

**Minutes**  
Town of Hideout  
Town Council Regular Meeting  
December 10, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on December 10, 2020 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

**I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter**

Mayor Rubin called the meeting to order at 6:01 pm and read the No Anchor Site Determination Letter in its entirety. All attendees were present electronically.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Ralph Severini

**Excused:** Council Member Bob Nadelberg

**Staff Present:** Town Attorney Polly McLean  
Town Administrator Jan McCosh  
Town Treasurer Wes Bingham  
Public Works Director Kent Cuillard  
Town Planner Thomas Eddington  
Town Clerk Alicia Fairbourne

**Others Present:** Wes Mangum, Dan Dansie, Rachel Cooper, Maureen Pelton, Frank Pizz, Carlen Petersen, Donald Blumenthal, Glyniss Tihansky, Sarah Winter, Bryan Cooper, Dillon Bliler, Jeff Schiff, Charlie Hartwell and others who may not have signed in using full or proper names when logging in via Zoom.

### **III. Approval of Council Minutes**

- 1. August 14, 2020 Town Council Meeting Minutes**
- 2. August 27, 2020 Town Council Meeting Minutes**
- 3. September 4, 2020 Town Council Meeting Minutes**

A quorum of Council Members who attended the meetings held on August 14, 2020, August 27, 2020 and September 4, 2020 was not present in order to approve the minutes, so a decision was made to postpone approval of the minutes until the next meeting.

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

Mayor Rubin invited members of the public to speak. Shoreline Phase 1 homeowners Maureen Pelton and Charlie Hartwell joined the meeting. Ms. Pelton shared their frustrations with builder GCD on several ongoing health and safety issues regarding their homes which had not been addressed. These issues included slope erosion, sewer back ups, water heater ventilation problems and fencing at drop-offs which GCD had told homeowners before closing would be constructed. She stated a committee of homeowners had been created and she asked for support from the Town to address these issues with GCD. She added the issues related to slope erosion presented potential safety concerns to the Town in addition to specific homeowners.

Mayor Rubin reported he had communicated with GCD to share these concerns and requested a written response. He added he was also working with the town engineer to schedule inspections of some of the impacted homes. Town Attorney Polly McLean reported she had recently received a seven-page response letter from GCD, to which she had not yet reviewed in detail. She added the Town was doing what it could to help rectify the issues, but noted there was no jurisdiction for the Town to intercede more formally on issues which were between the homeowners and the builder. In response to Ms. Pelton's question on whether the erosion issues were a safety concern to the Town, Mayor Rubin stated an engineering inspection would be conducted to determine whether the erosion was creating stability issues. Ms. Pelton noted Town Engineer Ryan Taylor had been to her home to view the erosion and shared her concerns. Mayor Rubin stated he would discuss this with Mr. Taylor, who was not able to attend this meeting, and he expected GCD to rectify the issues in order to continue doing business in the community.

Council Member Baier noted these concerns had also been shared at another Town Council meeting, and requested the inspection records, engineering reports and certificates of occupancy for these properties be reviewed by the town engineer and reported on at the January Town Council meeting.

Mayor Rubin stated since the last meeting, he had worked with legal counsel to determine what the Town could do legally, and asked one of the Shoreline residents to coordinate in-home inspections with the town engineer. The intention was to provide a report to the Town Council based on these visits. He added the predecessor outsourced engineering firm, (not TO Engineers), conducted the inspections, and would be approached if deficiencies were identified.

Council Members Baier, Dwinell and Severini each stressed their concerns and sense of urgency to address these health and safety matters, and put pressure on the builder to remedy them to the fullest extent possible. Council Member Haselton added she was also a Shoreline homeowner with similar issues, and agreed with the other Council Members' comments of support.

Shoreline homeowner and member of the Town's Infrastructure Committee, Brian Cooper, shared the recent Infrastructure Committee discussion of this matter. He reported Town Engineer Ryan Taylor had agreed to obtain quotes from a geo-tech engineering firm to review several locations around Hideout that appeared to have issues with slopes and erosion. He referenced the APWA (American Public Works Association) building codes for unstable and stable rock conditions and noted that certain areas did not appear to be compliant. The Infrastructure Committee suggested an estimate be obtained for performing these inspections and providing recommendations for remediation as appropriate. This would be forwarded to the Mayor and Town Council for approval to proceed.

