

**Minutes**  
Town of Hideout  
Town Council Regular Meeting  
August 08, 2024

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 8, 2024 at 5:00 pm electronically via Zoom and in the City Council Chambers located at 10860 N. Hideout Trail, Hideout, Utah.

Regular Meeting

**I. Call to Order and Pledge of Allegiance**

Mayor Pro Tempore Chris Baier called the meeting to order at 5:00 pm and explained the meeting was a hybrid meeting held both in person and electronically via Zoom.

**II. Roll Call**

**Present:** Mayor Pro Tempore Chris Baier

**Attending Remotely:** Council Member Jonathan Gunn  
Council Member Carol Haselton  
Council Member Ralph Severini

**Excused:** Mayor Phil Rubin  
Council Member Bob Nadelberg

**Staff Present:** Recorder for Hideout Alicia Fairbourne

**Staff Attending Remotely:** Town Administrator Jan McCosh  
Town Attorney Polly McLean  
Town Planner Thomas Eddington  
Director of Public Works Daniel Allen  
Town Engineer Gordon Miner

**Public Present:** Randall Lund and Joe Silverzweig.

**Public Attending Remotely:** Grace Doerfer, Leslie Lewandoski, Michael Sapers, Wally Dodds, Gregg Faulconer, Don Blumenthal, and others who may have logged in using a partial name or using only a phone number.

**III. Approval of Council Minutes**

1. **June 13, 2024 Town Council Special Public Hearing Minutes DRAFT**
2. **June 13, 2024 Town Council Meeting Minutes DRAFT**
3. **June 28, 2024 Town Council Special Meeting Minutes DRAFT**

Due to time constraints, this item was not discussed.

#### **IV. Follow up of Items from Approved Minutes**

Due to time constraints, this item was not discussed.

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

Mayor Pro Tempore Baier opened the floor for public input at 5:03 pm.

*Randall Lund* introduced himself as a candidate for the Wasatch County School Board. He outlined his qualifications, emphasizing his PhD in curriculum and instruction, along with 30 years of experience as a teacher and trainer at the university level. Mr. Lund expressed his commitment to representing the citizens, taxpayers, parents, and voters of the area, focusing on maintaining reasonable budget constraints and improving educational outcomes. He highlighted the importance of distinguishing between instruction and indoctrination, advocating for teaching students how to think, rather than what to think. He encouraged those present to learn more about his campaign through his website and social media. After his remarks, Mayor Pro Tempore Baier thanked him for his introduction.

There being no further public input, Mayor Pro Tempore Baier closed the floor at 5:06 pm.

#### **VI. Agenda Items**

##### **1. Consideration and possible approval of Ordinance 2024-O-XX amending Hideout Municipal Code sections 10.08.18, 10.08.26 and 10.10.06 regarding retaining walls and undergrounding utilities**

Town Attorney Polly McLean introduced the discussion, explaining that the proposed changes stemmed from feedback from the Town Engineer and included clarifications on the responsibility for retaining walls on private property. The primary goal was to remove the Town Engineer's involvement in approving private retaining walls, as such walls should be certified by a professional engineer hired by the property owner.

Town Planner Thomas Eddington and Town Engineer Gordon Miner supported this approach, agreeing that aesthetic considerations, such as maintaining the look of natural stacked rock, should be enforced for public retaining walls, while structural decisions for private walls should be left to the applicants' engineers. Mr. Eddington proposed language ensuring the Town Engineer's oversight of retaining walls supporting public roads, even if they fall outside public rights of way.

Council Member Severini raised concerns regarding potential financial burdens on Homeowners Associations (HOAs) due to existing retaining wall issues, emphasizing the importance of careful wording in the ordinance. He highlighted ongoing problems with a specific retaining wall and expressed the need for input from the HOA before finalizing the ordinance. Other Council Members, including Council Member Haselton, suggested adding flexibility in the code to allow for manufactured or cultured stones that resemble natural rocks.

The Council decided not to vote on the retaining wall section of the ordinance during this meeting, opting instead to revise the wording and gather further input, particularly from the HOAs, before moving forward with the amendments.

