

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
August 12, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on August 12, 2021 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

I. Call to Order

1. Mayor Rubin's No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:02 p.m. and reminded participants and viewers there was no anchor site for the meeting.

II. Roll Call

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

Staff Present: Town Attorneys Polly McLean and Cameron Platt
Town Administrator Jan McCosh
Town Clerk Alicia Fairbourne
Public Works Director Timm Dixon
Public Works Supervisor Kent Cuillard

Others Present: Lindsay Payeur, Randy Larsen, Rick Brough (KPCW), John Gunn, Sean Philipoom and others who may have logged in using a partial name or using only a phone number.

III. Approval of Council Minutes

1. May 12, 2021 Referendum Presentation Meeting Minutes DRAFT

Motion: Council Member Haselton moved to approve the May 12, 2021 Referendum Presentation Meeting Minutes as presented. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton and Severini. Voting Abstaining: Council Member Nadelberg. Motion passed.

In consideration of presenter Randy Larsen's time, Mayor Rubin moved the first item of the agenda before the public hearing.

IV. Agenda Items

1. Overview and discussion of Public Infrastructure District (PID) Financing

Town Administrator Jan McCosh introduced Randy Larsen who would present the Public Infrastructure District (PID) information. Mayor Rubin explained this was a way to encourage commercial development within the Town.

Mr. Larson explained the PID was created as a separate entity in order to give the Town a discretionary tool in which the Council had direct control over. A PID allowed a property owner to increase the property taxes on owned property and would create its own tax revenue instead of reallocating property tax funds to other entities. Investors in PID would consider the likelihood of the development plan and the entitlement and equity of the developer. Investors would buy the right to the property tax over a period of time which would be at the Town's discretion, but not to exceed forty (40) years. Once the property tax bonds are expired, the funds are then defeased.

Council Member Baier asked for a comparison of a PID versus Hideout District #1. Mr. Larson explained a PID's purpose was a source of financing which authorized a certain boundary to bind a higher property tax rate over a period of time in which the Town established. Land-use planning, building permitting, operations and maintenance capabilities, ownership of public infrastructure, et cetera, would not be authorized under a PID. Hideout District #1 had its own governing body which provided its own water and sewer services and rates.

Council Member Severini inquired which entities were currently using a PID and if any benefits were seen by those entities. Mr. Larsen gave an example of Provo City, which had been in support of a medical school on an established golf course and former landfill which was owned by a commercial entity. The medical school purchased a portion of the golf course to construct the campus, however infrastructure costs were high because the site was a former landfill. By creating the PID, a thirty (30)-year tax-exempt limited tax bond was issued which was less than the infrastructure cost loan interest rate.

Mr. Larsen discussed the benefits of creating a PID and explained PIDs may issue special assessment bonds, general obligation bonds, and limited tax bonds. Tax Increment Financing (TIF) revenues may be pledged to repay PID bonds. He further noted once the value of the property reached the same ratios as a general obligation bond, the PID bond could be converted to a general obligation bond to secure the lowest interest rate at that time.

Mr. Larsen mentioned if the Town were to create a PID, he would recommend adopting a policy which would help navigate incoming proposals, lend consistency to the evaluation, and protect the Town from any concerns in which different determinations were made between property owners. Mayor Rubin thanked Mr. Larsen for presenting the PID information.

V. Public Hearing Items

1. Amend the AMDA (Annexation Master Development Agreement) for the Silver Meadows Annexation to revise several deadlines in light of the District Court's ruling finding the Annexation is invalid and the appeal thereof.

Mayor Rubin explained an Annexation Master Development Agreement (AMDA) was created during the Silver Meadows Annexation process and deadlines which were described within the AMDA were set to expire. Due to the court ruling stating the Annexation was invalid and the

Town's motion to reconsider the ruling, those deadlines needed to be adjusted. He further explained none of the other language in the AMDA would change. He noted the Hideout Planning Commission had reviewed the AMDA and provided a positive recommendation to Town Council.

Section 7.7 Land for Public Service Facilities and Town Hall would be amended to extend the March 1, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation, including appellate courts, related to the approval and passage of the Annexation.

Section 8.1 Creation of Design Standards would be amended to extend the March 1, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation.

Section 12.1 School Site Set Aside would be amended to extend the deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation.

Section 12.4 Secondary Access and Parking would be amended to extend the August 31, 2021 deadline to one hundred and twenty (120) days from the date of the final decision on litigation including appellate courts, related to the approval and passage of the Annexation, and language would be added to state the AMDA may be terminated at the Town's discretion.

Section 12.5 Condition Precedent would be amended to include language stating "...any litigation related to the passage and adoption of the annexation is resolved."

Discussions were had regarding how one hundred and twenty (120) days was determined, to which Town Attorney Polly McLean explained it was discussed with the Developer and an agreement was made. Additionally, the dates could be extended further if a mutual agreement was made in which more time was needed.

There being no further questions from Council, Mayor Rubin opened the floor to public input at 6:54 p.m. There were no public comments. Mayor Rubin closed public input at 6:55 p.m. and asked for a motion from Council.

