

**Town of Hideout Town Council Meeting Minutes**  
**10860 North Hideout Trail**  
**Hideout, Utah**  
**July 11, 2019**

**Present:** Mayor Phil Rubin  
Chris Baier  
Kurt Shadle  
Jim Wahl  
Hanz Johansson

**Others:** Jan McCosh, Town Administrator  
Dan Dansie, Town Attorney  
Jerry Dwinell  
Kent Cuillard

**Excused:** Dean Heavrin

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Phil Rubin called the Town Council Meeting to order at approximately 6:00 p.m.

**2. ROLL CALL**

All members of the Town Council were present with the exception of Dean Heavrin.

**3. APPROVAL OF TOWN COUNCIL MINUTES – July 3, 2019 Meeting.**

Mayor Rubin reported that a special meeting was held on July 3 regarding approval of a resolution appointing Allison Lutes as Deputy Town Clerk.

**Council Member Shadle moved to approve the minutes of July 3, 2019. Council Member Baier seconded the motion. Vote on motion: Jim Wahl-Aye, Chris Baier-Aye, Kurt Shadle-Aye, Hanz Johansson-Aye. The motion passed unanimously.**

**4. DISCUSSION ITEM – Help Needed Finalizing Council Minutes from 3/19 through 6/27/19.**

Mayor Rubin reported that due to employee issues, help was needed on the finalization of the minutes of 3/19, 4/4, 4/11, 5/9, 5/23, 6/13, and 6/27. He asked for help from those who were in attendance to review the draft minutes and recordings. Council Member Baier offered to help with the June meetings, Council Member Shadle the May meetings, and Mayor Rubin the April meetings. The goal was to have the minutes ready for review prior to the next meeting scheduled for August 8, 2019.

**5. CONTINUATION OF PUBLIC HEARING – Consideration by the Town Council to Approval the Impact Facilities Plan and Adoption of an Impact Fee Enactment.**

Mayor Rubin reported that the above matter is a continuation from the May 23 meeting. There was an investigation and feedback was received from constituents including residents and developers. They were close to being able to rework the figures on the work done with one exception. They were still awaiting documents from Hideout District 1 due to a GRAMA request. As of last Monday, the Town received confirmation that it was received.

In response to a question raised with regard to the reason for the GRAMA request, Town Attorney, Dan Dansie commented that there was no animosity on the part of those making the request. Staff initially had trouble finding a contact person but the matter was now being addressed. It was noted that the master developer reached out to the Property Rights Ombudsman to get an opinion on the investigation and resolve the issue. A response was being formulated, which was expected to be a useful tool. It was suggested that the Town seek further assistance from State officials on the district analysis. It was noted that the Town's resources are limited and a great deal of money has been spent to this point.

It was recommended that the matter be tabled again as there are still issues remaining to be resolved. It was reported that the following Wednesday they would be meeting with the local district to review the requested documents. The review process was described. The Mayor thought it would be helpful to identify the correct documents and get direction on what can be included in the report. Council Member Shadle suggested that the Town seek assistance from State officials on the district analysis.

Timing issues were discussed. Mr. Dansie explained that some infrastructure was constructed that was not included based on the fact that it was ultimately financed by the local district. There had been some disagreement with the master developer about that, however, in order to move forward on the current version, they agreed that there were certain homes that would not be included that were financed by the local district. Going forward, the change would have to be discussed. Mayor Rubin commented that the goal is to resolve the issue and not continue to defer it. Mr. Dansie stated that staff would do its part to meet that date.

