

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
TOWN COUNCIL MEETING
August 8, 2019
6:00 PM

TOWN COUNCIL REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:37 p.m. on August 8, 2019 at 10860 N. Hideout Trail, Hideout, Utah. Mayor Rubin noted the Pledge of Allegiance had already been recited during the first meeting and public hearing on this date.

2. ROLL CALL

Town Council Members Present:

Mayor Philip Rubin
Council Member Chris Baier
Council Member Kurt Shadle
Council Member Hanz Johansson
Council Member Jim Wahl (by telephone)

Excused: Council Member Dean Heavrin

Staff Present: Town Administrator Jan McCosh
Town Attorney Dan Dansie

Others Present:

Herma and Steven Powell, Jerry Dwinell, Jim Bolduc, Ted Brower, Jared Fields, Will Pratt, Bruce Woelfle, Mary Mouthaan, Marily Hernrolm, Joe Homan, Marc Rubin, Bill Batlett, Tony Matyszczyk, Rick Bolduc, Glenn Seymour, David and Jane Gorrell, Karen Scheible, J. Mosch, Jeff Wetzal, Roger Timmerman, and others who did not sign in or whose names were illegible.

3. APPROVAL OF COUNCIL MINUTES – April 11, 2019, July 11, 2019

Council Member Kurt Shadle moved to approve the April 11, 2019 minutes with corrections as discussed (change “poke” to “spoke” at line 245). Council Member Chris Baier made the second. Voting Aye: Council Members Baier, Shadle, Johansson and Wahl. Voting Nay: None. The motion passed unanimously.

1 Discussion ensued concerning the July 11, 2019 minutes and the need for further corrections.
2 Mayor Rubin stated he would defer the approval of the minutes to the next meeting.

3
4 **4. EMPLOYEE RECOGNITION – Mayor wishes to recognize employee efforts**

5
6 Mayor Rubin reported the Council and staff had been working hard to professionalize the town.
7 He expressed his gratitude to Jan McCosh for all her work in driving the budget process, gaining
8 new talent, and upgrading the technology and systems. Additionally, the Mayor expressed his
9 thanks to Kent Cuillard and Rob Long for all their work in improving the processes related to
10 Public Works and Building.

11
12 The Mayor then presented a certificate to Jan McCosh in recognition of her hard work and asked
13 for the Council’s unofficial approval to award her some money for a “Me” day. The Council
14 consented to the award, which the Mayor noted was within the 2019 budget.

15 **5. DISCUSSION and possible approval of the Hideout Town Rules of Order and**
16 **Procedure – Mayor**

17
18 Mayor Rubin explained the Rules of Order and Procedure (the “Rules”) originated from State
19 code on how council meetings should operate. They defined the extent of the Mayor’s authority,
20 how votes were to be taken, and they would encourage the Council to be polite. The Mayor
21 added the Rules would provide a reminder of the Council’s ethical responsibility to mention any
22 potential conflicts at the time of voting.

23
24 Discussion followed concerning the “Discussion” section on page 4; it was indicated the Rules
25 provide that the Mayor or any Council Member could request the discussion be continued or that
26 a motion be made and voted upon.

27
28 Council Member Baier felt the Rules needed to include some parameters concerning how to
29 properly make and amend motions, etc. to preserve the procedures for future, however she
30 suggested the Council approve the Rules as-is this evening and amend them later when time
31 permits. Mayor Rubin agreed to put the item on a future agenda. Council Member Baier
32 expressed her thanks for the Mayor’s efforts in putting this document together.

33
34 *Council Member Shadle moved to adopt the Rules of Order and Procedure as presented in this*
35 *evening’s meeting. Council Member Baier made the second. Voting Aye: Council Members*
36 *Shadle, Baier, Johansson and Wahl. Voting Nay: None. The motion carried.*

37 **6. CONTINUATION OF PUBLIC HEARING – Consideration by the Town Council**
38 **to approve the Impact Facilities Plan and adoption of an Impact Fee enactment**

39
40 Mayor Rubin stated at the last meeting, Council chose to place this agenda item on this evening’s

1 agenda, however Mayor Rubin explained that while progress had been made on the engineering
2 analysis, gaps in understanding the District charge remained. Further, the Town received a
3 bankers' box of documents that were still being analyzed. Based on these factors, the Council
4 was not in the position to come forward with a revised Impact Facilities Plan, thus the Mayor
5 recommended this agenda item be continued to September 12, 2019.