Motion: Council Member Nadelberg moved to approve the First Amendment to the Silver Meadows AMDA as presented. Council Member Baier made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

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

At 6:56 p.m., Mayor Rubin opened the floor to public input for any items not listed on the agenda.

Mayor Rubin addressed the number of emails regarding dust, construction noise, speeding traffic, et cetera. He noted the Town was working with the developers regarding those issues. Safety equipment and traffic signs had been ordered and were scheduled to arrive within the week. Additional Staff had been added to the Public Works Department to enforce Municipal Ordinances.

Council Member Baier noted the community clean-up day and inquired if the Public Works Staff could address with the developers to clean up any accumulation of trash that may have blown out of the garbage bins, and not to overfill the bins and to keep them covered. Mayor Rubin stated any complaints should be sent to the Public Works Staff. Council Member Severini suggested sending a picture of the uncovered bins as well.

There being no further public emails or comments, Mayor Rubin closed public input at 7:04 p.m.

Agenda Items (continued from previous Section)

2. Discussion and consideration to approve the Rocky Mountain Power Franchise Agreement

Mayor Rubin explained the Franchise Agreement between Rocky Mountain Power (RMP) and the Town which needed to be renewed every ten (10) years. Council Member Baier inquired about how the underground power lines were addressed in the agreement. Ms. McLean explained it was quite costly for RMP to bury the power lines, however this agreement did not prohibit underground power lines if the developer or Town would cover the expense. Mayor Rubin noted transmission lines were much more difficult to bury, but distribution lines could be buried. Council Member Baier asked if more transmission lines were expected within the Town. Mayor Rubin was unsure if there was currently enough voltage to power the Town with the existing transmission lines. He would discuss the question with Town Engineer Ryan Taylor and report his findings back to Council Member Baier. He further noted the burial of power lines did not need to be addressed within the Franchise Agreement in order for it to be approved. Further discussion regarding the burial of power lines ensued.

There being no further questions from Council, Mayor Rubin asked for a motion to approve the Rocky Mountain Power Franchise Agreement.

Motion: Council Member Nadelberg moved to approve an Ordinance Granting an Electric Utility Franchise and General Utility Easement to Rocky Mountain Power. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

Council Member Nadelberg noted a constituent notified him via text message of a technical difficulty during the Public Input portion of the agenda and asked if it could be reopened to allow comment. Mayor Rubin obliged.

Public Input - Floor open for any attendee to speak on items not listed on the agenda (continued from previous Section)

John Gunn wanted to discuss the draft Zoning Map, which Mayor Rubin explained would be placed on the Hideout Planning Commission agenda and Town Council agenda in future meetings. He further explained feedback had been received by several residents and the Map was being reevaluated and modified by the Town Planner and would be open for public input at those meetings. He recommended residents make note of their concerns, however the Map would change prior to the meetings.

Council Member Nadelberg asked if public comment could be opened in order to allow Mr. Gunn to comment on an issue aside from the Zoning Map. At 7:25 p.m., Mayor Rubin reopened the floor for public comment.

Mr. Gunn thanked Mayor Rubin for allowing public comment to be reopened and brought to the Council's attention his home was thirteen (13) feet from a gravel emergency access road which runs between the northern Shoreline subdivision and the eastern border of Jordanelle Reservoir towards Overlook Village. Construction vehicles were allowed access on the road, and he was concerned of health and safety hazards.

Mayor Rubin addressed Mr. Gunn's concerns stating the Town was working to rectify the passage of construction vehicles and divert them elsewhere. Construction vehicles were allowed to use the road to drive the shortest distance to the construction site and the passage was considered temporary until construction was completed. He further explained the road was platted as an emergency access road however it could also be accessed as a sewer line easement and would become a future pedestrian trail to potentially enter the State Park.

Council Member Baier asked if the current gravel road base was an appropriate surface for use of construction and emergency vehicles. Mayor Rubin stated it was acceptable for the current road use, however future plans were to install a more robust surface. Council Member Baier asked if the emergency access road would continue to be necessary once Shoreline and Lakeview Estates were completed. Mayor Rubin explained as a condition of approval from the Wasatch County Fire Department, the road was necessary as an emergency access road. He would have Engineering provide the plans for the road.

There being no further comments, Mayor Rubin closed the public input portion at 7:35 p.m. and continued with the regular agenda items.

Agenda Items (continued)

3. Discussion and possible action regarding filling the council vacancy

Mayor Rubin discussed an opening on the Town Council due to the resignation of Council Member Jerry Dwinell. Mr. Dwinell served on the Planning Commission which left an alternate position open on the Planning Commission Board as well. To date, no letters of interest were submitted by any eligible residents and therefore, the vacancy would be re-noticed with the deadlines changed to the following Council Meeting.

