

Minutes
Town of Hideout
Town Council Regular Meeting
September 10, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on September 10, 2020 at 6:00 PM via electronic virtual meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. No Anchor Site Determination Letter

Mayor Phil Rubin stated there was no anchor site due to the transmittal risk of COVID-19. Town Hall would not provide adequate room for safe spacing between attendees, and therefore, the meeting was held virtually via Zoom conferencing.

II. Call to Order

Mayor Rubin called the meeting to order at 6:04 pm.

III. Roll Call

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

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Clerk Alicia Fairbourne
Town Planner Thomas Eddington

Others Present: Alexander Cramer (Park Record), Park City Mayor Andy Beerman, Becca Gerber, Bret Rutter, Bruce Baird, Ceila Peterson, Colin Deford, Colleen Kelly, Dana Williams, David McFawn, Doug Dickens, Dubby Jenkins, Gwen Wetzel, Helen Strachan, Jami Brackin, Jason Glidden, Jeff Bawol, Jenny Dierson, John Phillips, Julia Collins, Kent Culliard, Kim Carson, Kurt Shadle, Linda Jager, Lindsay Payeur, Lynn Ross, Malena Stevens, Summit County Attorney Margaret Olsen, Mary Smith, Mitchell Manassa, Mitchell Walski, Paul Ziegler, Roberg Hughes, Robert Mansfield, Roger Armstrong, Ron Winterton, Sally Elliot, Sarah Pearce, Sean Philipoom, Steve Joyce, Teri Orr, Thea Leonard, Tim Henney, Todd Hollow, Tricia Lake, Zoi Walker, Nann Worel, Nate Brockbank, Blaine Thomas, Claire Olio, Max Doilney, Tom Daley and others who may not have signed in electronically using their full name.

IV. Agenda Items

1. Approval of Bills to be Paid

Mayor Rubin presented and reviewed the monthly bills to be paid. Council Member Jerry Dwinell inquired what services Cache Valley Electric was invoiced for. Mayor Rubin explained it was the cameras at the roundabout to capture wrong-way drivers and provide the ability to take action.

Town Administrator Jan McCosh explained legal fees and engineering were billed for two months due to late invoicing. She also noted an annual building payment from the Utah Division of Finance for the bond on Town Hall.

Council Member Dwinell inquired if former Town Attorney Dan Dansie's invoice was the final invoice. Mayor Rubin stated Mr. Dansie would continue to finalize some projects with the Town, and would provide future invoices for those services. Mayor Rubin presented the pass-through billing and explained Mr. Dansie would provide invoices for work done on the annexation.

There being no further questions, Mayor Rubin asked for a motion to pay the bills.

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

2. Discussion and Possible Action of Entering into a Memorandum of Mutual Intent Between Hideout and Mustang Development.

Mayor Rubin presented a Memorandum of Understanding (MOU) between the Town and Mustang Development and explained this was proposed between the Town's legal counsel and Mustang Development's legal counsel. Council Member Chris Baier asked for some context behind the MOU. Mayor Rubin stated an Impact Fee Agreement was recently signed between the Town and Mustang Development for the reimbursement for system investments in the Town. The intent was to facilitate discussion between the Town and Mustang Development. The number of members for representation was discussed. It was decided to amend the MOU to state each party would not be limited to a specific number of representatives.

Motion: Council Member Baier moved to authorize the Mayor to enter into a memorandum of mutual intent between Hideout and Mustang Development as amended. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. Motion passed.

3. Discussion and Appointment of a Mayor Pro Tempore for the dates between September 17 through October 4, 2020 and October 17 through November 1, 2020.

Mayor Rubin stated he would be traveling during the dates of September 17 through October 4, and October 17 - November 1, 2020. He noted he would be in areas where electronic service would not be available and needed to appoint a Mayor Pro Tempore during that time. It was discussed and decided Council Member Dwinell would act as Mayor Pro Tempore during September 17 through October 4, and Council Member Baier would act as Mayor Pro Tempore during October 17 through November 1.

4. Consideration and Possible Action on a Resolution Indicating the Town of Hideout's Intent to Annex property in the vicinity of Richardson Flats across county lines which includes parcels SS-125, SS-125-C, PP-28-1, PP-28-2, SS-86, and portions of PP-28-A, (as depicted and described in Richardson Flats Annexation attachments). The legal description of the area is listed on the attached Resolution.

The agenda item had been continued from the September 8, 2020 meeting. Mayor Rubin reviewed what was discussed in the prior meeting and which parcels would potentially be excluded from the impending annexation. It was clarified the agenda item included all parcels with the option to omit some at Council's discretion.

Attorney Rob Mansfield explained there were two litigation matters:

1. Summit County had filed a lawsuit against the Town of Hideout and an injunction was issued with respect to the prior annexation efforts from the July 9, 2020 meeting.
2. Summit County had filed a lawsuit against developer Nate Brockbank and his entities directly in the Third District Court of Summit County, which prohibited Mr. Brockbank and his entities from granting a consent for the property (parcel number PP-28-A), which Summit County claimed was illegally subdivided from being annexed into the Town of Hideout.

Mayor Rubin presented a concept map of the potential annexation area and proposed to include only parcels SS-86, PP-28-1, PP-28-2, SS-125 and SS-125-C, which was 350 acres of land. A color-coded map was presented and Mayor Rubin explained what each section could be developed as, including a Town Center, community site or school, and parks and open space. Mr. Brockbank stated although several parcels were excluded from the original annexation proposal, the intent was to continue with the development of parks on those parcels even though they would not belong to Hideout. Details of the map were discussed, including the addition of seventeen miles of trails, regional parks and open space, an equestrian center, roads, and commercial and residential development.