6
7 *Council Member Shadle moved to continue the discussion on this agenda item to September 12,*
8 *2019. Council Member Baier made the second. Voting Aye: Council Members Shadle, Baier,*
9 *Johansson and Wahl. Voting Nay: None. The motion carried.*

10 **7. CONTINUATION OF PUBLIC HEARING – Consideration by the Town Council**
11 **to approve the Annexation Policy Plan as proposed by the Planning Commission**

12
13 Mayor Rubin recommended continuing this item to August 22, because the Planning
14 Commission hadn't come forward with their recommendation. Council Member Shadle added
15 there was a pending breakfast meeting with Wasatch and Summit counties and Park City to
16 further explore issues they raised and to discuss issues Hideout felt were important.

17 *Council Member Shadle moved to continue this agenda item to August 22, 2019. Council*
18 *Member Baier made the second. Voting Aye: Council Members Shadle, Baier, Johansson and*
19 *Wahl. Voting Nay: None. The motion carried.*

20 **8. DISCUSSION and possible authorization for the Mayor to approve the UIA**
21 **(Utopia) high speed internet service agreement – Internet Committee**

22
23 Mayor Rubin explained as part of the General Plan process, the Town received numerous
24 comments from residents concerning the need for high speed internet service. In response, the
25 Town created a high-speed internet committee that identified Utopia as a potential provider.
26 Additionally, Mayor Rubin noted another internet provider, All West was currently digging holes
27 to bring some internet capability for a portion of the Town, with the promise of sometime in the
28 future doing more. He commented this would create some competition options for the Town.

29 Council Member Shadle presented on behalf of the Internet Committee, of which he, Jerry
30 Dwinell and another past Town Member served. The Committee started by surveying the Town
31 residents. 65% of the Town responded to the survey; of those, 95% felt the internet was very
32 important and 60% were very or somewhat dissatisfied with their current internet options. Of the
33 total responses, 70% reported download speeds of 25 megabits or slower, and 40% remained
34 with their current provider because there was no other option. Of the respondents, 92% were
35 interested in the Town building a high-speed fiber backbone if it didn't result in increased taxes.
36 That same respondent subset stated it would sign up for high-speed internet if offered.

37 The Committee then sent a solicitation request to every provider: Comcast, Google, Century
38 Link, etc., from which they received three responses: All West, (currently digging on roads);

1 Utah Broadband, and Utopia. Based on a decision-making matrix created by Jerry Dwinell, the
2 Committee recommended Utopia, for several reasons, the most important of which was cost. All
3 West 1 gigabit service costs \$154.95 per month. Utopia would cost \$91.95 per month, resulting
4 in approximately \$750 per year savings to the subscribers. The 1gig service was on the high end,
5 however lower speeds would be available. Mr. Shadle commented if the Council voted to
6 approve Utopia, the Town would have the fastest, lowest cost internet speeds in this or Summit
7 counties, and he was very excited with the potential of bringing Utopia to the Town.

8 Mr. Shadle went on to explain Utopia’s financing partner in this project was Utah Infrastructure
9 Agency (“UIA”), an agency providing broadband to Utah communities. The current proposal
10 was a 25-year agreement between UIA and Hideout to provide high-speed fiber optic
11 infrastructure over which service providers would provide internet services. The infrastructure
12 itself would be owned by UIA. There would be two components to the arrangement: 1)
13 infrastructure; and 2) Utopia would provide the Town with up to ten different ISPs and offer the
14 flexibility to switch between them without any further cost or contract to subscribers.

15 Mr. Shadle advised the following neighborhoods would be included in the rollout: Forevermore,
16 Glistening Ridge, Rustler, Silver Sky, and the upcoming developments of Deer Springs,
17 Lakeview, Deer Waters, Shoreline 1&2, and KLAIM. He added part of the reason the Committee
18 was not as excited about All West was due to All West’s interest in only servicing portions of the
19 Town, currently Rustler. He referred to a map of all the communities proposed to be serviced by
20 Utopia. The red area indicated Golden Eagle (no one was currently in that area at this time).
21 Soaring Hawk and Overlook would be in Phase 2, adding Overlook’s HOA was not interested in
22 joining at this time, thus it would be projected for Phase 2.

