

MINUTES
ALTA TOWN COUNCIL MEETING
THURSDAY, SEPTEMBER 9, 2010
ALTA COMMUNITY CENTER
ALTA, UTAH

1. The Mayor called the meeting to order. All members of the Town Council were present.
2. Update on the antimony treatment plant operation – Keith Hanson

Keith reminded the Council that the treatment plant has been in operation for almost one year (September 12, 2009). Keith reported that the Town has treated 22,303,100 gallons of water in the first year of operation. When he first started working as our system operation it was not uncommon for the Town to use over 40 million gallons in one year. The dramatic decrease in the gallons used is a result of the tightening of the water system: finding and fixing leaks, consumers replacing plumbing fixtures with water saving units.

Keith provided the Council with two graphs one of which outlined the SB (antimony) concentrations over the last year. Keith went over that graph and explained that there was one spike in January and February 2010 but the remainder of the monthly reports that test concentrations have been running at non-detect on both filters. In Keith's opinion the media is out performing the pilot study. Keith explained that the second graph shows the raw water concentrations, the maximum contaminate limit set by the EPA, and then blended results from the effluent and the GMD. When the plant is running the operators run 200 gallons a minute through the plant and bypass 100 gallons a minute. These two are then blended together and distributed to the consumer. The latest results show a blended average of 3.8 ppb of antimony which is well below the EPA limit of 6ppb.

There have been no operational issues with the plant over the last year and it has exceeded Keith expectations. Keith believes that this translates into a long term savings to the Town in operational costs as it relates to the engineer's estimates.

Keith commented that the Issam Najm, the scientist hired by Bowen and Collins on this project, has submitted a paper to the American Water Works Association on the antimony treatment project in Alta. He will be presenting this paper to water conference in Chicago.

Keith explained that the Town contracts with the Salt Lake County Service Area #3 to operate the Town's water system. The Town pays the Service Area #3 a flat fee per month for this service.

3. Mayor's Report

The Mayor reported on the Conference of Mayor's meeting in Midvale. The Mayors discussed the issue of the number of liquor licenses that are available to businesses. This total is governed by state law. The Mayor also explained that if a business is sold that

has a liquor license; there is no guarantee that the business would get that liquor back. The liquor license goes with the ownership of the entity not with the structure. The Mayor's also discussed an issue with the taxi cabs as it relates to picking guests up at the airport

The Mayor reported that the Wilderness Bill is still an issue. The Mayor referenced a recent letter to the editor that was quite biting from Save Our Canyons. The Mayor is currently working with the Tribune editorial staff to get the Town's position stated in the paper.

The Mayor and John met with Sim Gill who is running for Salt Lake County Attorney.

The Mayor reported on the business summit that was held on August 30th at the Town's Community Center. Karen Wikstrom facilitated the meeting and listened to the businesses community in attendance as to their feelings on the future direction of AVB. This topic will be discussed later in this meeting.

Steve Gilman reported on the progress that has been made to improve the Verizon cell service and coverage in the Town of Alta. Many many visitors use Verizon as their cell service and find that they cannot receive calls while visiting Alta. Steve reported that Verizon is trying to locate a tower on the Quest building located directly across the highway from the Peruvian Lodge. Steve explained some of the issues that they have encountered. Bob Pruitt explained that there is a new technology called an open source that is based on a cell tower than replicate a voice over internet. It does not use a phone line.

The Mayor reported that the summer road OSV decision has been handed down by the U.S. Forest Service. This topic will be discussed later in this meeting.

John will provide a report on the COG meeting that he attended last week.

The COG General Assembly meeting will be held on October 25th in Cottonwood Heights.

The paving project on the canyon road is moving along and the contractor is doing a great job.

Questar is upsizing it's main line from the GMD to the Rustler, so traffic control will be taking place for the next few weeks in Town.

Hansen Barnett and Maxwell will begin its annual audit of the Town of Alta next week.

