

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, Utah 84036
TOWN COUNCIL MEETING
November 19, 2019
6:00 p.m.

TOWN COUNCIL REGULAR MEETING

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Rubin called the order the meeting of the Town Council of the Town of Hideout at approximately 6:07 p.m. on November 19, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

II. ROLL CALL

Town Council Members Present:

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

Absent: Council Member Dean Heavrin
Council Member Jim Wahl

Staff Present: Town Administrator Jan McCosh
Town Clerk Allison Lutes
Public Works Kent Cuillard
Town Treasurer Wes Bingham

Others Present: Jerry Dwinell, Bill Bartlett, Carol Haselton, Will Pratt, David Gorrell, Roger Timmerman, Thomas Eddington, Josh Chandler Karleen Callahan (telephonically), Donald Blumenthal (telephonically) and others who did not sign in or whose names were illegible.

III. APPROVAL OF COUNCIL MINUTES: October 10, 2019 and November 12, 2019

*Council Member Baier moved to approve the **October 10, 2019** minutes. Council Member Shadle made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.*

*Council Member Johansson moved to approve the minutes of the **November 12, 2019** meeting. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson and Shadle. The motion carried.*

IV. AGENDA ITEMS

1. **Approval of October Premium Payment for Public Employee Health Plan (PEHP)**

Mayor Rubin explained this item was not among the expenses to be approved during the last meeting. Since then, the Town received payment information on this expense which now needed approval. The two full-time employees, Kent Cuillard and Allison Lutes are receiving the PEHP health benefits.

Council Member Shadle moved to approve payment of the October premium for Public Employee Health Plan, Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.

2. **Continued Public Hearing - Discussion Regarding the Snow Removal Ordinance Due to Additional Suggested Revisions to the Ordinance**

[Clerk's note: the audio recording for this meeting was disabled until partway through the discussion on this agenda item.]

Mayor Rubin presented the redline of the ordinance for discussion, particularly addressing the Council's prior concern relating to the 16-hour post-snowfall requirement. The Council queried Kent Cuillard regarding the average window of time needed to plow the town roads. Mr. Cuillard stated the time can vary depending on the amount of snow and how much help he has, but on average the main roads can be plowed in one to two hours, sometimes three. It was indicated this ordinance relates to the private roads within the town and proposes the standard under which residents would be expected to comply. Dan Dansie clarified that the 16-hour time window represented an attempt to adopt a period to allow for reasonable compliance under the circumstances. The Council asked Will Pratt what the HOA required with respect to snow removal. Mr. Pratt indicated they have a crew in at 6 a.m., adding that part of their contract provided snow removal at Reflection and Overlook up to three times daily.

Council Member Baier felt the 16-hour time period should remain and if needed can be changed in the future. She expressed concern with those who leave for work early and could potentially be in violation of an ordinance with a shorter compliance window. Following a short discussion, the Council agreed with the 16-hour time period for compliance.

Discussion followed concerning the balance of the ordinance and its genesis; namely, addressing the residents' prior practice of depositing snow from their properties onto the streets, creating additional challenges for the Town and narrowing the roads for all residents.

Mayor Rubin noted State law provides that clearance of fire hydrants was a land owner responsibility. The Town pitches in for absentee owners, however he stated the Town would appreciate resident owners assisting in digging out the hydrants. It was indicated the HOA in Shoreline and Rustler were responsible for hydrant clearing. As for electric boxes, the Mayor stated it would be helpful if residents would flag anything in their right-of-way, especially if they had a project in progress.

Finally, the Council discussed the issue with construction workers and parking. It was noted the Town already had an ordinance in place, requiring that construction vehicles park on one side of the street. Mayor Rubin added for the most part, the construction workers had been cooperative in moving their vehicles when requested to allow for plowing the snow.

At 6:34 p.m., Mayor Rubin opened the hearing to public comments. With no public comments forthcoming, the Mayor closed the public hearing.

Council Member Johansson moved to adopt Ordinance 2019-07 amending snow removal provisions. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.

