

HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL MEETING  
February 13, 2020  
6:00 p.m.

TOWN COUNCIL REGULAR MEETING

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Rubin called the meeting to order at 6:37 p.m. on February 13, 2020 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance. The Mayor explained the delayed start of this meeting was due to an executive session

**II. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier  
Council Member Kurt Shadle  
Council Member Jerry Dwinell  
Council Member Vytas Rupinkas (via telephone)

**Staff Present:** Town Treasurer Wesley Bingham  
Town Administrator Jan McCosh  
Town Attorney Dan Dansie  
Public Works Kent Cuillard  
Town Clerk Allison Lutes

**Others Present:** Paul Ziegler, John Sherwood, Jared Fields, Dan and Mary Mouthaan, Jean Applegate, Marilee Arrow, and others who did not sign in or whose names were illegible.

**III. APPROVAL OF COUNCIL MINUTES**

*Council Member Baier moved to approve the minutes of the January 23, 2020 meeting. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

**IV. AGENDA ITEMS**

**1. Continued Public Hearing - Continued discussion and possible adoption of an Ordinance regarding an Impact Fee Facilities Plan**

Mayor Rubin announced that due to the Council's receipt of additional information today, the recommendation was to defer the decision on this issue once more to allow the Council time to study and process the information.

At 6:41 p.m., Mayor Rubin opened the floor for public comments.

Dan Mouthaan [Forevermore Court]: Mr. Mouthaan inquired whether the newly received information could be publicly shared. Mayor Rubin responded that the Council hadn't yet had the opportunity to review and process the information. Dan Dansie commented to the extent any of the information received results in a modification to the impact fee plan, it will be made publicly available. Mr. Mouthaan was also informed that once enacted, there would be a 90-day wait for the impact fees to be assessed, excepting certain developers who had agreed to waive the 90-day period.

With no further public comments, Mayor Rubin closed the public hearing at 6:43 p.m.

*Council Member Shadle moved to continue this agenda item to March 12. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

**2. Consider approval of the HCPC, LLC application for the combination of two lots located at 10494 and 10496 N. Forevermore Court**

Mayor Rubin stated the Planning Commission heard and recommended approval of the application. He projected the plat depicting the two lots; Marilee Arrow was present on behalf of the applicant to discuss the application. Ms. Arrow gave a brief statement regarding the history of their ownership of the lots, and the issue they encountered regarding the lot frontage, which necessitated the requested lot combination.

A brief discussion arose regarding Lot 10 on Forevermore Court, and the characteristics of which rendered it unsuitable for building. Council Member Baier felt it would be best suited as a potential Town park connection.

Mayor Rubin opened the floor at 6:49 p.m. for public comments.

Mary Mouthaan [Forevermore Court]: Ms. Mouthaan inquired whether the 10-foot setback would still apply when combining the lots. Council Member Dwinell responded that the existing setbacks would remain consistent with the lots. Further, because of the extreme slope and contours on the property, the builder needs the flexibility within the setbacks for placement of the structure.

Ms. Arrow asked whether they would need to redesign the envelope if the lots are combined. Mayor Rubin felt that would be an HOA issue and Will Pratt would be able to advise.

With no further public comments, Mayor Rubin closed the public hearing at 6:58 p.m.

*Council Member Baier moved to approve the HCPC, LLC application for the combination of two lots located at 10494 and 10496 N. Forevermore Court. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

**3. Review and possible approval for the Mayor to execute the UDOT Corridor Agreement for SR248**

Mayor Rubin explained the corridor agreement was the result of a joint effort between UDOT, Wasatch County and Hideout. In the ten years since SR-248 had been studied, much

development had ensued. The joint entities identified major intersections, as well as potential lighted intersections along the highway. The corridor agreement includes four of those intersections: 1. Brown's Canyon; 2. Deer Mountain; 3. Ross Creek; and 4. Tuhaye/Golden Eagle. In addition, the agreement identifies minor access roads and secondary entrances along the corridor. Mr. Rubin recounted some of the specifics of the negotiations concerning the creation of the agreement, e.g. acceleration and deceleration lanes.

Discussion followed regarding the entrance to KLAIM and negotiations with UDOT regarding transfer of a piece of land to Hideout from UDOT for one of the two entrances to KLAIM. Dan Dansie was currently working with UDOT and KLAIM to effect that transfer.