Kate gave an update on the operation of the booth. It will stay open all week through the 19th of September and after that will be open only on Friday, Saturday and Sunday. The shuttle will also run for one more weekend and then the Town will re-evaluate whether it will run for any subsequent weekends in September.

4. Treasurer's Report

Marc Dipppo read the monthly report which is attached for the record.

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

5. Departmental Reports

Town Administrator's Report: John Guldner reviewed some of the issues addressed at the COG meeting; corridor preservation and ZAP funding. John also reviewed a discussion on proposed new legislation that addresses electronic scrap.

On October 2, 2010 at Rio Tinto Stadium the County will be hosting an event where the public can bring all their old electronic equipment. That equipment will be scrapped and all data on computers will be destroyed. There is no charge for this service.

There will be a legislative luncheon on September 22nd for all public officials.

John updated the Council on the status of the three lawsuits; The View, the Shrontz and the Melville lawsuits.

There have been 14 building permits issued thus far this year with a stated value of 2.4 million. The Town has collected \$42,000 in building and plan check fees. John also reported that the Town has issued several excavation permits under the Town's new ordinance. He explained some of the requirements that need to be met before such a permit is issued.

John reported on the numerous GRAMA requests that have been submitted to the Town recently.

The Utah League of Cities and Towns annual convention will be held next week. John Nepstad and Roger Bourke will be attending some of the sessions.

John is trying to get a Planning Commission together for late September or early October.

Ass't Town Administrator's Report: Claire Runge updated the Council on the furnace project for the Alta Central and Community Center buildings. Those projects should start in the next few days.

Claire also updated the Council on the progress that has been made by Mike and her on the Town's Emergency Management and Operation Plan. They hope to have a draft produced by the end of 2010.

Marshal's Report: Mike Morey reported that the Peruvian Lodge will be holding their annual downhill dash on Saturday, September 11th at 4:00 p.m..

Mike read his monthly report which is attached to the official minutes.

6. Discussion on the direction of the Alta Visitors Bureau as it relates to pursuing a chamber/visitors bureau model (CVB).

The Mayor reported that the Town has engaged Wikstrom Economic & Planning Consultants to review the last five years of operation of this department to determine, among other things, how effective this department has been. Karen Wikstrom was also asked to look at trends in the Town of Alta vs. the other ski area towns. Karen held a business summit where she explained some of her findings. Karen reported that the trends that we have seen in Alta over the last few years are very similar to those in other ski resort communities and the Town was doing as well as other similar type communities.

Karen also asked those that attendance what they would like to see out of AVB.

The Mayor thanked Sara Madsen for her outstanding work over this last winter in keeping the door open for AVB. There was a personnel change in AVB late last fall and Sara stepped in and did a great job.

The talk at this summit was focused on how AVB should move forward. Ms. Wikstrom initial study over six years ago recommended the model of a Convention Visitors Bureau or CVB. AVB did not follow that model at that time but instead followed the option that involved an increase in the Town sales tax to help fund a department of the Town of Alta. The Town held the required election to raise the resort community sales tax.

The Mayor explained that CVB is normally a public/private partnership and in the past, one of the problems that this model has posed is how it was going to be funded. Another obstacle was trying to get all the businesses in Alta to buy into the CVB concept. Park City has this type of model. In Park City, there are over 1,000 businesses that can pay chamber dues and help with funding. In Alta there are only about 35 businesses could contribution to a chamber.

The Alta business community is looking at pursuing this model and will be scheduling a meeting with Bill Malone, Director of the Park City CVB. The Mayor felt that the goal of the business community was to come back to the Town Council with a proposal.

The Mayor explained that the question before the Town Council today is whether or not the Town Council would be willing to have AVB, a department to the Town, enter into this public/private partnership as we move forward.

Dave Richards opined that he is in support of a public /private partnership if in fact that is what the Alta business community wants. Dave thinks this type of model would work

better than what is currently in place. It probably would provide better funding opportunities.

