

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
TOWN COUNCIL MEETING
January 23, 2020
6:00 p.m.

TOWN COUNCIL SPECIAL MEETING

I. 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 6:30 p.m. on January 23, 2020 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance. Mr. Rubin explained that the brief delay to the start of this meeting was due to an executive session.

II. ROLL CALL

Town Council Members Present:

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

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

Others Present: Kip Freeman, Melyssa Davidson, Monica Gonzalez, Will Pratt, Jared Fields (by telephone), and others who did not sign in or whose names were illegible.

III. APPROVAL OF COUNCIL MINUTES

Council Member Rupinkas moved to approve the minutes of the January 9 and January 20, 2020 special meetings. Council Member Baier made the second. Voting Aye: Council Members Baier, Shadle, Rupinkas and Dwinell. Voting Nay: None. The motion carried.

IV. AGENDA ITEMS

1. Continued Public Hearing - Continued discussion and possible adoption of Ordinance 2020-01 regarding an Impact Fee Facilities Plan

Mayor Rubin gave a brief statement on the record regarding the need for additional time for the Council's decision on this agenda item. He explained the Council recently received additional feedback from developers and had discussions with Mustang and needed some extra time to process that information. Accordingly, the Mayor suggested this agenda item

be continued one more time to the next Council meeting on February 13. He emphasized Mustang was aware of the foregoing and was supportive of it.

At 6:31 p.m., Mayor Rubin opened the hearing for public comment. With no public comments, the public hearing was closed.

Council Member Dwinell moved to continue the public hearing on this agenda item to February 13. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas.

2. Public Hearing - Discussion and possible adoption of Ordinance 2020-02 Adopting and Enacting a New Town Code for the Town of Hideout, Utah

Mayor Rubin reviewed that recently the Town migrated the Town Code from a Word document to Municode, a software used by many municipalities. During the conversion, no legislative changes were made to the Code, but it was renumbered to better align with State Code practices. The resulting version of the Code is now searchable and will show the legislative history of code sections, something that was not possible with the prior Word/.pdf format.

Discussion continued concerning the processes involved in updating the current code.

At 6:46 p.m., Mayor Rubin opened the hearing for public comments.

Melyssa Davidson (counsel for the Master Association) asked about the archived code and whether it represents the code as of 2010 when the Master Development Agreement was signed. Dan Dansie responded that the archived code represents how the current code exists today; he was not certain whether it would be possible to compile the form of the code as it existed in 2010. However, Mr. Dansie commented that if a future issue arises concerning terms agreed to under a former version of the code and it is asserted that terms agreed to at the time are not set out in the archived version of the code, then those discussions will be addressed at that time on a case-by-case basis.

Ms. Davidson then inquired regarding new landscaping ordinances and a potential conflict with the HOA's CC&R's and design guidelines. Mayor Rubin explained that proposed landscaping ordinances are part of some new engineering standards that had not yet been approved and were not considered part of this evening's discussion.

Kip Freeman (Shoreline) commented he did not get a hyperlink to the new proposed code within the text notifications received from the Town. Mayor Rubin responded that a notice was added to the Town's website and it included a hyperlink where individuals could click to view the content. He added the Town recently engaged a web master to start on Monday to make the Town's website more user-friendly.

Will Pratt (Community Preservation Committee) stated his group would be happy to work on landscaping standards with the Town.

Jared Fields (Counsel to Mustang): inquired regarding the distinction between the current Town Code and the proposed Code. Mayor Rubin explained the proposed code incorporates adopted ordinances that had not been included within the current version of the Code, and it

was renumbered in Municode to conform to State standards. Mr. Fields felt the prior code should be archived in a repository. He commented the new code is more convenient, looks more professional, and is more user-friendly.

Council Member Baier suggested creating a detailed cross-reference that would show the prior section number and its new section number. The Mayor noted the Town staff would research whether this can be done.

With no further comments, Mayor Rubin closed the public hearing at 7:04 p.m.

Council Member Rupinkas moved to adopt Ordinance 2020-02, Adopting and Enacting a Recodification of the Town Code. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Shadle, Dwinell and Rupinkas. Voting Nay: None. The motion carried.

