

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
May 13, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on May 13, 2021 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

I. Call to Order

1. No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:08 pm and explained due to public health order, no anchor site was available for the meeting.

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 Planner Thomas Eddington
Town Engineer Ryan Taylor
Public Works Supervisor Kent Cuillard
Town Treasurer Wesley Bingham
Town Clerk Alicia Fairbourne
Deputy Town Clerk Kathleen Hopkins

Others Present: Gwen Wetzell, Mark Garza, SueAnn Kern, Glynnis Tihansky, Jim Gray, Patrick Todd, Abi Kau, Grey Garza, Jeff Bawol, Jack Walkenhorst, Nate Brockbank, Ashley Burr, Justin Smollar, Jared Fields, Nikki Keye, Tyler White, Brian Amerige and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

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

At 6:13 pm, Mayor Rubin asked for a motion to move to executive session.

Motion: Council Member Haselton made a motion to close the public meeting and proceed to a Closed Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and Severini. None opposed.

At approximately 6:54 pm, the Executive Session adjourned, and Mayor Rubin called for a motion to proceed into the Public Session.

Motion: Council Member Dwinell moved to proceed into Public Session. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and Severini. None opposed.

IV. Call to Order

At 6:55 pm, Mayor Rubin called the public portion of the meeting to order and explained due to public health order, no anchor site was available for the meeting.

V. Roll Call

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

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Town Engineer Ryan Taylor
Public Works Supervisor Kent Cuillard
Town Treasurer Wesley Bingham
Town Clerk Alicia Fairbourne
Deputy Town Clerk Kathleen Hopkins

Others Present: Gwen Wetzel, Mark Garza, SueAnn Kern, Glynnis Tihansky, Jim Gray, Patrick Todd, Abi Kau, Grey Garza, Jeff Bawol, Jack Walkenhorst, Nate Brockbank, Ashley Burr, Justin Smollar, Jared Fields, Nikki Keye, Tyler White, Brian Amerige and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

VI. Approval of Council Minutes

- 1. March 11, 2021 Town Council Meeting Minutes DRAFT**
- 2. March 25, 2021 Town Council Meeting Minutes DRAFT**

There were no changes to the meeting minutes. Council Member Dwinell noted he did not have a chance to review the minutes, and therefore, would abstain from voting.

Motion: Council Member Haselton moved to approve the March 11, 2021 and March 25, 2021 meeting minutes. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg and Severini. Abstained: Council Member Dwinell. Motion passed 4-1.

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

At 6:58 pm, Mayor Rubin opened the floor for any members of the public to speak on items not listed on the agenda. Council Member Baier introduced Nikki Keye who had contacted Hideout to be a host sponsor for a community cleanup event on Saturday, May 29, 2021 from 12:00 pm to 3:00 pm. Ms. Keye presented details regarding the annual Jordanelle community cleanup event.

Jared Fields, legal counsel representing Mustang Development, spoke briefly regarding comments and accusations made in recent Hideout Planning Commission and Town Council meetings regarding Mustang Development. He hoped the Council and community would not believe the rumors spread about Mustang and noted some comments were originated by people who were not involved at that time. He asked Council to focus on the Town's best interest moving forward and not to solicit comments which could be damaging toward any particular property owners or developers. Council Member Baier addressed Mr. Fields' concerns and stated she felt the Council had been respectful toward Mustang Development. She asked Mr. Fields to be specific regarding any accusations in the future.

There being no further public comments, Mayor Rubin closed public input at 7:09 pm.

VIII. Public Hearing

- 1. Public Hearing, discussion and possible action on final approval of Deer Springs Phase 2A**
(Clerk's note: Public Hearing Item numbers 1 and 2 were combined.)
- 2. Public Hearing, discussion and possible action on the final approval of Deer Springs Phase 2B**

Town Planner Thomas Eddington gave an overview of the proposed subdivision, noting the name change from Deer Springs Phase 2 and Phase 3 to Deer Springs Phase 2A and 2B, which would result in the need to amend the original MDA (Master Development Agreement) to reflect the change. Developer Nate Brockbank and Mr. Eddington had worked to resolve concerns regarding the layout of the phases. Mr. Eddington introduced Tyler White, a civil engineer who had designed Deer Springs Phase 1 and 2 in partnership with Mr. Brockbank.

Mr. White reviewed the number of retaining walls and the maximum road grade concerns brought forth by the Hideout Planning Commission and T-O Engineers. The road grade and retaining walls had been redesigned to comply with ordinances recently passed by the Town. Mr. Brockbank further reviewed the changes with Council, noting the reduction in the number of retaining walls and reduction in the road grade.

Council Member Dwinell inquired if the redesign of the phases had delayed the completion of the park. Mr. Brockbank stated the park was slated to be built in the year 2022 with Phase 3, so there was no delay.