Mr. Cooper added he had reached out to an independent building inspector, Dave Thatcher, who would be reviewing issues with sewer back-ups and water heater ventilation. He noted the sewer problems have occurred at all three levels in Shoreline and appeared to be caused by feeder line problems or defective back up preventer valves. By having an independent inspector conduct final re-inspections of these homes, it was his hope that pressure could be put on the builder to complete the remediation by withholding future building permits until these issues were remedied. Mayor Rubin noted the Town did not have authority to withhold approval of future building permits as a means of leverage with the builder.

Mayor Rubin reported that the entire Shoreline Phase 1 sewer system main lines had been flushed and scoped, and no issues had been identified based on the video reviewed thus far. The final report was expected soon.

Mr. Cooper reported work had also begun to investigate issues with water heater ventilation and develop potential solutions which would comply with the manufacturer's installation recommendations.

Shoreline homeowner Frank Pizz reiterated the homeowners' concerns and noted their home values were also at stake in addition to the health and safety issues discussed.

There being no further comments from the public, Mayor Rubin closed the public comment session at 6:40 pm.

## **V. PUBLIC HEARING**

### **1. Budget Amendment (Continued from November 26, 2020 Meeting)**

Mayor Rubin reviewed the law's requirement for a reasonable alignment with the budget target for a specific expense and the actual expense. He noted it would be appropriate to adjust the budget figures for building permits to align with actual building activity, as well as to reflect the collection and disbursement of the newly implemented impact fees.

Town Treasurer Wes Bingham explained the budget had been built conservatively to reflect a number of unknowns related to the potential impact of the COVID-19 pandemic, and added it

was not unusual to adjust the budget during the course of the year. For example, more building permits were issued than what was projected, and the projected costs of building inspections increased. Therefore, the budget was adjusted to reflect the increase. He added the adjusted budget reflected issues that could come up over the next six months and hoped there would be just one more budget adjustment required at year end.

The proposed budget adjustment requested an additional \$75,000 to cover engineering expenses in the current budget year and stemmed from the high level of building activity. Building inspections had exceeded the budgeted revenue item already, so an adjustment to align the expenses and revenues was required.

Regarding money received from the CARES Act, Mr. Bingham noted certain requirements to spend those dollars and properly meet federal requirements. He reviewed the figures associated with these funds and highlighted the budget adjustments necessary to properly account for receipt and disbursement in order to avoid returning any of the funds to state or federal agencies.

Regarding the new Impact Fee funds, Mr. Bingham explained the proposed budget item that segregated these special purpose funds for accounting purpose.

Regarding the Class C road fund, Mr. Wes noted \$72,500 had been included within the general fund budget. He proposed creating a separate account for this budget item in order to separately track these funds. He noted that similar accounting was done for culinary, waste and storm water impact items.

Council Member Jerry Dwinell inquired whether the building inspection fees and the engineering fees were pass-throughs, to which Mayor Rubin explained they were, but it was necessary to budget and align both sides of the balance sheet.

Mr. Bingham highlighted items related to building permit revenues and building inspection expenses, as well as the accounting for the COVID-related funds. Mayor Rubin added the allocations of time the town staff spent on public health issues as well as expenditures to allow for staff to work remotely were all allowable under CARES and were reflected as allocations in the budget. He also noted the Town would continue to apply for additional funding for local governments if approved by Congress.

There being no further questions from Council, Mayor Rubin opened the floor to public comment at 7:02 pm. He clarified the budget adjustments were not raising taxes on the community, but rather aligning the revenues and expenses within the budget.

There were no comments from the public. Mayor Rubin closed the public comment portion of the meeting at 7:03 pm.

Mayor Rubin read Resolution Number 2020-12 in its entirety and asked for any questions from the Council. There being no questions, Mayor Rubin asked for a motion to adopt the resolution.

***Motion: Council Member Dwinell moved to approve Resolution 2020-12 amending the Town's operating budget for fiscal year ending June 30, 2021. Council Member Severini made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, and Severini. Voting Nay: None. The motion passed.***

Mayor Rubin closed the public hearing and moved into regular meeting.

## **VI. Agenda Items**

### **1. Discussion on municipal revenues**

Town Administrator Jan McCosh provided background on potential revenue sources to consider as part of the budget process. She reviewed a summary of the three forms of revenues authorized by the state legislature for cities and towns: property tax, sales tax, and utility tax. These taxes generate money for the Town's General Fund and could be used for any legitimate public purposes.

Ms. McCosh noted the current home tax rate in Hideout of .000867% and presented a property tax value from a typical home in Hideout and the portion received by the Town. She also shared the tax rates for surrounding cities and explained Hideout was low compared to its neighboring towns and cities.

