

Minutes
Town of Hideout
Town Council Regular Meeting
August 13, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 13, 2020 electronically via Zoom at 6:00 pm.

Regular Meeting

I. Call to Order

Mayor Phil Rubin called the meeting to order at 6:16 pm.

II. Roll Call

Present: Mayor Philip Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Kurt Shadle

Staff Present: Jan McCosh, Town Administrator
Dan Dansie, Town Attorney
Alicia Fairbourne, Town Clerk

Others Present: Aimee Armer, Thomas Eddington, Polly McLean, Elizabeth Hamilton and others who may not have signed in virtually using their proper name via Zoom meeting.

1. Discussion and Approval of Bills to be Paid

Mayor Rubin presented the bills to be paid. Council Member Jerry Dwinell stated he had not seen the materials to be voted on. Town Administrator Jan McCosh stated the majority of the bills were customary, however there was a large bill for Utah Local Governments Trust for the annual insurance renewal. She noted Bregan Enterprises was the corporate name former Town Clerk Allison Lutes had invoiced the Town for her services during the transition to the new Town Clerk. Town Attorney Dan Dansie had not invoiced the town for services rendered, nor had Ryan Taylor with T-O Engineers.

There was discussion regarding receiving the meeting materials. Council Member Shadle suggested a manual of responsibilities be created in order to ease the transition. Ms. McCosh had started some procedures with utility billing and was working on creating other procedures. Council Member Baier reiterated how important it was to receive the meeting materials prior to the meeting.

Motion: Council Member Shadle moved to approve the bills to be paid. Council Member Haselton made the second. Voting yea: Council Members Baier, Haselton, Nadelberg, and Shadle. Abstained: Council Member Dwinell. Motion passed.

III. Approval of Council Minutes

1. June 11, 2020 Minutes
2. June 25, 2020 Minutes
3. July 09, 2020 Minutes

Council Member Baier stated the minutes were not received. Council agreed to continue the minutes until the next meeting when all could read them.

IV. Public Input - Floor open for any attendee to speak on items not listed on the agenda

Mayor Rubin opened the floor for public input. He reminded all participants any comments regarding the annexation would be heard at a public hearing and not during this meeting.

Aimee Armer spoke stating she was running for Wasatch County Council At-Large Seat B. She would like to listen to issues the Town may have and would like to be an advocate for the Town. She stated her number one priority was smart growth. She provided information on her background in public service and non-profit management. She was involved with many different coalitions and boards in Wasatch County. She would like to apply her knowledge and experience to Hideout. Council Member Haselton provided her endorsement for Ms. Armer stating they have worked on the Leadership Park City program together and had a good relationship. Ms. Armer understood the Town was underserved. Discussion regarding how Ms. Armer would represent and serve the Town continued.

Council Member Baier stated a complaint about the pond was made. Mayor Rubin had addressed the issue with T-O Engineers and was working on a solution. Council Member Shadle wanted to acknowledge the pond was a major issue with the Town, and Council was vigorously working on a solution. Council Member Dwinell wanted to publicly address the issue. Town Attorney Dan Dansie commented saying the Town was engaged in discussions with Mustang Development and would have something to report soon.

Council Member Dwinell voiced concern regarding how the dirt next to the KLAIM Development looked unsafe. Mayor Rubin stated T-O Engineers was aware of it and it was an approved use of the soil which was being widened for the residents to use as yard area. Council Member Dwinell asked if the slope was going to be revegetated. Mayor Rubin stated KLAIM was required to revegetate the slope and hoped it would be hydroseeded.

After no other public comments were made, Mayor Rubin closed public input at 6:46 pm.

V. Agenda Items

1. Continued Public Hearing - Continued Discussion and Possible Adoption of an Ordinance Regarding an Impact Fee Facilities Plan

Mayor Rubin stated the language was in the process of being finalized and requested the Public Hearing be moved to August 27, 2020.

Motion: Council Member Dwinell moved to continue the Public Hearing of the Adoption of an Ordinance Regarding an Impact Fee Facilities Plan to August 27, 2020. Council Member Baier made the second. Voting aye: Council Members Baier, Dwinell, Haselton, Nadelberg and Shadle. None opposed. Motion passed.

2. Discussion and Possible Approval to Move Forward with a Maintenance and Operations Agreement with JSSD for Sewer and Water Services

Mayor Rubin had sent a previously discussed contract to JSSD (Jordanelle Special Service District). There had been no objection from JSSD on the contract; however, they wanted to present it to their board. A letter had been sent from Mr. Taylor to the Council which stated the urgency of the matter. Council Member Shadle inquired if this would result in a reduction in expenditures in other areas of the Town. Mayor Rubin replied it would reduce the emergency fees each time something broke, but the contract would allow the work that had needed to be done that had previously been subcontracted. Mayor Rubin presented the contract to the Council. Council Member Baier asked for clarification regarding the labor costs and inquired if there was an estimate on the number of hours that may be expended by JSSD employees. Mayor Rubin stated it would be roughly 1000 hours per year. Council Member Baier calculated the cost to be 75,000 dollars per year. Mayor Rubin explained to Council the equipment workers used was included in the cost, up to a certain number of events per year. Discussion regarding what would be included in the cost continued. Mayor Rubin informed Council the contract could be renegotiated after one year based on what time and labor was used in the previous year. Council Member Shadle inquired if the Town could void the contract if we were unsatisfied. Mayor Rubin stated the Town could give a 90-day written notice to void the contract. Council Member Dwinell inquired if the full minimum funds due for the year would be required if the contract was terminated mid-year. Council Member Shadle asked to include in the contract a clause for immediate termination if the work performed was unsatisfactory to the Town. There was further discussion regarding if the labor costs included the equipment. Council urged Town Attorney, Dan Dansie and the water attorney retained by the Town, Ted Barnes, to review the contract and clarify what the labor costs included.