The amendments to the MDA were discussed, noting the following:

- The timing of the completion of the park
- Adding more units to these phases (but not more units overall)
- Amending the MDA prior to signing the plats

Council Member Baier asked Mr. Brockbank for confirmation the existing trails would not be disturbed during the completion of the phases, to which Mr. Brockbank replied they would be kept accessible to the public.

There being no further questions from Council, Mayor Rubin opened the floor for public comment at 7:36 pm. There were no comments from the public, and therefore, Mayor Rubin closed the public comment portion at 7:37 pm and presented Ordinance 2021-O-03, for the approval of the Deer Springs 2A and 2B final subdivision.

Discussion regarding the details and timeline of the recordation of the plat ensued. Mr. Eddington noted an error in the Conclusions of Law clause, stating the “2017 Master Development Agreement” should be changed to “2018 Master Development Agreement”. Council Member Baier also inquired about Conditions of Approval, #16, noting the language should state the “Applicant shall work with the Town Planner and Town Engineer in an attempt to further reduce the number of four-plex units and increase the number of duplexes and triplexes.”

Motion: Council Member Dwinell moved to approve Ordinance 2021-O-03 with the corrections to the “2018 Master Development Agreement” and to include “Applicant shall work with the Town Planner and Town Engineer in an attempt to further reduce the number of four-plex units and increase the number of duplexes and triplexes.” Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion passed.

3. Public Hearing, discussion and possible action on the final approval of Shoreline Subdivision Phase 2A Amended

(Clerk’s note: Public Hearing Item numbers 3 and 4 were combined.)

4. Public Hearing, discussion and possible action on the final approval of Shoreline Subdivision Phase 3

The developer of Shoreline Subdivision Phase 2A Amended and Phase 3 requested the discussion and possible action be continued in order to complete the requested modifications by the Hideout Planning Commission. Town Attorney, Polly McLean, explained public comment would be heard

during this meeting though the decision would be continued to a future date. Ms. McLean explained the developer was working with Mr. Eddington to rectify issues concerning road width, and noted density was not the reason for the negative recommendation from the Planning Commission.

At 7:54 pm, Mayor Rubin opened the floor to public comment. Planning Commissioner Glynnis Tihansky thanked the developer, GCD, for listening to the Planning Commission's concerns and working with staff to make the changes.

There being no further public comment, Mayor Rubin closed the public hearing at 7:56 pm and asked for a motion to continue the items.

Motion: Council Member Dwinell moved to continue the discussion and possible action on the final approval of Shoreline Phase 2A Amended and Phase 3 to a Special Meeting to be held on June 2, 2021. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion passed.

IX. Agenda Items

1. Notice of 2021 Municipal Election

Mayor Rubin presented the notice of the Municipal Election for the four council seats and one mayoral seat up for election and explained two Council Members were appointed mid-term due to resignations of other Council Members for various reasons. Therefore, two council seats were for 2-year terms and two seats were for 4-year terms. He further explained the mayoral race was for a 4-year term. He encouraged members of the community to run for the various positions and explained the requirements for declaring candidacy and holding an elected position.

2. Discussion of possible compensation for Mayor and Council Members

Mayor Rubin explained the current compensation for Council Members and the Mayor positions was paid a stipend of \$50 (fifty dollars) per meeting plus travel. Members of the Council wanted to consider reviewing the compensation to encourage members of the community to run for elected positions. Council Member Dwinell reviewed the various time commitments required by Council Members and noted other surrounding communities had a greater compensation for its elected officials. Council Member Baier reiterated Council Member Dwinell's statements, adding Council should consider offering benefits similar to those offered to regular full-time staff members. Mayor Rubin agreed and added the Planning Commission Members should be compensated as well.

Council Member Baier suggested putting together a compensation comparison of other cities and towns and discuss it in a future meeting. Mayor Rubin agreed.

3. Discussion regarding ranked-choice voting

Mayor Rubin explained the process of ranked-choice voting and noted the State of Utah had adopted the option for municipalities to choose ranked-choice voting. Historically, Hideout had only one or two candidates per seat, and therefore, the Town would not be participating in ranked-choice voting.

4. Set a date and time for the Canvass Certification and Final Results of the June 22 Special Election

Town Clerk Alicia Fairbourne provided an explanation for the canvass certification process and recommended the Board of Canvassers meet to certify the June 22, 2021 Special Referendum Election results on June 29, 2021 at 6:00 pm.

Council Member Baier asked Ms. Fairbourne to explain the process of counting the ballots received and if poll workers would need to be appointed for that process. Ms. Fairbourne confirmed poll workers would need to be hired and suggested a payment of \$50 (fifty dollars) for their service. She also explained the ballots would be counted by hand after the polls closed and preliminary election results would be available the evening of June 22, 2021.