Ms. McCosh explained the Town did not currently generate any sales tax revenue, and noted cities typically generate sales tax revenue four times that of property tax revenues. She noted the range of special sales taxes which could be generated, including hotel taxes, resort community taxes and public transportation taxes if those services existed. She added the Town currently collected taxes on municipal utilities and telecommunications services to the extent allowable. She also noted several restricted funds, which could not be used for purposes other than as defined. These included roads, building permits and inspections, water, and garbage services. Finally, Ms. McCosh reviewed the approved uses for impact fees, and clarified they are generally not used for maintenance of the project.

Council Member Ralph Severini asked if Ms. McCosh had any projections for future needs which would require increasing taxes. Ms. McCosh responded it was difficult to make accurate projections, but suggested moderate increases to avoid any crisis, stay in line with the surrounding communities and which provide increased public services as the Town grows. Mayor Rubin added as the number of homes increase in the Town what will be the ratio for coverage of additional services required. He also reminded Council that taxes were frozen this year due to COVID, and also if the annexation were to move forward, there would be no revenues generated from that for several years.

In response to Ms. McLean's question regarding revenues from short-term rentals, Mayor Rubin stated short-term rentals were prohibited by the HOA (Homeowners Association). Any future condo-hotel developments could provide such income.

## **2. Discussion and possible approval of a Resolution Authorizing Application for the Renewal of the State-Sponsored Enterprise Zone**

*(Clerk's note: Mayor Rubin corrected the agenda item to read: Discussion and possible approval of a Resolution Authorizing Application for the Creation of the State-Sponsored Enterprise Zone)*

Ms. McCosh shared the Enterprise Zone Tax Credit document and described the program which would provide tax credits for certain job creation, infrastructure spending, and investments within a designated enterprise zone. This state-sponsored program was extended for four years (through 2024) and was designed to incentivize economic development in rural Utah.

Ms. McCosh stated she did not see a downside to the designation of the entire Town as an enterprise zone which could serve as part of an incentive package for potential business creation in the Town or potential re-zoning of some planned development to neighborhood commercial in order to participate. She noted Summit County designated the entire county as an enterprise zone. She added any development would require zoning approvals, and approving this would not commit the Town to any specific projects. Ms. McLean added she did not see any downsides from a legal perspective.

Mayor Rubin thanked Ms. McCosh for her efforts in researching additional revenue sources and incentive package ideas for the Town. He presented the resolution, read it in its entirety and asked for a motion to approve the resolution.

***Motion: Council Member Severini moved to recommend the adoption of Resolution 2020-13, authorizing the Application to enter into the State-sponsored Enterprise Zone. Council Member Haselton made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, and Severini. Voting Nay: None. The motion passed.***

## **3. Proposed new Planning Commission members and possible consent from Council to appoint**

Mayor Rubin presented the two new candidates for the Planning Commission which would provide for a full membership of the Commission and an alternate member.

Mayor Rubin introduced Glynnis Tihansky and asked her to provide her background. Ms. Tihansky stated she had recently moved to Shoreline Phase 2, had served on the planning commission for Buckingham Township, PA for ten years, and had looked forward to serving in a similar capacity again. She noted her undergraduate degree in agricultural engineering and a master's degree in bio-medical engineering, and currently worked in the medical device area.

Council Members Severini, Baier and Dwinell thanked Ms. Tihansky for her interest in supporting the community through this position.

Mayor Rubin introduced Rachel Cooper, who was married to Brian Cooper – a new member of the Town's Infrastructure Committee. Ms. Cooper shared she moved to Shoreline approximately eighteen months ago from Maryland, and her background included real estate appraisal and writing. She had a long-term interest in urban planning and had written three books about Washington, DC.

Council Members Baier thanked Ms. Cooper for her involvement and looked forward to hearing her new ideas for Hideout.

Mayor Rubin confirmed that these appointments would bring the Commission to five members and one alternate, with an opening outstanding for a second alternate member. It was also noted with the addition of Ryan Sapp at a previous meeting, the Planning Commission now included representation from Soaring Hawk.

Mayor Rubin asked for the Council's consent to appoint Ms. Tihanksy as a new member and Ms. Cooper as an alternate member of the Planning Commission. Each Council Member gave his or her consent. Mayor Rubin noted that Ms. Cooper would have an active role as an alternate member, with the opportunity to participate fully in all meetings and vote in the absence of any full time members.

