natural waterways is under submission to the Town Council. Mr. Sullivan went on to state that the Estate has advised counsel for the Town, that the Estate has submitted the issue of natural waterways to the State's Property Rights Ombudsman to get his advice on this matter. Mr. Sullivan went on to opine that the decision from the Ombudsman an

advisory opinion which the Estate has sought under the statute. The Estate is entitled to seek this type of opinion on this type of issue. The Estate submitted that request to the Ombudsmen on November 11, 2009 and they think the Ombudsman process is a good one particularly with an issue that is relatively novel, difficult and technical. In Mr. Sullivan's opinion the Ombudsman's decision can be used for some for mediating the difference between the Estate's view of natural ways and the opinion of the Alta Building Official on this issue. In his opinion, this is a good way to resolve those issues.

Paul Moxley asked the Estate if their opinion is that it complies even if there are 10 lots. Mr. Sullivan stated that if the Town Council agrees ultimately with the Town Building Official, then the Estate has submitted a seven lot plan that complies. If the Estate prevails on the issue that the Council has under consideration, then the Estate has submitted a ten lot plan they believe complies.

Mr. Sullivan turned to page five of the revised checklist and stated that the Estate gets a black mark for not complying with the parking requirements. It is Mr. Sullivan's opinion that the Estate has provided a sufficient number off site parking spaces but winter access to those parking spaces is not provided. The Estate believes that they do comply and expressed the Estate's willingness to plow the road to the property at their own expense, to provide year round access, or provide spaces on the lower road which could provide parking at that site. Those proposals have been made to the staff and to the Town and the Estate would like the opportunity to engage in a solution on the parking issue. If the solution set forth above is not acceptable to the Town, Mr. Sullivan stated that the Estate is willing to consider other alternatives.

Mr. Sullivan explained that a detailed description of a proposal that addresses access has been submitted to the UFA. That letter was submitted on September 22, 2009. The submittal was in the form of a code modification request and the Estate understands that the Town has some issues with the proposed code modifications request that was submitted to UFA. The Estate understands that UFA has this request under advisement. As of the date of this meeting, there has been no feedback from UFA on this matter. Therefore, this issue is still outstanding as far as the Estate is concerned and the Estate expressed its desire to work with the Town and UFA to work out a solution.

Mr. Sullivan referred to page seven of the revised check list which deals with Town Ordinance Section 22-2-17 which is the provision on the water and sewer requirements. In Mr. Sullivan's opinion, the Town Council is well advised of where the Estate is on the proposed water system. The Estate has determined that, under the circumstances, it would like to build and believe they can build a private water system to connect the Estate's water source at the Quincy mine to the Patsey Marley property. Plans have been provided to the Town Council for this water system and the Estate has submitted an application to the Forest Service for a Special Use Permit that would allow the Estate to cross the Forest Service property. That application is in the process and the Estate does not know how long the process will take. In Mr. Sullivan's opinion, the issuance of the Special Use Permit is the principal hurdle right now to the approval of the water system. Mr. Sullivan asked very respectfully that the Town Council postpone any action on the

Estate's application until the problem of the water system is solved because the this process will take awhile.

Steve Gilman made mention of the letter written to Mr. Sullivan by Rusty Vetter, counsel for Salt Lake City Public Utilities that detailed issues that they have with the Quincy mine water and asked Mr. Sullivan if he accepted the issues set forth in that letter or those issues going to be appealed by the Estate with Salt Lake City water.

Mr. Sullivan opined that the Estate does not plan on appealing those issues. In Mr. Livsey's opinion, the October 23, 2009 letter from Salt Lake City indicated that the City previously acknowledged the Estate's right to water to Quincy mine. The City was unwilling to say that the Estate was entitled to 22% of the 150,000 gallons per day under the 1975 agreement and was willing to say that the Estate had ample water to supply the 7 to 10 lot subdivision using the Utah Drinking Water Board minimum requirement. Mr. Sullivan acknowledged that letter stated that it does not mean there will always be 8,000 gallons per day peak flows and if there is inadequate water supply due to snowmaking needs of the Alta Ski Lifts, then the Estate will have to take less. Mr. Sullivan believes that the Estate can work out issues such as this with Alta Ski Lifts with respect to the Ski Lift snowmaking needs. The Estate does not believe that the snowmaking needs of the Alta Ski Lifts should trump the rights of people to culinary water at their homes but Mr. Sullivan believes there is ample water with which to work out a solution there. In that October 23, 2009 letter to Mr. Sullivan, Salt Lake City also said, in Estate's opinion, the Estate will need to work with whoever it is who actually owns the surface rights at the mouth of the mine.