4. Discussion and direction on an Emergency Operations Plan

Town Attorney Cameron Platt presented the Wasatch County Emergency Operations Plan which was first discussed in the July 8, 2021 Town Council Meeting. Council had asked for additional time to review the Plan, specifically regarding the line of succession. Council Member Baier noted the Wasatch County Plan was not specific regarding Municipal representation of emergency procedures and asked how the Town should be prepared to work under the Wasatch County Emergency Operations Plan if adopted. Mr. Platt explained the purpose of the Wasatch County Plan would be to conduct training and practice scenarios to be better prepared and informed of how the Plan worked in the event of an emergency. Without the Plan, the Town would operate with policymakers to allocate expenses and resources prior to using the county's resources. He further explained under the county's Plan, the County Emergency Management Director would continue to work with the Town's policymakers and other committees to determine various emergency management organizational roles.

Mayor Rubin noted the document enabled the Town to identify which service providers interlocal agreements should be made with to ensure the critical services were covered. Ms. McLean noted by adopting the Wasatch County Emergency Operations Plan, some of the requirements, such as training, would be delegated to the county instead of being the responsibility of the Town, however, the Town could establish its own chain of command. Mr. Platt suggested the Mayor or a Town Official be the initial designee in the line of succession and then the Town could escalate to the county if necessary.

Council Member Haselton questioned how residents would be communicated to and notified in the event of an emergency. Mayor Rubin stated residents should subscribe to the notifications from the Town's website. He suggested some marketing or campaigning should be conducted to make residents aware of and subscribe to those notifications. Mr. Platt noted by adopting the County Emergency Operations Plan, access to the state-wide emergency notification system would be granted, which would provide a reverse emergency call to cell phones in a designated area.

Mr. Platt explained designation of the line of succession was important to establish although adoption of the Emergency Operations Plan could be deferred to a future meeting. Council Member Baier preferred to have the Mayor and/or Council Member as the initial, or local, designee, to which Mr. Platt explained the designee would be required to attend training and have a working knowledge of the Emergency Operations Plan. The local designee would be authorized to assess the emergency and escalate the situation to the County Emergency Management Director if local resources were not sufficient.

Mayor Rubin suggested continuing the item until the September Town Council meeting in order to conduct further research and reach a full understanding of the Plan. Ms. McLean stated a Resolution would be drafted and ready for the September meeting. Mayor Rubin stated he would work with Engineering and Public Works to review the resources of the Town. Mr. Platt suggested a discussion with the Wasatch County Emergency Management Director should be had prior to adopting the Plan. Mayor Rubin stated he would work with Ms. McCosh to have that conversation with the county.

5. Discussion and possible action on an Ordinance to amend Chapter 3.04 to replace the Board of Adjustment with an Administrative Law Judge

Ms. McClean explained Hideout Municipal Code stated variance and land use appeals be brought before a Board of Adjustment. The recommendation by the League of Cities and Towns was to retain an Administrative Law Judge (ALJ). There were several advantages mentioned of retaining an ALJ as opposed to appointing three members of the community to form a Board of Adjustment.

Council Member Baier inquired of the typical cost of an ALJ, to which Ms. McLean replied it was typically not a large expense, however a Request for Proposal (RFP) should be issued. Council Member Severini expressed his concern of an ALJ not being familiar with the workings of the Town, as opposed to a Board of Adjustment who would be members of the community. Ms. McLean explained the ALJ would follow the Municipal Code versus members of the community who may have a bias. The ALJ would be selected by the Mayor with the advice and consent of the Council, to which a fair and knowledgeable Judge could be chosen. Further discussion was had regarding how frequent an appeal was requested. It was decided to adopt the Ordinance to replace the Board of Adjustment with an ALJ.

Motion: Council Member Baier made a motion amending Hideout Town Code Chapter 3.04 to replace the Board of Adjustment with an Administrative Law Judge. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

6. Discussion and possible action on an Ordinance to adopt Chapter 9.07 Sufficient Infrastructure for Proposed Development

Mayor Rubin explained the Town had been withholding building permits in a particular development because the infrastructure in that development was not established. Hideout Municipal Code was not specific in stating this, although it was listed in Utah State Code. Ms. McLean recommended Hideout adopt the Ordinance to provide clarification within Hideout Municipal Code. Additionally, a requirement would be added to the building permit process to ensure the prerequisites to issuing a building permit were understood. Ms. McLean provided further information regarding the specifics of the Ordinance, stating subsection A was to ensure the infrastructure met the capacity requirements and subsection B ensured the infrastructure was in place prior to development. Subsection C addressed exceptions in which a bond could be in place and a building permit could be issued prior to infrastructure or landscaping improvements so long as it was not essential to meet the requirements of the building code and fire code. Subsection D stated the Town Engineer would make the determination of issuance of a building permit. Further clarification of the Ordinance and issuance of building permits was discussed.

There being no further questions from Council, Mayor Rubin asked for a motion to adopt the Ordinance.

Motion: Council Member Severini moved to adopt Ordinance 2021-O-13, Title 9 Chapter 07 “Sufficient Infrastructure for Proposed Development”. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

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

There was no need for an Executive Session.

VIII. Meeting Adjournment

There being no further business, Mayor Rubin called for a motion to adjourn the meeting at 8:39 p.m.

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

The meeting adjourned at 8:39 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk