

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
June 10, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on June 10, 2021, at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

I. Call To Order

1. Mayor Rubin's June 7, 2021, No Anchor Site Determination Letter

Mayor Phil Rubin called the meeting to order at 6:03 p.m. and explained due to the Public Health Order, no anchor site was available for the Town of Hideout Town Council Meeting.

Mayor Rubin shared opening comments and thanked the Council Members who were up for reelection for their willingness to contend for another term. He asked residents with an interest in participating in the municipal operations of the Town inform Staff in the event of a Council vacancy. Mayor Rubin also noted there was an important election referendum underway, where there would be an opportunity to vote on a proposed annexation. June 11, 2021 was the last day full-time residents could register to vote.

II. Roll Call

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

Staff Present: Town Attorney Polly McLean
Town Attorney Cameron Platt
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Town Engineer Dillon Bliler
Public Works Supervisor Kent Cuillard
Town Treasurer Wesley Bingham
Town Clerk Alicia Fairbourne

Others Present: Brian Cooper, Rachel Cooper, Craig Dupper, and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

III. Approval of Council Minutes

1. April 8, 2021, Town Council Meeting Minutes DRAFT

The Council reviewed and discussed the April 8, 2021, Town Council Meeting Minutes. Council Member Carol Haselton noted on Page 3, Lines 11 and 12, the lift station was mentioned. She wondered if the word “sewer” should be put in front of the word “lift” for added clarity. Mayor Rubin felt that was appropriate and would prevent confusion between the sewer lift station and the potential chair lift.

Motion: Council Member Nadelberg moved to approve the April 8, 2021, Hideout Town Council Meeting Minutes with the noted change. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. The motion passed unanimously.

IV. Public Hearing Items

1. Public Hearing, Discussion, and Possible Approval of the Amendments to the Town Budget for the Fiscal Year 2020-2021.

Mayor Rubin reported the above item was a public hearing, discussion, and possible approval of the amendments to the Town Budget for Fiscal Year 2020-2021. He reported the packet included a copy of the Audit Report. It was noted the Audit Report would not be discussed until the June 24, 2021, Town Council Meeting and was included by mistake. On Page 68 of the packet, there was a Resolution Amending the 2020-2021 Operating Budget. Mayor Rubin reminded those present in order to close out the year the end of June, the budgeted numbers needed to be adjusted to more accurately reflect the actual spending. The Council was not looking at an appropriation of new money but was participating in a State required accounting process.

Council Member Dwinell noted that the packet was well over 100 pages and was not received until late the night before. There was no way to consume all of the material in the time allotted. Council Member Severini agreed. He believed non-critical items may need to be deferred to a later date to allow adequate time to read through the materials. There was further discussion regarding the materials. It was suggested a deadline be established for material submissions of at least one week prior to the Town Council Meetings. Mayor Rubin noted there were already submission processes in place. He would review the issue with Staff and determine how to become better aligned with that goal.

Mayor Rubin noted the current budget process would amend the budget to ensure the right dollar amounts were in the right chart of accounts to ensure the numbers align with the actual spending. During the budget process, some projections were made related to COVID-19. Some of those projections were accurate and some were not. Mayor Rubin reported the Town Council had until the end of the month to complete the budget process. If any Council Members were struggling with the information, an additional meeting could be scheduled before the end of June to finalize the budget.

Town Treasurer Wesley Bingham presented the Town Budget for Fiscal Year 2020-2021. He would overview the Budget Resolution to address where the Town of Hideout was in terms of expenditures. The Town Council would amend the budget to ensure the Town stayed within

budget and met State compliance requirements. Mr. Bingham reported the departments had to stay within budget. For instance, if one department had more spending and another department was significantly under budget, there would still need to be an amendment to address the departments that had expended more dollars.

The General Fund was overviewed. Mr. Bingham reported there were a number of different accounts with additional benefits which had not been budgeted for originally. Those additional benefits were captured in the proposed amendments. He pointed out there were additional dollars in Information Technology as well as Legal. However, the main areas with additional spending were included in the Building Inspection and Engineering sections. Revenues for Building Permits were substantially higher than originally budgeted. Mr. Bingham explained the budget initially anticipated that COVID-19 would impact some of the revenue accounts, including Building Permits and the estimates were conservative as a result. Since the estimates were conservative, the expenditures were also expected to be lower. Because the revenues for Building Permits were higher, the Building Inspection and Engineering costs were higher as well. Mr. Bingham reported Street Repair and Maintenance was also higher than originally budgeted. He noted some of the estimates in the General Fund were slightly higher to ensure the Town of Hideout stayed within budget. The actual expenditures could come in lower.