A short discussion then ensued regarding the Ross Creek entrance and some UDOT land there and future road realignment with growth and traffic demand.

Council Member Dwinell pointed out the Town boundaries depicted on the map attached to the agreement were out of date and needed to be updated. Mayor Rubin noted the map would be updated.

Council Member Baier read from page 3 (Part 3, Section 4) of the agreement regarding a crosswalk to accommodate pedestrian traffic. She requested the language be revised to state "shall include crosswalk" rather than "may include crosswalk." Mayor Rubin responded that UDOT will not install a crosswalk if there is no pedestrian walkway to connect it. Ms. Baier inquired how bicycles would cross. She was concerned with pedestrian and bicycle safety and did not see that it was adequately addressed in the agreement. Mr. Rubin noted there was a provision for a pedestrian/bike overpass at Ross Creek.

Ms. Baier asked for clarification concerning what kind of "single pedestrian crossing" was referred to in Part B Section 5B for Ross Creek. Council Member Dwinell reminded the Council of discussions regarding building into the agreement an upgrade to the wildlife fencing along the corridor. Mayor Rubin responded that it would be handled by another department, however the Town was now aware of those within UDOT to reach out to. Mayor Rubin stated he would go back to UDOT with the comments and questions this evening.

Paul Ziegler [Rustler]: seconded Council Member Baier's comments. He commented that if SR-248 was widened or bike lanes were removed to make way for acceleration/deceleration lanes, it would imperil bikers and pedestrians.

Mayor Rubin commented that the Town Administrator was currently engaged in regional discussions for a biking and walking corridor that would run parallel to SR-248.

*Council Member Dwinell moved to approve that the Mayor finalize the negotiations, addressing the feedback from this evening, and to execute the UDOT Corridor Agreement for SR-248. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

#### **4. Wesley Bingham, discussion regarding 2nd quarter financials**

Before presenting the financials, Wesley Bingham provided an update on the current audit, explaining that because the Town's revenues exceeded \$1 million, it now needed to undergo a full-blown audit. Despite a few mostly administrative audit findings, Mr. Bingham felt the

audit was a positive, and nothing caused great concern. The audit was expected to be completed within the next three to four weeks, and he expected to be able to present the audit results at the next Town Council meeting.

Moving to the financials, Mr. Bingham walked through the major categories.

Property taxes: This fund was close to meeting budget.

Sales tax: October and November came in strong and it was projected to meet budget by year end.

Class C road funds: While these funds are reasonably stable, Mr. Bingham felt they wouldn't quite achieve the forecast budget.

Building permit revenue: The budgeted building permit revenue may be a little too high.

Council Member Rupinkas requested that future financial reports consist of budget comparisons. Mr. Bingham responded he is currently setting up that report which will replace the report presented this evening.

Moving back to the financials, Mr. Bingham commented his bigger concern was with building permits, because to a certain extent the Town was relying on building permit revenue. Council Member Shadle suggested polling the developers to get a sense of their projected building permits; Council Member Dwinell and Mayor Rubin concurred.

Discussion arose concerning Class C road funds and why they seem to be unusually low. It was indicated staff would investigate to determine why the fund was low. Mr. Bingham also offered to provide Council with the detail published by UDOT to have an idea of what to expect.

General Fund: About \$7400 loss in general fund. Mr. Bingham stated the administrative cost concerned him; the Town spent \$128,000 of its \$216,000 budget. He added he was being paid out of the administrative budget rather than professional services, so that would factor in.

Discussion followed concerning specific administrative expenses. IT was expected to level out, since many of the expenditures were one time set up fees, e.g. City Inspect and Municode. The large expenditure in Professional Services is attributed to engineering, which has since been dialed back.

Mr. Bingham reviewed that in a prior Council meeting, a Class B and C road fund reserve was mentioned. Mr. Bingham made inquiries to both the State Auditor and the current Town auditor regarding whether other towns typically reserve those funds and would they be used for road repair only, or could they be used in operational costs for street-specific time and labor costs of city staff. The State Auditor said it is up to the individual municipality's interpretation. The auditor stated it was very typical for a town to use some of those funds for that purpose, which is not necessarily a good practice because at some point property taxes will need to be raised to repair roads. The best practice would be to set those funds aside. A municipality can set Class C road funds aside and every 4-5 years when a major project is needed, those funds would be accrued and applied.