In Mr. Sullivan's opinion, those are the only limitations that the Estate sees in this letter from Salt Lake City Public Utilities.

Steve Gilman asked who owns the Quincy mine and the underlying surface rights. Mr. Livsey opined that he thought the Ski Lift Company owned that land and they have been working with the Ski Lifts on the surface issues related to the Quincy mine. Mr. Livsey believes that some of the land issues related to the entire proposed water system are held by private companies and some by the federal government and they are working with both to resolve those issues.

Mr. Sullivan reiterated again that the issue that the Estate needs to nail down is approval from the Forest Service for a Special Use Permit to cross Forest Service land. Their engineers have been in touch with the Forest Service people over the past couple of weeks and the Estate asked the Town Council to postpone consideration of this application to allow the Estate a reasonable amount of time to solve this problem.

Cliff Curry wanted to know the view of the Estate of the process that is required with the State Water Engineer to move the water from the Quincy mine. Mr. Livsey opined that just like when the Town system was approved, the State has control of that approval process, the design of the system, and water quality and water quantity. The same will be required of the Estate's proposed water system. The Estate has engaged the State in the

process, they are aware of the Estate' pending application with the Forest Service, and have reviewed the Estate's preliminary and conceptual design from the Quincy mine to Patsey Marley property.

Paul Moxley asked for input from the Town's legal counsel and Mr. Sullivan on the Ombudsman process and whether the Town is precluded from acting on the proposed application today. Mr. Sullivan opined that the Town is not precluded from acting on the proposed application by the initiation of the Ombudsman process on natural waterways.

Mr. Craig Call opined that the main thing he knows in state law that precludes a preliminary action before the process is complete is, as the Supreme Court has stated, that an application is entitled to approval if complies with the ordinances after proceeding with reasonable diligence. So, in Mr. Call's opinion, in order for the Town Council to take some action before the Estate has completed the process, it would have to conclude that the Estate has not proceeded with reasonable diligence. In Mr. Call's opinion the Estate has done everything they can to show that in fact they have.

Mr. Sullivan referred to the Town's staff report as it relates to additional issues that arise during the course of the review. If there are issues that the Council is aware of, the Estate would appreciate receiving a notice of those issues so the Estate can deal with them. Mr. Sullivan went on to comment that if the Estate has not addressed any issues in the check list, the Estate would be willing to address them at this time.

Ms. Chytraus commented that if the Estate goes through the Special Use Permit process that the Town would like to be involved and there may be other issues that arise during that process. Ms. Chytraus opined that she is not aware of any other requirement that the Town and the Estate has previously discussed but the Town would anticipate that other issues might come up.

The issues relating to mine ownership, water availability and surface rights for example that are mentioned in the recent letter from Salt Lake City are all new issues to the Town. The Mayor went on to opine that those issues raised in the letter from Salt Lake City do not pertain to the Town's ordinances; those issues would be part of the Estate's execution to comply with the ordinances.

Ms. Crytruas stated, in addition to Mr. Call's point, LUDMA says that the applicant is entitled to approval if the application conforms with applicable state laws and Town ordinances absent a finding of compelling countervailing public interest. In Ms. Crytruas's opinion, the case that underlies Mr. Call's comment has been codified in LUDMA, which states that the applicant is entitled to approval if it conforms with the laws and ordinances unless there is a compelling countervailing public interest.

