

**Town of Hideout Town Council Regular Meeting
Conducted Electronically
10860 North Hideout Trail
Hideout, Utah
July 9, 2020**

The Town Council of Hideout, Wasatch County, Utah met in **Regular Meeting** on July 09, 2020 at 6:00 PM. Due to the ongoing COVID-19 pandemic, this meeting was held remotely via personal computer device.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Philip Rubin called the meeting to order at 6:03 pm. The Pledge of Allegiance was omitted due to meeting being held virtually.

II. ROLL CALL

Present: Mayor Philip Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Kurt Shadle
Council Member Carol Haselton

Excused: Council Member Vytas Rupinkas

Staff: Town Administrator Jan McCosh
Town Clerk Allison Lutes
Town Treasurer Wes Bingham
Town Attorney Dan Dansie
Town Planner Thomas Eddington
Ryan Taylor, TO Engineers
Public Works Director Kent Cuillard

Others Present: Bob Nadelberg, Glenn Wright, Jared Rigby, Rick Brough, Alexander Cramer, Bruce Baird, Bruce Erickson, Alicia Fairbourne, Christopher Robinson, Clint Neerings, Douglas Ogilvy, Josh Romney, Kendall Crittenden, Margaret Olson, Nate Brockbank, Pat Putt, Matt Diaz, D.P., David Everitt, and others who dialed in but were not identified.

III. APPROVAL OF COUNCIL MINUTES

1. May 28, 2020 Minutes

A typo was pointed out for correction.

Motion: Council Member Shadle moved to approve the May 28, 2020 minutes with the aforementioned corrections. Council Member Baier made the second. Voting Yea: Council Member Baier, Council Member Shadle, Council Member Dwinell, Council Member Haselton. Motion passed unanimously.

IV. AGENDA ITEMS

1. **Discussion and possible approval to extend Ordinance 2020-03 enacting temporary public meeting restrictions pursuant to the Governor's recent extension of the State's Emergency Order.**

Discussion ensued regarding how long to extend the ordinance. It was determined August 20th, 2020 per order of the Governor. It was agreed upon to extend the ordinance to August 20, 2020 if the extension was still warranted.

2. **Public meeting to interview candidates to fill the vacancy created by the resignation of Council Member Rupinkas regarding the candidates' qualifications; possible Town Council action to fill vacancy**

Bob (Robert) Nadelberg expressed interest in serving on the Town Council. Mr. Nadelberg gave a brief background statement and provided a summary of why he wants to serve on the Council. Council Members expressed support.

Motion: Council Member Shadle moved to approve the appointment of Bob Nadelberg to the Town Council of Hideout to fill the vacancy created by the resignation of Council Member Rupinkas. Council Member Baier made the second. Voting Yea: Council Member Baier, Council Member Shadle, Council Member Dwinell, Council Member Haselton. None opposed. Motion passed unanimously.

The conditions regarding the terms were discussed. It was determined Mr. Nadelberg would officially take office the following day on July 10, 2020. Town Attorney Dan Dansie consulted with the Lieutenant Governor's Office and confirmed Mr. Nadelberg's seat would be up for election in the 2021 municipal election.

Town Clerk Allison Lutes administered the Oath of Office to Mr. Nadelberg. It was noticed audio recording was not started. For the record, Mayor Rubin summarized the items discussed thus far:

- The May 28, 2020 meeting minutes were approved with corrections.
- Council discussed and agreed to extend Resolution 2020-03 to August 20, 2020 if the extension is still warranted by the Governor.
- Bob Nadelberg was sworn in to serve as interim Council Member effective July 10, 2020 due to the resignation of Council Member Vytas Rupinkas.

3. **Wasatch County Sheriff Jared Rigby - Discussion of Wasatch County Police Service for Hideout**

Mayor Rubin introduced Wasatch County Sheriff Jared Rigby. He provided a summary of several meetings held with Sheriff Rigby regarding the possibility of a contract for additional police services in Hideout. Sheriff Rigby provided background information regarding the WCSO (Wasatch County Sheriff's Office) and what they would provide. He stated there were approximately 100 employees in the Sheriff's Office, including corrections, law enforcement, dispatchers and search and rescue. He and Mayor Rubin have been discussing the possibility of a contract for the last year. He offered a contracted service at a minimal level without additional compensation, however should the Council decide more services were needed, additional law enforcement services were available. He stated WCSO has worked with Midway City on a 60 hour per week basis for a number of years, but have recently increased the obligations due to the growth of the city. Council Member Dwinell asked for clarification regarding the minimal service contract agreement and what was already provided to taxpayers as a basic service. Sheriff Rigby stated in