V. WORKING SESSION TO REVIEW AND DISCUSS TOWN PRIORITIES FOR 2020

Mayor Rubin noted that since assuming office two years ago, many of the priorities he and the Council identified at that time have been accomplished. The purpose of this evening's discussion would be to identify additional Council and staff priorities for the near future.

Mr. Rubin stated the Town would continue working on 1) the budget; 2) water and utilities: The Mayor explained the Town received a proposal for modification of the JSSD bulk water contract, which appears to be significantly different than the current agreement and would take some work to understand it and determine whether to accept it; and 3) MIDA and P.O.S.T. team work on creating open spaces and trails.

Enumerated below are priorities identified by Council Members and Staff:

Council Member Baier:

1. Regional Planning: become more engaged in regional planning; Ms. Baier felt the Town had been overlooked in this regard, however she acknowledged there were efforts currently underway (Jan McCosh) to engage the Town in regional planning.

2. Schools: Explore whether there is any potential to have Hideout school children attend schools closer to Hideout. Mayor Rubin stated he met with the Summit County Superintendent who seemed open to the idea, as was Wasatch County. He noted Wasatch County indicated it was prepared to give Hideout its per capita tax portion as well. Mayor Rubin added however, that while Wasatch agreed in principal, there was nothing in writing.

3. Budget: Ms. Baier acknowledged the budget was important to focus on and added that it had been improving with each year.

4. MIDA: Focus on making the most out of MIDA. Ms. Baier did not know when the Town could consider planning improvements based on MIDA funding. She asked whether funding was available yet. Council Member Dwinell stated it was on his list of priorities as well and he felt the Council needed to implement a plan and a schedule for how MIDA monies should be collected and allocated.

Jan McCosh reviewed she met with Paul Morris, the MIDA Financial Director, the Project Manager and the Trails Manager. She advised there was currently one Hideout property, valued at \$760,000, that made it into this year's financing stream which will serve as a good test case. Ms. McCosh added she was working on a written agreement to specify what Nate Brockbank would be contributing, because it was different than what the Town thought it was. It was indicated Mr. Brockbank offered 5% of his development fund back to the Town which will need to be confirmed in writing. MIDA indicated they would provide those funds directly to the Town, if given a confirmation letter. Finally, Ms. McCosh advised the Town would need about 3 years of MIDA flow to be considered for bonding out of this fund.

3. Public Works: completing the public works building to properly store all the Town's equipment and purchasing additional equipment. Mayor Rubin added the Town was going to be picking up more roadways to maintain with Shoreline and Deer Waters and it would require another truck and staff member. He indicated the staff member had already been identified.

4. Public safety: Ms. Baier felt this should be a priority to keep the Town safe. Mayor Rubin commented Wasatch County was willing to help in that regard. Previously the Town budgeted based on hiring a Town resident who was a retired police officer, however personal issues forced his move away from the Town. The Town currently does not have the budget available to engage Wasatch County, but there is a quote now upon which the Town could budget for in the future.

Council Member Shadle:

1. Public Safety: Mr. Shadle commented on the amount of traffic he had noticed going the wrong way in the traffic circle and the number of construction vehicles in the area. He felt the Town should consider a police presence to enforce safe driving and inhibit burglaries and any other offenses. He suggested the Town consider an impact fee or tax to fund public safety. Mr. Dansie confirmed an impact fee could be imposed to offset public safety costs. Mr. Shadle expressed his view that the empty Hideout police car should be placed on SR-248. Mayor Rubin countered it would be considered an abandoned vehicle and it would be towed. Discussion ensued regarding the lack of patrols on SR-248. Council Member Shadle stated he would continue to look into this issue and would speak with Wasatch County.

2. Special District 1: Mr. Shadle commented the District's \$350 per year tax on all residents is completely wrong and needs to change. The Council agreed to investigate the issue.