Ms. Wikstrom recommended that in order for a CVB model to work in Alta it should try to reach a funding level of \$200,000 to \$250,000 year. The Mayor mentioned that when the Town was fully funding AVB, its budget was around \$140,000 to the \$145,000 range. The Mayor went on to say that with the current budget issues facing the Town, AVB's budget is around \$90,000. If the CVB model was proposed by the business community, part of the Town's commitment to this organization would be to try and get the funding level back up the \$145,000. Through the Chamber side of this organization, the community would contribute \$50,000 through dues to this organization.

The Mayor went on to say that one of the recommendations coming out of this business summit was if Alta hired a new director that it should look outside the community for a person with major marketing experience.

Paul Moxley opined that the Lift Company has a marketing plan and as it relates to that, what would the Town's role be in the overall marketing of the community. Paul went on to say that it might make sense to get all the businesses together to try and get a commitment on a marketing plan.

The Mayor opined that to sell the Rustler owner and to get him to participate on a concept like a CVB it will take a lot of education and more information. Sara Eubank from Canyon Services to trying to take the lead on this issue and she is trying to organize a meeting between the Park City CVB and the Alta business community. The business community hopes to make a presentation to the Town Council in their October meeting. The Mayor opined that an organization like a CVB needs almost full participation and one of the biggest players would be the Lift Company.

Steve Gilman opined that the biggest question has always been the unity of the community on something likes this. If the Town wants this type of organization to succeed, Mr. Gilman feels that the Town needs to support it by putting money committing revenue from sales tax.

Kate asked the Town Council, that given the economics of today, would the Town Council be willing to commit to increasing the amount of funding for AVB or a like organization.

The Mayor felt that the question is out there for the Town Council to consider and that he recommended that the Council wait and hear back from the business community before making such a commitment.

Dave Richards opined that if the decision is to pursue the CVB model, then he is inclined to support this model. If the decision is stick with what the Town is doing, he is not so inclined to support the current model.

The Mayor mentioned that all the possibilities were brought up at the business summit including whether or not AVB should “go away”.

Steve Gilman asked if the structure ended up being a CVB model, can the Town just give this organization money. Would the director an employee of the Town? What is legal for the Town to do as it relates to financial assistance to an organization like a CVB?

Kate explained her understanding of the CVB concept, the financing of that organization and how the position of the director works.

7. Discussion of possible anti-discrimination ordinance.

The Mayor announced the Town Council was given a handout with regards to what Park City had used when reviewing and adopting their anti-discrimination ordinance. A few other cities have adopted the same with Salt Lake City being the first. The Mayor turned the meeting over to Cliff Curry.

Cliff opined that addressing this issue is matter of basic human rights. Cliff felt that ordinances such as these would protect Town citizens/residents/employees being discriminated against in employment and in housing. Cliff feels that it is widely recognized that historically gays have been discriminated against and he feels that this is the driving force behind what Salt Lake County, Salt Lake City, Park City and a few others have done. Cliff also mentioned that a couple of months before Bill Levitt died he mentioned that this is something that the Town Council really needed to do.

Cliff felt that the intent of the Town on this matter would be to follow the model that Salt Lake County and Salt Lake City have laid down. Cliff felt that there is not a basis for private lawsuit under Salt Lake City and Salt Lake County’s ordinances and therefore the ordinances would not encourage civil lawsuits. The other item in these ordinances that Cliff liked was there is a dispute resolution process set up.

Cliff mentioned that he ran into one drafting issue and that was the definitions of gender identity and discrimination. Cliff opined that when you put these two definitions together an unintended issue could come up where it could be seen to prevent a lodging property or an employer from simply segregation people by sex in either dorm rooms that are available for lodging or in employee housing. Cliff does not believe that is the intent of the ordinance but feels there needs to be a bit of drafting to square that away.

Cliff wants to work with the Town staff on an ordinance in the next few weeks that staff and Town Council can review. Cliff feels that the proposed ordinance will track what is already out there that other cities have adopted. Cliff feels that we need to hear from other members of the Town Council and citizens in the community.

The Mayor asked if the Town would be looking at an ordinance or a resolution. Cliff felt that we would want to adopt an ordinance.