addition to the basic service WCSO provides, the contract would provide other services such as VIN (vehicle identification number) inspections, lockouts, special events, and instances where schools, neighborhoods, and businesses would need police assistance. The contract would allow 16 hours per week for deputies to be dedicated to the needs of Hideout. Council Member Shadle stated Hideout would benefit from more traffic and code enforcement and asked if WCSO would be providing those services. Mayor Rubin clarified a three-month timeline to assess the needs of Hideout, which could be negotiated if desired. Council Member Shadle inquired about how many deputies would be provided. Sheriff Rigby commented there would be multiple deputies that would patrol the area at different times.

Discussion commenced regarding how much money was allotted into the budget to contract with WCSO. It was determined that the budget would need to be adjusted in order to accommodate the cost. Sheriff Rigby stated he would agree to run the trial period of three months for the \$40,000 that was budgeted, but the Town would need to commit to contracting and paying the remainder \$30,000 for the year so WCSO could hire another deputy. Further discussion regarding services and length of contract time ensued. Council expressed their support. Council Member Baier questioned how the results would be measured. Sheriff Rigby stated deputies log all incidents and would provide feedback to Council. He also reiterated that citizens would typically provide feedback. Council Member Dwinell questioned if any revenue generated from citations would go into the City funds to offset fees for contracting with WCSO. Mayor Rubin explained the revenue would go back to Wasatch County and not to the City.

Mayor Rubin would like Council's support to move forward with the contract. Council expressed their support and stated they would figure out the budget adjustment. Council Member Haselton inquired if SR-248 would be included during patrol. Sheriff Rigby confirmed that SR-248 would be included. Mayor Rubin stated Deer Mountain apartment complex was also supportive of police presence.

4. Discussion with Wasatch County Fire Marshal Clint Neerings regarding fire and safety

Mayor Rubin introduced Wasatch County Fire Marshall Clint Neerings and recapped presentations regarding what was needed in order to get reasonable emergency access and egress. Mr. Neerings discussed the process in which the fire code was adopted. The State adopted the fire code and Wasatch County adopted the minimum standard, which was a 20 (twenty) foot access road. This presents a problem for apparatus access. The apparatus assigned to Hideout Town was an apparatus that measured 10 feet to 10.5 feet wide; with the stabilizer bars deployed was approximately 21 (twenty-one) feet wide. Mr. Neerings explained all new roads should be a code minimum of 26 (twenty-six) feet wide or in excess in the event other emergency vehicles needed to access the road. Town Attorney Dan Dansie asked Mr. Neerings to provide more information regarding his background with Wasatch County Fire Department. Mr. Neerings stated he had been employed with Wasatch County Fire Department since 2007. He was promoted to Assistant Marshall in 2011 and advanced to Fire Marshall in 2012. His responsibilities as Fire Marshall included fire safety within the county, which consisted primarily working with buildings and developments in order to ensure fire code and safety was being enforced. Mr. Dansie asked if Mr. Neerings would be the primary contact to address these types of concerns. Mr. Neering agreed and stated he helped towns and cities plan for fire safety issues and events. He stated Wasatch County Fire District was the entity to provide fire safety and suppression for the Town of Hideout. Mr. Dansie asked about the number of response vehicles deployed on a call. Mr. Neerings provided information regarding those vehicles, which included a vehicle driven by a battalion chief, a suppression apparatus, and an ambulance. Law enforcement is oftentimes required for street and crowd control. The vehicles need access to pass during the event of an emergency. Mr. Neerings further clarified 26 feet was exclusive of shoulders, and should be engineered to withstand 75,000 pounds of force.

Council Member Dwinell asked what types of things Hideout would need to be aware of in the event of an evacuation. Mr. Neerings stated evacuations would be multi-faceted and would include Wasatch Fire District, troopers, and the Sheriff's Office to enforce an evacuation. He stated a lot of homes in Hideout were secondary residences and may not have residents at home, which was time consuming for law enforcement. Council Member Dwinell inquired about infrastructure moving forward in order to provide resources to the Fire Department. Mr. Neerings stated multiple points of access was the main concern, as well as getting access from the current town center to the state park pump house at the JSSD (Jordanelle Special Service District) in order to move people to multiple points. Mayor Rubin thanked Mr. Neerings for his time and reiterated Hideout was working diligently to improve code to meet the minimum standards.