**Council Member Baier moved to continue the matter to the August 8, 2019 meeting. Council Member Shadle seconded the motion. Vote on motion: Jim Wahl-Aye, Chris Baier-Aye, Kurt Shadle-Aye, Hanz Johansson-Aye. The motion passed unanimously.**

**6. COUNCIL RATIFICATION – Consideration and Ratification by the Town Council of the Fire Restrictions Imposed July 1, 2019.**

Mayor Rubin reported that some municipalities are allowing fireworks and others are imposing restrictions. Hideout was the latter. The Mayor took executive action and sent out the restrictions for Council review that went into effect on July 1. He thought it would be helpful to know whether the Council supports the fire restrictions. The Council expressed their support. Council Member Baier asked how the notice will be sent out. Mayor Rubin stated that a notice will be sent out via email to those the Town has email addresses for. It will also be posted on the Town's website and on all notice boards. Council Member Baier asked how it will be observed. The Mayor stated that

it will done by observation. He pointed out that the residents understand the fire risks. Council Member Baier stressed the need for signage in neighborhoods.

Council Member Shadle commented that developers pose the biggest risk. It was noted that no public input has been taken on the matter. No feedback had been received from residents. Mayor Rubin indicated that this was a matter of public safety, that we had the same restrictions last year, and that we would not change our position on this matter. The Mayor stated he would reach out to State Park officials to confirm their position on this matter.

**7. APPROVAL – June Bills to be Approved for Payment.**

Mayor Rubin commented that the Town has been cognizant of the fact that meetings are often lengthy and it is difficult for those participating via telephone for voting purposes. His preference was to address issues requiring a vote to be addressed during the first part of the meeting.

The bills for the month of June were provided in the Council packet. The cutoff was specified as the third business day of the month. Going forward, the list would be made available three days before each meeting. The Mayor asked the Council to be proactive in submitting personal receipts. Council Member Shadle recommended that pass through bills be identified.

Council Member Baier asked about the Utah Department of Commerce Building Permit surcharge and did not recall seeing it before. Town Administrator, Jan McCosh explained that it is a report that needs to be filed quarterly but has not been for two years. She would hold the check until she receives the appropriate backup.

Mayor Rubin explained that the intent is that the service providers who have caused the Town to be in arrears will be billed for the surcharges and additional costs incurred by the Town.

**Council Member Shadle moved to approve the June bills for payment. Council Member Wahl seconded the motion. Vote on motion: Jim Wahl-Aye, Chris Baier-Aye, Kurt Shadle-Aye, Hanz Johansson-Aye. The motion passed unanimously.**

**8. PRESENTATION – Update on 2017-2018 Audit – Presentation by Childs Ricahrds (External Auditors).**

Mayor Rubin reported that the Town is behind on their 2017-2018 audit but should be able to close it out soon with the help of staff and Audit Manager, Amy Davies. Child Richards CPAs and Advisors were contracted by the Town to perform agreed upon procedures required for the State. A full audit was not conducted. Ms. Davies was present to discuss their findings.

The procedures performed included the following:

- A Financial Survey – No exceptions or deficiencies were found.
- Review of Accounting Records – No exceptions or deficiencies were found.
- Compliance – Recommendations:

- 13d. Finding – Minutes for the March 8, 2018 meeting were not posted within three business days. In addition, minutes of the October 12, 2017 meeting were not posted to the website.

Response – The Town will establish procedures to ensure that minutes are posted within three days of approval.

- 18. Finding – The Town’s unrestricted General Fund balance exceeds 75% of the Town’s total revenue by \$49,139.

Recommendation – The Town will monitor the fund balance to ensure that it is not in excess of the requirement and comply with the restricted amounts.

- 19a. Finding – Training was not completed by all Council Members.

Response – All Council Members received the training in 2019.

- 19b. Finding – Training on GRAMA was not completed in 2018.

Response – The Town will provide GRAMA training to the designated records officer.

Ms. Davies stated that the report was due in December 2018, however, they did not receive the requested information. The information had since been received and the work completed. Mayor Rubin reported on a recent change to their financial support team, which will result in more efficiency going forward.

Council Member Baier asked how close the Town is to becoming a City. Ms. McCosh reported that 25 more residents are needed. A population of 975 is the State’s estimate, so 2020 will be Hideouts last year as a town.

Council Member Shadle asked if there is a procedure that could be implemented to provide an alert if required items are delayed and not getting done. Mayor Rubin explained that those types of matters come to him. He relies on the Town’s prior service provider. Going forward, the Town will have competent employees who will monitor the requirements. It was noted that funds were cut off by the State, which has impacted the Town’s revenues.