3. Continued Public Hearing - Possible Adoption of an Impact Facilities Plan

Mayor Rubin explained that some weeks ago, the revised impact facilities fee plan was sent to all the developers, but several had not yet provided their input. Accordingly, the Mayor announced he wanted to defer this item to December, and added for the record, it would be the last meeting on the issue: if the developers do not provide their input by then, it will be assumed they concur with the plan.

Council Member Shadle felt that given the importance of the issue, the Council should defer its decision until January, when three new Council Members will be sworn in. Mayor Rubin then suggested all parties provide input through December, consider everything through the holidays, then be ready to vote on the plan in January.

Council Member Baier suggested that given the amount of data to digest and understand, a detailed presentation be given to the Council and public to go over the plan, including the maps, data, definitions, etc. Mayor Rubin agreed and stated he would work with Brent Ventura and Horrocks to prepare such a presentation. Council Member Shadle proposed that the developer present on their rationale for seeking impact fees several years after installing improvements. Dan Dansie clarified that written feedback was expected from the developers, and at the December meeting, the Town could invite them to turn their written feedback into a presentation, if they should so choose. Mr. Dansie acknowledged this process was a unique way to go about an impact fee ordinance, however the Town's goal is creating an ordinance that would be legal, defensible and supported by competent engineering and data. He added transparency was important, as was the opportunity to allow all to participate. Council Member Shadle felt it important that given the significant amount of money and general lack of knowledge among Town residents, the Council do all it can to educate itself and the residents. Mayor Rubin agreed, and added Dan Dansie could cite to the relevant sections in the Master Development Agreement ("MDA") that were driving this issue. Further, he stated the Town would communicate to all landowners via a mailing to ensure all are made aware.

At 6:43 p.m., Mayor Rubin opened the hearing for public comments. Jerry Dwinell commented that since a new Council would be sworn in in January, he requested the developer presentations be moved to January so those new Council Members would have the opportunity to interact and weigh in. Dan Dansie explained there was some time sensitivity concerning this issue, adding that the objective was to finalize a decision as far in advance of the building season as possible, because the law requires a 90-day period from adoption to enactment of the ordinance. Thus, if a decision is made in January, it would

make it possible to reach the 2020 building season. It was noted the new Council Members would have the same opportunity as others during the public hearing in December to ask questions and provide their input.

Karleen Callahan and Donald Blumenthal, appearing by telephone, commented that they submitted questions concerning the impact fees in July and the new document does not address those questions. Further, Ms. Callahan stated they never received a letter notice from the Town. Mayor Rubin stated a letter was sent out some time ago, however a new letter would be sent out regarding the December hearing in the coming week. Ms. Callahan and Mr. Blumenthal strongly agreed that the developers should make presentations for their case for this proposal and provide some documentation before the December meeting to review those documents. Mayor Rubin explained the Town was proposing the impact fee plan and not the developers. The impetus for this effort was driven by the Master Development Agreement for Hideout Canyon, that provides the Master Developer of the majority of the development of Hideout Canyon would be entitled to reclaim some of the expenses for infrastructure in the creation of Hideout. Consequently, the Town, with its engineer, had been attempting to clarify what those expenses would consist of which are addressed in the proposed plan. Additionally, the Mayor agreed with Council Member Baier's suggestion to have the engineer present at the December meeting to aid in understanding the plan. Ms. Callahan expressed her understanding that impact fees were part of the cost of their home and they believed they already paid that.

Dan Dansie further clarified that imposition of impact fees are authorized by State statute, thus the statute is the controlling authority on what the Town can and can't do, and while the MDA is the catalyst, State statute controls. Further, the ability to impose impact fees for system improvements does not bear a correlation to the cost of homes in any particular development. The impact fee is related to system improvements that are generally built to benefit the community at large rather than one specific development in town.

With no further public comments, Mayor Rubin closed the public hearing at 6:54 p.m. *[At this point in the meeting, Council Member Johansson's telephonic connection dropped.]*

Mr. Rubin announced the hearing on this issue will be continued to December 12.