Paul Moxley commented that the most troubling aspect of this process was the concept of reasonable diligence because as Onno pointed out at the public hearing, it is difficult to get cooperation and get things done when you are working with so many different governmental agencies

That being said, Paul Moxley made a motion, based on the staff report and the checklist, that the Estate is not entitled to approval because it has not complied with the ordinances. Cliff Curry seconded the motion.

The Mayor opened the floor to discussion.

Mayor Pollard stated that the Town recognizes that a fair review of land use applications is important to people as the decisions impact the use and enjoyment of their property. However, if a land use applicant cannot comply with Town ordinances and state law, it is also not fair to approve a non-compliant application or leave it open indefinitely.

It is in the best interest of the Town and its citizens to provide certainty regarding the process of land use decisions. The Town is under the legal obligation to provide a full, fair and diligent review of a land use application. Further, in the Settlement Agreement between the Town of Alta and the applicant, the Town agreed that it will diligently, expeditiously, and fairly proceed with substantive land use review of the Application under the laws, ordinances and regulation in effect prior to December 13, 2007.

Under state law, the Town is entitled to make a decision and it is appropriate to make a decision on a land use application after a full and diligent review and evaluation of the application. To leave an application in limbo when it cannot comply with the law, creates uncertainty and distrust in the process and promotes an illusion of unfairness.

The Town believes that it has provided a very diligent and lengthy review of the application.

The Town recognizes and appreciates the distinctions between what is needed for an application to be considered complete and vested under the ordinances and what is needed to become approved.

The Mayor went on to state that this application was submitted nearly two and a half years ago and has been under review for nearly the last year and a half. The applicant has had sufficient time to prove it can comply with the law, yet it remains non-compliant with all of the same ordinances as when it first applied.

As the applicant has gone through the approval process, it has not it has not come into compliance with the most critical requirement for approval; that of providing culinary water to the site. While the applicant has submitted more and more information about options, it has not come any closer to approval than it was when the application was first submitted two and a half years ago. A year and a half ago the staff provided the Planning Commission a checklist showing the ordinances and laws the applicant complied with and did not comply with and these are the same guidelines the Town Council is considering now.

The applicant cannot presently provide culinary water to the site. In order for the applicant to construct its proposed private water distribution system, it will be required to

obtain approvals from a number of third party entities. By the applicant's own admission, it is unable to say with any degree of certainty if and when such necessary approvals will be received.

The Town realizes that there are many in the Town who are opposed to development of any kind. The Town also understands, however, that the public's opposition is not a factor that should properly be considered in determining whether the application complies with the law and the Town has not taken those opinions into account in making its decision.

Having reviewed the entire record, pro and con, the Mayor believes that there is substantial evidence that the Applicant should be denied, as it is not in compliance with the applicable laws and ordinances and the Town is entitled to make a decision at this time.

Hearing no further comments, the Mayor called for vote on the motion. The vote was unanimous with all members of the Town Council voting in favor of the motion. The motion was carried.

f) Closed door meeting to discuss litigation matters:

There was a motion by Paul Moxley to go into a closed door meeting to discuss litigation matters. There was a second by Steve Gilman. As roll call vote was taken.

**Dave Richards – aye
Cliff Curry – aye
Paul Moxley – aye
Tom Pollard – aye
Steve Gilman – aye**

The vote was unanimous and the motion was carried.

6. Citizen Input

Eric Erlingsson believes that the Town should formulate some kind of plan for replanting of spruce trees in the spring in Alta, both to cope with the ones that are going to die and the factor the many of the trees are the same age. He would also like to be involved in this process and asked that he be kept informed.

Mark Haik referred the Tolton vs. Alta case that had been dismissed and brought up a couple of items related to this ruling. In Mr. Haik's opinion the case was dismissed for lack of prosecution and the court made no decision on whether or not the documents and the claims by the Town were appropriate or inappropriate or lawful or unlawful.

Mr. Haik also referred to the charges brought by Ms. Black against Dr. Tolton regarding his alleged criminal trespass and opined that in dismissing those charges, Judge Hilder

notably declined to let the prosecutor even present the case and according to a member of the Utah Bar present at that the hearing, berated the prosecutor for appearing in his court with those charges.