Council Member Severini inquired if the County Clerk's office would be involved in the election in order to provide accurate voter lists, and how the ballots would be distributed. Ms. Fairbourne explained it was an official election, so all state election laws would be followed. She would work closely with the Clerk's office in order to obtain the list of registered voters. Ballots would be mailed to all active registered voters of Hideout. Mayor Rubin further explained the requirements for obtaining a ballot and the residency requirements to be considered a registered voter of Hideout.

There being no further questions from Council, it was agreed to set the date and time of the Board of Canvassers meeting for the June 22, 2021 Special Referendum Election to June 29, 2021 at 6:00 pm.

5. Presentation from the Infrastructure Committee on the Sanitary Sewer Master Plan, and Possible Adoption of the Plan by the Council

Town Engineer Ryan Taylor presented the Sewer System Overview and provided background on the purpose of the Sewer Master Plan. He explained the information gathered from the flow meter data was compared to the model of the Master Plan in order to identify issues which may arise and opportunities to be more efficient. As a result, a Capital Improvement Plan would be created and a list of projects including estimated budgets which should occur over the next three to five years and/or five to ten years.

The Capital Improvement Plan identified three problems and a number of recommendations. First, Mr. Taylor noted there were no problems identified with the system as it existed today, however as new homes were built, the sewer pipes would become fuller. Second, the main lift station for the Town would eventually become too small to handle all the sewage from the Town, and third, the Deer Waters Phase 1 lift station had several issues and concerns.

Mr. Taylor provided remedies for these issues. The first, and recommended, included connecting to the main sewer line operated by JSSD (Jordanelle Special Sewer District). This would relieve the sewer network of approximately 400 units from Golden Eagle and Soaring Hawk, eliminating the need to update the lift station as well as resolve the capacity issue identified.

In regard to the Deer Waters Phase 1 lift station concerns, the Deer Waters Lift Station was planned to be connected to the Shoreline Lift Station. Two other lift stations were planned in Deer Waters in addition to the lift station planned for Lakeview for a total of four lift stations. Mr. Taylor was able to work with the developer, Nate Brockbank, in order to combine those lift stations into one new lift station as part of the Lakeview project, noting the location would be at the bottom of Shoreline Phase 2 and be called the Vantage Lane Lift Station. As part of the development

approvals, the developer agreed to fund the Vantage Lane Lift Station and decommission the other lift stations.

Discussion continued regarding funding of the project to tie into the JSSD sewer main. Mayor Rubin explained the Water, Sewer, and Storm Drain Master Plans must be adopted by the Town per code, noting the funding of those Plans would be included in a future discussion. Council Member Baier asked to see the detailed Sewer Plan prior to agreeing to adopt the Plan, noting only the highlights were shared for this meeting. Mayor Rubin agreed to continue the adoption to the June Regular Meeting to give adequate time for Council to review the details of the final Sewer Plan.

6. Discussion and possible action to adopt FY2022 Tentative Budget

(Clerk's note: Item numbers 6 and 7 were combined.)

7. Set a time and place for a Public Hearing on the Final Budget

Mayor Rubin presented the Fiscal Year 2022 Tentative Budget and discussed the findings. He gave an overview of the revenue and explained due to the housing boom and number of various building permits issued and fees collected, property taxes would not need to be raised in 2022. Opportunities for commercial revenue should continue to be considered. He further explained upcoming expenses from the General Fund, including the need to hire another Public Works employee and/or Town Engineer. Full-time employee benefits were added as well as contracting with the Wasatch County Sheriff's Office and Wasatch County Animal Control for additional enforcement.

Mayor Rubin discussed the Enterprise Fund and explained JSSD had increased the rates to the Town by 5% (five percent) last year, which was not passed on to residents due to the financial impact brought on by the COVID-19 pandemic. He provided further details on the upcoming expenses which would be paid through the Enterprise Fund, including funding the Storm Drain Model, and upgrading the capability for water and sewer system management without hiring additional staff.

Town Treasurer Wes Bingham provided further details regarding the revenue and expenses, and asked Council if they had any questions. Council Member Baier asked how many full-time employees would receive benefits. Mr. Bingham replied there were five employees who would qualify for State retirement and four who would elect to receive health insurance coverage.

Council Member Haselton inquired if the increase cost of building supplies would decrease the anticipated number of single-family homes built. Mr. Bingham stated a conservative approach was taken when anticipating the future number of homes built and building permits sold.

Mayor Rubin thanked the Budget Committee on their work in providing the Tentative Budget and stated the Final Budget would be presented for the Public Hearing. There being no further questions from Council, Mayor Rubin asked for a motion to adopt the Fiscal Year 2022 tentative budget and set a date and time for a Public Hearing.

