

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
TOWN COUNCIL MEETING
April 9, 2020
6:00 p.m.

TOWN COUNCIL REGULAR MEETING – ELECTRONIC ONLY

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Rubin called the meeting to order at 6:02 p.m. on April 9, 2020.

II. ROLL CALL

Town Council Members Present Electronically:

Mayor Philip Rubin
Council Member Chris Baier
Council Member Kurt Shadle
Council Member Jerry Dwinell
Council Member Vytas Rupinkas

Staff Present Electronically:

Town Administrator Jan McCosh
Town Attorney Dan Dansie
Public Works Kent Cuillard
Town Clerk Allison Lutes

III. APPROVAL OF COUNCIL MINUTES

1. March 12, 2020 Regular Meeting
2. March 17, 2020 Special Meeting
3. March 19, 2020 Special Meeting
4. March 26, 2020 Special Meeting
5. March 27, 2020 Special Meeting

Council Member Shadle moved to approve the March 12, 2020, March 17, 2020, March 19, 2020, March 26, 2020, and March 27, 2020 meeting minutes. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: none. The motion carried.

IV. AGENDA ITEMS

1. Discussion regarding filling vacancy on Town Council - Carol Haselton

Mayor Rubin introduced Carol Haselton to fill Hanz Johansson's remaining term, ending in 2021. Ms. Haselton will be eligible on April 25, when her one-year residency requirement is satisfied. Ms. Haselton gave a brief statement on her experience serving on other planning commissions and boards, and a brief discussion followed. The Council's consensus was to swear in Ms. Haselton at the next Council meeting.

Council Member Shadle moved to appoint Carol Haselton, effective April 25, 2020 to fill the vacancy created by Hanz Johansson's departure for the remaining term ending in 2021. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

2. Approval of bills to be paid

Mayor Rubin lead a discussion concerning the monthly bills, and fielded questions from the Council concerning specific expenditures. The Council discussed the new emergency notification system, CodeRed, and how it functions. The Council felt it would be important to define an emergency response team and who will be designated as an authorized user to disseminate emergency messages to the residents.

Discussion then arose concerning the information presented in the excel chart. The Council wanted to see the average budget vs. average year-to-date figures for the categories of payments. Jan McCosh stated that she recently brought certain financial capabilities the Town had not had before and it would enable the production of monthly financials with accuracy. She suggested including an actual to budget report with this summary for a while to keep a handle on where the financials are in the next few months. Mayor Rubin stated staff would address this and work toward creating an improved summary for the monthly bills.

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

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

Mayor Rubin reviewed that since the last meeting, several discussions with impacted parties had taken place and additional information exchanged, but not all information had been received as yet. Accordingly, he recommended continuing the hearing on this item to the next regular meeting on May 14.

Council Member Shadle moved to continue the public hearing on this agenda item to May 14. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

4. Public Hearing: review and possible approval of the Final Plat of the Plumb Hideout 4-Lot (Hideout Phase 6) Subdivision, consisting of approximately 3.66 acres

Council Member Dwinell reviewed that the Planning Commission recommended approval of the final plat with the following conditions: 1) install a crash gate somewhere along the gravel drive for emergency access at the time the gravel road is completed. Plumb is planning to use a portion of that road as a private drive so the driveways for the two rear lots will likely access off the gravel road, therefore the crash gate would need to be installed to allow those driveways. 2) the final plat needs to include language designating where the public trail exists. Plumb advised that the gravel drive is not only the emergency access road, but it is also a public trail. 3) a statement from Plumb indicating that the gravel drive will be used as a private drive and the Town of Hideout bears no maintenance responsibility for that gravel drive. Discussion arose regarding paving the road. Phil Plumb was agreeable to paving up to the home, and gravel beyond that, with crash gate at the end. It was indicated an easement would be required to reflect the public

trail passing through the private road. Dan Dansie commented the Council could approve the plat subject to conditions, one being the private road maintenance obligation, which could be achieved through a plat note or supplemental CC&R's before final recording. Plumb's engineer, Paul Watson commented it could be added to the plat. Mr. Plumb added the detention pond on one of the lots would also be designated as the landowner's responsibility.