## **9. PRESENTATION – 2018-2019 Financial Statement – Presented by Jan McCosh.**

Mayor Rubin reported that the 2018-2019 financial statement will be presented prior to closing out this fiscal year. This information is to be shared with the County. Ms. McCosh explained that the Standard Financial Report is part of the required compliance going forward with a presentation to be made quarterly. The financial statement is preliminary in nature and the Town is in the process of transitioning the Treasurer. Wes Bingham has served as a municipal accountant for several years. The Town is working to put procedures in place so that they do not repeat past errors. Ms. McCosh was not prepared to certify the numbers as she was still gaining access to bank accounts and other information. She was not yet able to put forward the numbers with a high level of confidence that

they are correct. She pointed that the revenues are off because they have not had access to the funds that have been on hold. The statements have been sent to a clerk who is not present or is not passing the information along.

Council Member Shadle questioned whether the revenue held by the State should be included in the budget even though the Town has not physically received it. Ms. McCosh explained that it should be included. It has been going to the Clerk but it has not been passed on. The Town has access to the funds they are entitled too and nothing is being lost. Ms. McCosh clarified that it is reflected in the budget. The revenue was budgeted for but she could not verify the exact number. Mayor Rubin pointed out that no significant material changes were proposed but the corrections need to be made. Ms. McCosh stated that the new procedure will simply include the audit process.

**10. DISCUSSION ITEM – Truth in Taxation Hearing Schedule – Presented by Jan McCosh.**

Ms. McCosh reported on the following tasks that have been completed since the last meeting:

- An interim budget was approved based on the tentative budget.
- The budget was uploaded to the State, which is a requirement.
- Staff communicated with Wasatch County about the future Truth in Taxation Hearing to be held on August 8, 2019.

Ms. McCosh reported that because there are other municipalities going through the same process, the County prepares the first ad. She verified with the County that they received the information. On July 25 the County will place an ad in *The Wasatch Wave* and the Town will reimburse the County for the cost. At the same time, public notice will be provided. A second ad is due seven days prior to the hearing for which the Town is responsible. Mayor Rubin commented on the low readership of *The Park Record* and did not feel it would be worth the additional cost to place an ad in that publication.

Council Member Shadle commented that very few people read the ads so he suggested they find other ways to notice the matter in addition to the advertisement in *The Wasatch Wave*. Mayor Rubin suggested utilizing the Town's website rather than Nextdoor as a communications mechanism.

It was reported that by State law, the Truth in Taxation hearing is a single subject meeting. They will open the meeting, go through the Truth in Taxation session, adjourn the meeting, and reopen the regular meeting. It may be necessary to meet the fourth Thursday in August to address the remaining items on the agenda.

**11. DISCUSSION ITEM – MIDA Financial Analysis – Most Recent Analysis.**

Mayor Rubin reported that Zions bank performed an additional analysis on the net benefits to the Town. The intent was to minimize the Town's expenses with Zions. He referenced the PowerPoint presentation given by Susie Becker from Zions, and stated that when it was created there was the potential for as many as 102 units in the Vanden Akker property. They know, however, that it is

less than that based on the last Council Meeting. Klaim is not included in the calculation but they have expressed an interest in participating. The taxable value was discounted because they are second homes, which are taxed at a lower rate. He commented that Scenarios 1 and 4 show the gaps and differences. Each of the four scenarios were described. What is presented assumes the Town being included in MIDA with full participation. The funds generated will improve the community.

Council Member Baier's understanding was that the revenue will be in the form of a tax to future residents within the MIDA project area. Mr. Dansie explained that the tax rate is set by the Town and is from the property tax revenue allocation. Jerry Dwinell commented that Wasatch County is giving up the tax in those areas. Mr. Dansie named the entities that will not receive it. It was not clear to Council Member Baier whether there is an adequate narrative and she was interested in reviewing the specifics. Nate Brockbank offered to pay Susie Becker come back and lead a work session. Jerry Dwinell commented that having Ms. Becker come back will not provide the answers sought since she is only doing the math. Council Member Baier was interested in seeing those numbers. Her recollection was that there will be a benefit to MIDA recipients. She was interested in understanding what specifically can be done in the next five years.