Council agreed to continue the item to a future meeting.

3. Discussion Regarding Todd Hollow Eviction Notices

Mayor Rubin provided a review regarding eviction notices sent to some residents in the Town's affordable community apartments at Deer Mountain Apartments. Some residents had been receiving COVID-19 relief funds, but the funds were no longer available and therefore the residents had been issued eviction notices. Council Member Baier stated she and Town Administrator Jan McCosh had been working together and had contacted the property manager. No evictions had been started, although three-day notices had been issued. The property manager had been working with the tenants and three local non-profit agencies to keep the residents in the apartments. Ms. McCosh contacted one of the non-profit agencies which confirmed funds were appropriately distributed to three tenants at Deer Mountain Apartments for rent purposes. Discussion continued. Council Member Bair asked if any residents of Hideout could donate to the non-profit agencies or if the Town could reallocate any funds in order to help the tenants, it would be appreciated. Council Member Dwinell suggested asking Summit County or Park City for help since most of the tenants were part of the workforce in those areas. Council Member Shadle stated he would like to continue the discussion to include more information on how to help. He suggested the Town send a letter or email to residents asking for donations. Council Members offered suggestions on how to assist. Mayor Rubin stated it was an important matter and should be addressed.

4. Discussion Regarding Town Code 4.16 and the Town Fee Schedule Concerning Sexually-Oriented Businesses

Mayor Rubin asked Mr. Dansie to provide information regarding First-Amendment rights and the Supreme Court's definition of freedom of speech in regards to sexually-oriented businesses. Mr. Dansie stated the public has a right to participate and operate these businesses. He provided an overview of how the Town could regulate these businesses.

Council Member Dwinell asked Mr. Dansie if a sexually-oriented business could be zoned as a retail store and if the Town's code had regulations regarding retail stores. Mr. Dansie stated the current code did not include those regulations in the business licensing section. He suggested it be added to the zoning ordinance section in order to identify the zones in which those types of businesses were conditionally allowed, and had previously emailed Council examples of other city's ordinances regarding zoning of sexually-oriented businesses.

Council Member Shadle expressed his disdain for this agenda item. Council Member Dwinell stated it should be addressed because it was in the Town's fee schedule. Council Member Baier agreed it should be in an industrial zone and not allowed in residential zones. Council Member Shadle asked for the Planning Commission to review the agenda item.

5. Discussion and Possible Approval to Extend Ordinance 2020-03 Enacting Temporary Public Meeting Restrictions Pursuant to the Governor's Recent Extension of the State's Emergency Order

Mr. Dansie stated the Governor had issued an Executive Order during the onset of the COVID-19 pandemic; however, the legislature had since adopted an amendment to the Open and Public Meetings Act with requirements regarding holding a public meeting without an anchor site. The requirements included the following:

- The Mayor would make a determination and state that by holding a meeting with an anchor location, it would present a substantial risk to the health and safety for those who might be present at the anchor location;
- Identify the facts by which the determination was based;
- Include the letter in the notice of the meeting;
- Read the determination at the beginning of the public meeting; and
- Provide a mechanism by which participants could view or make comments in a remote manner.

Mayor Rubin stated the Town Council room is small and cannot accommodate a lot of people. Mr. Dansie gave suggestions regarding reasons that would justify the determination. He reviewed the requirements of the extension of holding meetings remotely without an anchor location. Every thirty days, a new determination would need to be made based on current facts. Council Member Dwinell was concerned that the language be correct in order to protect the Town from potential problems. Council Member Baier agreed to have the Town Attorney draft appropriate language. Discussion continued.

Council Member Baier inquired when Council was going to revisit safety guidelines for staff at Town Hall. It was determined the Mayor only needed to provide written notice to the Council every thirty days regarding temporarily closing Town Hall to the public. It was discussed to pass a new ordinance to make the written notice longer than thirty days, but was deferred to the Town Attorney.

VI. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed

Mr. Dansie stated Council would need to hold an Executive Session to discuss a pending and a threatened matter of litigation.

Motion: Council Member Dwinell made the motion to go into Executive Session. Council Member Haselton made the second. Voting aye: Council Members Baier, Dwinell, Haselton, Nadelberg and Shadle. None opposed.

The meeting moved to Executive Session at 8:05 pm.

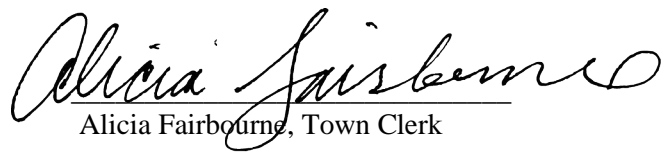
Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Kurt Shadle

Staff Present: Dan Dansie, Town Attorney

VII. Meeting Adjournment

Motion: Council Member Haselton made the motion to adjourn. Council Member Nadelberg made the second. Voting aye: Council Members Baier, Dwinell, Haselton, Nadelberg and Shadle. None opposed.

The meeting adjourned at 10:51 pm.


Alicia Fairbourne, Town Clerk