5. Public meeting to discuss a pre-annexation agreement in connection with obtaining landowner's consent for possible annexation; possible Town Council action to authorize the Mayor to finalize and execute the pre-annexation agreement

Mayor Rubin provided background information regarding the pre-annexation agreement. He stated in February of 2019 the Town approved a new general plan which identified a number of needs for the community, which included a need for neighborhood and commercial services, additional green and public spaces, further connectivity to transit, et cetera. In August of 2019, the Town recognized the goals of the general plan could not be met solely by the land space inside the Town's existing annexation policy, approved a revised annexation policy plan which incorporated additional parcels including some parcels in Summit County. In May and June of 2020, the Utah Legislature approved a change to Utah State Code Section 10-2-418 to allow a municipality to annex unincorporated space in bordering counties. Due to those changes, the Town believed it was in a position to consider initiating the annexation of some parcels in Summit County, which were previously identified in the August, 2019 annexation policy plan. The Town had approached the developer who held the purchase rights to the parcels. The developer, Nate Brockbank with Brockbank Investments, LLC, had expressed interest to partner with the Town of Hideout to develop those properties and was willing to consent to a town-initiated annexation process. He had also agreed to sign a pre-annexation agreement which would describe the way the Town and Mr. Brockbank would work together during the annexation process and finalize a proposal for development of said parcels. The agreement had been shared with Council prior to the meeting to which each provided their input and any changes. Mayor Rubin asked Council for any further input, to which there was none. With the modifications made to the agreement, and the approval from Mr. Brockbank, Mayor Rubin asked Council for the authorization of the agreement to be completed and finalized.

6. Public hearing to discuss possible Town Council action to adopt a resolution indicating the Town Council's intent to annex certain real property into the Town

Mayor Rubin presented a map of the potential annexation boundaries of the aforementioned parcels. He described areas of the color-coded map and what each represented. The areas in green represented the Town's existing boundaries, pink was Park City, purple was the MIDA Project area, and the areas in yellow represented the land considered for annexation. The map detailed the descriptions of the parcels and showed a dark line around those parcels. He further described the parcels considered for annexation. He presented the Resolution of Intent documentation and asked Council to consider approval. Mayor Rubin asked Council if they had any questions. No questions were presented by Council. At 7:41 p.m. Mayor Rubin opened the floor to public comment. Christopher Robinson, a member of the Summit County Council, spoke regarding Summit County's objection to the annexation declaration. He stated there was no notice of the action and it was only by happenstance he was participating tonight. He asked for a meeting to be held between city and county members to discuss the plan before the pre-annexation agreement was signed and the resolution was passed. Mayor Rubin agreed to a meeting between the Mayor, staff and subset

of the Council of Hideout and Summit County. An in-person meeting was scheduled for Tuesday, July 14th, 2020.

One of Park City's Deputy City Manager David Everett stated a letter was sent on June 17, 2019 from the Park City Mayor expressing concerns Park City had for the potential for Hideout annexation to reach into a previously designated pre-annexation area for Park City. He expressed concern that Hideout's attempt to move quickly does not respect other jurisdiction's plans. He stated notice was not provided appropriately to the affected entities, and items on the agenda were vague with no packet attachments. He felt as though the approach was suspicious and Park City was very concerned about it moving forward. He would encourage more meaningful ways to engage with Hideout going forward. Mayor Rubin stated he had no objections to meeting with Park City officials and discussing more detailed analysis of the plan.

Wasatch County Council Member Kendall Crittenden spoke and stated Wasatch County hadn't talked about the annexation but was aware that there had been discussion. He expressed the same concerns as Summit County and Park City. He asked to table the item tonight until after the meetings were held between Summit County and Park City and suggested to combine the meetings. He encouraged Mayor Rubin to meet with Doug Smith with the Wasatch County Planning Department and share the plan. Mayor Rubin agreed.

Bruce Baird, Counsel for Nate Brockbank and his entity spoke and encouraged the meetings be held with Park City and Summit and Wasatch Counties, but respectfully asked the Council to approve the resolution of intent so the process could move forward, but reiterated they were willing to meet with City and County officials. He stated the notices have all been given in a manner consistent with law and state statute. He stated the development agreement would be thoughtfully planned subject to the development agreement. He urged Council vote on the authorization resolution and move forward tonight. He asked if there were any questions from participants to which there were none.