4. Public Hearing - Community Development Block Grant (CDBG) Program and Possible Applications

Jan McCosh explained the federal Community Development Block Grant ("CDBG") program, which had been in existence for over 30 years through Title 1 of the Community Development Housing program. In the State of Utah, it is administered by the Association of Governments, and Hideout is part of the Mountainlands Association of Governments ("MAG").

This year, MAG is expected to allocate approximately \$500,000 to municipalities for 2 to 3 projects, estimated to be no less than \$30,000 and no more than \$250,000. The focus of the current program is to benefit low and middle income communities. The project submitted for the grant can be no larger than a 2-block area. Depending on how well the project fits the MAG criteria, points are awarded.

Ms. McCosh explained this hearing was part of the Town's compliance with MAG's criteria,

to let the community know the program is available and to propose ideas. She recounted the Town had applied for CDBG funds three times in the past and was denied each time. Past applications included an underpass to the State park from Deer Mountain, and a bus shelter. Ms. McCosh suggested a possible trail section that may include a bike share program. She felt it may fit with the MAG criteria on how a proposed plan would fit into the overall community plan. Further, it could be a way to help decrease traffic on SH 248.

[At this time, Council Member Johansson reconnected to the meeting.] Discussion continued concerning a potential projects. Ms. McCosh noted the applicant would need to submit fully engineered drawings and plans, and while the CDBG deadline was quickly approaching, the concept could be submitted to other sources for grant funds.

The discussion turned to ideas for other projects, and what other types of projects in the area had received funds in the past. Council Member Shadle suggested they might consider additional bus stops between Hideout and Park City. Ms. McCosh stated she had been in contact with Park City and they were open to more stops.

Council Member Baier felt the Council should focus on the Deer Mountain community and what they could do for the most vulnerable via the CDBG program. She felt the Town should find a way to get its residents (most of whom support the Park City area) back and forth to Park City and add more scheduled bus stops to get those residents to Park City. The Deer Mountain area is a key area. Ms. McCosh suggested they speak with people who use the service. Mayor Rubin advised that a team meet with Deer Mountain management to identify their needs with respect to grant funds.

At 7:12 p.m., Mayor Rubin opened the hearing for public comments. Jerry Dwinell suggested another option to address the needs of the Town's school age children who were currently being bussed to Wasatch County schools. He queried whether the funds could be used to buy slots in the Summit or Park City school districts. Mayor Rubin stated they could look into it.

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

5. Discussion and Possible Approval of Resolution 2019-15, Adopting the Mountainland Pre-Disaster Hazard Mitigation Plan

Mayor Rubin explained that communities are required to adopt a hazard analysis plan in order to receive FEMA funds for a disaster. Because of the size of the Town of Hideout, MAG does this for its members. He recommended adopting this resolution that was never adopted by the prior administration. Jan McCosh advised this resolution will likely be amended, because FEMA was currently updating its plan. However, by adopting the current resolution, the Town would be in further compliance and would qualify to proceed to the next step and obtain funding to help in obtaining FEMA's help in developing a plan. This resolution is basically procedural. Further, Ms. McCosh noted she scheduled an upcoming appointment with MAG to examine the Hideout community. Its biggest issue at this time concerned fire hazards, and they would be working with the fire authority to identify and address the issue and develop a plan.

Council Member Shadle moved to adopt Resolution 2019-15 adopting the Mountainland Pre-Disaster Mitigation Plan. Council Member Baier made the second. Voting Aye:

Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.

6. Discussion and Possible Approval of a Franchise Agreement Between the Town of Hideout and Utopia Fiber Regarding Construction Access for Telecommunications Infrastructure

Mayor Rubin summarized the history relating to the All West franchise agreement; Utopia is currently seeking the same agreement.