Ms. Tihanksy and Ms. Cooper were excused from the meeting at this time.

#### **4. Bills to be approved**

Mayor Rubin stated he had learned from Ms. McLean the Council was not technically required to approve each bill paid unless specifically required by a purveyor. He asked Council Members if they were comfortable changing the procedure whereby, they would continue to approve the budget and receive updated financial reports in the current format, but would not be required to vote on each payment item.

Council Members Baier and Dwinell stated they would be comfortable with this change. Council Member Dwinell asked about the process to ensure correct categorization of bills to which Mayor Rubin responded he scrutinized all bills and the accounting categories closely in his review. Council Member Severini added he would expect to review the large expenditures in detail as part of the quarterly review.

Mayor Rubin recommended the payment of bills which would be reviewed in detail at the February meeting.

#### **5. Discussion and possible approval of an impact fee credit agreement with Western States Ventures**

Mayor Rubin reported when the impact fees were passed, it was recognized that some developers had built a portion of the universal infrastructure beyond Mustang, LLC and were entitled to an impact fee credit which could be used to offset the impact fees. These developers included GCD and Western States Ventures.

Mayor Rubin asked Attorney Dan Dansie to discuss the impact fee credit agreement under consideration for Western States Ventures regarding the infrastructure work done for Shoreline Drive. This agreement could also be enacted for other developers who had built certain infrastructure.

Mr. Dansie referenced the Ordinance passed in August when the impact fee was adopted which made these credits available. This agreement was specifically related to a portion of Shoreline Drive and recognized the Town's obligation to reimburse the developer for these costs through a credit towards impact fees. It was noted some items remained outstanding in the completion of the road. He provided a detailed overview of the proposed agreement, highlighted the methodology used to calculate the credit amount, and noted only the transportation impact fees

could be offset under this agreement. It was also noted the developer had the right to assign the credit to a third party and the credits would expire after seven years.

Council Member Severini asked about the calculation methodology for the credit relative to the actual cost of road construction. Mr. Dansie noted only a certain number of roads are eligible for this credit, with only certain roads which remained incomplete. The exact costs of the portion of the road to be built were considered for the calculation of the credit amount. Council Members Haselton and Baier agreed the developer deserved the credit given the improvement that this road had provided. Mr. Dansie reported the agreement was acceptable to the developer's attorney.

Mayor Rubin presented the resolution for the Impact Fee Credit Agreement which authorized the mayor to sign on behalf of the Town.

Council Member Severini asked if this was the first such agreement created. Mr. Dansie noted it was similar to an agreement entered into with Mustang LLC to provide payment of impact fees as collected. He added this agreement would serve as a model for future impact fee credits.

Mayor Rubin asked for a motion to approve the resolution.

***Motion: Council Member Severini moved to approve Resolution 2020-14, allowing the authorization of the Development and Public Improvements Construction and Impact Fee Credit Agreement with Western States Ventures. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, and Severini. Voting Nay: None. The motion passed.***

Mr. Dansie was excused from the meeting at this time.

## **6. Consideration to adopt an ordinance requiring the use of bins for recycling and trash**

Mayor Rubin provided a summary of his discussions with the recycling provider Recyclops regarding the requirements for recycling bins to replace bags for street-side pick up, and noted there was a need for a similar requirement for all trash to be in street-side bins (rather than outside of bins). Council Member Dwinell added a third category to consider including in the ordinance for the small, sealed compost bins and asked if that provision could be added.

Ms. McLean agreed to edit the Ordinance to reference all refuse, recycling and compost.

Council Member Baier asked about the size of the proposed recycling bins, which Mayor Rubin noted were smaller than the current trash bins. She shared her concerns about instances when homeowners had more recycling material than the bins permit. Mayor Rubin noted the ordinance is intended to ensure bins are properly managed on snow days, and stated on other days it should not be a problem if additional recycling materials were stacked outside of bins. Mayor Rubin noted multiple cities used bins with Recyclops.

Council Member Baier asked if the Council was trying to fix a problem that did not exist and which might create barriers for the community to recycle. Mayor Rubin countered based on his discussions with the Town's Public Works department, it would be a problem if recycling bags were not picked up on snow days and were plowed in or otherwise remained outside. He added Hideout was one of the towns that did not use bins. Council Member Severini said he saw both sides of the issue, however he was more in favor of requiring the use of bins. Council Member



Dwinell suggested a requirement to prohibit leaving the recycling bags within a certain distance of the curb. Mayor Rubin noted that Recyclops had begun ordering the bins for its Hideout customers.