Kim Carson, a member of Summit County Council, reiterated Council Member Crittenden's comments regarding the lack of advanced notification, and asked Council to hold on a decision prior to meeting with Summit County Council. Council Member Crittenden asked to receive the maps and the resolution. Mayor Rubin stated the maps would be uploaded to the packet and dispersed within 24 hours of the meeting.

Mayor Rubin reiterated this was not a decision on the annexation, but an intent to pursue the details for the annexation. He stated there was no intention to shortcut the legal process for the annexation. This was relatively new legislation and the process was unfamiliar. The Town was filing a resolution of intent in order to make the process known.

There were no other public comments. Mayor Rubin closed the public hearing at approximately 8:30 p.m. He asked if Council was prepared to adopt the resolution.

Motion: Council Member Shadle moved to adopt the resolution. Council Member Dwinell made the second. Voting Yea: Council Members Baier, Haselton, Shadle, and Dwinell. None opposed. Motion passed.

7. Approval of bills to be paid

A document was shared showing the bills to be paid for July, 2020. Council Member Dwinell inquired about the roundabout cameras. Mayor Rubin explained there were cars driving the wrong way in the roundabout, and visual evidence of the vehicle and driver was needed in order to make contact. The camera system needed to be improved in order for contact to be made. Town Administrator Jan McCosh and Mayor Rubin were exploring the public safety budget to ensure there was adequate money for the cameras. Discussion regarding remaining budget items ensued.

Motion: Council Member Haselton moved to approve the bills to be paid. Council Member Dwinell made the second. Voting aye: Council Members Baier, Shadle, Dwinell, and Haselton. None opposed. Motion passed.

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

Mayor Rubin stated progress has been made, but input was still being received that would potentially require some changes to the plan. Mayor Rubin recommended Council's support in continuing the discussion until the July 23, 2020 Town Council meeting.

Motion: Council Member Shadle moved to continue the discussion to the July 23, 2020 Town Council meeting. Council Member Dwinell made the second. Voting aye: Council Members Baier, Shadle, Dwinell, and Haselton. None opposed. Motion passed.

9. Wes Bingham - Fraud Risk Assessment

Town Treasurer Wes Bingham presented a fraud risk assessment to Council required by the State Auditor's Office in preparation for the upcoming audit. He displayed a document exposing the potential risk of fraud. For a town the size of Hideout, the risk was fairly low. Although some risks were high, steps have been made to mitigate those risks. Different policies should be adopted for the town to limit the risk of fraud. Further discussion regarding creating a personnel policy and lowering the risk score ensued. Mayor Rubin wished he had earlier awareness of this in order to get the policies written out and adopted. Council Member Shadle offered to create a letter for town officials to sign regarding ethical behavior. Mayor Rubin stated written processes were warranted.

10. Discussion and possible approval to move forward with a maintenance and operations agreement with JSSD for sewer and water services

Mayor Rubin presented information regarding bids and progress on the management of water services. It was discussed with legal counsel and it was determined it would be difficult to identify someone to conduct those services. The options presented were to hire more staff and contract with equipment providers, or form a partnership with JSSD (Jordanelle Special Service District). Council Member Dwinell expressed his support to form a partnership with JSSD. Mayor Rubin agreed and stated it was critical that we move forward with an agreement with JSSD. Council Member Shadle asked if the budget supported the partnership. The contract term would be five years with the possibility of canceling the contract if the Town was unsatisfied. Mayor Rubin provided information regarding the scope of work for the cost. Further discussion continued.

Mayor Rubin suggested the decision be deferred until the next meeting. He would obtain a letter from the engineer and review letters from other communities who utilized the similar services. Additionally, the latest version of the agreement was expected this week.

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

At 8:35 p.m., Mayor Rubin opened the floor to public comment. No comments were made. Public comment was closed.

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

Council Member Dwinell made a motion to close public meeting and move to an executive session to discuss imminent litigation, personnel matters, and/or sale or acquisition of real property as needed. Council Member Baier made the second. Voting aye: Council Members Baier, Shadle, Dwinell, and Haselton. None opposed. Motion passed.

At 8:38 p.m. the regular meeting adjourned and the executive meeting convened.

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Kurt Shadle

Staff Present: City Attorney Dan Dansie

VII. **MEETING ADJOURNMENT**

Council Member Kurt Shadle Moved to adjourn the meeting. Council Member Baier made the second. Voting aye: Council Members Baier, Dwinell, Haselton and Shadle. None opposed.

The meeting was adjourned at approximately 8:55 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk