

1 **Town of Hideout Town Council Meeting Minutes**
2 **10860 North Hideout Trail**
3 **Hideout, Utah**
4 **June 13, 2019**

5
6 **Present:** Mayor Phil Rubin
7 Chris Baier
8 Kurt Shadle
9 Hanz Johansson

10
11 **Others:** Jan McCosh, Town Administrator
12 Dan Dansie, Town Attorney
13 Jerry Dwinell
14 Barbara Clouston
15 Jeremy McAllister
16 Peter Mordaunt
17 Will Pratt
18 Dan Mouthaan
19 Mary Mouthaan
20 Vytas Rupinskas
21 Pam Ford
22 Bob Ford
23 Brent Fernandez
24 Chris Ensign
25 Mike Kosakowski
26 Wesley Bingham
27 Kendall Crittenden
28 Diane Foster

29
30 **Excused:** Jim Wahl
31 Dean Heavrin

32
33 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

34
35 Mayor Phil Rubin called the Town Council Meeting to order at approximately 6:00 p.m.

36
37 **2. ROLL CALL**

38
39 All members of the Town Council were present with the exception of Jim Wahl and Dean Heavrin.

40
41 **3. MINUTES – Consideration and Approval of Minutes of Special Meeting of**
42 **March 19, 2019.**

43
44 Approval of the minutes was deferred to a future meeting.
45

1 **4. ACTION ITEM – Approve the Signing of the Klaim MDA.**

2
3 Questions were raised about the addendum. Reference was made to Item #1 of the addendum
4 dealing with the CC&Rs and HOA and the timeline for recording the Declaration and establishing
5 the Association. It was reported that typically they are recorded with the plat. The HOA is usually
6 not turned over to the HOA until the project is near completion.
7

8 With regard to Item 3, Design Approval and Exterior Materials, Chris Baier asked about the Design
9 Review Committee (DRC) and its members. The intent was for the DRC to serve as an arm of the
10 HOA. The Town originally asked the developer to include members appointed by the Mayor who
11 represent the Town. Currently, there are three members of the DRC. As the HOA becomes more
12 involved they will reevaluate the members. Chris Baier suggested the language be modified to
13 specify that Addendum #1, Redline 3 be changed to specify that the DRB will review and approve.
14 The intent was to ensure that good design decisions are made. To date, the Town has not caught
15 up in order to make the Code match their level of maturity. As a result, they rely on Master
16 Development Agreements (MDA) to increase the level of control.
17

18 Klaim developer, Chris Ensign described what he is doing in other cities and how reviews are
19 conducted. Building materials and ways to incorporate them into the project were described.
20 Potential minor revisions to the building materials were identified. Procedural issues and
21 challenges were discussed. Mr. Ensign explained that the Town was involved in an effort to
22 provide freedom to use materials other than the standard.
23

24 Trails were next discussed. Council Member Baier read from the document, which indicated that
25 trails within the property will be constructed by and at the expense of the developer who shall be
26 solely responsible for maintaining the trails that run through, in, or upon the property, if any, except
27 any trails within the common areas shown on any plat or property. Residences of the property
28 shall have the right to utilize any such trail subject to any generally acceptable restrictions related
29 to use of the same. She explained that there is an Open Space, Parks, Trails, and Common Space
30 Committee who is working on a Master Plan currently. It was noted that it is not yet ready to be
31 presented to the Planning Commission. The intent is to make a presentation at the July Planning
32 Commission Meeting. Council Member Baier asked that language be added to the addendum to
33 specify that trails shall be built following design and construction guidelines for purpose and
34 sustainability as described in the Hideout General Plan and Hideout Trails Master Plan. The future
35 plan was to include guidelines to create purpose filled trails so that specific users and uses allow
36 accessibility for a wide range of trail users and conform to the General Plan guidelines that have
37 already been adopted.
38

39 Council Member Baier explained that they intend to follow International Mountain Biking
40 Association standards for trails. These apply to natural surface trails and that they are to be for
41 hiking and biking. She stressed the importance of trails being open to the public to maintain
42 connectivity and help the Town reach its trails and sustainability goals. She explained that private
43 trails limit usage and as a result, they are inherently more costly and less sustainable. In general,
44 a sustainable trail is one that people can use. One way to get people to use it and help meet other
45 goals is to open it up to the public. Council Member Baier also recommended that the small

1 sections of trail that are located in the HOA common areas and maintained by the HOA be made
2 public through a revocable easement.