23
24 The total cost of the project was estimated to be slightly below \$1.1 million, financed through
25 UIA. Any cost overruns would be the responsibility of UIA and Utopia. UIA and Utopia were
26 currently funding the pulling of fiber from Quinn’s Junction to the Town, which was a
27 significant concession, considering the Town was previously responsible for getting the fiber
28 from Quinn’s Junction, as well as the digging and required infrastructure to connect each of the
29 residences in Town.

30 Payments on the project financing would be scheduled over 25 years, commencing two years
31 after signing the agreement. Annual payments would be \$82,500 funded by subscriber fees and
32 not from the Town. Monthly user fees were estimated to run \$42.00 a month and were projected
33 to decrease to approximately \$40.00 a month, as the subscriber base grows. In order to meet the
34 annual financing cost, the Town would need 162 users (down from 204 when Utopia
35 negotiations started). Further, the developers of Shoreline, Deer Waters, Lakeview, Deer Springs
36 and KLAIM all committed to installing conduits solely for Utopia’s use.

1 Mr. Shadle added the Utopia/UIA contract also required the Town to establish a reserve fund
2 consisting of one year's worth of payments. Two developers in the Town already committed to
3 fund the reserve on the Town's behalf.

4 In conclusion, Council Member Shadle expressed that internet needed to be considered as an
5 essential utility in today's world. Any future expansion in the Town would be funded by UIA at
6 no cost to the Town, e.g. Golden Eagle. Further, the Town was required to pledge certain tax
7 revenues to back up this reserve fund. Any payments after depletion of the reserve fund would
8 have to come from sales and franchise taxes. Finally, Mr. Shadle noted the Town was in no way
9 obligated to pay any of UIA's debt or unrelated projects in other towns. He felt the projected 164
10 number of Town users was very doable, and expressed it was a win-win for the Town and its
11 residents.

12 On a final note, Mr. Shadle detailed what comprised the \$93 monthly fee, based on two
13 components: infrastructure costs, approximately \$42.00 and the ISP cost which would depend
14 (based on whether megabits or gigabits, set by the provider) but it averaged approximately
15 \$45.00.

16
17 Jerry Dwinell asserted the Committee had been working with Utopia for a little over a year and a
18 half and the agreement today was much better than it was when first starting negotiations with
19 Utopia. He added the Town had made significant progress, and Utopia had been very
20 cooperative. Mr. Shadle Utopia firmly believed that once their product was imbedded in this
21 town, every other place surrounding the town would be part of Utopia.

22 Mr. Dwinell explained another highlight added to the agreement was the decreased infrastructure
23 cost to subscribers as the number of subscribers grew. It was estimated that the early cost to
24 Hideout's subscribers would be \$42 to meet Hideout's annual loan payment obligation, as
25 opposed to the \$32 Utopia charged its other larger customers, but that charge would decrease
26 once the subscriber base grew over 164 users. Mr. Dwinell added the Committee projected the
27 cost would already be at the \$30 per month level before the two-year period runs, essentially half
28 of All West's cost.

29
30 Council discussion followed. Council Member Johanssen felt less than 5% of the total population
31 would opt for the 1gigabits option. Jerry Dwinell responded the majority survey respondents
32 chose the 1 gigabit speed.

33 Roger Timmerman, Utopia's Executive Director reported Utopia was signing on and installing
34 approximately 500 new homes every month. Of those, approximately 50% opted for the gigabit,
35 and 50% for the 250 mb. Council Member Baier asked what the price breakdown was for
36 infrastructure. Timmerman replied that the eventual rate would be \$65 per month for 250
37 megabits service. He explained there was a \$12 premium the Town residents would incur due to
38 the Town's two-year obligation on the funding. Council Member Shadle commented that All

1 West was currently charging \$129.85 for 500 megabits. Timmerman stated Utopia did not have a
2 500megabit option; they offered 250 megabits or 1gigabit. \$65 per month for 250 megabits and
3 \$78 for 1gigabit. He added these were the fees they expected later after the initial phase, once the
4 subscriber total reaches 200. Council Member Shadle stated the current fee would be about \$109
5 for 250 megabits.