Council Member Shadle remarked that they could do a bond and pledge the revenues to make improvements now. Possible projects were discussed. Mr. Dansie clarified that the funds are not to be used to build military facilities but to develop projects that provide a direct benefit to military families. The initial project was to develop a business corridor adjacent to Hill Air Force Base for use by government contractors and others to benefit military families. They also want to provide recreational space that will benefit military personnel and their families.

Mayor Rubin commented that the intent is to provide recreational space for military families to stay and recreate in Utah. The State of Utah also sees it as a benefit and is willing to give up the tax base. He pointed out that in the envisioned development around Jordanelle, there are multiple price points. The spaces under consideration are already approved for certain types of housing, which will not support the affordable housing vision. Land would have to be purchased by the Town to provide affordable housing. In addition, the Town needs a resource person to help them better understand what will happen when they become a City.

Ms. McCosh reported that they are transitioning and in anticipation of getting compliance this year as a City. The intent is to train and certify Ms. Lutes as a Clerk, which will be required when Hideout becomes a city. Mayor Rubin asked about the additional requirements that will need to be met once they are a city. Ms. McCosh stated that there are several requirements pertaining to planning. She reached out to Summit County for assistance in that regard and would be reporting back to the Council. Jerry Dwinell remarked that the Planning Commission is working through the issue and is not yet ready to make a recommendation.

Mayor Rubin stated that the Town's portion will be used to backstock UTOPIA. Of the \$37 million in development funds, 30% will go to the landowners, which must be used for the betterment of the project area.

Council Member Shadle asked Mr. Brockbank if they have a separate agreement with MIDA. Mr. Brockbank indicated that they do not and stated that they have to first have an agreement with Hideout. The intent is to use the \$11 million for roads, parks, and infrastructure. Council Member

Shadle remarked that their plans include certain things and asked if the funds go toward roads, whether those funds would essentially be a profit since what would have been spent on roads is now being paid for with MIDA revenues, which is essentially tax revenue. Mr. Brockbank explained that the funds will benefit the Town and something they normally would not receive. Any funds he receives will benefit the community directly. He stressed that the project is not based on him receiving funds from MIDA.

Council Member Shadle suggested the possibility of forming a committee that would oversee how the money is spent. Mr. Brockbank's understanding was that development fees are reimbursed to him to help pay for the development improvements. Ultimately, MIDA has to have the cooperation of three parties. The municipality and the landowners also have to give their consent.

Council Member Shadle stated that over a 25-year period, the funds could be of tremendous economic benefit to the Town, which has no amenities. Mr. Brockbank commented that with the plan envisioned for the Vanden Akker parcel, he would have to construct a wall, which would be costly. Although it will benefit him personally, there should be a far greater benefit to the Town.

The net total was calculated at \$42 million before splitting it up. The risk to the Town would be to cut the budget by a few million dollars over 25 years, which could potentially put the General Fund at risk. An analysis should be conducted to ensure that that does not occur. They cannot transfer from one account to another, so it is important to understand the definition of the funds and place existing funds in the correct categories. The Mayor's opinion was that the other two scenarios confuse the issue and recommended they be eliminated.

Council Member Shadle stated that from a tax base standpoint they are using a very small portion of the overall tax payment and extending it out. This pushes the County back on its share of collected taxes. The Mayor remarked that the risk is at the County level. They are betting on the future that the development will generate revenue beyond 25 years. With Mayflower, they will also become an active player in the ski industry where they have not been in the past. Concerns and long-range benefits were discussed among the Council. Mayor Rubin commented that the agreement that is in place will give the Town control.

Mr. Dansie commented on the development application and the standards. The potential for challenges were identified. It is to the Town's advantage to be a good partner and there is a mechanism in place to challenge it, if necessary. He stressed the need to update the current Code on the appeal process in the near future. Possible scenarios were discussed.