At 7:17 p.m., Mayor Rubin opened the meeting for public comments. With no comments, the public hearing was closed.

Council Member Dwinell moved to approve the final plat for the Plumb 4-lot subdivision subject to the following conditions: 1) the road extending north from the cul-de-sac be paved up to the point of the last northern most driveway, that it be graveled from that point north to the end of the property, at which point a crash gate will be installed; 2) the final plat includes language designating where the public trail that co-exists with the private drive exists; 3) language indicating that the road north of the cul-de-sac is a private drive and the Town maintains no obligation to maintain it; and 4) the detention pond is also privately maintained. Further, these conditions (conditions 3 and 4) to be made as a matter of record as either plat notations or a separate legal document to be recorded. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

5. Public Hearing: Review and consider for possible approval of the preliminary plan of the Lakeview Estates Subdivision (#20-8159), consisting of approximately 22.4 acres

Council Member Dwinell reviewed that the Planning Commission heard this preliminary plan on March 19 and recommended it to the Town Council with the following requirements prior to final: 1) a clear designation of the locations of parks and trails; 2) the Planning Commission was not comfortable with the height of the double and triple retaining walls and were therefore open to granting some additional set back variance to reduce the height of those walls. There are approximately 15 lots affected by the issue. 3) while the fire district requires 3 means of egress, the Town planner and engineer are requesting 4 (the Planning Commission concurs); and 4) a review and report from the P.O.S.T. committee indicating agreement with the proposed plan for parks and trails in the project.

Discussion then proceeded regarding project density (well under the density requirements for the zone within which the project will lie) and green/open space. Council Member Shadle voiced concern with the future view of Hideout and how it was rapidly becoming denser. He felt this should be sent back to the Planning Commission for further work, and instead of 10-foot retaining walls, create open space and decrease density. Council Member Dwinell commented the structures will be staggered, so there will not be a perceived wall of structures; further this project will be the same density as Silver Sky. Mr. Shadle commented Silver Sky only has 10-12 units, while this project contemplates 70.

Kent Cuillard commented that snow plowing would be not be possible as currently proposed for lots 317-18 and 107-108; additionally, there was no place for snow storage there.

Mayor Rubin felt the plan was not fully ready for the Council's decision and it needed more work and resolution of the Planning Commission's comments. He supported sending it back to the Planning Commission.

Discussion with Paul Watson followed concerning the connection point to the south. It was noted the adjoining development's roads are situated approximately 8-10 feet down in the ground from the Lakeview Estates project. Mr. Watson stated that if forced to connect, it would require an approximately 15% grade or adding more retaining walls. Further, as to the retaining wall issue, Mr. Watson commented their plan to mitigate would be going back to a 20-foot offset off the curb and gutter on the affected units. Those areas with no walls there will be 25 and 30-foot offset.

Discussion arose regarding the access roadway to the west. Mr. Watson indicated that while not on the current plan, it would be easy to add; Mayor Rubin noted it would be important for potential emergency access.

Council Member Baier was still disappointed in Hideout's 20% open space requirement. Mr. Brockbank commented this project included 30% open space. Ms. Baier wanted to see Mr. Brockbank's proposal in his future plan for connecting to the Jordanelle State Park. Mr. Brockbank stated it was included on one version of the plan. He then enumerated certain planned amenities, e.g. dog wash, pickleball courts and trails, with connectivity into Deer Waters.

Discussion resumed regarding density concerns. Mr. Brockbank noted that while his project is zoned for 132 lots, this planned development assumes 70 lots; further, although he personally does not like the retaining walls, they planned to construct them using nice stone with landscaping in the 4-foot separation areas between the walls. He added by shortening the driveways of the affected lots, he could mitigate the retaining wall issue. Following additional discussion, Mr. Brockbank commented that some of the issues the Council was raising were more appropriate for the final approval phase. He felt the areas the preliminary plan could have improved on is showing the snow storage and park areas. Additionally, if the Council would allow the shorter driveways in the affected lots, it would help mitigate the retaining wall issue. Mr. Brockbank stated he was willing to start over if that is what the Council wanted, however he did want to start on phase 1 this year.