Mayor Rubin noted there had been some changes to the Building Inspection and Engineering process. It was now an upfront fee, so while the spend was listed in this portion of the amendment, there was also a revenue side to offset that. The money was being covered through the fee process which the Town of Hideout converted to earlier that year. Mr. Bingham commented he could have gone into all of the different fee revenues, but he was mainly concerned with the expenditure side of the amendment to ensure that the Town stayed within budget.

The budget amendment for the COVID-19 Fund was overviewed. Mr. Bingham reported when the budget was originally approved, there was not a lot of knowledge about what would be received and what expenditures would occur within the fund. This process would amend the budget for that fund. He noted one grant payment was received one year ago, after the budget was adopted, and approximately \$34,000 was transferred from the General Fund. That was recognized in the amendment as well as salaries and some technology items. Mr. Bingham reported the largest portion of the COVID-19 Fund was related to Public Safety Services throughout the Town of Hideout. Mr. Bingham discussed the Enterprise Fund and explained an estimate of depreciation was included. The Auditor did not necessarily require the Town to budget this, but he felt it made sense to put an estimate together and budget appropriately. He noted this was a non-cash transaction and illustrated the depreciation of infrastructure already in place.

Mr. Bingham reported the Council could vote on the item during the June 24, 2021, Town Council Meeting, if desired. However, the amendments needed to be adopted before June 30, 2021. Mayor Rubin wondered if the Council Members were comfortable with the proposed amendments or if they wanted to defer the vote to a future meeting. All of the Council Members were comfortable voting on the item. Council Member Haselton stated that it would have been useful to see what was originally budgeted to better understand the amendments. Mr. Bingham stated Staff could provide the Council with a Staff Report in the future to provide additional details on specific line items.

At 6:42 p.m., Mayor Rubin opened the public hearing. There were no public comments. The public hearing was closed at 6:43 p.m.

Motion: Council Member Severini moved to adopt a Resolution Amending the 2020-2021 Operating Budget, as described during the Town Council Meeting and as shown in the Resolution. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed unanimously.

2. Public Hearing, Discussion and Possible Approval of a Resolution Adopting the Town Budget for the Fiscal Year 2021-2022 and Setting the Property Tax Rate at No Increase for the Town of Hideout.

Mayor Rubin reported the item was a public hearing, discussion, and possible approval of a Resolution which would adopt the Town Budget for Fiscal Year 2021-2022 and set the property tax rate at no increase for the Town of Hideout. Mr. Bingham presented the item and explained Wasatch County had asked the State for an extension to complete the appraisal and had yet to release the Certified Tax Rate. The Town of Hideout was not proposing a property tax increase in the Fiscal Year 2021-2022 budget, and it did not differ from the tentative budget, which was reviewed with Council in May 2021. He noted the motion from Council would need to acknowledge whatever the Wasatch County Auditor released as the Certified Tax Rate would be the rate that the budget was operated on. Mr. Bingham anticipated the rate would be released within the next week or so. He clarified the Town was not changing the property tax rate but would adopt what the County Auditor provided as the certified rate.

Council Member Dwinell noted there had been a Truth in Taxation process when the current tax rate was set. He wondered if the County could change that rate. Mr. Bingham explained for the collected property tax dollars to change, there needed to either be growth in the Town or action taken by the Council. If there was no growth, the amount of property tax revenue would remain the same. Property tax values changed and as property tax values increased, the Certified Tax Rate decreased to produce the same amount of property tax revenue.

Town Attorney, Polly McLean noted she made some amendments to the Resolution. For instance, in Section 4, there was authorization for the Town to move forward without knowing the Certified Tax Rate. It authorized the Town Administrator to file the Certified Tax Rate and Property Tax Revenue for Tax Year 2021. Ms. McLean noted the last line needed to be amended to state the following:

- This Resolution hereby adopts a Certified Property Tax Rate for Calendar Year 2021.

It was noted there was a final version of the Resolution but the redline version had been included in the packet. There was discussion about appropriate wording for the Resolution. Council Member Severini asked if an equivalent tax rate would be better terminology to use. Mr. Bingham felt it was important to mention the County Auditor's Certified Rate because there could not necessarily be an equivalent for the previous year. Ms. McLean explained the intention of the amended Resolution language was to clarify that there was no tax rate increase. The Town was not changing the rate, which was why there was no Truth in Taxation process. The Resolution would clearly state the Council was giving authority to the Town Administrator to compute and file the Certified Tax Rate once it was known. Mr. Bingham felt the wording from Ms. McLean made sense.

Council Member Dwinell mentioned the earlier suggestion from Council Member Severini about terminology. The intention was to communicate to citizens that the Town was not initiating a tax increase but felt the language in the Resolution was not clear enough. Ms. McLean explained the Resolution essentially told citizens that the Town was not increasing taxes. The Town would collect the same amount in the current year as they did the year before, other than new growth. Council Member Dwinell felt it was important for citizens to understand that while the tax rate may change on their next tax bill, it was not the result of a tax increase from the Town. It was suggested an announcement be added to the Town website to clearly state the Town was not initiating a Truth in Taxation process.