3. Recycling: Mr. Shadle asserted this issue was the most popular item among Town residents.

4. Two commercial parcels on SR-248: the potential of creating a public/private partnership to develop the two parcels. Council Member Dwinell commented his list of priorities included the formation of an Economic Development Committee to look at that and other projects, such as the zone change request in Deer Springs. He felt the Town needed a cohesive plan, and it needed to address how to attract commercial development in commercially viable locations.

5. Tax delinquencies - developers and others: Council Member Shadle asked the Council to revisit his ordinance of six months ago addressing unpaid property taxes. Council Member Baier expressed concern with the Town being perceived as overstepping its role and drawing unwanted attention should it do something to force something beyond what the State already does. Mr. Shadle countered that a lot of municipalities were already enforcing a plan for delinquent taxes. Council Member Baier agreed the Town should further explore what legal avenues would be available. Mayor Rubin commented the Town still needed to understand more fully all sources of revenue available to a municipality, e.g. road tax, property tax, others. He suggested Dan Dansie and ULCT provide guidance to the Town on the foregoing.

Council Member Dwinell:

1. Rewriting Code on Land Use: Mr. Dwinell explained the Planning Commission was currently in the process of rewriting the code regarding land use, which would necessitate rezoning where needed to comply with the new definitions, as well as updating Town forms.

2. Development draw down account: Mr. Dwinell explained that due to the professional services involved in reviewing and processing an application, the Town would start with a \$5,000 fee to draw down as professional engineering and review services are incurred.

3. Developer bonds: Mr. Dwinell commented the Town needed a solid process in place to ensure proper developer bonds are firmly in place prior to commencing work on projects.

4. Economic Growth Committee: Mr. Dwinell spoke of this earlier in the discussion concerning the commercial lots along SR-248.

5. Renegotiate Agreements Between the Town and Master Developer: Mr. Dwinell expressed his concern about whether the prior agreements were arms' length agreements, and he felt it would be important to review and potentially renegotiate those agreements.

6. Impact Fee Ordinance: Mr. Dwinell commented it would be important to ensure the developer agreements created after enacting an impact fee ordinance are advantageous for the Town.

7. MIDA Planning: This item was already addressed earlier in the discussion.

Council Member Rupinkas:

1. Impact fee ordinance: Mr. Rupinkas raised a discussion concerning the prospective nature of impact fees and how the Town should consider them for future maintenance. Dan Dansie explained impact fees deal with construction costs, while road maintenance funds were derived from road funds. Council Member Rupinkas asked how the Town could structure an arrangement with developers to help the Town purchase a new Public Works truck. Mr. Dansie explained there are constitutional limits on what a municipality can require of developers, which are termed exactions. Mr. Dansie added he hadn't looked specifically into whether the truck would be a legal exaction, however he could look into what specific exactions the Town could impose for future development.

Mr. Rupinkas cited the snow storage issue for an example. The developer and Town would need to address how it would be managed once the development is built. Discussion focused

on creating a reserve fund for future needs necessitated by development in Town. The foregoing dovetails in with earlier discussion this evening regarding what sources of revenue would be available to the Town.

2. General plan: Council Member Rupinkas stated the General Plan provides that the Town locate areas for congregation. He challenged the Council to look beyond the areas currently owned by the master developer and look at the whole Town and decide where the appropriate locations for congregation would be and then find a way to acquire that land to achieve it. Mayor Rubin noted the P.O.S.T. plan already identified some of those areas. Council Member Shadle commented the foregoing should also be employed to identify any potential opportunities to annex land.

Council Member Baier added the following to her priority list:

1. Passage of a dark sky ordinance this year. Dan Dansie suggested he look at what she proposes and discuss it with the HOA

2. Conditional uses - Ms. Baier expressed her preference to avoid these as much as possible. She felt the Town was too vulnerable to landowners making proposals for things the Town would not be able to limit. She felt the Town needed to review this issue.

With respect to the garbage and recycling issue discussed earlier, Kent Cuillard suggested installing closed containers near the Public Works building where residents would drop off their trash and recycling. This would keep individual trash containers off the roads, especially during snow removal periods. Further, Mr. Cuillard suggested imposing a fine for any illegal dumping, adding the receptacles would be within view of security cameras at the Public Works building.