Council Member Bob Nadelberg stated he would be in favor of moving forward with the revised annexation attempt within the 60-day window before the law was repealed. Mayor Rubin asked Council for their thought regarding moving forward with the annexation attempt. Council Member Dwinell expressed he had received follow up phone calls from other legislators who provided their opinion on why the 60-day window was given, which was to allow the annexation to continue. He believed the annexation would be beneficial to the Town and to the greater community, however he was unsure if the best action would be to continue with the annexation within the 60-day window or wait until after the next legislative session.

Bruce Baird, legal counsel for the developer, spoke. He explained to Council Member Dwinell the legislators who spoke with him were sponsors of the bill, where the two legislators who spoke during the previous meeting were not directly involved in the bill. He further explained with special legislative sessions, almost all the bills passed with 60 percent or more taking effect immediately. He further discussed reasons why Council should pursue the annexation within the 60-day window.

Council Member Carol Haselton expressed her concerns of pushing the annexation through within the 60-day window. She felt more regional planning and working with all other entities involved was needed. She expressed she did not feel like the Town would get what was needed in the long run unless other communities were also involved. Council Member Baier agreed with Council Member Haselton's statement regarding regional planning. She stated Hideout has not ever been invited to regional planning meetings that she had been aware of, and she felt if the annexation were not pursued, the Town would not be addressed in future planning meetings with Park City or Summit and Wasatch Counties. She also expressed she was disappointed with the smaller annexation area, but was encouraged Mr. Brockbank would work with Park City to keep the other parcels as usable open space. She stated she was in favor of moving forward with the next steps of the revised annexation plan.

Mayor Rubin presented and described a timeline of events which would take place if the Council determined to move forward with the revised annexation plan, including various Planning Commission meetings, Town Council meetings, and a Town Council Public Hearing session.

Mayor Rubin hoped if the proposed resolution of intent to annex passed, the meetings which were discussed on Tuesday would still take place. He later received a message from State Representative Tim Quinn stating if the Council were to move forward with passing the resolution, the regional planning meeting which he had been working to schedule would be cancelled.

The Pre-Annexation Agreement was presented and the final language was clarified and discussed. It was agreed the specific parcels would be included in the language (SS-86, PP-28-1, PP-28-2, SS-125 and SS-125-C), the land would be renamed in order to decipher between the previous annexation attempt, and the termination date was adjusted to end in December of 2021.

Mayor Rubin received a private message from Park City Mayor Andy Beerman, which stated if the pre-annexation agreement were passed, it would have a chilling impact on the regional conversations and might end up limiting conversations to courtrooms. Council discussed the pros and cons of passing the agreement and what impact it might have on the relationships between neighboring areas.

Mayor Rubin asked for a motion for consideration and possible action on the resolution.

Motion: Council Member Nadelberg made the motion approving Resolution 2020-09, a resolution indicating the Town of Hideout's intent to annex property in the vicinity of Richardson Flats across county lines which includes parcels SS-86, PP-28-1, PP-28-2, SS-125 and SS-125-C. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell and Nadelberg. Voting Nay: Council Member Haselton. Motion passed 3-1.

- 5. Consideration and Possible Action to authorize the Mayor to enter into a Pre-Annexation Agreement with N Brockbank Investments, LLC related to a possible annexation of land owned by N Brockbank Investments, LLC in the vicinity of Richardson Flat described in the Resolution Indicating the Town of Hideout's Intent to Annex (Item #4 above) considered September 10, 2020 in a form approved by the Town Attorney.**

Mayor Rubin presented the Pre-Annexation Agreement as revised by Ms. McLean and asked for a motion.

Motion: Council Member Nadelberg moved to authorize the Mayor to enter into a pre-annexation agreement with N Brockbank Investments, LLC related to a possible annexation of land owned, or has the right to purchase, by N Brockbank Investments, LLC in the vicinity of Richardson Flats describing Resolution 2020-09 indicating the Town's intent to annex, considered on September 10, 2020 in a form approved by the Town Attorney. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, and Nadelberg. Voting Nay: Council Member Haselton. Motion passed 3-1.

V. Public Input - Floor open for any attendee to speak on items not listed on the agenda

At 8:41 pm, Mayor Rubin opened the floor to public input. He reminded attendees that a future meeting would be held for public input regarding the annexation, and the public input portion was for items not listed on the agenda.

Hideout resident Gwen Wetzel spoke and stated she appreciated the progress made on the pond. She inquired if the leftover asphalt from the chip seal would be removed. Mayor Rubin stated it would be spread.

Dave McFawn spoke and asked how much tax revenue Hideout was short on. Mayor Rubin explained Hideout was not short on tax revenue, however, as the Town grows the need for other income sources would be necessary in order to continue to maintain the Town. He informed Mr. McFawn of budget hearings which were held on a continual basis, and the budget was a matter of public record.

There being no further comments, Mayor Rubin closed public input at 8:52 pm.

VI. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed

There being no further public business, Mayor Rubin asked for a motion to close the public portion of the meeting and move into Executive Session.

Motion: Council Member Dwinell made the motion to enter into Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or real property as needed. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Nadelberg. None opposed.

Whereupon, the closed executive session convened at 8:53 pm.

Present:

Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg

Staff and Others Present:

Town Attorney Polly McLean
Rob Mansfield

VII. Meeting Adjournment

At approximately 9:40 pm, Council moved into public session.

Council Member Baier moved to adjourn the meeting. Council Member Dwinell made the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed.

The meeting adjourned at 9:40 pm.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk

APPROVED