There was further discussion regarding the appropriate wording for the Resolution. Mr. Bingham suggested language specifying the Town Council had approved the budget without an increase above the County Auditor's Approved Certified Tax Rate. The Council Members preferred the original language. Ms. McLean asked that a typo be corrected on the Resolution. The document was shared with the Town Council to review, and final amendments were made.

There being no further questions from Council, Mayor Rubin opened the public hearing at 7:04 p.m. There were no public comments. The public hearing was closed at 7:05 p.m.

Motion: Council Member Severini moved to adopt a Resolution for the Town of Hideout, Utah, approving and adopting a Final Budget for the Fiscal Year 2021-2022, with the changes reflected on the screen. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. The motion passed unanimously.

3. Public Hearing and Review of the Fraud Risk Assessment Questionnaire and Discuss Ways to Improve Controls for the Town of Hideout.

Mayor Rubin presented the above item related to the Fraud Risk Assessment Questionnaire. He wondered if it should be deferred to a future meeting. Mr. Bingham noted as long as it was completed before the end of the month, it would be appropriate to defer the public hearing and discussion.

Mayor Rubin stated that the Public Hearing and Review of the Fraud Risk Assessment Questionnaire would be continued until the June 24, 2021, Town Council Meeting. All Council Members voted in favor of the continuation.

V. Public Input - Floor Open to Any Attendee to Speak on Items Not Listed on the Agenda

Mayor Rubin reported the above item related to public input. He reviewed the process for those interested in sharing public comments and opened the public input portion of the meeting.

Council Member Dwinell noted the Council received an email from Brett Rutter, who believed he had properly submitted a question about the annexation. That email was not read or discussed at the previous Town Council Meeting. Council Member Dwinell wondered if it was something which could be discussed at the current meeting. It was noted several Council Members had responded to Mr. Rutter personally. Council Member Dwinell pointed out the Council had not addressed his questions in a public forum. He forwarded the email to Town Clerk, Alicia Fairbourne, and Mayor Rubin.

Ms. McLean noted there was a requirement to make sure when the annexation was discussed, equal time was given to both proponents and those opposed to the annexation. She suggested the Town Council post the question on the Town's website with a response from both the Town and sponsors of the referendum. It would then be available for members of the public to review. Council Member Dwinell believed the questions posed by Mr. Rutter were in line with the type of questions which were raised at the previous meeting. The email deserved a public response. Ms. McLean noted the email could be addressed since Rachel Cooper and Brian Cooper were available to act as sponsors.

The email from Mr. Rutter was shared with the Council Members. Mayor Rubin apologized the email had been missed. He stated there was a comment in the email related to the risk associated with other commercial spaces in the area which were in competition with what was proposed. For example, a small grocery store was proposed at the intersection of State Road 248 and Richardson Flat Road, and there was a restaurant at Black Rock Mountain Resort. Mayor Rubin believed the two facilities would not meet the needs of the additional 15,000 units which would be built over the years. More would be needed than just those facilities.

Council Member Baier added the Silver Meadows annexation was meant to be a neighborhood commercial town hub, which was different than a standalone restaurant inside a hotel. A small market and a nearby restaurant would be insufficient for the amount of anticipated growth. Additionally, the intention of the annexation was to have a true town center, walkable shops, and places to park. It was not addressing a one-off immediate need but was looking toward the future.

Mayor Rubin shared an additional comment from the email related to expectations about construction timing. Council Member Baier reported she had spoken to Mr. Rutter at length and some of his questions were meant to examine the assumptions of the financial studies. The comment about the timing was meant to test the assumptions included in the studies to ensure many different scenarios had been considered. Mayor Rubin mentioned the stepped model. Everything was subject to the economy and authorized units may be built quickly or not at all. The stepped model would temper the growth of commercial space to ensure there were no empty buildings and the buildings were not completed before there was a demand for services. The projections were based on commercial growth.

Mr. Cooper stated the financial assessment impressed him because it was very conservative. The assessment was based on past historical growth, which was lower than what had been seen in recent years. Though it was uncertain how long the current real estate growth rates would continue, the plan had accommodations in place for that uncertainty. The stepped model was a wonderful way to accommodate either an increase in growth or a decrease in growth.

Council Member Severini noted even before the COVID-19 pandemic, the national commercial growth rate was down because there was more online shopping taking place, which had been taken into account. Mayor Rubin felt that was a good point. He also pointed out the services which were being targeted were more traditional services such as personal care, dry cleaning, and banking. Council Member Severini commented those types of services typically remain steady.