Mr. Bingham offered to create a budget comparison report within the next 2-3 weeks for the Council. The bond funds will be on a balance sheet that he will also distribute.

Mayor Rubin stated he would put Mr. Bingham on the agenda for next month's meeting to discuss the new reports he will be preparing and distributing to the Council.

A short discussion followed regarding:

- Standby Fees: Sharon Maiorano will be sending out billings in the following week
- Capitalized Infrastructure: Mr. Bingham noted he capitalized approximately \$12 million in infrastructure, e.g. roadway, water, sewer, storm drain
- Water Revenue Projections and Enterprise Fund: Mr. Bingham stated that he didn't believe the Town would need to institute large rate increases, however it may be necessary as proceeding through the budget process, to consider a 3% rate increase to account for inflation
- Salaries and Wages: this fund was significantly under budget. Mr. Bingham believes some of those may need to be reallocated, as many of those funds came out of the General Fund

In conclusion, Mr. Bingham stated he would come up with some better projections and a budget comparison report that will include current month, prior month, revised budget column, prior year and projection column.

## **5. Approval of Bills**

Mayor Rubin walked through the list of bills and provided clarification for some specific items. It was indicated that in the future, when the Town commits to a certain contract in excess of \$5,000 or \$10,000 (the amount to be determined by Mr. Bingham), a placeholder relative to that should be entered into the budget. Further, with respect to the bills to JSSD, Council Member Rupinkas commented there were discrepancies in the budgeted figures, and he felt Mr. Bingham needed to revisit those calculations. Council Member Dwinell requested that future Bills to be Approved schedules include line numbers for ease of reference.

*Council Member Shadle moved to approve payment of the bills as presented. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

## **6. Committee Appointments**

Mayor Rubin reviewed he created a list of seven suggested committees and proposed committee members based on the discussion of Town priorities at the last Council meeting.

A short discussion followed, wherein Council Members Dwinell and Baier expressed interest in serving on the Planning Committee. Further, it was indicated every council member would have the ability to sit in on any committee he or she would want to. Council Member Shadle suggested combining the revenue and budget committees together into one. Mayor Rubin advised that if a particular committee meeting was attended by three or fewer council members, then it would not be required to notice a public meeting; the purpose of these committees is not to make decisions and vote, but rather to come up with ideas and report back to the Council.

It was suggested the "Utility Committee" be renamed "Infrastructure Committee" and add internet and roads.

Council Member Baier expressed interest in serving on the legal committee, and Council Member Rupinkas noted he would be joining in on the budget committee.

#### **7. Discussion regarding filling the Council vacancy**

Mayor Rubin provided a status update regarding efforts to attract those with interest in serving on the Town Council. A short discussion followed, with the Council expressing hope that there may be more interest in the Spring following the ski season, and as residents satisfy the one-year residency requirement to serve.

#### **VI. PUBLIC INPUT – FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS NOT LISTED ON THE AGENDA**

Jared Fields, counsel for Mustang made a statement regarding stories concerning Bob Martino recounted during Council meetings. He encouraged the Council to keep in mind there are two sides to every story, and to not be swayed by rumors, especially when the subject matter is not directly relevant to what is before the Council for consideration. He was referring to the discussion earlier in the meeting regarding the lot combination, and stories regarding the initial lot purchase and more recent dealings with their attorney and he, as Mustang's counsel.

Council Member Shadle inquired regarding how the lots that were presented this evening were sold as unbuildable. Mr. Fields responded that Mr. Martino was not an engineer and relied on his engineers to create and layout a plat.

Mayor Rubin thanked Mr. Fields for his comments and stated it was important Mr. Fields understand that the Town receives resident comments not unlike those heard this evening. Mr. Rubin added he would love to work together and would welcome any cooperation and support Mr. Fields could provide to help break down the barriers.

#### **VII. CLOSED EXECUTIVE SESSION**

*Council Member Baier moved to close the public portion of the meeting and enter into a closed executive session. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.*

At 9:10 p.m., the public meeting adjourned and the Council entered into an executive session.

#### **VIII. MEETING ADJOURNMENT**

At 9:22 p.m., the executive session adjourned.

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Allison Lutes, Town Clerk