Motion: Council Member Haselton moved to adopt the Fiscal Year 2022 Tentative Budget and to set a date for the Public Hearing for the Fiscal Year 2022 Final Budget as June 10, 2021 at 6:00 pm. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None Opposed. Motion passed.

8. Appointment of Mayor Tempore for the dates of May 18 through June 4, 2021, and possible appointment of a permanent Mayor Tempore for dire emergencies

Mayor Rubin stated he would be out of town during the dates of May 18 through June 4, 2021 with limited cellular service and asked to appoint a Mayor Pro Tempore during this timeframe.

Council Member Severini volunteered to act as Mayor Pro Tempore starting May 18 through May 24. Council Member Baier volunteered to act as Mayor Pro Tempore from May 25 through June 4. All members of the Council voted aye.

Mayor Rubin presented a recommendation from Ms. McLean to appoint a permanent Mayor Pro Tempore in dire emergencies. Due to time constraints, the discussion would be continued to the June 10, 2021 meeting.

At 9:59 pm, Council Members Dwinell and Nadelberg were excused.

9. Discussion and possible approval of Ordinance 2021-O-05 regarding noxious weed control and requiring posting of a weed abatement bond

Town Administrator Jan McCosh explained a weed cash bond was put in place for developers, noting it was modeled and drafted after Heber City's Weed Bond. It included an application to release the funds back to developers after three years. Council Member Severini asked for clarification regarding the disbursement of funds, to which it was explained if the weed abatement was not completed the bond money would be drawn on for that purpose.

Council Member Baier asked who the Ordinance would apply to. Ms. McLean explained the Ordinance had two portions; the first portion amended the language of Hideout Municipal Code Chapter 5.04 NUISANCES, Sections 100 through 120 to define what was considered a weed nuisance and allow for administrative citations to be issued. The second portion adopted Hideout Municipal Code Chapter 11.06.08 BONDS GUARANTEEING CONSTRUCTION IMPROVEMENTS, Section 03. She further explained only subdivisions which were being built were subject to the bond requirements. Landowners would be subject to fines for an administrative citation based on the rates set in the Town's Fee Schedule in addition to abatement costs. Discussion continued.

Motion: Council Member Baier moved to adopt Ordinance 2021-O-05 amending Title 5, Chapter 4 regarding noxious weed control and adopting Chapter 11.06.08.03 requiring posting of weed abatement bond. Council Member Haselton made the second. Voting Aye: Council Members Baier, Haselton and Severini. None opposed. Motion passed.

10. Discussion and possible authorization of Resolution 2021-R-03, Code Enforcement Officer, and appointment of Code Enforcement Officers

Mayor Rubin presented Resolution 2021-R-03 and recommended appointing the Public Works employees as Code Enforcement Officers for the Town. Council Member Baier also recommended to appoint Hideout Building Administrator Carol Kusterle as an additional Code Enforcement Officer, noting her expertise regarding noxious weeds.

Motion: Council Member Haselton moved to adopt Resolution 2021-R-03, approving and authorizing Code Enforcement Officers. Council Member Severini made the second. Voting Aye: Council Members Baier, Haselton and Severini. None opposed. Motion passed.

11. Discussion and possible action to adopt Ordinance 2021-O-04 to amend Municipal Code 10.02.12 International Fire Code Adopted

Mayor Rubin stated when the International Fire Code was adopted, the appendices were not included, specifically Appendix D. Ms. McLean explained the Wasatch Fire District and Town Engineer recommended the adoption of Appendix C which described the road width but excluded curb and gutter, and Appendix D, which described curb and gutter. Hideout Municipal Code already included the required road width, and therefore, only Appendix D required adoption. Council Member Baier noted signage requirements were also included in Appendix D.

Motion: Council Member Severini moved to adopt Ordinance 2021-O-04 amending municipal code 10.02.12, International Fire Code Adopted to include Appendix D. Council Member Haselton made the second. Voting Aye: Council Member Baier, Haselton and Severini. None opposed. Motion passed.

12. Discussion and Possible adoption of Ordinance 2021-O-XX regarding dark skies

(Item was continued to the June 10, 2021 meeting.)

13. Discussion of Public Information Session next steps

(Item was continued to the June 10, 2021 meeting.)

X. Meeting Adjournment

At 10:25 pm, Mayor Rubin asked for a motion to adjourn the meeting and continue the undiscussed items to the June 10, 2021 meeting.

Motion: Council Member Baier moved to adjourn the meeting and continue the undiscussed items to the June 10, 2021 meeting. Council Member Haselton made the second. Voting Aye: Council Members Baier, Haselton and Severini. None opposed. Motion passed.

The meeting adjourned at 10:27 pm.



Alicia Fairboarne
Alicia Fairboarne, Town Clerk