6
7 Council Member Baier expressed her thanks to Council Member Shadle and Jerry Dwinell for
8 their work on the Committee and their negotiations for a better contract with Utopia. She stated
9 the Town needed high-speed internet. Further, All West was currently in the process of installing
10 infrastructure at its own expense, which did not require an obligation from the Town, thanks to
11 the Internet Committee. All West's presence would bring competition to the Town. She felt
12 Utopia was a fantastic product and had heard some very positive comments. However, she was
13 concerned with obligating the Town for 25 years, when there was currently an alternative.
14 Discussion followed concerning the reach of the All West installation versus Utopia, using a
15 projected map. All areas that were not already in phase 1, were planned to be included in
16 subsequent phases, including all expanded, annexed areas, at no cost to the Town. Mayor Rubin
17 clarified that All West did not have access to Overlook, because of the HOA's management that
18 currently prohibited any service other than Utah Broadband. Council Member Baier reiterated
19 her concern regarding the 25-year obligation to the Town; additionally, she wanted to see MIDA
20 separated out from this and consider this deal on its own merit.

21 Timmerman was asked to outline the markets in which Utopia competed directly with All West.
22 He replied that currently Utopia didn't directly compete with All West, but rather with ComCast,
23 CenturyLink, and Frontier. Every other market had been more competitive than Hideout; there
24 were better options than All West for less money, and they were better rated. All West's Google
25 rating was 2.3 stars, while Utopia earned 5.5 stars; it was the highest rated broadband in the state.

26
27 Council Member Shadle offered a response to Council Member Baier's MIDA issue. The current
28 Utopia contract did not specifically discuss MIDA. However, it covered two main backstops: 1)
29 the reserve fund of \$82,500; and 2) the Town's tax revenue. He concluded the Town would have
30 to have no subscribers before affecting the tax revenue. It was not the Town giving, but rather
31 lending Utopia money until the number of subscribers attain a certain level. At that point, Utopia
32 would pay the Town back with interest. Jerry Dwinell added the agreement allowed the tax
33 revenue backstop with a third party, if one should exist, so if MIDA did go forward, the Town
34 could eliminate the tax backstop and go with something else, however the Committee felt neither
35 one would be necessary. Mr. Dwinell noted there was no contract with All West, so if residents
36 signed up with them, they would not be locked in for any period. He opined it was highly likely
37 All West subscribers would switch to Utopia once it came to Town.

38
39 Council Member Johansson was concerned the Town could potentially be perceived as actively
40 promoting one company over the other. Mr. Timmerman replied that the fiber infrastructure was

1 the property of Utopia and its partnership with the Town, however anyone, including All West,
2 could use it. It would not harm All West.

3
4 Council Member Baier again reiterated her concern regarding the 25-year commitment and
5 whether the infrastructure would be obsolete when 5g became the standard. Council Member
6 Shadle responded the 5g provider would run on the Town's existing fiber. Those providers
7 would have to come before the Town and pay to use the fiber. Jerry Dwinell added 5g had to be
8 close to fiber in order to run effectively. Roger Timmerman noted the proposed contract with the
9 Town provided that any revenue to the Town from a 5g tower would apply toward the overall
10 Town obligation. The 5g system could not provide home service because it did not have the
11 capacity. Mr. Dwinell noted the Committee reached out to Verizon and ATT regarding 5g
12 service; neither responded.

13
14 Discussion resumed regarding Baier's concern with the 25-year commitment. Mr. Dwinell
15 clarified that the Town was not paying against the backstop; rather it was a loan to UIA that
16 would be paid back with interest. Consequently, within that 25-year period, it was highly
17 unlikely the number of subscribers would number below the 164-user threshold. At some point,
18 the number would rise above the threshold and any monies that may have been loaned to UIA
19 would be repaid with interest. Therefore, the Town would not be losing any money.

20
21 Mayor Rubin asked why the Town would still be obligated for the remaining 25-year
22 commitment, if the original obligation had been satisfied well before that end date. Mr. Dwinell
23 responded that Utopia was funding expansion within the Town, so they would be investing
24 money back into the Town and expanding the subscriber base as well to the Town's benefit. This
25 would be all without any additional cost to the Town.

26
27 Mayor Rubin asked whether Council Member Wahl had any comments to add. Mr. Wahl was
28 concerned with the claim Utopia would be covering the entire Town; no one has guaranteed that,
29 and he did not understand how the entire population of a Town would be covered for 25 years
30 and not all could enjoy the benefits of this product. Also, he stated the HOA seemed to already
31 have a control on the providers and what those within the HOA could use. Further, he didn't
32 know whether it was necessary to have 1 gig of internet, if only being used to stream movies and
33 email. He felt he didn't have enough information and it did not make any sense. Mayor Rubin
34 clarified the only place in Hideout that had the all-inclusive service was Overlook. The Utopia
35 offer was proposed to cover a lot more of the Town than All West.