Council Members Baier and Shadle expressed their preference to send this plan back to the Planning Commission for further work. Mr. Shadle added the Town needed to proceed in a different direction. Council Member Dwinell commented there needed to be a balance between property owners' rights and these concerns. The owner is entitled to far more density than what has been presented. Mr. Brockbank added his proposed plan met every Town Code requirement. Mr. Shadle countered the Town needed to work in a partnership with developers to ensure the current Town Council is able to put their stamp on it, as opposed to what had occurred in the past administration and development approvals.

Thomas Eddington commented there were still some outstanding issues to address, e.g. the P.O.S.T. committee's review, and he felt there could be some tweaks with regard to density and open space. Additionally, the connectivity to Shoreline needed to be addressed. He commented he and Ryan Taylor were willing to continue working with him on these issues.

Dan Dansie summarized the history of the re-zone of this area with the previous owners, the Vanden Aker's, and the process involved in a development plan application. The primary purpose is to determine whether a development plan applicant has met the standards of the code and if deficient, then to identify those, rather than asserting big picture visionary issues. Council

Member Dwinell enumerated the zoning requirements for this project, per the zone change. This project is currently zoned as medium density residential.

Dan Dansie explained this hearing could be continued to the Council's next meeting and the application wouldn't need to go back to the Planning Commission. Council Member Dwinell agreed this would be the case, unless the plan needed to undergo a major engineering re-design, then it would need to return to the Planning Commission.

Mayor Rubin stated this could be continued to next month's Council meeting and Mr. Brockbank would address the concerns raised this evening: 1) clarity on green space and trail; 2) the adjustment to the areas cited by Kent Cuillard regarding snow removal; 3) adjusting driveway lengths for the affected 13 units and showing how it would look, possibly adding building envelopes; 4) addressing the fourth egress point; 5) showing the parks and trails more significantly, as well as open space connectivity; and 6) addressing density.

At 8:29 p.m., Mayor Rubin opened the meeting for public comment. With no comments, the public hearing was closed.

Council Member Shadle moved to continue the hearing to the next scheduled Town Council meeting of May 14 to allow the applicant to revise the plan. Council Member Rupinskas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinskas. Voting Nay: None. The motion carried.

6. Public Hearing: Consider adopting Ordinance 2020-05 repealing and replacing Titles 3, 10, 11 and 12 of the Town Code

Council Member Shadle felt this agenda item warranted a separate meeting for analysis and discussion and he suggested scheduling a special meeting to do so. Council Member Dwinell agreed, however he felt it necessary to discuss the changes since the Planning Commission voted to recommend this and to highlight sections for the Council to spend more time in reviewing.

Mr. Dwinell proceeded through each title, highlighting and addressing certain changes therein. Following the title-by-title review, Mr. Dwinell noted that Nate Brockbank provided input and comments concerning setback, building height and minimum lot size. As a result, Mr. Dwinell commented there may be some standards within the zones that may warrant further review. Mr. Brockbank also had some concern with commercial requirements, with the minimum 1-acre lot size.

Following further discussion regarding potential future commercial development and how to address it within the Town Code (e.g. lot size, etc.), the Council was agreeable to circulating Nate Brockbank's comments for review, updating the sections as appropriate, and setting a special session for April 30.

At 8:58 p.m., Mayor Rubin open the meeting for public comment. With no comments, the public hearing was closed.

Council Member Dwinell moved to continue this public hearing to April 30. Council Member Rupinskas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinskas. Voting Nay: None. The motion carried.

7. Discussion regarding fixed planning, engineering, subdivision and annexation fees

Jan McCosh reviewed the process undertaken in creating the fixed fee structure for planning, engineering, subdivision, and annexation fees. This would replace the current procedure of passing expenses through to the developers, which is a time-intensive task, however pass-through billing would still be used if a certain project became excessively labor-intensive. The fixed billing will be similar to that used for building permits. The Town Engineer and Planner would both be required to work for a flat fee charged by the Town.