Steve Gilman opined that he big concerned would be how the adoption of such an ordinance would affect employee housing in the Town. Cliff intends to draft an ordinance to maintain the ability of both employers and lodging properties to have separate men's and women's housing.

Paul Moxley opined that he has some problems with this proposal. He believes that it is political correctness at its worst and feels that people that fall into these different classifications have the benefit of the 14th Amendment to the Constitution. Paul feels that there are some practical reasons for the community why the Town Council should not adopt an ordinance, more specifically how this would affect and influence potential cases the Town has and the related jury pools. Paul is in favor of the notion and the sentiment but he feels it should not be the Town's position to tell businesses what they can and cannot do.

Cliff commented that he respects the opinion of Paul but feels that this was the same argument that was made back in the 60's when the U.S. Congress was passing civil rights laws. Cliff feels that the Town should not live in fear of what some bigoted person on some jury feels about what the Town has done to maintain the civil rights of Town citizens.

The Mayor went on to say that we will put this on the October Town Council agenda for more discussion and input from the Council and the citizens of the Town. There was discussion on the timing of a public hearing on this matter.

8. Discussion of the recent U.S. Forest Service decision to remove mid-day OSV travel exception for the 21 cabins in the Albion Basin.

The Mayor reported that this subject has been discussed for going on five years. This issue is an interesting one as far as the Town of Alta due to the jurisdictional issues of the local municipality versus the federal government (U.S. Forest Service). The Town needs to support the residents in Albion Basin but also needs to consider the Alta Ski Lift Company. The Town must also work with the federal government who is executing this decision. The Mayor has talked to representatives from all three sides of this issue in the last couple of days. The Mayor stated that we are not here today to discuss whether the Forest Service decision is right or wrong. We need to address how we can we rectify a solution and move forward with something that works for everyone. If the folks that are affected by this decision are not happy, then there are legal paths that can be taken. From the Forest Service point of view, they feel they have examined this issue extensively with the information provided to them from all concerned. The Mayor would like to have some discussion among the Council members first and will then open the floor to those citizens in attendance.

Paul Moxley recalled that when the Town went through the drafting and passing of the OSV ordinance, the Town had a consensus that the ordinance was addressing registration only and the Town was not going to get in the business of enforcing federal regulations.

Steve Gilman opined that the ordinance does address registration among other things and it is not up to the Town to enforce the U.S. Forest Service's regulations.

Mike Morey expanded on Mr. Gilman's statement by opining that the Town does not have the ability or the authority to enforce violations of federal law. The Town is not empowered to prosecute federal violations. The Town Marshal's Office could conceivably take a report of a violation of this type but would turn it over to the LEO of the U.S. Forest Service. In the process of drafting the OSV ordinance Mike explained that the Town cleaned up the registration process for OSV's and defined properties that were eligible to have an OSV. The ordinance also defined OSV travel as a legitimate activity for residential purposes.

Paul asked Kimberly Chytraus, legal counsel for the Town, if the Town, as a matter of law, could pass an ordinance which would be in conflict with federal law which would say that the Town is in support of homeowners in the Basin having egress and ingress to their residences. Kimberly opined that the Town could take a position on this matter but the Town does not have any jurisdiction over Forest Service property.

The Mayor opined this whole matter comes down to an issue of public safety. There are two conflicting groups that have public safety issues: the homeowners and the Ski Lift Company/U.S. Forest Service. The Mayor opined that most of the suggestions are based on the net result of changes in the risk. We have not come to a solution that eliminates or reduce some of the risk.

Cliff opined that there are in fact interests on both side of the issues that are in conflict. The temporary order that was in place for the last three years was a compromise and in Cliff's opinion reconciled the difference and conflicts between the interested parties. With the recent Forest Service order, the compromise has been thrown out of balance. Cliff mentioned that there is an avenue for the homeowner to obtain a special use permit and believes there is probably an appeal process in the new order. Cliff felt that the Town should pass a resolution to encourage the Forest Service to grant special use permits in a timely manner.