3
4 Chris Baier next addressed future trails. She acknowledged that there is a great deal of open space
5 in the project and suggested potential language wherein the developer would agree to cooperate
6 and provide easements for the Town to create additional public trails within the dedicated open
7 space. The trails would be created at the Town's expense and conform to the guidelines of the
8 Hideout General Plan and the Hideout Trails Map. She commented that purpose-built trails are
9 desirable, particularly if they are purpose built. Walking and hiking trails were identified as the
10 most desirable. Mr. Ensign wanted to understand the conditions they will be committing to in
11 advance. They were planning to construct four-foot wide natural surface trails.

12
13 Road maintenance issues were discussed. Council Member Baier asked Mr. Ensign when he
14 intends to dedicate the roads to the Town. Mr. Ensign explained that they contemplated that it
15 would be done in stages. Town Attorney, Dan Dansie reported that typically the subdivision plat
16 is recorded that addresses the legal transfer of roads, rights-of-way, and utility easements. If the
17 Town wants more roads sooner, that could be accomplished through a road dedication plat or road
18 easement. The intent was to only dedicate roads when plats are recorded. A potential conflict was
19 identified as the snow removal ordinance, which stipulates that plowing will only occur after 50%
20 of the phase is sold. A comment was made that phasing will accomplish that same goal. The
21 developer will not move on to future phases if they have not yet sold their first phase. The rationale
22 was described. Frequently, snow removal equipment is taken across construction zones and there
23 are various things that are left on the road surface area that could damage the equipment. As a
24 result, the Town has indicated that they will not take it over until 50% is complete.

25
26 Mayor Rubin explained that the Town has a say in the acceptance of the roads. If the Town were
27 to accept a road there is then an obligation to maintain it to a certain standard. A comment was
28 made addressing at what point it is fair to ask a municipality to support a development's growth
29 by clearing roads.

30
31 **Council Member Shadle moved to approve the Klaim MDA with the incorporation of the**
32 **comments. Council Member Baier seconded the motion. Vote on motion: Hanz Johansson-**
33 **Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

34
35 **5. PUBLIC HEARING – Consideration and Approval of a Resolution, Adoption of the**
36 **FY 2019 Amended Budget for the Town of Hideout.**

37
38 Mayor Rubin reported that there is an amendment to the General Fund of Fiscal Year 2018/2019
39 year to take additional funds and move them within the budget. Town Administrator, Jan McCosh
40 presented the budget and explained that one of the State requirements is that at the end of each
41 fiscal year the budget must be amended to the actual at fiscal year-end. It is a routine process and
42 they have done it every year. The overages were primarily due to ongoing building and
43 engineering expenses. Employee costs were also up. It was noted that the Town is significantly
44 understaffed. Compared to other cities and towns they spend very little on employees and service-
45 oriented activities. There are also billing issues that need to be reconciled. Reserve funds were
46 used to bring the budget into balance and they are budgeting ahead for next year in anticipation of

1 becoming a city. The estimated population was 975; when the population reaches 1,000 they will
2 become a city, which has different staffing requirements and regulations.

3
4 Ms. McCosh stated that they need to professionalize their internal operations and go through 10
5 years of records. The ultimate goal was to better serve the residents. Approximately \$100,000 in
6 reserves is being used, a portion of which can be recaptured from a road fund. Amending the
7 budget takes place annually. Ms. McCosh explained that the Town is required to have a balanced
8 budget and cannot run a deficit.

9
10 Mayor Rubin opened the public hearing.

11
12 Peter Mordaunt, a member of the public, asked if the budget included any accrued liabilities. Ms.
13 McCosh answered that it did not

14
15 There were no further public comments. The public hearing was closed.

16
17 **Council Member Shadle moved to approve a Resolution to adopt the FY 2019 amended**
18 **budget for the Town of Hideout, as presented. Council Member Baier seconded the motion.**
19 **Vote on motion: Hanz Johansson-Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion**
20 **passed unanimously.**

21
22 Appreciation was expressed to staff who prepared the budget and take care of the Town's finances.

23
24 **6. PUBLIC HEARING – Consideration and Approval of a Resolution, Adoption of an**
25 **Interim FY 2020 Budget Based on the Previously Approved Tentative FY 2020**
26 **Budget for the Town of Hideout. Upon Adoption of the FY 2020 Tentative Budget.**
27 **Council will Either Set Date for the Public Hearing for the Final Budget or Agree to**
28 **Move Forward with the Truth in Taxation Process.**

29
30 Ms. McCosh reported that the Tentative Budget was adopted previously and at that time there was
31 discussion about challenges the Town faces. Road issues were identified, which the budget
32 provides for. Budget planning procedures were discussed, which are intended to address the
33 challenges identified.

34
35 Mayor Rubin pointed out that the prior administration was very stingy on supporting infrastructure.
36 Because staff has been shorthanded, they got behind on billings and became short on Town
37 revenues that they are entitled to. The Town is gaining 10 miles or more of road with new
38 subdivisions coming in. A second Public Works employee was also recently hired. It was noted
39 that the current budget is nearly double the previous year.

40
41 Changes to the tentative budget are to be presented in August at which time a public hearing will
42 be conducted. It was noted that the Town is proposing to increase property taxes. Mayor Rubin
43 reported that Hideout currently has the lowest property tax rate in the County. The public hearing
44 tonight was to take public comment on the Interim Budget, which will apply to July 1 through
45 August 8 when the final budget is adopted.

1 Mayor Rubin opened the public hearing.

2
3 Jerry Dwinell asked about the Truth in Taxation process. Mayor Rubin stated that if adopted, the
4 Council will set a date to move forward to a Truth in Taxation Hearing. Mr. Dwinell asked about
5 the Hideout District 1 tax rate. Mayor Rubin indicated that the District tax is not technically part
6 of the budget. The district is a separate taxing entity.

7
8 There were no further public comments. The public hearing was closed.

9
10 Mayor Rubin stated that we will need to proceed with the Truth in Taxation process and move
11 forward with raising taxes.

12
13 **Council Member Shadle moved to adopt a resolution adopting an interim FY 2020 budget.**
14 **Council Member Baier seconded the motion. Vote on motion: Hanz Johansson-Aye, Chris**
15 **Baier-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

16
17 **7. PUBLIC HEARING – Consideration and Approval of a Resolution, Revise Potable**
18 **Water Rates to Reflect the Impact of the Recently Approved JSSD Rate Increase.**

19
20 Mayor Rubin reported that the Jordanelle Special Service District provides water to the Town of
21 Hideout. A meeting was held on May 14 where they passed a resolution to increase water rates.
22 The Town has no choice but to pass the increase onto the residents. The Mayor described Water
23 Reservation Fees and stated that the Town is fortunate to have sufficient water. That was
24 accomplished by committing to pay the fee for the water even if they do not use it all. For that
25 reason, lot owners are charged a standby fee. The benefit is that the residents have water but the
26 downside is that it must be paid for whether it is used or not. The new rate schedule was reviewed.
27 The intent is not to overcharge the citizens. It was noted that the water rates have not included
28 funds for maintaining infrastructure.

29
30 Mr. Dansie reported that fees charged by the Town need to be generally applicable to all and
31 include a reasonable calculation. In response to a comment made, he explained that a retroactive
32 application of any law is difficult and it would be challenging to retroactively assess anyone for a
33 fee that the Town chose not to assess. Possible options were discussed.

34
35 Jeremy McAlister from T-O Engineers asked about the reserve study and commented on the
36 rationale for the administrative expense to maintain the infrastructure. The approval process was
37 described.

38
39 Ms. McCosh reported on what the actual dollar amount will be to the typical resident. An average
40 \$44 of the \$73 total utility bill pertains to water. The \$44 portion will increase to approximately
41 \$75.