Thomas Eddington led a discussion through each of the suggested fees and fielded Council questions and suggestions.

The Council was in favor of the proposed set fees. A fee revised schedule will be prepared and brought for formal approval before the council at its next meeting in May.

8. Discussion and possible approval to allow the Mayor to sign a franchise agreement with All West to provide television and/or video content to the Town of Hideout

Dan Dansie lead a discussion concerning the rationale involved in creating this agreement; the language differs slightly from the previous agreement. He explained that because All West provides video services with their internet service, it could be considered a cable service provider and subject to a separate provider franchise agreement pursuant to FCC standards. Accordingly, out of an abundance of caution, All West is requesting this separate franchise agreement to cover the video services.

The agreement itself is with an affiliate of All West that will not own any of the infrastructure but will lease it from All West to provide the service. The Town is entitled to a franchise payment and will collect 5% of the gross subscriber revenues. Jack Walkenhorst of All West confirmed the 5% fee will represent an average increase between \$2.00-\$7.50 on subscribers' bills. He added there were currently 9 Hideout customers with video service and All West was willing pay the 5% fees on those customers dating to the original install date of August.

Council Member Shadle moved to allow the Mayor to negotiate and finalize the franchise agreement with All West to provide television and/or video content to the Town of Hideout. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

9. Discussion regarding safety concerns: Town roundabout and speed control

Mayor Rubin stated the Town continued to have issues with drivers short-circuiting the roundabout and he solicited the Council for ideas to address the issue with residents.

The Council discussed various options and decided to start with incremental steps by installing signage and additional road markings, and possibly a flashing light. Council Member Rupinkas also suggested adding a notification in the Town newsletter to make the residents aware of the serious safety issues with traffic incidents. Ryan Taylor commented the approaches to the round-about were a large part of the problem, and he suggested the Town could re-install the approaches that had been removed, however the Town needed to be careful of physical barriers to prevent a vehicle from going the wrong way, because of potential emergency vehicle access.

Mayor Rubin turned the discussion to speed control. He commented speed bumps could be installed, however they are tough on the snowplows. There are 6 solar-powered flashing speed signs in the budget, and he suggested installing those along Shoreline and Longview as a general reminder. If, after installing the lights, there is no improvement on speeding, the Town

could consider installing speed bumps. Council Member Baier suggested including in the newsletter a reminder regarding speed and if residents do not slow down, then the Town will install speed bumps.

10. Discussion regarding COVID-19: assessment of the impact on Town staff and operations, with possible adoption of modifications to the Town's temporary ordinance

Mayor Rubin provided a brief status update on the COVID-19 procedures in the Town Hall. He felt the Town staff was doing a good job moderating staffing and it seemed to be working well in serving the needs of the community. The job sites seemed to be adhering to the restrictions. Jan McCosh commented that the staff found there needed to be a little bit of flexibility in adhering to the new procedures imposed by the recent audit due to the COVID-19 restrictions.. Ms. McCosh and the Mayor agreed to meet the next day to further understand this issue. Regarding the temporary ordinances enacting COVID-19 restrictions, Mayor Rubin noted he would create a calendar reminder to revisit them before their expiration dates to consider whether to extend the restriction periods.

V. PUBLIC INPUT - FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS NOT LISTED ON THE AGENDA

At 10:05 p.m., Mayor Rubin opened the meeting for public input. Council Member Dwinell was concerned the Town would not be counted effectively in the 2020 census because the City name is registered as Kamas. It was noted the census used the 4-digit identifier after the zip code. Jan McCosh commented she and Thomas Eddington verified the Town boundary for the census bureau using the GIS mapping.

With no further comments, Mayor Rubin closed the public hearing.

VI. CLOSED EXECUTIVE SESSION - DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION, PERSONNEL MATTERS, AND/OR SALE OR ACQUISITION OF REAL PROPERTY AS NEEDED

The Council did not enter an executive session and would defer to another date.

VII. MEETING ADJOURNMENT

Council Member Dwinell moved to adjourn the meeting. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

The meeting adjourned at 10:10 p.m.

Allison Lutes, Town Clerk