Dave expressed his disappointment that a representative from the Forest Service was not present at this meeting, having just issued such an order and having been invited. Dave sees both sides of the issue.

The Mayor has noticed that this new order does not provide for a mid day travel in an emergency situation. At minimum, the Mayor feels we should work toward getting language to address emergency situations back in the Forest Service order.

Steve asked if the Forest Service has the right to prohibit all mid day travel.

Dave commented this is a federal mandate that dramatically affects homeowners in our community.

Cliff opined that the ultimate resolution on this issue might have to be made by a judge but feels that a far better path is to try and reconcile the differences between the parties.

The Mayor opened the floor to discussion on this matter.

Bob Pruitt, a homeowner in Albion Basin, commented that he was the one that filed a lot of the information with the Forest Service. Mr. Pruitt represents a few homeowners in the Basin that had appealed the original order. These homeowners were the only ones that received that mid-day exemption over the course of the last few years. In Mr. Pruitt's opinion there are two issues: the underlying ownership and of course the other is how to make safe crossings over the runs. Bob went on to say that there are other people using OSV's on the mountain (Ski Lifts) but only one is being talked about. Bob feels that historically, Albion Basin has had some access routes since the mining days that were in place before the Town, the Ski Lifts and the Forest Service. Bob went into some of the history of the road that he feels bolsters his claim of access to the Albion Basin. Bob believes the Forest Service rejected the homeowners claim under RS2477 because of a Forest Service policy that he cannot reconcile in his mind; it appears that, for example, an individual or a company cannot assert a RS2477 right of way on federal land. The only entity that can assert such a claim is a government. Bob asserted that the Forest Service checked with the Town of Alta, Salt Lake County and the State of Utah, none of which was willing to assert a claim for the summer road or the winter trail. On that basis they rejected the homeowners claim because they did not nor were they a governmental entity and therefore did not have standing. Mr. Pruitt asked the Town to lend the homeowners the cloak of government to move forward.

Mr. Pruitt commented that there is no mentioned in the Town of Alta's General Plan of roads and the Town claims, as a result, that it does not manage any of the roads. Mr. Pruitt pointed out that in fact he feels like the Town does manage the summer road. Bob opined that the summer road is clearly a Salt lake County road and at times and in different plats he mentions that the road was also part of HWY 210.

Mark Haik concurs with much of what Mr. Pruitt said. Mr. Haik went on to opine that there have been many comments over the last seven or so years from Mr. Pruitt, himself and others regarding two different roadways: the old road to Cecret and what is now know as the summer road. Mr. Haik disagrees with Mr. Curry in that the only way we are going to resolve this situation is by talking with a Judge. Haik does think that there needs to be a document by document substantive review of those documents that affect the roadway(s) by the Town staff and Town Council. Mr. Haik went on to opine that he can point out when the summer road changed from HWY 210 to a Forest Service road: the last revision of the Town's General Plan. Mr. Haik went on to explain what he believes to be the history of this road and the monies that have been spent on the road for upkeep and design. Mr. Haik went on to offer his opinions on what he feels Town staff has offered up in conversations and what he feels like staff should do to straighten out the confusion on summer road. Mr. Haik disagrees with Mr. Pruitt in that he feels that the Albion Basin road is definitely not a RS2477 road. Haik believes that one can directly

pin down the contracts for the building of that road, who designed the road, when they designed it, and when the Salt Lake County appropriation occurred.

The Mayor mentioned that Mr. Chub Whitten had requested that his written comments received by the Town of Alta prior to this meeting be read into the record. The Mayor asked Scott Martin, Mr. Whitten's attorney, if he would like those read at this time. Mr. Martin agreed that the Town would acknowledge the comments had been received and they would be part of the official minutes. Mr. Martin agreed that the comments did not need to be read at this meeting.