The Council transitioned to discussing the amendments to Hideout Municipal Code 10.08.26, which concerned utility distribution systems and connections. Ms. McLean initiated the

conversation and Council Member Gunn provided additional context. Ms. McLean explained that she and Council Member Gunn had collaborated on language updates aimed at improving the regulations surrounding underground utilities, emphasizing the protection of the Town's views.

Council Member Gunn elaborated on the need for stronger regulations in response to a new service provider (Comcast) negotiating for the right to install above-ground poles and cables. He emphasized the importance of maintaining the Town's scenic views, citing efforts by existing utilities like Rocky Mountain Power, which had already committed to undergrounding some of their lines. The revised ordinance aimed to ensure that all future utility installations would prioritize underground systems unless it was proven that undergrounding was technically unfeasible. Council Member Gunn explained that the legislative intent was to protect property values and preserve residents' views by making underground utilities the standard moving forward.

The discussion highlighted specific redline changes in the ordinance, including requirements for utility providers to install systems underground and submit detailed plans for any new installations. Council Member Gunn expressed that while some existing easements might limit the ordinance's full applicability, the goal was to strengthen protections for the future.

Council Member Haselton expressed support for the revisions. Council Member Gunn proposed adopting the amended ordinance before addressing the Comcast contract, as the sequence of adoption was critical. Ms. McLean confirmed that the timing of the ordinance adoption was aligned with the agenda.

Mayor Pro Tempore Baier thanked Council Member Gunn and Ms. McLean for their work and, after ensuring no further questions or objections, asked for a motion to adopt the ordinance.

*Motion: Council Member Gunn moved to adopt Ordinance 2024-O-08, amending Sections 10.08.26 and 10.10.06, Undergrounding Utilities, and to continue 10.08.18, Retaining Walls, to the September meeting. Council Member Haselton made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from voting. Council Member Nadelberg. There were none opposed. The motion carried.*

## **2. Discussion and possible approval of a Franchise Agreement between Comcast and the Town of Hideout**

Joe Silverzweig, Comcast's Government Affairs Manager, presented the terms of the agreement to the Council. Mr. Silverzweig emphasized Comcast's commitment to building an underground network, addressing concerns about preserving the Town's views. He highlighted Comcast's willingness to meet the Town's infrastructure and aesthetic preferences, specifically mentioning their agreement not to use above-ground poles or cables. He assured the Council that the franchise agreement was tailored to meet these needs and was the result of productive negotiations with the Town's legal and administrative teams.

Mr. Silverzweig also spoke about Comcast's commitment to making a positive community impact in the areas where they provide services. He specifically mentioned **Project Up**, a company-wide initiative focused on digital equity and inclusion. Project Up is a 10-year, \$1 billion commitment aimed at increasing access to digital resources, tools, and training across the country.

The initiative includes various community programs, such as:

- **Digital Literacy Training:** Providing educational resources to help people, including senior citizens, improve their digital skills.
- **Affordable Internet Programs:** Offering low-cost internet services to families in need, particularly targeting low-income households.
- **Technology Donations:** Comcast also gives out free laptops to those who qualify under their affordable internet programs.
- **Community Partnerships:** Comcast has partnered with organizations, like Millcreek Promise in Utah, to implement "train-the-trainer" programs, which teach community leaders to bring digital literacy programs to underserved populations.

Mr. Silverzweig mentioned that Comcast has budgets set aside for new communities, including Hideout, and encouraged the Council to reach out if they had ideas for specific community events or partnerships. The goal was to contribute to local initiatives that support digital equity, either by working with the city directly or partnering with local nonprofits.

Mayor Pro Tempore Baier revisited concerns from a prior meeting in April, primarily focusing on ensuring that Comcast's services would be available to the entire Town and not limited to certain subdivisions. Mr. Silverzweig confirmed a 100% build-out goal, though he noted potential challenges for properties in remote areas. He reiterated that the company was committed to expanding service to all parcels and ensuring high-speed internet, television, and home security services.