36
37 Further discussion ensued regarding service to the residents. Mayor Rubin commented Western
38 States, KLAIM and GCD were all intending to use the Utopia infrastructure if the Town were to
39 move ahead on the agreement. Mr. Dwinell also commented the projected doors within the Town
40 over the next three years was 586, and of that, the Town only needed 164 to meet the threshold.

1 Council Member Shadle added all the new doors would be conduited with Utopia. He added he
2 would never have recommended this if he thought there was any chance the Town would be
3 obligated to supply some of the backstop.

4
5 At 8:00 p.m., Mayor Rubin opened the discussion for public comments.

6
7 Loren Major asked for information concerning how long Utopia had been around, what
8 percentage of the market they held, and their profitability. Mr. Timmerman responded the
9 company had been in business since 2002 and was in partnership with several cities. UIA was
10 created in 2009. It had completed approximately \$140 million in project financing, all of which
11 was successful. Utopia was connecting approximately 500 customers per month. Timmerman
12 added the company had partnered with 14 cities, the largest of which was West Valley City and
13 the smallest Woodland Hills, which he felt was comparable to Hideout. Ms. Major inquired how
14 the infrastructure was installed. Mr. Timmerman stated Utopia did directional horizontal drilling
15 on easements for the most part, with a few exceptions. Utopia had 12 ISP's contracted with
16 them, allowing a subscriber a choice of ISP's on the website to choose from. Ms. Major agreed
17 with Council Member Baier regarding the 25-year commitment; she would be more comfortable
18 with 10 years due to technology changing.

19
20 Aaron Campbell stated he was not a resident. He stated his father was on the Orem City Council
21 in 2002 and was the only dissenting vote when Utopia came into Orem. Mr. Campbell recounted
22 the history of Utopia in Orem. He stated this was a far better deal than Orem's and he was
23 supportive. Discussion ensued regarding the former Utopia and the new Utopia. Mayor Rubin
24 recounted the efforts he and staff undertook to confirm how others regarded Utopia. All the
25 communities they spoke with were very positive.

26
27 Bill Bartlett expressed if he had the opportunity to vote on this issue, he would have a lot more
28 questions than had been asked this evening. He felt the discussion regarding 1 gig versus 250
29 megabits was miniscule compared to other issues to address, such as phone, television, etc. He
30 understood Utopia provided the infrastructure only, then it was up to the subscribers to choose
31 phone, tv, internet providers. All West was being held accountable for all those things, good or
32 bad. Mr. Timmerman explained there were three separate television offerings from different
33 providers, at least five or six others had phone services. He stated Utopia focused more on
34 internet than the others, since it was the driving factor, however the subscribers would have
35 choices on phone and TV. Mr. Bartlett was concerned the Committee was using year old
36 information for their analysis. Council Member Shadle commented that internet would be
37 driving all usage, whether TV, phone, internet; and their analysis was prepared from that
38 perspective, otherwise, it would have been necessary to prepare a large matrix for comparison.

39
40 Jeff Wetsell, who resides in Rustler, asked whether anyone had considered access to the boxes in

1 winter. Mr. Timmerman said they could access the boxes during winter, however there was a
2 possibility of some gaps during the worst of the winter when individuals may be unable to sign
3 up. Mr. Wetsell commented that the crews doing the All West work were doing a horrible job,
4 recounting how the crew poured cement during a rainstorm, causing the cement to go down the
5 sewage drain. Further, the crew was leaving trash and debris. Mayor Rubin stated he had a
6 shutdown meeting with All West this morning and they agreed to improve. He noted they were
7 trying to keep on them, and he thanked Mr. Wetsell for bringing this issue to the Council's
8 attention.

9
10 Dave Gorrel, a new lot owner of Glistening Ridge, cautioned that comparing All West to Utopia
11 was comparing apples to oranges, since All West was a provider and it would be like dealing
12 with ComCast. Mr. Gorrel stated he had been through many providers for TV and internet, none
13 of which he was a fan. However, he has had one internet service, Xmission for over 25 years,
14 and he was very pleased with it. The fact that Utopia had Xmission as one of its providers
15 pleased him.

16
17 At 8:30 p.m., Mayor Rubin opened the discussion to those attending via telephone.