Scott Martin, representing the Whitten and Goodson families, opined that all the entities have been wrestling with this issue for a long time. Each of these families own homes in the Albion Alps subdivision. Mr. Martin would like to frame his discussion on this matter around one issue only and that is safety. Mr. Martin commented that these two families have young children and old grand parents that need to get in and out of Albion Basin in the day light hours. In Mr. Martin's opinion, anyone that has traveled into this area at night has experienced the high altitude winter environment which often comes with wind and blizzards. OSV users often get lost and their machines can break down. As a result of these safety concerns, Mr. Martin feels that the Forest Service decision is intolerable. Mr. Martin opined that there has never been a private OSV/skier collision in 60 years. Mr. Martin asked "what about the risk". He opined that "we" are all in this together and this is a community issue. Mr. Martin feels that the Forest Service has only studied "one leg of the stool" by eliminating only one leg or portion of the risk window out of the equation. Another leg of that stool, in Mr. Martin's opinion, is the Alta Ski Lift OSV traffic on those same runs during the day light hours.

Mr. Martin disagrees with the Mayor's statement that the mid-day exception that was in place for the last two years was for all 21 cabins in the Albion Basin. Mr. Martin opined that in fact this mid-day exception was for only those cabin owners that a) had standing before the Forest Service and b) owners that decided to play by the rules. Mr. Martin asked that the 2009/2010 exception certificate be entered into the Town of Alta records for this meeting (see attached) This certificates only mentioned about nine homeowners. Mr. Martin went over some of the rules that those homeowners had to adhere to when using their OSV's more specifically that each of these homeowners had to have very very good insurance in place. Mr. Martin felt that the big issue was taken care of on the backs of the homeowner by requiring this type of insurance (one million dollars being the bare minimum).

Mr. Martin explained that the small window for day time travel that has been in place is established to keep the OSV users off the hill during the "Ski free after three" program. Scott went on to opine that the Ski free after three program was not a decision that the homeowners made and the expansion by the Ski Lifts into Albion Basin was not a decision that the homeowners made. The homeowners did, in Mr. Martin's opinion, understand the change in circumstances in Albion Basin and decided they could operate in a very finite window and over a very finite strip of land. They also agreed do so with each and every element of safety in place that the homeowner could possibly manage.

Mr. Martin stated that he is here today to say that the homeowners want to protect their families. Mr. Martin feels that the net affect of this decision by the Forest Service is that someone will break down or someone could become lost in Albion Basin in the middle of the night in January. Scott feels that the call in that situation would be made to the Town of Alta and the next day people would ask why that situation happened.

Mr. Martin thanked the Town for their support in the past, more specifically the two letters that have been written to the Forest Service. Mr. Martin has forwarded those letters onto the Forest Service again. Mr. Martin asked the Town to entertain an action item at the meeting today to have a meeting within 30 days with all the stakeholders and finally figure this issue out.

Mr. Martin stated that this specific group of homeowners have not been sitting on their hands and doing nothing. Mr. Martin explained that they have hired consultants and created maps that spell out alternate routes and have met with representatives of the Alta Ski Lift Company. Nothing has come of those efforts. Mr. Martin went on to state that they will have a special use permit application on Cathy Kahlow's desk within a week of this meeting. Ms. Kahlow has agreed to have a pre-application meeting, which the regulations require, before the end of September and again asked the Town to facilitate a meeting at that time with the stakeholders. .

Cliff Curry asked Mr. Martin that when he refers to families who have chosen to make Albion Basin their home, is he saying that some of these places are primary residents for these homeowners. Mr. Martin can only answer for the two homeowners he represents: neither Mr. Whitten nor Mr. Goodson claim their home in Albion Basin as their primary residence. Mr. Goodsen commented that he and his family are at their cabin almost every weekend during the winter months.

Mr. Goodsen went on to comment that if the situation involved just him it might be different but he has kids and his parents to think about.

Steve Gilman asked about the access that the actual ski lifts provide the homeowners. He felt that there are other options besides driving an OSV to the Basin cabins during the day. Mr. Goodsen commented that to get to his cabin, one must ride the Supreme lift and some of the people that go to his cabin cannot navigate that terrain. Mr. Goodsen went on to opine that he has no issue with the Ski Lift Company who have been very helpful in the past. His issue is that even if it is his second home, he must take food and supplies into his home and it is not feasible to ride the chairlift at times.

