

**Minutes**  
Town of Hideout  
Town Council Regular Meeting and Public Hearing  
June 09, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on June 9, 2022 at 6:00 p.m. electronically via Zoom Conference call due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

**I. Call to Order**

**1. No Anchor Site Determination Letter**

Mayor Rubin called the meeting to order at 6:00 p.m. and reminded participants there was no physical anchor site due to the ongoing COVID-19 pandemic.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
Council Member Sheri Jacobs  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Excused:** Council Member Chris Baier

**Staff Present:** Town Attorneys Polly McLean and Cameron Platt  
Town Administrator Jan McCosh  
Town Planner Thomas Eddington  
Director of Engineering and Public Works Timm Dixon  
Town Clerk Alicia Fairbourne

**Others Present:** Patrick Todd, Katie Shepley, Jonathan Gunn, Ted Barnes, Dennis Gonzales, Carol Tomas, Grey Garza, and others who may have logged in using a partial name or using only a phone number.

**III. Agenda Items**

**1. Presentation regarding water rights by Ted Barnes**

Mayor Rubin introduced Ted Barnes who was an attorney with Clyde Snow & Sessions law firm, which specialized in water rights. Mr. Barnes had worked with Hideout over the previous year regarding the water contract with Jordanelle Special Service District (JSSD). Mr. Barnes was asked to provide an overview of how water rights operated within Hideout and the State of Utah.

Mr. Barnes stated all water within the State of Utah belonged to the State. It was available to use based on water rights. Water rights had a number of attributes, which included a point of

diversion, the place of use, the nature of the use (irrigation, stock watering, municipal or culinary), and place of use. The State Engineer held records which stated where the water right came from, how it could be used, who owned the rights, and where it could be used. He explained Hideout's water rights and sewer were held through JSSD, which entitled Hideout to a certain amount of water.

Mr. Barnes explained there was enough water for the existing homes in Hideout, however, the calculations showed a deficit once the Town had reached full buildout. Additional water supplies would need to be recognized in the contract with JSSD, or additional water would need to be contributed to JSSD for use within the Town. He explained JSSD had several sources of water which could be used, including negotiating the contract made between JSSD and the Town, or through developer contributions. He recommended developers contribute to JSSD for the Town's sufficient water supply of that development. He further noted additional water rights could be purchased by the Town, however, JSSD was oversubscribed and did not have additional water to sell or lease. Exaction Standards was a fourth option, which allowed the Town to ask the developer for an amount of water for internal use and for irrigation use. He explained the use of the Exaction Standard, which meant if the Town were to require less water per unit but had the same amount of water, it would furnish more units. Hideout's Exaction standard was .45-acre feet for internal use and .45-acre feet for external use per equivalent domestic unit (EDU).

Mayor Rubin explained the Klaim, Deer Waters, and Deer Springs developers had brought their own water shares in with the respective developments. He was working with JSSD to clarify the amount which JSSD is committed to providing to the Town. The Town would need to work on a process for a timeline to obtain water shares in the future.

Council Member Severini inquired if a report showing the current usage and future deficit could be distributed to Council. Mr. Barnes explained there was not a report, although Mayor Rubin had made some calculations on his own. He further noted a final report might be created regarding predictive issues, which could be distributed at a later time. Mayor Rubin offered to share the JSSD contract language with Council.

Discussion regarding purchasing, selling, and forfeiting water shares ensued. Mr. Barnes ensured the Council municipalities could hold water shares without forfeiting them if they were not used.

Council Member Jacobs inquired how the threat of a drought affected the water shares. Mr. Barnes explained in Western Water Law the shareholder who held the oldest water right was entitled to use all their shares of the water first before the next shareholder was able to use any of theirs. He noted the State Engineer could curtail water use, but instead encouraged water conservation. He further mentioned other ways in which water conservation measures could be taken.

Council Member Nadelberg asked for clarification if the future phases of GCD could be platted if water rights had not been secured. Mayor Rubin explained he and Mr. Barnes were investigating what shares GCD presently had and what was needed.

Council Member Nadelberg asked for clarification of how the drinking water was obtained. Mr. Barnes explained drinking water rights mostly came from wells rather than stream diversion. JSSD had four (4)-to five (5) new wells planned. He stated Hideout's rights came from groundwater and seepage from the Provo River Basin which was due to the snowpack from Deer Valley and Mayflower. He mentioned this would put additional strain on JSSD's capacity.