3. Weed Control: Ms. Baier suggested the Town consider a weed bond for developers. Mayor Rubin acknowledged it may be a good idea to do so.

Jan McCosh, Town Administrator

Duties and committees: Ms. McCosh suggested having people sign up for duties to be “area experts” in the following:

- Budgeting and taxes
- Water Specialist and creating a Water and Sewer Advisory Board
- Planning Liaison to help with envisioning a Town center concept. Ms. McCosh noted that grant providers require fully formed concept and planning details and the Town will need to have an overall concept to aid in the pursuit of those grant monies.
- Trail design that will extend around the entire perimeter of the lake. Ms. McCosh has been working with Park City and MIDA on this plan. She indicated the Governor’s office had a grant for a \$2 million regional project that she has been researching. She wanted to include planning for these things in the budget.
- Local District Liaison. Someone who understands the documents the Town obtained through its GRAMA request that could ultimately identify future commercial opportunities.

- Community Economic Development, including golf course valuation, public/private enterprise, annexation issues. Ms. McCosh felt the Town needed to understand the tools available to it and start utilizing those and act as if the Town were an enterprise. She added the Town was getting its operations under control and now it needed to figure out how to raise revenue.
- Public Relations Committee. This committee has been formed and includes Carol Haselton (Planning Commission) and Carol Kusterle (Town Staff). It focuses on building on inclusion and a sense of community and it was currently working on ideas.
- HOA liaison to address community-related issues.
- Consider creating a service district to address weed abatement, backflow testing and community mailboxes.
- School liaison to address a path forward after the failure of the Wasatch school bond.
- P.O.S.T implementation and ways we can turn it into economic development, such as providing a paved trail to link communities and potential commercial opportunities.
- Public safety - policing and proper safety flagging of construction projects in Town. Ms. McCosh understood from her discussions with MIDA, the Town would need to provide police service in the MIDA properties that are not covered by Wasatch County: Deer Waters, Deer Springs, KLAIM. Mr. Dansie felt this may be inaccurate and offered to review this further; he agreed to speak with Paul Morris to clarify.

Next, discussion focused on increasing community engagement. Council Member Rupinkas suggested holding a Town Hall meeting as a means of engaging the residents. Council Member Dwinell added the Mayor needed to highlight all the Council accomplishments since taking office, and not just publishing it in the Town newsletter. Mayor Rubin commented he was working with someone with television experience who wanted to create content to publicize progress in the Town.

The Council agreed that each Council Member would be assigned a specific area of responsibility and would report back to the Council as a whole. Mayor Rubin stated this evening's list would be updated, after which assignments would be made.

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

Kip Freeman: asked that the following be added to the priority list:

1. Busses to Park City and bus stops (transportation plan).
2. The lights at the top of the road and addressing the issue with vandalism and/or weather affecting illumination
3. Consider a restaurant within town to take advantage of the views
4. Consider changing the Town name. Mr. Freeman didn't feel the name "Hideout" was very attractive, given the high-priced homes. He suggested "Jordanelle Heights." Dan Dansie advised the Town would likely have to go through a process with the Lt. Governor's office to affect a name change.

5. Consider joining Summit County. A discussion arose regarding MIDA and whether the Town could consider joining Summit County given the MIDA project area is within Wasatch County. Mayor Rubin commented the Town needed to join a regional conversation to be sure all parties have a “seat at the table.” Jan McCosh has been making inroads recently in that regard and efforts will continue.

Mr. Freeman indicated a willingness to help on committees. The Council advised they would reach out to him.

VII. CLOSED EXECUTIVE SESSION

Council Member Shadle moved to close the public portion of the meeting and enter into a closed executive session. Council Member Rupinkas made the second. Voting Aye: Council Members Baier, Shadle, Rupinkas and Dwinell. Voting Nay: None. The motion carried.

At 8:35 p.m., the public meeting was adjourned and the Council entered into an executive session.

VIII. MEETING ADJOURNMENT

At 8:50 p.m., the executive session adjourned.

Allison Lutes, Town Clerk