Mayor Rubin reported the email stated many in the surrounding areas of Hideout would boycott. He noted this was an assumption, and it would be a fairly small percentage who chose to do so. The email also noted there were certain expectations about full-time and part-time residents. Mayor Rubin explained those numbers were built into the study. He also commented the study

took into account the cost of repairs and maintenance. In addition, litigation and lawsuits were being addressed through the annexation MDA. Council Member Baier stated the developer had agreed to a number of items the town had not yet adopted. For instance, the developer agreed should the Town adopt a Soil Ordinance or a Dark Skies Ordinance, they would abide by them.

The last question included in the email from Mr. Rutter had to do with the Town going bankrupt. Mayor Rubin explained this had been discussed. He believed the future leadership would be fiscally responsible enough to prepare a budget and take on the Truth in Taxation process as needed, to ensure that the Town has enough resources to maintain basic infrastructure. Council Member Dwinell stated nothing in the annexation would affect how the Town operated. The financial impact studies indicated a positive cash flow to the Town under all of the proposed scenarios. He did not see the annexation as a potential drain on Town resources under any of those scenarios.

There were no further comments. Mayor Rubin closed the public input portion of the meeting at 7:39 p.m.

VI. Agenda Items

1. Discussion with Heber Valley Animal Services

Mayor Rubin reported Heber Valley Animal Services had begun working with the Town of Hideout to provide Animal Control Services. However, there had been a change of schedule and the Director would speak to the Town Council during the July 2021 Town Council Meeting instead.

2. Discussion and Possible Adoption of Ordinance 2021-O-XX Regarding Dark Skies

Mayor Rubin reported the above item related to the Dark Skies Ordinance. He wondered if the Council wanted to defer the discussion, given the length of the agenda. Council Member Baier informed those present she had read through the material. Council Member Dwinell stated he wanted to see what the impact of implementation would be. He did not want to enact something which would be a burden on the residents. It made sense to conduct an inventory of the Town to better understand what would be out of compliance if the Ordinance went into effect.

Council Member Baier believed most of the Town was under the Hideout Master Homeowners Association, which already had lighting restrictions. As a result, she felt it was likely that most fixtures were compliant. It was simply a matter of some lights staying on all night. She noted the longer the Council waits to discuss the item, the higher the likelihood additional buildings would need to be retrofit. Council Member Dwinell reported GCD Communities opted for light sensors to turn on in lieu of streetlights. The streets were illuminated by the homes that line them. It was important to understand how many homes the Ordinance would impact. Mr. Cooper reported he looked at the Shoreline design and thought there may be an easy retrofit where a timer was installed. However, the switch did not control the lights and a photocell was used instead. There was discussion regarding lights in GCD Communities.

Mayor Rubin informed the Council Members there had been discussions about a possible assessment of current conditions. Council Member Severini wondered if the Town could find someone to do a sampling survey rather than an exhaustive inventory. Town Planner Thomas

Eddington offered to reach out to Daniel Mendoza from the University of Utah to conduct the study. There was some work taking place in Summit and Wasatch Counties over the summer and it may be possible the light meter assessment could be done during that time. Mr. Cooper felt sampling made the most sense.

Council Member Severini noted there tended to be longer waits to go through universities for projects because they were often more cost-effective. It may be more expeditious for the Town to hire someone to do the work for one day. Mayor Rubin was comfortable with that if it was possible to find someone qualified to do the work. He asked Messrs. Eddington and Cooper to look into this and come back to the Council with more information.

3. Discussion and Possible Adoption of Ordinance 2021-O-XX Amending Title 5 Chapter 4 Regarding Nuisance Definitions and Enforcement for Solid Waste and Stagnant Water.

Mayor Rubin reported the above item related to the possible adoption of an Ordinance to amend Title 5 Chapter 4. Ms. McLean noted when the documents were converted to PDF files, the redline corrections were lost. She sent a redline version to Mayor Rubin to reflect the minor changes made to the Ordinance language. There had been a lot of complaints about nuisance conditions, and it was important to make sure they were all captured appropriately. Mayor Rubin shared the redline version of the Ordinance.

Ms. McLean overviewed the Definition section of the Ordinance and made note of minor changes to the Stagnant Water definition. Council Member Dwinell liked the proposed changes but suggested the definition of 'Unightly' include additional language to specify a visible liner in a pond would qualify as unsightly. Council Member Haselton asked it not just be categorized as a pond but any water retention facility. Council Member Nadelberg believed the golf course pond would be covered under that type of language. Council Member Severini thought the language would also cover some of the settling ponds that were approved in the subdivisions. Mayor Rubin made additional amendments to the document to include the suggested language.

Ms. McLean explained language was added to the definition of "Solid Waste" as well, to address construction materials which were left on lots without active building permits. Council Member Severini suggested the definition remove the word, "excessive," which was removed. Council Member Dwinell asked about the placement of language within the Solid Waste definition. Letters G and F were switched for additional clarity. Council Member Baier wondered if there was anything which mentioned sheds or temporary structures used for the storage of hazardous materials. Ms. McLean explained if there were sheds which were unsightly or which do not have a Building Permit, the issue was usually considered to be a violation of the Building Code.