Mr. Dansie explained that once there is a development application, the issue for the Council to decide is whether the development application meets the requirements of the Code. If the Town Council determines that it does not, there is an appeal process in place. The MIDA agreement specifies that they cannot utilize all of their power over planning and zoning within a project area. Wasatch County will keep one sliver and within the project area they will have the last say before going to court to appeal a decision. That keeps the County involved and allows them to exercise some planning and zoning authority over the Town of Hideout. Jerry Dwinell remarked that a major focus of the Planning Commission has been on remedy and land use issues and whether the Town is giving up any sovereignty or land use authority in the project areas.

Mayor Rubin commented that they are not changing the makeup of the Town and what will go into the spaces. It does, however, potentially change the Town's ability to drive some of the improvement programs. He was enthusiastic about the MIDA project because of potential benefits to the Town and the fact that it takes some of the burden off of the residents.

Mr. Brockbank stated that he cannot change the project without going through the approval process again. Based on a conversation he had with a MIDA official, his opinion was that MIDA will not care what is done in Hideout.

Council Member Baier suggested that the Council consider General Plan scenarios showing how it would work. She questioned where the Town stands on schools and parks. Council Member Shadle commented that the Town is currently not being properly served by the school district.

The matter was to be included on the next agenda for further discussion.

## **12. DISCUSSION – Golf Course Complaints – Next Steps.**

Mayor Rubin reported that a significant number of letters of concern have been received from the community, primarily about the appearance of the golf course. A letter was sent to the golf course citing code violations and giving a time frame within which to reply. Receipt of the letter by the golf course was acknowledged. Mr. Dansie also spoke to Mustang Development's Attorney, Jared Fields, who does not believe that the conditions identified in the letter rise to the level of a nuisance. They also do not believe that the Town can take enforcement action. Mr. Dansie stated that a number of remedies are outlined in the Code. He suggested that the Council continue to monitor the situation. Mustang does not believe there is a requirement for the pond to be kept at a certain level. They contend that its primary purpose is as storm water detention. It was noted that the Town has options specified in the Code.

Mayor Rubin expressed concern that the maintenance area is a fire hazard regardless of the pond issues. Council Member Shadle commented that per the HOA, the developer is exempt from their own rules. Mayor Rubin and Mr. Dansie planned to meet to discuss strategies going forward.

Council Member Baier commented that if there is a pond on the site, it should have water in it and have a finished appearance. She questioned the purpose of the detention pond. Mr. Dansie stated that it depends on how the plat was laid out. The question was whether it was planned as a detention pond or water feature. The Mayor stated that if it is determined to be a detention pond, it needs to be landscaped as one.

Council Member Baier pointed out that the current condition of the golf course could impact property values and resale potential. In addition, it is not in keeping with the master HOA guidelines. Mr. Dansie pointed out that MDA development applications do not address nuisance issues. Council Member Shadle suggested that the nuisance law be fine-tuned.

It was verified that the letter was sent to Outlaw Golf Club, LLC as well as to Mustang Development's Attorney, Jared Fields.



### **13. DISCUSSION – Internet Committee – Next Steps.**

Mayor Rubin reported that the Town was close to having a deal with UIA. The proposal was reviewed by the Internet Committee who sent it back with minor changes with the expectation that it would be signed. Significant interest had been expressed in obtaining better broadband coverage. The consensus was that UTOPIA was the Town's best option and there were detailed discussions with UIA about cost. When the proposal was returned, significant changes had been made with a dramatically different cost structure. The cost increased by \$200,000 with no discussion or explanation, which was troubling. About the same time, a consortium approached the Mayor with a concept not dissimilar from UTOPIA. It involved an interlocal agency but instead of UTOPIA owning the fiber, the Town would own it. The proposal was in the process of being reviewed.

Jerry Dwinell commented that once the infrastructure costs are paid off, that amount goes away. The timing of the project can also be structured to keep costs low. He commented that they are doing their due diligence but the current bid is a good option.

Kim McKinley from UTOPIA explained that when they prepared the initial bid, they asked for a map but never received one from the Town. As a result, when they did a walk through, they found that the conditions were different. Two portions consisted of the interconnect from I-40 and Hideout. The cost came in substantially higher for the interconnect and the build. UTOPIA was still working to determine if they can take on the entire cost of the interconnect. They were working on ways to reduce the cost but had not made any final determinations.

Jerry Dwinell stated that they supplied UTOPIA with the maps that were available. In addition, the Town has been working with UTOPIA for over one year and they have visited Hideout numerous times. He did a walk through with an engineer three weeks earlier and then the cost came back much higher.

The costs were reviewed with the Town Engineer and trenching options were explored. They went ahead with the fiber that Allwest is proposing be placed in the roadway. This would eliminate the need to dig up driveways or disturb landscaping. A four-inch cut would be made through the asphalt. The total cost of that install was estimated to be \$130,000, which reduces the cost significantly.

Ms. McKinley discussed the pros and cons of micro trenching. Mayor Rubin pointed out that it reduces the cost. Ms. McKinley indicated that she would take the input received back to their Board. Mayor Rubin stated that the Town would be willing to meet with UTOPIA representatives to discuss what changed and why. Council Member Shadle stated that action needs to occur quickly since the residents are anxious to receive the service.

### **14. DISCUSSION ITEM – Hideout Local District – Findings to Date.**

Mayor Rubin reported that as part of their forensic analysis, the Town Engineer is examining the various documents that describe the various portions of the Town in legal language. These areas were also mapped. The Council Members received a note from the Mayor regarding feedback on the tax rates. Council Member Baier questioned whether the requested data can be obtained from Wasatch County.

**15. DISCUSSION ITEM – Emergency Training – Need Availabilities for Training Dates.**

Mayor Rubin asked that the Council submit their availability for the two weeks in order to schedule the training. It was noted that volunteers will be trained on how to handle emergencies. Some live up to 40 minutes away. He stressed the need to be more prepared.

The Mayor reported that the GIS mapping is nearly complete. It will enable them to identify the location of a leaking valve and resolve the situation quickly.

The Mayor indicated that there was a sewer backup over the weekend. Over the winter, there was also a problem at the sewer lift station. The intent was to train people to address those types of issues. Council Member Baier commended Kent for coming out on the weekend and managing the situation.

The Town was also working toward implementing an alert system via text message or email.

**16. PUBLIC INPUT – Floor Open to Any Attendee to Speak.**

Mayor Rubin opened the meeting to public comment.

Jerry Dwinell spoke as a resident and first addressed the response from the golf course, which seemed like an insult to the Town. He encouraged the Council to act with due diligence to resolve the issue. He next addressed the burn issue and stated that clarity is needed since it mentions exempting commercial BBQ grills. Limitations on firepits and solid fuel should also be clarified.

Carleen Callahan and Don Blumenthal spoke by telephone and submitted a letter to the Town Council. Ms. Callahan thanked the Town Council and the Mayor for their work. Their main concern pertained to impact fees. She asked for clarity on the distribution of funds and other specifics.

Mayor Rubin explained that by law, in the State of Utah, developers have the right to be reimbursed for the creation of public infrastructure that is outside of their project and benefits more than just their specific project. The Town hired an independent third-party engineering firm to look at the cost of these types of infrastructure to determine the correct amount of reimbursement. He explained that the district was created by a previous administration and was formed as a financing mechanism for development. The belief was that this it covers some of the same infrastructure. The Town was trying to ascertain whether residents would be charged twice. When they reach a figure they feel is fair and equitable for the shared infrastructure in the Town, that amount will be shared by future residents. Due to how the Town is designed, not every area is the same. As a result, the charge will not be uniform and will be based on where someone lives. For example, Soaring Hawk and Golden Eagle have been exempted because they are covered by the bond. Ms. Callahan asked that the revised version of the document be made available to property owners. Mayor Rubin stated that it would be and that a public hearing will be held.