42
43 Mayor Rubin opened the public hearing.

44
45 Brent Hernandez clarified who the fee would apply to. He was informed that the fee applies until
46 someone who builds on their lot. The proposed fee increases were described. Mr. Hernandez

1 stated that they have not yet owned their lot for one year but it seems like they are constantly
2 learning of a new fee being implemented. Mayor Rubin explained that Hideout has the lowest tax
3 rate in Wasatch County and they are trying to rationalize all of the development that is occurring.
4 Mr. Hernandez observed that there is currently no high-speed internet in Hideout yet there are
5 significant increases being imposed on residents. Mayor Rubin stated that the Town is close to
6 signing a deal to accomplish that. It was clarified that there is high-speed internet in some areas
7 of the Town currently.

8
9 There were no further public comments. The public hearing was closed.

10
11 The Mayor suggested that the resolution be adopted tonight removing Section 6.4, which will be
12 revisited at a later date. Mr. McAlister clarified that Section 6.4 is to be removed until they
13 establish the rationale. He asked if it would be acceptable to keep the pass-through costs and just
14 remove the 105 clause. The Mayor was not in favor of that.

15
16 **Council Member Shadle moved to accept the resolution, as modified. Council Member Baier**
17 **seconded the motion. Vote on motion: Hanz Johansson-Aye, Chris Baier-Aye, Kurt Shadle-**
18 **Aye. The motion passed unanimously.**

19
20 The Council Members reluctantly voted in favor of the water rate increase indicating that they did
21 not have any other choice.

22 23 **8. PUBLIC HEARING – Annexation Policy Plan.**

24
25 Mayor Rubin reported that a number of requests have been received asking for more time to
26 evaluate the plan. It was also reported that within one-half mile of a municipality is not tied to the
27 area being considered for annexation. Any areas within one-half mile must provide proper
28 notification. Mr. Dansie indicated that in his conversations with the Summit County Attorney and
29 Planning Director, the Town would not move forward with a decision tonight to give them
30 additional time to respond. The public hearing should be continued to the next meeting.

31
32 Mayor Rubin opened the public hearing.

33
34 Mike Kosakowski commented that his home is next to a property that was recently annexed on the
35 opposite side of the creek. They live in what the State calls the “donut hole” in that they are
36 completely surrounded by MIDA. He asked what their status would be. He was not present
37 espousing a position one way or the other but asked about the legalities of his situation.

38
39 Pam Ford stated that theirs was one of the first homes built in their area about 15 years earlier.
40 She was present to get more information. Mayor Rubin indicated that it is fairly difficult to annex
41 non-contiguous land. Doing so will take work. Mr. Kosakowski observed that the Town’s
42 boundaries go to the midway point of Jordanelle so the situation depends on how the term
43 “contiguous” is defined. Mr. Dansie reported that two things are required to be included in an
44 annexation. The first would be to have an Annexation Policy Plan. The second is the annexation
45 process itself.

1 Margaret Plane was present on behalf of Park City and stated that they have been coordinating
2 with Summit County. She stressed the difference between the plan and the actual annexation.
3 Currently, the Town is working on the plan. Park City cares about the plan and ensuring that there
4 is clear planning in areas that are adjacent to their city and in unincorporated Summit County.
5 Ms. Plane was asked why the properties in question were not annexed into Park City. Ms. Plane
6 stated that discussion is ongoing on the matter with their city council. She suggested that careful
7 planning include following the statutory requirements and allowing them to provide input. Park
8 City's request is that the policy plan begin as a plan. Ms. Plane described the process that should
9 be followed and stated that Park City will follow up with a letter specifying what they are asking
10 for and why. They were concerned about the draft plan as it is written since it does not go into the
11 level of detail that State law requires. Ms. Plane stated that the situation can be rectified if they
12 start over and work together.

13
14 It was noted that the matter was properly noticed, the Planning Commission was present, and the
15 issue was studied thoroughly. Noticing issues were discussed.

16
17 There were no further public comments. Mayor Rubin introduced Counselor Crittenden from
18 Wasatch county. The Mayor asked Mr. Crittenden if he had any comments regarding the
19 Annexation Policy Plan. Mr. Crittenden said he did not.