Council Member Dwinell felt it was important to look at the storage of hazardous materials. It was noted there were certain requirements related to the storage of hazardous materials. Ms. McLean pointed out hazardous waste was included as part of the Solid Waste definition. Council Member Baier did not believe the storage of hazardous materials would be considered hazardous waste. Council Member Dwinell agreed. Mayor Rubin stated chemical storage would likely need to be a separate item and did not fit with the Nuisance Definitions section. There were State Codes which outline the quantities of hazardous materials which could be stored. While there could be a section of Code added to specifically address chemical storage or hazardous materials storage, it would not be considered a nuisance. Ms. McLean offered to look into that specific issue.

Council Member Dwinell inquired about issues with temporary structures. Ms. McLean believed those issues would fall under the definition of “unsightly”, which stated the following:

- Dilapidated, ill-kept, or in disrepair to the extent that it is offensive to the visual sense to a reasonable person, in accordance with the findings and purposes of this chapter.

Council Member Severini reported there was a unit in Town which had an open dumpster for almost one year while remodeling was done. He wondered if that would be considered a nuisance due to the extended timeframe. Mayor Rubin explained a dumpster was required to be on-site for construction work and remodeling. As long as there was a valid permit, it was permissible for it to be there for a longer period of time. Council Member Severini asked about the permit for a dumpster and if the permits were provided on a weekly or monthly basis. Ms. McLean noted if a dumpster was uncovered, it would fall under Solid Waste. However, the Nuisance Conditions state there were exceptions for dumpsters if there was an active Building Permit. If there was not an active Building Permit, a dumpster could not be left on a property indefinitely. Mayor Rubin stated there was language in the Code about an Active Building Site versus an Abandoned Building Site.

Council Member Haselton reported she and Council Member Baier recently participated in a community clean-up event and some of the dumpsters near a construction site were overflowing. When the dumpsters were full and it was windy, the trash blew all over. Mayor Rubin reported there was a Code requirement that stated dumpsters cannot be filled above the rim. Patrolling was done and citations can be given if the dumpsters are filled above a certain level. That was more of a reporting and communication item. He felt the Town had sufficient mechanisms in place to enforce that.

Ms. McLean continued to review the amendments. She read from 5.040.030 – Jurisdiction, and explained the language complied with Utah State Code. It was clear the Town could decide what was considered a nuisance. Additionally, the Town could implement fines, abate, or put a tax lien on a property if the abatement is not paid. Council Member Baier wondered if there was an abatement process for nuisance structures, which Ms. McLean confirmed.

Council Member Baier inquired about the process for private properties. Town Attorney Cameron Platt reported the initial determination would be made by the Code Enforcement Officer. If the Officer received a complaint or if something was visible from a public area, the Code Enforcement Officer could inspect the area. If the property owner did not give permission, the Code Enforcement Officer could resort to a warrant. Council Member Baier asked about the process to obtain a warrant. Mr. Platt explained a warrant could be obtained from a Judge who had jurisdiction over the property. Either a Code Enforcement Officer, Attorney, or Law Enforcement Officer could appear before the judge, issue an affidavit, and request a warrant. If the judge issued the warrant, the property owner would be served.

Ms. McLean overviewed the amendments made to 5.04.040, which related to the responsibilities of a Code Enforcement Officer. She reported the language had been cleaned up and clarified. Discussions were had about Code Enforcement Officer appointments. Mayor Rubin reported additional Code Enforcement Officer positions would require Town Council approval, but once the role was created, the actual staffing process becomes administrative. Council Member Baier stated she could see a need for additional Code Enforcement Officers in the future. Council Member Severini made note of 13.08 – Recovery of Code Enforcement Penalties and Costs and

asked about additional fines. Mayor Rubin explained there was a Fee Schedule which outlined different fines that could be utilized.

Mayor Rubin thanked Ms. McLean and Mr. Platt for their work on the Ordinance. It was an improvement over what the Town currently had in place and addressed a lot of issues within the community. He recommended the Town Council adopt the Ordinance. Ms. McLean explained the Town Council was not required to hold a public hearing or hear public comments related to the item.

Motion: Council Member Nadelberg moved to adopt an Ordinance Amending Title 5 Chapter 4 Regarding Nuisance Definitions and Enforcement for Solid Waste and Stagnant Water, Amending Title 13, Chapter 4 Inspection Procedures and Title 13, Chapter 8 Recovery of Code Enforcement Penalties and Costs, as modified. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.

4. Discussion and Possible Action on Resolution 2021-R-XX Requesting Admission to the Public Employees' Retirement System.