Roger Timmerman, Utopia's representative, discussed the rationale concerning their request. Utopia was essentially seeking permission to utilize the Town's right-of-way, like any other telecommunications entity; there would be no other obligations imposed on the Town. *[At this time in the meeting, the recording was interrupted and resumed shortly thereafter.]* Mr. Timmerman further explained that while there was currently no fiber-to-home project driving their current proposal, they wanted the Town's permission to identify and pursue other potential future opportunities.

Council Member Baier queried whether this request had anything to do with the infrastructure Utopia had already installed in Deer Waters. Mr. Timmerman responded at this time it was not clear what the Town would allow in the future. This agreement would allow them to do more than in the past. For now, since there was no fiber-to-home project, it would be handled on a case-by-case basis on what does and does not work, just as a city would handle any other providers. Utopia was simply requesting the same treatment as any other provider and was seeking general permission to operate in the Town.

Discussion followed with Dan Dansie and Utopia discussing federal and state law regarding regulating and reasonable restrictions on how to provide services. Mr. Dansie advised that if a municipality were to pick and choose which entities would be entitled to a franchise agreement, it would give rise to potential future legal challenges.

Council Member Shadle move to approve the Franchise Agreement between the Town of Hideout and Utopia Fiber and to authorize the Mayor to execute the agreement.

Council Member Baier expressed she was not prepared to vote at this time. Discussion followed concerning the agreement itself and whether it mirrored that of All West. Dan Dansie explained the Utopia agreement was based on the All West agreement with additions as follows: 1) because Utopia is not regulated by Public Utilities Commission, language was added to commit Utopia to comply with all regulatory requirements (paragraph 3D); and 2: an assignment provision (paragraph 20).

Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.

7. Wes Bingham - 2019-2020 Budget: First Quarter Status Update

Wes Bingham summarized the first quarter financial results. Highlights of his discussion follow:

Revenues: Some of the revenue sources, such as property taxes are seasonal. The Town expected to receive 100% of the budgeted property tax revenue. Overall, the current revenues total \$175,000, with a budget of \$788,000. Mr. Bingham noted at this time, the Town earned 22% of its revenue, however a portion of that included appropriated surplus

which pushes the figure higher. Regarding sales tax, Mr. Bingham expected \$24,000 for the year, representing an additional \$5,000.

Building Permits: Mr. Bingham noted that sales tax and building permits are the two most likely fund sources to be volatile, but he added both were doing very well for this point based on these figures, he was optimistic the Town could expect to meet its budget revenue figures. Council Member Shadle inquired how many building permits were currently with the Town. Jan McCosh responded she would find out and advise the Council later. Mr. Bingham estimated approximately 25 at this time, based on a percentage of revenue.

Mr. Bingham commented it was significant for the Town to have 1/3 of its revenue at this point, however he cautioned he would have a much better idea at six months and by year end.

Administrative Department Expenditures: 28.7%. While these expenditures are a bit high, Mr. Bingham felt they were not a significant concern at this time.

Professional Services: \$101,000 of that budget had already been expended, however they were allowed expenditures. Mr. Bingham noted the building inspection costs were quite low compared to the overall budget.

Engineering: \$94.75%. Mayor Rubin noted Engineering's work with GIS is really associated with the Enterprise Fund as opposed to the General Fund and would need to be reviewed for potential reclassifying. Further, Mr. Rubin met with T-O to discuss a budget and the prospect of either putting some Town projects aside or delay them; additionally, the Town would be decreasing the T-O budget to \$3,000 per month for the remainder of the year for Town projects, however T-O could continue with pass throughs. Mr. Bingham asserted this may be a good opportunity to put some of this into a CDBG grant. Further, he pointed out that budgetary legal limits really applied to departments, so providing the Professional Services department expenses overall do not exceed the budget, then it is okay.

Council Member Shadle noted that the water fund had nearly no expenses; he felt the GIS system would be more appropriately allocated to that fund. Mr. Bingham responded he would go back through the Engineering expenses and review allocations. Mr. Rubin added he and Ryan Taylor were currently looking at a grant for the water and sewer models; he told Mr. Taylor the Town could not proceed with those models unless it obtains the grant funds.

Public Safety, Streets and Parks and Recreation: The Town has held off on public safety expenditures at this point. The Streets fund is substantially under budget, with only 15% expended. Parks and recreation: 50% expended and debt service has been paid. Mayor Rubin noted there was currently a bill for \$80,000 for road repairs that would be allocated to the second quarter.

Council Member Shadle inquired regarding cash on hand. Mr. Bingham responded the Town currently had \$622,000 cash on hand, however \$409,000 in liabilities, much of which relates to performance bonds, of which \$369,000 is allocated to the Deer Waters performance bond and is held in a separate account. There is also a \$100,000 bond for GCD. Mr. Bingham stated he would provide the Council with a copy of the balance sheet.

He felt the Town was in an "okay" cash position; he still needed to pull out some Class C and other funds and segregate them into separate funds, enabling the Council to see exactly what cash would be needed, e.g. water, sewer, Class C etc., and also know which amounts were restricted and for what purpose.

Enterprise funds: Mr. Bingham explained he had not presented depreciation on that fund, which is typically done at the end of the year to have an idea of how much cash to have toward enterprise projects. He suggested the public works or engineer identify projects to address. Through the current year, there the fund has \$221,000 in revenues, representing about 33% of collected revenue. Mr. Bingham added enterprise funds can be seasonal when it comes to water, due to increased usage in the summer. He felt a mid-year review of these numbers would provide more information as the next year's budget is developing.

Mr. Bingham noted \$139,000 in expenditures, with \$743,000 budgeted in the Enterprise Fund. Mayor Rubin announced he had received a contract from JSSD earlier in the day by which JSSD would assume the maintenance and general service of the sewer system and a good chunk of the water system for a fixed rate (with add-ons if special equipment is required, e.g. vac-truck, etc.) After meeting with Kent Cuillard, the Mayor determined the system was too much for the Town staff to maintain, especially given some recent significant unplanned interruptions, including a sewer backup near the lift station and a water leak near the roundabout. Mayor Rubin met with JSSD who is willing to maintain and support the Town's water and sewer infrastructure. It was projected the income from the water fund would support a contract with JSSD, estimated to be approximately \$75,000.

8. Presentation and Discussion Regarding the Master Plan from P.O.S.T. (Parks, Open Space and Trails Committee)

Thomas Eddington, representing the POST committee, (Council Members Baier and Johansson, Jan McCosh and Planning Commissioner Sara Goldkind) summarized the background of the three-month project to create a map guiding future open space and trails. The General Plan identifies 22 goals and of those, 11 relate to trails, open space and park planning.

The committee found the community wants aligned well with the committee goals. Mr. Eddington shared some survey results showing the number one thing the residents dislike about Hideout is its lack of trails.

The Committee recommended 3 segments in laying out the framework for the future:

Regulatory: Ensure open space trails, etc. are part of new developments and are clearly outlined in the Town code. Zoning is the regulatory tool that endows the Town with "some teeth" where the Town needs to have some of the trails, open space and park area recommendations, and the developers must adhere to it.

Partnership and Collaboration: Partnership and Collaboration: Ensure Hideout participates effectively within the larger area among the other regional participants. Suggested entities with which the Town would collaborate include the HOA, Jordanelle, MIDA, UDOT, non-profits, trail organization (Mountain Trail Foundation), Wasatch County (Doug Smith)

Financing Tools: Identify different financing tools, given the Town's various budgetary constraints. Mr. Eddington explained the committee focused on what might a \$5 million bond look like for an example. In 20 years at 3.25% it would add approximately \$925 per year per resident for 20 years to pay it off went to \$8400. Mr. Eddington noted that now would be a good time to look at trails before the Town is built out, when it would be more challenging and more expensive. He indicated \$5 million would cover most of the seven projects the committee identified, outlined below.

Mr. Eddington commented the master HOA covered a significant area and it was important to work with them. He indicated the committee had been working cooperatively with Will Pratt and it was their hope that the private trails could be accessed in the future. The HOA had been a partner since the beginning, which was a positive.