Mr. Haik referred to the comments by the Mayor at the October Town Council meeting on the issue brought by Mr. Haik on the State Engineer's order on a recent change of water rights in the Town. In Mr. Haik's opinion the order clearly states there are additional points of diversion and additional uses and the water is used for municipal purposes by the "service area" of Salt Lake City. Mr. Haik believes that this order results in new water that has been moved into the Town by Salt Lake City and it also expanded the quantity of water legally able to be used. On the other hand, Mr. Haik opined that if this water has been previously illegally used this application makes the use legal. Also, Mr. Haik believes that this application also provides for numerous additional points of diversions, some of which may require stream alteration permits.

In Mr. Haik's opinion Salt Lake City believes that it meets all their contractual obligations with Little Cottonwood Water Company and asked that the Town Council familiarize themselves with the history of Little Cottonwood Water Company and any possible stream alteration permits.

Mr. Haik commented on the most recent Friends of Alta 990 filing. He notes that in the 2007-2008 filing the Friends of Alta provided \$74,000 for a research and GIS program. He requested that the Town provide to the public the fruits of that research.

Mr. Haik provided the Town Council with a Flood Control map produced by Salt Lake County and commented on this map.

Mr. Haik commented that having attended the meetings of the review of the Powder Ridge PUD recently as well as all the meetings for the recently denied application of the Estate, Mr. Haik wanted the Council to review a map that was produced by the Dept of Agriculture /Soil Conservation Service. Mr. Haik pointed to several natural waterways on this map. In the Planning Commission, the Chair person, Mr. Branch, asked the Planning Commission and Town Council to apprise themselves of the proposed design that the Lift Company has had done. In Mr. Haik's opinion, the Town Council should reach out to the Lift Company and request the Lift Company present the plan to the public.

Lastly, Mr. Haik referred to the Town Administrator's remarks earlier in this meeting regarding the Little Cottonwood Canyon Road Committee. In his opinion, the Town should create another committee to determine the status of the Little Cottonwood Road as it goes into Albion Basin. Mr. Haik suggested that John Guldner and he co-chair said committee and the Mayor appoint an additional party to serve with them on that committee.

Hearing no further comments, there was a motion by Cliff Curry to adjourn the meeting. There was a second by Steve Gilman and the motion was carried.

7. Closed Door Session of the Alta Town council.

A closed door meeting of the Alta Town Council was called to order at 11:55 am on November 12, 2009 at the Alta community Center/Library in Alta, Utah. The following people were present: Mayor Tom Pollard and Council members Paul Moxley, Steve Gilman, Dave Richards and Cliff Curry; Marc Dippo, Treasurer; John Guldner, Kate Black, Claire Runge, and Piper Lever, Town Staff; and Dave Richards, Kara Porter, Kimberly Chytraus, and Katie Lewis, Legal Counsel. Litigation matters were discussed and no action was taken. The closed door meeting was officially adjourned at 1:03 pm.

Passed and approved this 10th day of December, 2009 .

Piper Lever, Assistant Town Clerk / S

TREASURER'S REPORT

12-Nov-09

MAJOR BILLS PAID

Payroll	\$38,984.88
Payroll Taxes	\$15,118.29
Attorneys	\$7,015.74
Inspections	\$2,783.07
Plan Checks	\$1,760.00
Jury Fees	\$277.50
Workers Comp. Insurance	\$634.96
Web Site Work AVB	\$1,337.50
Haycock Petroleum	\$5,453.42
Health Dental and Life Insurance	\$10,373.04
Election Poll Workers	\$480.00
Other Town Bills	\$12,967.80
Total	\$97,186.20

MAJOR REVENUES RECEIVED

Sales Tax- Uniform - August	\$3,050.05
Sales Tax Resort - August	\$5,572.88
Court Fines	\$1,335.00
Business and Liquor Licenses	\$9,765.00
Telephone Taxes	\$625.10
Dog Licenses	\$100.00
Post Office Contract Payment	\$1,166.67
Other Revenues	\$77.00
Total Revenues	\$21,691.70

General Fund Savings	\$188,933.56
General Fund Checking	\$3,598.37