Mayor Rubin reported the above item relates to the Public Employees' Retirement System. He explained last year, health benefits were put in place for full-time employees. The recommendation was to also allow those employees to become members of the Public Employees' Retirement System and put money into a 401(k). Town Administrator Jan McCosh explained it was discussed with the Budget Committee. Additionally, a provision had been made in the upcoming budget. Ms. McCosh explained this was something the Town intended to do last year, but due to COVID-19 concerns, the budget had been fairly basic, and the decision was deferred. She noted employees who worked in government prior to 2011 were considered Tier 1 employees and those who worked in government after 2011 were considered Tier 2 employees.

Council Member Baier asked for additional information about the Tier 1 and Tier 2 employees. Ms. McCosh explained it was a classification through the State Retirement Fund. In 2011, there was a revision, and the State system put in a slightly different plan. Tier 1 had a pension option which was not available to Tier 2 employees. She noted the Town had two Tier 1 employees and three Tier 2 employees. Mayor Rubin pointed out many companies no longer offer pensions. Council Member Baier wondered what the cost to the Town would be. Ms. McCosh explained the Town would pay 20% of the salary into a fund each payroll, which had been budgeted for.

Council Member Baier expressed support for the benefits program. She felt it was important to be able to attract and retain employees. Council Member Dwinell agreed. He noted as the Town continued to grow, the services offered also needed to grow. The Town of Hideout needed to offer these types of benefits to full-time employees. Council Member Haselton also expressed support. Mr. Cooper assumed it would be possible to offer a 401(k) match in the future. Ms. McCosh reported it was an option, but the Town did not currently offer a match. Mayor Rubin explained the Town had not confirmed there was sustainable revenue streams to allow for matching. Council Member Baier asked Staff ensure employees understood why they may be included in either Tier 1 or Tier 2. Ms. McCosh stated someone from Utah Retirement Systems presented the plan to employees.

Motion: Council Member Severini moved to adopt a Resolution to Request Admission to the Public Employees' Retirement System. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.

5. Discussion and Possible Approval of an Adjustment for Planning Fees on the Hideout Fee and Rate Schedule and Adopt Resolution 2021-R-XX to Revoke and Replace the Fee and Rate Schedule

Mayor Rubin reported the above item was related to the Hideout Fee and Rate Schedule. Ms. McCosh suggested the Town Council continue the discussion until the June 24, 2021 Town Council Meeting. She confirmed with Mr. Eddington there were no anticipated applications for the next month or so. There was a procedural issue that needed to be addressed before Council discussions took place.

Council Member Dwinell asked about the proposed changes. Ms. McCosh explained Staff had been adapting the way billings were passed through and fees were set. Mr. Eddington overviewed the Fees and Rate Schedule Chart included in the packet. The left column listed the planning application, the middle column showed the current fee, and the right column showed the proposed fee. Mr. Eddington believed it was appropriate to defer the discussion until the June 24, 2021 Town Council Meeting.

Mr. Eddington overviewed the Preliminary Subdivision section of the chart. Currently, it was \$4,500 plus \$100 per acre, which took into account the Town costs as well as legal planning. He explained it was typically not enough to take care of all of the fees. As a result, the proposal was that the application fee be lowered to \$3,750 plus \$100 per acre to cover the Town fees. Then there would be a \$10,000 escrow fee with a minimum required balance of \$2,500 to cover planning and legal costs. There would also be one Planning Commission Meeting and two Town Council Meetings. Additional meetings would have costs associated with them, which were included at the bottom of the chart.

Council Member Baier believed the intention was to state the applicant would have three meetings included in the fee structure. Mr. Eddington confirmed this. Council Member Severini asked for additional examples to illustrate the changes. Mr. Eddington clarified there would not be any significant changes. However, the additional meeting costs would make applicants more likely to submit materials on time. In turn, this would make the process more straightforward. He added the money for the application fee and escrow fee would be collected upfront. If the consultants did not use all of the money from the escrow fee, it would be returned. The intention was to maintain the same procedures but ensure early receipt of information and more productive meetings.

Council Member Severini wondered why the base fee was being lowered. Mr. Eddington explained the application fee money would cover Town fees. Currently, all services were being pulled from the application fee and it was not enough. This would ensure there was a fair fee for all of the Staff expenses. Other services would pull from the escrow fee instead. Mayor Rubin felt this was a more streamlined process. Ms. McCosh noted this had been a work in progress and Staff was working toward setting appropriate fees. Mayor Rubin reported the item would be deferred to the June 24, 2021 Town Council Meeting and thanked Ms. McCosh and Mr. Eddington for their work.

6. Continued Discussion and Possible Action on the Sewer Master Plan

Mayor Rubin reported the next item was related to the Sewer Master Plan. It had been presented previously and several Council Members asked for a chance to review the material further. He wondered if the Council was ready to discuss the item or whether they wanted to defer the discussions. Council Member Baier believed this was an important issue and deserved adequate time for review. There were a lot of cost estimates included in the packet as well as information about financing that required in-depth discussions. She suggested the Council may want to discuss the item in July 2021 in order to address more pressing issues on the current meeting agenda.