18
19 Don Bloomenthal, owner at Soaring Hawk, stated he too had many services over the years and
20 he was supportive of the Utopia proposal. He also expressed his thanks to the Internet Committee
21 for their hard work. Mr. Bloomenthal asked when Soaring Hawk would be installed. Council
22 Member Shadle responded the developers were excited with providing this connectivity. Soaring
23 Hawk, on the other hand, was not a facilitator, and not enough end users at this time to overcome
24 that. There was a long road up to Soaring Hawk. It was fully expected Utopia would be fully
25 installed in Phase 2. Mr. Shadle suggested Mr. Bloomenthal speak with his developer to
26 convince them that the economic benefits of high-speed internet would make their developments
27 much more attractive.

28
29 Joan Mosch, a soon-to-be Soaring Hawk resident, commented she appreciated anything that
30 could be done to expediting Soaring Hawk to Phase 1. Council Member Shadle stated there may
31 be a way to bring the infrastructure through the back end of KLAIM; he said they would look
32 into it.

33 With no further comments, Mayor Rubin closed the public hearing at 8:35 p.m. The Mayor
34 briefly explained there was a proposed resolution authorizing him to execute with the UIA team,
35 with the input of the Committee and what had been heard this evening, to get the contract ready
36 to go and to give Utopia the sense that the Town was ready to proceed.

37
38 *Council Member Shadle moved for a resolution authorizing the Mayor of the Town to execute a*
39 *fiber communications service contract with the Utah Infrastructure Agency. With no second, the*
40 *motion failed.*

1 Council Member Baier asked to continue this issue to the next meeting (August 22) to have a
2 closer look at the contract. Council Member Wahl noted he had questions on the issue as well.

3 Mayor Rubin continued the matter to the special meeting on August 22nd.
4

5 **9. DISCUSSION and possible approval of an Ordinance defining the requirements for**
6 **recovery of Delinquent Property Taxes – Kurt Shadle & Town Attorney**
7

8 Mayor Rubin announced this agenda item would be tabled to the next meeting.

9 **10. DISCUSSION and possible approval of an Ordinance amending Sections 6.8 and 7.5**
10 **of the Town Code regulating snow removal and ice control. – Jerry Dwinell or**
11 **representative**
12

13 Mayor Rubin announced this Ordinance would amend the Town Code concerning snow removal.
14 State law provided, and the Town would enforce, that snow on a resident’s driveway must
15 remain on the resident’s property. This would not affect HOA serviced communities, but as to
16 individual lot owners, snow could not be thrown on the street. Further, the Town had a public
17 safety responsibility to clear the roads, and residents depositing their snow on the roads would
18 make it more difficult to accomplish. He stated the Planning Commission worked on this
19 Ordinance and sent it to Council for review. Mayor Rubin then read the key language of the
20 proposed Code, “It is the duty of all private property owners and homeowner associations to
21 make arrangements for the storage of snow, which has accumulated on such property or
22 properties owned or under their control.”
23

24 Council Member Baier asked for clarification regarding §7.5.3 and the cited 8-hour period after
25 the snow ended and with snow accumulation of 4 inches or more. She wanted to know whether it
26 was consistent throughout the Ordinance. Mayor Rubin confirmed it was. She also asked
27 whether it was a reasonable time period. Mr. Rubin acknowledged there may be occasions when
28 the time period may be exceeded, for example if there was an eighteen-inch snow dump.
29

30 Regarding §7.5.17 Penalties: Ms. Baier asked if the Town would offer a warning first before
31 imposing a \$200 fine. Mayor Rubin deferred to the Planning Commission. Mr. Dwinell stated
32 the ordinance offered room for discretion concerning enforcement and whether to impose a
33 warning or a fine; the Commission didn’t want to handcuff the enforcement agency if there was
34 discretion to be offered. Mayor Rubin added that to date, that decision had fallen upon the
35 Mayor.
36

37 Council Member Baier asked who would be marking the fire hydrants. Mayor Rubin responded
38 it was up to the Town to mark the fire hydrants and curbs. Baier commented §7.5.12 provided
39 the private property owner was responsible for the marking. Mr. Dwinell clarified that provision

1 applied to those on private roads.

2

3 *Council Member Baier moved to adopt the Ordinance amending Sections 6.8 and 7.5 of the*
4 *Town Code regulating snow removal and ice control with the language concerning the 8-hour*
5 *time period following snowfall be cleaned up. Council Member Johansson made the second.*
6 *Voting Aye: Council Members Baier, Johansson, Shadle and Wahl. The motion carried.*

7

8 Following the vote, the Council expressed appreciation to the Planning Commission, particularly
9 Vytas Rupinskas for their hard work on this ordinance.