20
21 The Council then asked several unrelated questions of Mr. Crittenden, who graciously answered
22 the questions as described below

23
24 Traffic issues were identified when entering and exiting Hideout Trail onto Highway 248.
25 Assistance was requested to help the Town control the area. It was requested that there be
26 increased police coverage there.

27
28 Council Member Baier inquired about the possibility of getting a traffic light at another very
29 dangerous intersection in Town. Reference was made to the 248 Agreement with the thought
30 being that the intersection referenced would be the first designated future lighted intersection.
31 Council Member Baier questioned the delay.

32
33 The bussing of Hideout students was next addressed. Possible alternatives were identified as
34 meeting with the Wasatch County or South Summit School Districts.

35
36 Mayor Rubin closed the public hearing.

37
38 **Council Member Shadle moved to continue the Annexation Policy Plan public hearing until**
39 **June 27, 2019. Council Member Baier seconded the motion. Vote on motion: Hanz**
40 **Johansson-Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

41
42 **9. RESOLUTION – Appointing the Treasurer for the Town of Hideout.**

43
44 Mayor Rubin reported that the Town is in need of a new Treasurer. Wesley Bingham has agreed
45 to support the Town for a time in that capacity. A resolution was needed to install him as Treasurer.
46 Mr. Bingham introduced himself and reported that he was a controller for a real estate developer

1 for five years after working in public accounting for three years. He has been a CPA for 10 years
2 and maintains his license. He has worked for the City of Heber for five years and is the most
3 senior finance person there and works directly with the City Manager in preparing the budget.

4
5 **Council Member Shadle moved to pass a resolution appointing the Wesley Bingham as the**
6 **Treasurer for the Town of Hideout. Council Member Baier seconded the motion. Vote on**
7 **motion: Hanz Johansson-Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion passed**
8 **unanimously.**

9
10 **10. CONSIDERATION AND APPROVAL OF BILLS TO BE PAID – Consideration and**
11 **Possible Approval of Payment of May 2019 Bills.**

12
13 Bills to be paid were reviewed and discussed.

14
15 **Council Member Shadle moved to approve the payment of the May 2019 bills. Council**
16 **Member Baier seconded the motion. Vote on motion: Hanz Johansson-Aye, Chris Baier-**
17 **Aye, Kurt Shadle-Aye. The motion passed unanimously.**

18
19 **11. TENTATIVE DISCUSSION ITEMS – MIDA/UIA Review – if Time Permits.**

20
21 The Council was updated on the MIDA/UIA Review. A meeting took place the previous week at
22 which time MIDA was given the adjustments to the language provided by the Planning
23 Commission and Council. A revised document from MIDA is expected in short order.

24
25 With regard to the UIA, staff is continuing to work with UTOPIA to bring low cost high-speed
26 internet service to Hideout. Part of the agreement requires a commitment from the Town to pledge
27 funds to cover UIA install costs until 164 users are subscribed. Should MIDA be approved,
28 Hideout needs to consider whether it would want to pledge a portion of the MIDA funds as a
29 backstop to the UIA infrastructure being put into the Town. It was reported that residents of Deer
30 Springs, Deer Waters, and Shoreline have expressed an interest in moving forward.

31
32 Council member Chris Baier asked for a Council working session to be scheduled for a deep dive
33 into the MIDA agreement. The Mayor agreed to set up that session.

34
35 **ADJOURNMENT TO EXECUTIVE SESSION**

36
37 **Council Member Shadle moved to close the public meeting and reconvene in an executive**
38 **session. Council Member Baier seconded the motion. Vote on motion: Hanz Johansson-**
39 **Aye, Chris Baier-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

40
41 The City Council was in closed session from 8:20 p.m. until 8:45 p.m.

42
43 **12. ADJOURNMENT**

44
45 **Council Member Shadle moved to adjourn. The motion was seconded by Council Member**
46 **Baier. The motion passed with the unanimous consent of the Council.**

- 1
- 2 The Town Council Meeting adjourned at approximately 8:45 p.m.

APPROVED