Mayor Rubin stated he would ask Ms. Fairbourne to include the item earlier in the July 2021 Town Council Meeting to allow for a robust discussion. Council Member Severini agreed with the decision to defer the discussions for another month. It would allow time to do additional study and to submit questions. Mayor Rubin asked all Council members identify areas of concern and submit questions prior to the July 2021 Town Council Meeting.

7. Discussion and Possible Action on an Ordinance Amending 1.20.040 IMPACT FEES IMPOSED and Adopting 1.20.100 Time and Manner of Collection; and 10.14.02, Time of Payment to Clarify that Impact Fees Going to the Jordanelle Special Service District and the Wasatch County Fire Protection Special Service District Must Be Paid Before a Building Permit Can Be Issued

Mayor Rubin reported the above item was an Ordinance to amend a section of the Code which discussed impact fees imposed by third-party providers. He explained Jordanelle Special Service District (“JSSD”) and Wasatch County Fire Protection Special Service District (“Wasatch County Fire”) have impact fees. Wasatch County Fire collects the fee directly, which works out well because the Town does not approve Building Permits without a checked box from Wasatch County Fire on the Building Permit System. If they had not been paid, the permit would not be approved. Since the Town was the middle person for the JSSD billing process, Building Permits had been approved with the assumption that JSSD would be paid. However, that did not always happen. During a meeting with JSSD, it was discovered that JSSD would be willing to have a check box for their services in the Building Permit System. If JSSD had not been paid, the permit would not be approved. Based on those discussions, Ms. McLean prepared language which would allow the Town to strengthen the Code.

Council Member Severini asked about receiving evidence from JSSD. Mayor Rubin explained there would be a check box in the Building Permit System like what Wasatch County Fire has. Just as Wasatch County Fire has access to the system, JSSD would as well. The permit request would be reviewed, and the box would be checked electronically. If the box was not checked, the system would not allow the Town to issue a permit. The Council Members were in support of the amendment.

Motion: Council Member Nadelberg moved to Amend Section 1.20.040 and Section 1.20.050 and Adopt Section 10.14.020 Clarifying Required Impact Fees and Timing of Impact Fees Payment. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.

8. Discussion and Possible Action on Ordinance 2021-O-XX to Adopt the Wasatch County Fire Restrictions Effective June 16, 2021

Mayor Rubin reported the above item related to Wasatch County Fire restrictions. Ms. McLean explained the packet included an announcement from Wasatch County Fire as well as an Ordinance amending Chapter 6.08. She had spoken to Fire Marshal Clint Neerings, who stated Hideout should be considered to be within the wildland interface. The Town had not adopted the wildland interface, but they were in a risky area and would be working to adopt the wildland interface in the future. Ms. McLean noted the Ordinance included ignition sources as well as fireworks. Under State Code, a municipality cannot prohibit fireworks around July 4 and July 24. However, that had recently changed, and municipalities could designate an area where it was dangerous to have fireworks in the summer. She noted the designated area would be the entire Town of Hideout as the Town had dangerous conditions and would be considered part of the wildland interface.

Council Member Dwinell expressed concerns with 6.08.050(F) in the Ordinance, which stated:

- The use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, and smoking materials is prohibited under the following circumstances:
 - When the Fire Code Official of Hideout determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources;
 - In areas designated by the Council as containing hazardous environmental conditions;
 - When the use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, smoking materials, or another ignition source is negligent.

Council Member Dwinell wondered if that language suggested that citizens would be unable to use their barbecues and fire pits. Mayor Rubin explained previously, the language had to do with solid fuel. Council Member Dwinell pointed out solid fuel was not included in the language. There was discussion regarding appropriate language for the Ordinance. Council Member Haselton believed the danger was when there were embers that could cause fires. Having a propane fire pit would not create the same danger. Council Member Dwinell wanted to make sure smokers were not outlawed. Council Member Nadelberg stated the Council did not want to outlaw barbecuing in the summer, but it was also important to focus on general safety for residents.

Mr. Platt explained 6.08.050(F) was intended to prohibit the use of an ignition source which was negligent. Under the new State Code, three sections stated: a Fire Officer or State Forester could outlaw ignition sources, the Council could outlaw fireworks in a designated area, and they could prohibit ignition sources that were used in a negligent manner. Ms. McLean noted the Town had hazardous environmental conditions. It may be possible to invite the Fire Marshal to the next Town Council Meeting for further discussion. However, due to the drought year, the Ordinance language was drafted quickly because there was a need to address safety concerns.