Dave Jones, a homeowner in Albion Basin, commented that he has owned his cabin for 39 years and used to ski all the time. He explained that he is in his late 70's and has some health issues which prevent him from skiing into his cabin. His grandkids are too young to get onto the lift. Therefore his snowcat is the only means of transportation to his cabin. Mr. Jones appreciates the Town recognizing the safety issue on both sides but at night, you do not have anyone to assist you if a problem occurs and cell phones do not work very well in the Basin. Recognizing these issues, Mr. Jones feels that the

homeowners need some kind of day time window to access their homes. Mr. Jones recognized that Mr. Martin covered most of the safety issues facing the homeowners.

Scott Martin went to opine that the Alta Ski Lifts have been great in times of emergencies and with special things that need to happen. The homeowners are looking for solutions and are willing to discuss all possibilities including separate routes and shuttles.

Bob Pruitt echoed the work that the Alta Ski Lift Company has done on the winter trail and the sign line which helped keep the traffic separated. A lot of the practices used by the OSV's were recognized back when Chic Morton was in Alta and he would like to have everyone honor the 81' agreement which stated that the Ski Lifts will work with the homeowners to maintain their access to their homes.

Creighton Hart acknowledged that he is not a homeowner in the Basin but suggested that some sort of electronic sign in the major intersection on the trails be put in place to warn the skier that an OSV made be present in the next 30 to 40 seconds.

Alan Orr, attorney for the Alta Ski Lift Company, opined that the Forest Service did a thorough job of reviewing the issues. The Forest Service supervisor at the time, Fay Kruger, made a decision in 2007 that was appealed. A recommending officer with the Forest Service then studied the decision and recommended to that decision officer. Attached to that decision were comments that were made during the appeal process. Then a deciding officer with the Forest Service affirmed Mr. Kruger's decision and then the Forest Service put into place the temporary mid-day exception. It has been two year and now the Forest Service written a letter affirming the original decision. Mr. Orr opined that this letter needed to be written. The Forest Service needed to affirm their original decision or they needed to modify that decision. Mr. Orr feels that we have to take the Forest Service decision and look at all the alternatives and options to see what works for all parties involved. Mr. Orr gave the Council copies of the Forest Service decision and the recommending and decision officers' reports (see attachments).

Mr. Orr responded to a question from Paul Moxley stating that dialogue is always good but now all the parties must come up with a solution that has not been discussed or considered.

Mr. Martin commented on Mr. Orr's opinions by opining that there are two things that the Council will find in the paperwork from Mr. Orr: 1) the Forest Service never studied the actual or total number of OSV trips up and down into Albion Basin during the day light hours and 2) in Mr. Kroger's decision, in the all the officers' decisions, and in the recent decision by Forest Supervisor Brian Ferebee the Forest Service is pleading with the homeowners to file for a Special Use Permit (SUP). Mr. Martin stated that as a result of the SUP process, the Forest Service is asking for a pre-authorization meeting with the homeowners so the dialogue can being between all the parties involved.

Mr. Haik feels that the dialogue between stakeholders should include not only those that own cabins but should include real property owners as well.

Peter Waldo, a cabin owner in the Basin, commented that he would like to see the Town Council adopt a resolution today urging the Forest Service to maintain the status quo and to encourage the Forest Service to move ahead with consideration of a Special Use Permit. Mr. Waldo would also like the Town Council to strongly consider a RS2477 claim on the summer road which, in his opinion, would send a message that the Town is supporting its constituents. This would also show the Forest Service that the Town believes there is an issue of egress and ingress, that this decision greatly affects the homeowners in the Basin, and that the Town should consider joining the homeowners in litigation on this matter if that is what is going to happen. Mr. Waldo would recommend to the Forest Service that they maintain the status quo for another year for all concerned to look at this situation again.

Mike Morey clarified that the Town of Alta's OSV ordinance does not require insurance. That requirement is part of Forest Service regulations. The second point that Mike made was that as it relates to the Town's enforcement activities on the Albion Basin road, the Town does not assert it has authority to set public policy. Utah Traffic Code defines public roadways and enforcement of speed limits. Highway safety regulations are one of those activities that local law enforcement is allowed to conduct on a public roadway. When the Alta Marshal's officer is charging a violation on those federal lands the officer is charging under Utah State Code.

The Mayor noted that because of the way this item was cited on the agenda, the Town Council can not take any official action on this matter. The Mayor would recommend that all the parties move ahead and hold a pre-special use permit meeting. The Mayor is committed to helping out and facilitating further discussion to reach an acceptable compromise or solution moving into the future.

John Philips opined that support from the Town as part of the Special Use Permit process would be appreciated.

9. Discussion with possible action/adoption of the following:
 - a) Minutes: August 3, 2010 Truth and Taxation hearing and Town Council meeting.

There was a motion by Steve Gilman to approve the minutes of the August 3, 2010 Truth and Taxation Hearing and Town Council meeting. There was a second by Cliff Curry. Hearing no comments or corrections, the Mayor called for a vote on the motion and the motion was carried.

- b) Minutes: August 12, 2010 Town Council meeting.

There was a motion by Cliff Curry to approve the minutes of the August 12, 2010 Town Council meeting. There was a second by Steve Gilman. Hearing no comments or corrections, the Mayor called for a vote on the motion and it was carried.

c) Closed door meeting to discuss litigation matter.

The Town Council decided that a closed door meeting was not necessary. Accordingly, no official action was taken on this matter.

10. Citizen Input

Mark Haik handed out to the Town Council the Town's response to a recent GRAMA request that he made asking for the agreement that was made for the maintenance of the summer road between the Forest Service and the Town that was referred to by Ms. Black in a recent Town Council meeting. In response to Mr. Haik for this agreement, he received a letter dated May 2008 from Mr. Kroenke and went over that letter. Mr. Haik feels that the response to his GRAMA request was an inappropriate response. Mr. Haik feels the Town should have responded by stating that they do not have an agreement or that the agreement is an oral agreement.

Mr. Haik also noted that in March of 2010 Ms. Black made a request to Attorney General Mark Shutleff that the Town would like the Attorney General to investigate the residency of several persons who were challenged by Guy Jordan in the last election. Mr. Haik opined that it appears that Marshal Morey declined to make that investigation on behalf of the Town and that is why Ms. Black made that request. Mr. Haik opined that Ms. Black should report on the outcome of that investigation conducted by the Attorney General.

11. Hearing no further business before the Town Council, there was a motion by Cliff Curry to adjourn the Town Council meeting. There was a second by Steve Gilman and the motion was carried.

Passed and approved on the 7th day of October, 2010

s/Katherine S.W. Black, Town Clerk

TREASURER'S REPORT

9-Sep-10

MAJOR BILLS PAID

Payroll	\$35,435.71
Payroll Taxes	\$14,251.40
Utah Retirement System	\$6,726.95
Attorneys	\$9,635.80
Health, Dental & Life Insurance	\$10,754.10

Workers Comp Insurance	\$882.56
Inspections	\$2,136.26
Equipment for new Police Vehicle	\$2,720.25
Albion Basin Shuttle- two months	\$14,100.00
Other Town Bills	\$9,604.47
Total	\$106,247.50

MAJOR REVENUE RECEIVED

Sales Tax Uniform- June collections	\$5,148.11
Sales Tax Resort - June collections	\$7,313.69
Property Tax	\$593.14
Energy Taxes	\$1,408.26
Building Permit & Plan Checks fees	\$3,091.36
Funding of Municipal Lease/Zions Bank	\$26,882.00
Court fines	\$1,625.00
Summer Booth Donations	\$1,266.93
Post Office Contract	\$1,166.67
Other Revenue	\$280.30
Total	\$48,775.46
General Fund Checking	\$46,916.33
General Fund Savings	\$328,913.63