Council Member Severini raised questions about Comcast's customer service standards, including outage reporting. Mr. Silverzweig agreed to work on providing semi-annual reports on outages, including details such as the number of affected residents and remediation steps, though he wanted to confirm what data could be feasibly shared under FCC regulations.

Council members, particularly Council Member Gunn, expressed satisfaction with the revisions made to the agreement, specifically the move to underground infrastructure, a key concern raised earlier. Ms. McLean also confirmed that the agreement was consistent with similar franchise agreements to comply with state law. With these assurances, the Council seemed generally favorable toward the agreement and appreciated Comcast's flexibility and willingness to work with the Town.

There being no further questions from the Council, Mayor Pro Tempore Baier asked for a motion to approve the franchise agreement.

***Motion: Council Member Gunn moved to approve the current Comcast Franchise Agreement contract with the contingency of language that was satisfactory to the Town Attorney to be added in Section 6.1 to include reporting of outages, number of customers affected, the time, and any remedial measures. Council Member Severini made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from Voting: Council Member Nadelberg. There were none opposed. The motion carried.***

### **3. Consideration and possible approval of Ordinance 2024-O-XX amending sections of the Hideout Code updating sections in Chapter 1.16 Purchasing**

Mayor Pro Tempore Baier introduced the item, noting that it had been previously discussed by the Council and the primary concerns were related to the purchasing authority of personnel. Town Administrator Jan McCosh provided a summary of past contracts and emphasized the need for updating spending limits due to inflation and the inefficiencies caused by the current system. Ms. McCosh mentioned specific examples, including routine audits, equipment purchases, and ongoing projects, such as road repairs and communication audits, as examples of contracts impacted by the proposed changes.

A key point of discussion was whether the proposed \$20,000 purchasing authority limit for the Town Administrator was appropriate. Ms. McCosh suggested that this amount would streamline smaller decisions without needing Council approval for every minor expenditure, thereby improving efficiency. Council Members expressed general support but asked for clarification on how different project categories fit into the new limits.

Council Member Gunn raised concerns about oversight on larger contracts and suggested additional reporting mechanisms. The Council discussed the possibility of formalizing more frequent financial updates and oversight to ensure transparency and control, particularly for high-risk or high-cost projects. Ms. McCosh supported the idea of providing regular budget-to-actual reports to improve communication between the Council and town residents. Ultimately, the Council agreed that more frequent reporting would be beneficial, but there was consensus that these processes did not need to be codified in the ordinance.

Council Member Gunn also questioned whether the existing purchasing limits should simply be doubled instead of adopting the proposed amounts. However, after some discussion, it was noted that the current numbers had already been agreed upon in a previous meeting. The Council appeared ready to proceed with the ordinance as proposed, and Mayor Pro Tempore Baier moved for approval.

***Motion: Council Member Gunn moved to adopt the proposed amendments to Chapter 1.16 of Hideout Municipal Code, Purchasing, as presented. Council Member Haselton made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from Voting: Council Member Nadelberg. There were none opposed. The motion carried.***

### **4. Discussion, consideration and possible approval of a contract award for 2024 street maintenance bid**

The request for proposal (RFP) was prepared by Mr. Miner, and Epic Engineering evaluated the pavement conditions in Town, identifying streets that needed crack sealing or had alligatoring failures. After obtaining four bids, one bid was disqualified due to incomplete information. Among the remaining bids, Bonneville Asphalt was the lowest qualified bidder at \$96,208.

Mr. Miner assured the Council that the work would be paid based on actual quantities, and any excess above the estimate would require additional Council authorization. Although Mr. Miner did not have personal experience with Bonneville Asphalt, Ms. McLean clarified that the bidding process mandates the selection of the lowest qualified bidder, as long as they met all the state and contractual requirements.

There being no further discussion, Mayor Pro Tempore asked for a motion to approve the contract.

***Motion: Mayor Pro Tempore Baier moved to approve the Mayor to enter into an agreement with Bonneville Asphalt and Repair LLC for an amount not to exceed \$96,208 for street maintenance. Council Member Severini made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from voting: Council Member Nadelberg. There were none opposed. The motion carried.***

Mr. Miner provided an update regarding an ongoing procurement process for public works contract services, which would follow a qualifications-based selection. This would involve more qualitative evaluation, and the Council could expect a contractor recommendation in October to assist Public Works Director Daniel Allen and his team.

When asked about the street maintenance start date, Mr. Miner explained that while the contractor had flexibility, the work must be completed by the first of October and closed out by mid-October, aligning with the local paving window. Allowing for this flexibility ensured better pricing from the contractor.

**5. Discussion and consideration of adopting Resolution 2024-R-XX amending the Hideout Fee Schedule**

This item was not discussed due to time constraints.

**6. Discussion and possible approval of Ordinance 2024-O-XX amending Hideout Municipal Code Section 3.04.02 Appointment (ALJ); and Section 3.04.06 Powers and Duties (ALJ)**

Ms. McLean introduced a proposed ordinance amendment to address lingering references to a "Board of Adjustment" in the Hideout Municipal Code, despite its replacement by an Administrative Law Judge (ALJ) in 2021. The amendment aimed to temporarily clarify that any mentions of the Board should instead refer to the ALJ until a comprehensive review of the code can be completed in the next three to six months. Ms. McLean emphasized the need for this quick fix to prevent confusion in the code's operation.

Council Members discussed the issue, with Council Member Severini recalling previous discussions about similar topics in the Planning Commission. It was agreed that this was the best approach given the Town's current structure, and it was unlikely that a Board of Adjustment or similar boards would be established in the foreseeable future.

A motion was made to approve the ordinance amending Sections 3.04.02 (Appointment of ALJ) and 3.04.06 (Powers and Duties of ALJ).

***Motion: Council Member Severini moved to approve Ordinance 2024-O-10, amending Hideout Municipal Code Section 3.04.02 Appointment (ALJ); and Section 3.04.06 Powers and Duties (ALJ) as presented. Council Member Haselton made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from voting: Council Member Nadelberg. There were none opposed. The motion carried.***

**7. Station 56 Update**

This item was not discussed due to time constraints.

**8. Discussion of possibly rescheduling September Council Meeting due to the absence of Mayor Rubin and Council Member Gunn**

The Council discussed the potential need to reschedule the September 12 meeting due to the planned absence of Mayor Rubin and Council Member Gunn, raising concerns about the possibility of lacking a quorum. Multiple Council Members shared their availability throughout September, revealing scheduling conflicts later in the month.

Council Member Gunn suggested using a Doodle poll to better align schedules and find a suitable alternative date. Despite the discussion, the Council decided to keep the September 12 meeting on the calendar for now, as there would still be enough members present to form a quorum, provided Council Member Nadelberg's availability could be confirmed.

*Clerk's note: It was later determined to reschedule the Regular Meeting to September 11, 2024 at 6:00 pm.*

**9. Discussion regarding how to keep meetings to less than 2.5 hours**

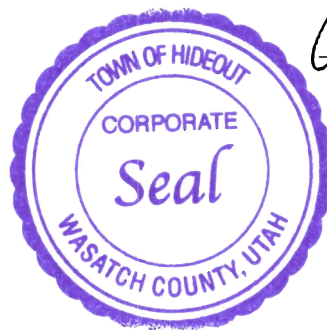
This item was not discussed due to time constraints.

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

There was no need for a Closed Executive Session.

*Motion: Council Member Haselton moved to adjourn the Regular Meeting and reconvene for the Truth in Taxation Public Hearing scheduled at 7:00 pm. Council Member Gunn made the second. Voting Yes: Mayor Pro Tempore Baier, Council Member Gunn, Council Member Haselton, and Council Member Severini. Absent from voting: Council Member Nadelberg. There were none opposed. The motion carried.*

The Regular Meeting adjourned at 6:59 pm.



*Alicia Fairbourne*  
Alicia Fairbourne, Recorder for Hideout