10

11 **11. APPROVAL - July bills to be approved for payment – Jan McCosh**

12

13 Mayor Rubin projected the chart of bills to be paid, commenting that the biggest cost this month
14 was for engineering expenses, primarily driven by the work on the GIS system. The Mayor
15 added he may be able to move some of this expense to the Enterprise Fund, based on discussions
16 with Jan McCosh, Town Administrator and Wes Bingham, Town Treasurer. Ms. McCosh
17 affirmed this expense would hit the 2019 budget. Mayor Rubin explained the public portion of
18 the GIS system would benefit the Town residents, allowing them to view color-coded lots and
19 developments.

20

21 Mayor Rubin thanked Ms. McCosh for starting the process of separating out the pass-through
22 expenses.

23

24 In response to a question posed by Council Member Shadle concerning the Express Bill Pay
25 expense in the amount of \$1,614.49, Ms. McCosh explained it was a one-time expense for
26 software installation and training, and it hadn't been decided how to allocate that expense at this
27 time. Mayor Rubin added the plan would be to charge a small fee for the use of the system;
28 additionally, it was hoped the system would facilitate residents paying bills on time.

29

30 *Council Member Johansson moved to approve payment of the July bills. Council Member Baier*
31 *made the second. Voting Aye: Council Members Baier, Johansson, Shadle and Wahl. The motion*
32 *carried.*

33

34 **12. DISCUSSION ITEM - MIDA update – Mayor & Town Attorney**

35

36 Mayor Rubin reported he and Town Attorney Dan Dansie met with MIDA approximately one
37 week prior and went through all the upgrades, and reviewed feedback from all the teams. MIDA
38 was pretty much in agreement with everything presented. MIDA sent a new draft agreement that
39 the Mayor would send to the Planning Commission in advance of the scheduled August 15
40 meeting.

1
2 The Mayor pointed out the one item consistent among all comments was that the Mayor and the
3 Town Council would participate in discussions with MIDA, rather than the Mayor as the sole
4 representative. Accordingly, the Mayor, working with Dan Dansie, announced that language
5 would be included in the resolution to approve, and will state the Mayor could not act without
6 the support and consent of the Town Council. A short discussion ensued concerning whether to
7 insert the language in a resolution or in the agreement. Mayor Rubin indicated inserting the
8 language in the resolution would sufficiently address the issue. The Mayor added MIDA engaged
9 a new attorney, with whose firm Mr. Dansie is familiar.

10
11 **13. PRESENTATION – POST Team status update – Chris Baier**

12
13 Council Member Baier thanked the members of the committee. She announced they completed
14 an early draft of the master plan that will be going before the Planning Commission on August
15 15. She reported the Committee identified some key objectives, compiled maps, identified
16 certain developers' promises that still need to be delivered, and identified future opportunities
17 regarding how to gain open space for public trails.

18
19 Ms. Baier commended Council Member Johansson, a trail builder, and asked him to explain
20 what he had been working on. Mr. Johansson shared he had been working on two trails at Deer
21 Springs, and he hoped to obtain State Park approval for a trail crossing into State Park land to
22 connect to other trails. He met with the State Park officials approximately a week ago to discuss
23 the crossing. Mr. Johansson added there would also be a hiking trail in Deer Springs. Further, he
24 had been working with GCD on Shoreline Phase 1, which had a hiking trail he was working on
25 as well. He also noted a possible trail to follow a golf cart path that would be cleaned up, and he
26 would be installing a trail in Deer Waters in the next few days.

27
28 Council Member Baier affirmed the POST team Master Plan would include funding strategies.

29
30 Ms. Baier reiterated the committee met with the State Park and obtained approval from the Park
31 Manager to add a section to Wada Way which would complete the figure 8's the committee
32 already built, and added it was anticipated to be completed in approximately 1-2 years due to
33 approval processes.

34
35 Mayor Rubin mentioned he and Ms. Baier had been discussing how to make the crossing into the
36 park more accessible to Hideout residents instead of having to go to the Ross Creek entrance..
37 They were hoping to negotiate something with the Park to allow Hideout to connect its trail
38 system and to derive some much-needed revenue to the State Park system, possibly through a
39 small fee to the users.

1 **14. DISCUSSION - Golf Course complaints - next steps – Mayor**

2
3 Mayor Rubin recounted the letter discussed in the last meeting was sent to the golf course
4 ownership, and a lukewarm response was received back. Charged with taking the next step, the
5 Mayor had the Department of Environmental Quality (“DEQ”) come see the storage and
6 maintenance area. DEQ was quite unhappy with the area and were consequently drafting a letter
7 to the golf course. They did not have time during that visit to view the pond area, but they were
8 scheduled to come back in the next week and provide feedback on that.

9
10 Council Member Shadle felt the Town should be hyper-aggressive on the issue and enforce the
11 ordinances governing this.

12
13 Mr. Dansie discussed three options the Town Code provided: 1) turn the matter over to Wasatch
14 County for a criminal violation; 2) pursue an abatement injunction which would be obtained
15 through the court; or 3) pro-active remediation, meaning take remedial action and forward the
16 cost to the landowner. All three of these options could directly or potentially lead to litigation.
17 If the Town chose to proceed with option 1, the County Attorney would have the discretion to
18 prosecute.

19
20 Mayor Rubin suggested asking the Town Engineer to find out why the pond would not fill and to
21 understand the cost to fix it. The Mayor felt the golf course would allow access to do this.
22 Council Member Shadle felt it was the golf course’s problem to fix; he didn’t want to spend
23 Town money by doing the obvious. The Town needed to enforce its own laws.

24
25 Council Member Baier felt the pond issue needed to be addressed for the residents, and if the
26 Mayor’s proposal to assess what needed to be done helped solve the problem, it was a worthy
27 step and may help spur them into action. Mr. Shadle wondered why the Town wasn’t fining the
28 golf course now, as they were clearly violating the Code.

29
30 Jim Wetzell informed the Council regarding a safety hazard he felt may force the golf course’s
31 hand. Mr. Wetzell discovered an electrical cord running to a pump station. The cord was laying
32 in the road and vehicles were driving over it every day which could cause a serious safety issue.
33 If the Town were to inform the golf course owners they needed to remove their cord, it may
34 cause them to fix the problem, since they wouldn’t be getting water to the pond.

35
36 Council Member Wahl didn’t believe the cord provided power to the pump. He didn’t know how
37 to proceed on the issue. He thought a temporary fix would be to fill the pond with fire hydrant
38 water. Council Member Shadle anticipated the golf course would then lay blame on the Town if
39 something didn’t work with that solution. Mr. Wahl understood from his experience during the
40 development that the pond was intended to be both a water feature and retention pond. Fresh

1 water was supposed to be pumped in from the well.

2
3 Mayor Rubin stated he would reach out to the County to see if it had any interest in pursuing
4 this; he further stated he would address the electrical cord in the road, and he would seek a face-
5 to-face meeting with the golf course to address the issue.

6
7 Mr. Dwinell asked why they weren't currently being fined. Mr. Dansie responded the letter sent
8 to the golf course advised fines were accruing.

9
10 Mr. Dansie affirmed Town Code §4.02.116 provided for the recovery of court costs.

11
12 **15. PUBLIC INPUT – Floor Opened 9:35 PM**

13
14 Aaron Campbell presented on his service, Spoil to Soil, a local non-profit curbside composting
15 service located in Peoa. Their company received several requests from Hideout residents for the
16 service. He also shared the company would pick up recyclable glass. The current rates were \$17
17 per month for food waste and an additional \$15 per month for glass. The company could also
18 provide extra services, e.g. community gardens, education, weed control, mulch. Council
19 Member Johansson felt it was a great idea. Mr. Campbell stated his company was amenable to
20 any ideas, including installing bins in specified locations for resident drop-off.

21
22 At 9:45 p.m., Mayor Rubin closed the meeting to public input.

23
24 **ADJOURNMENT TO EXECUTIVE SESSION Closed Executive Session**

25
26 *Council Member Baier moved to enter an executive session to discuss legal matters. Council*
27 *Member Johansson made the second. Voting Aye: Council Members Baier, Johansson, Shadle*
28 *and Wahl. Voting Nay: None. The motion carried.*

29
30 **CLOSED EXECUTIVE SESSION –Threatened Legal Actions**

31
32 At 9:50 p.m., the Council entered executive session. At 10:12 p.m., executive session adjourned.

33 The meeting adjourned at 10:12 p.m.

34
35
36
37 _____
Nancy Hooten, Administrative Assistant