Bill Bartlett addressed the pond and asked what it would cost to fill it up and make it look attractive. Mayor Rubin did not expect the cost to be significant. After speaking with the prior engineer, it was determined that they either need to increase the pump volume or decrease the upflow from the pond. Mr. Barlett commented on the poor appearance of the pond.

Donna Turner a Shoreline resident, commented on her past experience with detention basins. She stated that because the pond has a liner, it is intended to be filled with water. A detention basin has a natural base and is allowed to grow vegetation. She agreed that the situation needs to be resolved.

Mr. Bartlett asked about the status of the internet and stated that Allwest is tearing up their road and installing conduit. He questioned why the Town was still working with UTOPIA when Allwest is taking action. Mayor Rubin pointed out that Allwest is not outfitting the entire Town and is only providing service to Rustler and Shoreline. Mr. Dwinell pointed out that the service Allwest is providing is significantly more expensive per month than the UTOPIA contract. As a public utility, they have the right to use public rights-of-way to install infrastructure and they are paying the cost of installing the lines. Allwest wants to serve the more highly dense areas of Town, which is more cost effective for them.

Council Member Baier observed that there has been no traffic control on the road where they are trenching. Mr. Dwinell agreed that flaggers are needed and would address the matter.

Mr. Bartlett had heard a rumor that the golf course is for sale. If sold, he asked what will happen to the property. Mayor Rubin stated that nothing can be done with the property without a zone change. He has reached out to several in the real estate community and there is no indication that it is for sale.

Council Member Baier commented that Hideout was planned as a Resort Specially Planned Area (RSPA) and the anchor amenity is the golf course. Mr. Dwinell pointed out that there are four requirements for an RSPA and only two are currently being met. It was reported that when a home is sold, 1.25% goes to the master HOA.

Mr. Bartlett commented that MIDA will bring in issues such as congestion and asked about the potential pros and cons. Council Member Shadle stated that growth will happen regardless. He reported that the Town's tax revenue was \$50,000 this year. With the funds generated from MIDA, the Town will be able to make needed improvements. Council Member Baier commented that the MIDA board is appointed by the State. Her biggest worry was loss of Town control due to lack of local representation.

Harry Major asked for clarification of the golf course situation and what would be required to rezone it. Mr. Dansie stated that the current zoning would not prevent development.

Lori Tippetts reported that she has a home under construction and was concerned about the rumors of the golf course selling. She questioned whether she should continue to build and noted that she has already invested a significant amount of money. Mayor Rubin stated that the property is privately held and the landowner has the right to sell and do with it what he wishes. He agreed to approach the owners of the golf course and move this issue higher on the list of Town priorities.

Mr. Dansie explained that a future change to the zoning would not effect the development application. He stated that the Town's ability to rezone the golf course area is based on the development agreement and vested rights.

Ms. Tippetts asked who controls the zoning. Mr. Dwinell commented that in this case it is unknown what the Master Development Agreement carries with it. He stated that research needs to be conducted.

Laurie Major commented that they did not look into the land below them before building. She was confident that most of it was BLM land but realized that the golf course could at some point be sold. She asked about access if the golf course is sold. Mayor Rubin stated that they would have to study the area maps to make that determination.

Property value issues were discussed. Mr. Dansie declined to comment on property values if the gold course is sold. Anyone with questions regarding their individual agreements with Mustang were advised to consult a private attorney. That was not a matter for the Town to address and is a private matter. Available resources were identified.

There were no further public comments.

**17. ADJOURNMENT TO EXECUTIVE SESSION**

**Council Member Shadle moved to close the public meeting and reconvene in an executive session. Council Member Baier seconded the motion. Vote on motion: Jim Wahl-Aye, Hanz Johansson-Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

The City Council was in closed session from approximately 9:10 p.m. until 9:45 p.m.

**18. ADJOURNMENT**

**Council Member Shadle moved to adjourn. The motion was seconded by Council Member Baier. The motion passed with the unanimous consent of the Council.**

The Town Council Meeting adjourned at approximately 9:45 p.m.

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Lynette Hallam, Town Clerk