Mayor Rubin recommended the Town Council adopt the Ordinance. Council Member Dwinell believed it was important to include language that mentioned the release of embers which would

be easier for residents to understand. Mayor Rubin made the requested amendments to the document. Council Member Baier asked about enforcement. Mr. Platt reported Fire Officials, Police Officers authorized in the State, and any Code Enforcement Officer would be able to enforce the Ordinance. Council Members asked for information related to the Ordinance be shared with residents as soon as possible.

Motion: Council Member Baier moved to adopt an Ordinance Amending Chapter 6.08 - Fireworks to Restrict Fireworks and Other Ignition Sources Under Certain Conditions, as amended. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.

9. Discussion Regarding Hideout's Emergency Notification Policy

Mayor Rubin reported the above item related to the Town of Hideout's emergency notification policy. He explained the Town had invested in an emergency notification system, but it had failed. Currently, the only mechanism that the Town had in place was a notification which residents could sign up for on the website. Mayor Rubin noted the issue with the previous emergency notification system was the Town of Hideout was a Wasatch County-based municipality with a Summit County-based zip code. As a result, the mapping systems which the emergency notification systems used had crashed. Staff was currently looking into other possible solutions, but the Town website was what was currently in place. He asked Council Members communicate with citizens about the ability to sign up for notifications.

Council Member Baier agreed it was important to use the town website but wondered who was responsible for sending out the notifications. It was noted certain Staff members could do so. She asked what would happen on evenings or weekends when no one is in the office. Mayor Rubin stated there was not a formally designated emergency services notification person, but it was something which could be considered. Ms. McLean reported under the State Code which went into effect that year, there was a requirement of an Emergency Operations Plan and Succession Plan be adopted. The default was what was in the State Code. She suggested at the July 2021 Town Council Meeting, the Town Council ensure that all of those requirements were in place.

Council Member Haselton noted there were four Town vehicles. She asked if it would be possible to add a speaker system to one of the vehicles to make emergency announcements, if necessary. Mayor Rubin believed the SUV could be outfitted with something like that. It may be a temporary solution, but it would be beneficial. Council Member Baier suggested a Work Session take place in July 2021 to work through the Emergency Operations Plan and Succession Plan. Mayor Rubin wondered if the discussion would be suitable for the Infrastructure Committee. Ms. McCosh confirmed this. The Infrastructure Committee Meeting schedule was overviewed. Ms. McLean asked the Town Council allow her to look into what was already in place in the Town. There could be a Work Session in July or August of 2021 to discuss the matter further.

10. Discussion of Possible Compensation for Mayor and Council Members

Mayor Rubin explained Ms. Fairbourne did some research on compensation for the Mayor and Council Members in other towns. It was noted the Town of Hideout was unique because there were big-city issues with large development, but a small population base. Mayor Rubin asked for additional information to flesh out the compensation charts included in the packet. He thanked

Ms. Fairbourne for her work and stated that the Town Council would discuss the matter fully at the July 2021 meeting.

11. Discussion and Possible Appointment of a Permanent Mayor Tempore for Dire Emergencies

Mayor Rubin recommended that the Town Council defer the discussion to a future meeting.

VII. Closed Executive Session - Discussion of Pending or Reasonably Imminent Litigation, Personnel Matters, and/or Sale or Acquisition of Real Property as Needed

Ms. McLean expected the Closed Executive Session to last for approximately 25 minutes. There were two items to discuss, and the intention was to move through the discussions as quickly as possible.

Motion: Council Member Nadelberg moved to end the public portion of the meeting and move to Closed Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or the sale or acquisition of real property. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed. The motion passed unanimously.

At 9:48 p.m., the public portion of the meeting was closed and the meeting moved into Executive Session.

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

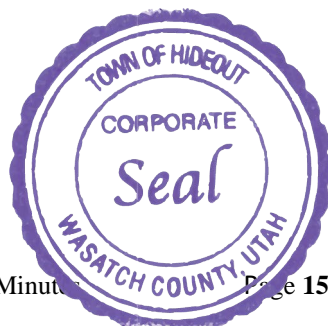
Staff Present: Town Attorney Polly McLean
Summit County Litigation Attorney Rob Mansfield

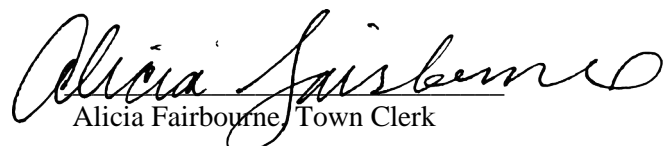
VIII. Meeting Adjournment

At approximately 10:40 p.m., Mayor Rubin asked for a motion to close the executive session and adjourn the public meeting.

Motion: Council Member Nadelberg moved to close the Executive Session and adjourn the public meeting. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg, and Severini. None opposed.

The Town Council Meeting adjourned at 10:40 p.m.




Alicia Fairbourne, Town Clerk