Public Works Director Kent Cuillard referenced problems with fully plowing the streets when trash bins and bags were left in the street. He added members of the community had complained about the insufficiently plowed streets.

Mayor Rubin agreed to speak with Recyclops to confirm they would agree to pick up additional recycling left stacked beside the bins, and asked to table this discussion until the next meeting. Council Member Baier suggested inviting someone from Recyclops to an upcoming meeting to address these concerns.

**7. Discussion and consideration to adopt an Ordinance amending Town Code Section 1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah**

Mayor Rubin presented an ordinance to establish the 2021 Town Council Regular Meeting schedule. The proposed ordinance continued the current schedule of the second Thursday of each month with reservation of the fourth Thursday for any unfinished pertinent business that could not be held until the following month. He also noted meeting dates could be changed for holidays or as otherwise needed. The Council also discussed the red-lined items in the proposed Ordinance.

*Motion: Council Member Dwinell moved to adopt an Ordinance amending Town Code Section 1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah. Council Member Baier made the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Severini. Voting Nay: None. The motion carried.*

**8. Discussion regarding a possible Town Hall meeting regarding the Silver Meadows annexation**

Mayor Rubin asked Council Members to consider a Town Hall-type meeting to address community questions regarding the Silver Meadows annexation Referendum. He asked for Council input on whether this might be of value prior to the referendum election to be held in June, 2021. Council Members Dwinell and Baier suggested the Town be as communicative as possible in addition to the developer's communication plans. Ms. McLean provided an update on the referendum. She added any public meeting would require equal time provided for both sides in support of, and opposing, the referendum.

Council Member Severini shared his concerns that significant confusion remained among members of the community and agreed it would be beneficial to create a communication plan to share the results of the various studies being conducted, as well as the perspectives of the Town Council, Planning Commission and the developer. Mr. Thomas Eddington, Town Planner, agreed this would be beneficial.

In response to questions from Council Members Baier and Severini regarding the logistics for the referendum voting process, Town Clerk Alicia Fairbourne noted it could be done locally (rather than through Wasatch County) and could be conducted by-mail and in accordance with the state

election code. The ballots would be mailed three weeks prior to the voting date (as per state election code), and residents could also vote in-person at Town Hall. Council Member Baier requested a detailed presentation on these logistics at a future Town Council meeting. Mayor Rubin added the Town's November election may also be off-cycle from other Wasatch County elections and could be conducted as a local election as well.

Council Member Haselton noted the meeting in the second quarter of 2021 could be in-person rather than via Zoom, depending on the COVID situation at that time.

#### **9. On-street parking ordinance update**

Mayor Rubin provided background on the proposed on-street parking ordinance and presented a detailed report from TO Engineers which highlighted various areas of the Town which could safely accommodate on-street parking in accordance with the current town code. He stated this was for informational purposes only and did not require a vote.

Discussion ensued regarding logistics to create additional parking pads in certain neighborhoods, accommodating construction crew on-street parking during working hours, and how to address the parking requirements during the evening hours and under winter conditions. Council Member Severini suggested soliciting input from each of the HOA's.

Mayor Rubin noted this topic would be addressed in more detail at the January Town Council meeting.

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

There being no further public business, at 9:42 pm, Mayor Rubin asked for a motion to close the public portion of the meeting in order to hold a brief executive session.

*Motion: Council Member Haselton made the motion to enter into executive session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Severini. None opposed.*

Whereupon, the closed executive session convened at 9:45 pm.

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Ralph Severini

**Excused:** Council Member Bob Nadelberg

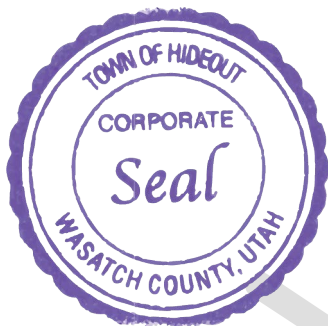
**Staff and Others Present:** Town Attorney Polly McLean and Rob Mansfield

**VIII. Meeting Adjournment**

At approximately 9:50 pm, Council moved into public session.

***Motion: Council Member Haselton moved to adjourn the meeting. Council Member Baier made the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Severini. None opposed.***

The meeting adjourned at 9:50 pm.



*Alicia Fairbourne*  
Alicia Fairbourne, Town Clerk

APPROVED