As for the financing portion of the plan, Mr. Eddington was in the process of updating it to include the MIDA aspect concerning the Town's financial position. It was further indicated impact fees would be another potential source of funding.

Mr. Eddington then outlined seven priorities identified by the committee:

1. Ensure developer compliance with previously approved plans and subdivisions. The committee mapped out all the subdivisions over the years and identified where developers' trails were to have been built as part of the approved plans. At this time, the committee was unable to calculate the exact percentage of uncompleted trails. Council Member Baier noted there was no clear definition concerning what a "complete trail" is, which was a challenge to the committee. For example, a trail could be cut in but not maintained; would that be considered complete?
 2. Work with the Deer Springs developer on building the trail. He indicated much of this had already been done. Additionally, the Rustler plat area could be considered for improvement. (\$50,000-\$100,000)
 3. Create a spine to connect Hideout neighborhoods and all of Highway 248 from Kamas to Park City. This would require working with UDOT to create a 10 to 12-foot wide asphalt path along 248. The Master HOA indicated some interest in investing money in this project, which could cost \$250,000-300,000 per mile (possibly more based on potential legal and easement costs); there are four miles running within the Town of Hideout. It would also involve collaborating with neighboring communities and MIDA. Council Member Baier expressed that this was a very important corridor regionally, because Hideout is in the center of the connection.
- Mr. Eddington recounted the committee had a discussion with Doug Smith of Wasatch County regarding a regional trail known as the "Posting Trail" that could connect Deer Springs, the Richardson Flat trail toward Park City, and then a trail the county was looking at that would run along the west side of the Jordanelle that could then be wrapped around to the east. Mayor Rubin noted there was a powerline trail planned along the Jordanelle Parkway by MIDA.
4. Purchase land for a park. The committee recommended considering the rock pile at the roundabout for a park. That land (approx. 2 acres) was not zoned for residential development, and there may be a possibility Mustang Development would sell it for a park.

5. Providing a trail from the park (identified in Priority #4) through Dead Man's Gulch and connect to Jordanelle. Currently there was a rough trail of about 700 feet. If extended to 1000 ft, it could connect to trails in Jordanelle. Other possibilities would include near the sewer lift station or along the access road that parallels the fence line to the park. It was noted entry to the State park would entail a fee, and the Mayor indicated there was a possibility of adding park access fees or green space fees to the Town's monthly utility bills. Council Member Baier noted the committee still needed to work through the details with the State concerning possible access to and fees regarding the Jordanelle.

6. Connecting the last mile to connect all neighborhoods. The committee analyzed the existing and approved private trails, many of which do not connect to each other. The objective would be to connect all to Highway 248 so that access would be fluid. The committee identified eleven sites that would need to connect.

7. The opportunity to utilize existing utility lines for easements, for example working with Rocky Mountain Power for potential power line trails, pocket parks, etc. Mr. Eddington noted it could be a little complicated legally working with utilities to access easements, however other municipalities have done it, and there were significant easements through the Town that may be utilized. Mayor Rubin noted there was also land in the Town under power lines owned by JSSD and he believed JSSD would be open to working with the Town on potential trails there. Council Member Baier commented that she was involved in past work on trails in the State Park that included working with Rocky Mountain Power, who indicated that as long as the land owner(s) approved, and the easement along the property and access to power pole were not blocked, then they were amendable to having trails constructed near power lines.

In closing, Mayor Rubin thanked the committee and Mr. Eddington for their work. He expressed the importance regarding the Town's priority to identify and acquire surrounding land before the area is built out.

V. ADJOURNMENT TO EXECUTIVE SESSION

Council Member Shadle moved to enter into executive session. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.

At 9:00 p.m., the regular meeting was adjourned and the executive session convened.

VI. MEETING ADJOURNMENT

At 9:45 pm, the Executive Session was adjourned.

Allison Lutes, Town Clerk