Council Member Nadelberg inquired if the Outlaw Golf Course had its own wells to water the grass with, and if, in the event of a drought, could be restricted from watering. Mr. Barnes stated the immediate drought response would be dictated by JSSD, and if the demands of the golf course could not be met, restrictions and enforcements would be applied by JSSD.

Discussion regarding the impacts of a drought continued. Council Member Severini asked if a Frequently Asked Questions (FAQ) page concerning water and water rights could be posted on Hideout's website. Mayor Rubin stated he would take that into consideration, however, details regarding the State's approach to water management on the Town's website should not be included. Council Member Severini suggested including links to the State's website.

Mayor Rubin thanked Mr. Barnes for attending the Meeting and discussing regarding water rights with the Council.

#### **IV. Approval of Council Minutes**

##### **1. January 27, 2022 Town Council Meeting Minutes DRAFT**

There were no corrections to the minutes.

*Motion: Council Member Haselton moved to approve the January 27, 2022 Town Council Meeting Minutes as presented. Council Member Severini made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, Council Member Severini. Absent from voting: Council Member Baier. None opposed. Motion carried.*

#### **V. Follow up items from Council Minutes**

There were no follow up items from the minutes, and therefore, no discussion was had.

#### **VI. Public Hearing Items**

##### **1. Consideration of possible approval of Phase 2A and 2B of the Deer Springs Subdivision**

Town Planner Thomas Eddington explained Phase 2A and 2B of the Deer Springs Subdivision had been approved on May 13, 2021 which allowed six (6) months for the plat to be recorded. There were delays in the recordation of the plat, and a one-time six (6)-month extension was granted by Council on November 10, 2021. There were further delays, which resulted in the expiration of the plat approval. Mr. Eddington noted there were no changes to the subdivision since first approval was granted and had received a favorable recommendation from Planning Commission.

He reviewed the details of the subdivision, which included fifty (50) lots in phase 2A and twenty-four (24) lots in phase 2B. The park would be constructed during Phase 3, which was formerly presented as Phase 4, and would be brought to Planning Commission and Council later in the year. He noted the subdivision was vested under current code and he recommended approval.

Council Member Nadelberg asked what the advantages to grouping up to four (4) units per building were. Mr. Eddington explained when the overall subdivision Master Development Agreement (MDA) was approved in 2017, the allowed density was two hundred eighty (280)

units for all phases. Eightplexes were considered at that time. Over the course of Phases 1, 2, and 3 final subdivision reviews with Planning Commission and Town Council, the developer agreed

to reduce the connectivity of the dwellings to duplexes, triplexes and fourplexes. Single family dwellings would be developed in a future phase.

Council Member Nadelberg asked if the elevation of the units had been determined. Mr. Eddington explained he was working with the developer and was discussing a mix of modern/contemporary and traditional styles.

There being no further questions from Council, Mayor Rubin opened the floor for public input at 6:58 p.m.

*Carol Tomas* – Ms. Tomas stated she did not have a specific question but wanted to state that she appreciated the Council and Planning Commission for working to make Hideout a better community.

There were no further comments from the public, and therefore, Mayor Rubin closed public input at 7:00 p.m. and asked for a motion to approve the subdivision.

***Motion: Council Member Severini moved to approve the final plat of Phase 2A and 2B of the Deer Springs Subdivision. Council Member Haselton made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, Council Member Severini. Absent from voting: Council Member Baier. None opposed. Motion carried.***

## **2. Discuss, with possible approval, the Town Budget for the fiscal year ending June 30, 2023**

Katie Shepley presented the budget and discussed the changes from what was discussed during the May 12, 2022 Council Meeting. She noted during the May Meeting, the projected deficit was calculated at fifty-one thousand dollars (\$51,000) but was now shown as a deficit of one hundred ten thousand dollars (\$110,000). She explained with the calculations presented in May, there was an expectation of assets which would be sold in Fiscal Year (FY) 2023. Those assets were sold in FY 2022, which lead to the deficit increase. She further noted she was more conservative when estimating project fees, planning and subdivision fees, and occupancy due to the softening economy and rising building costs. Ms. Shepley explained there were favorable changes proposed between the General Fund and Water Fund, which would roll into FY 2023.

She reviewed the revenue increases to the budget since it was presented in May and detailed the various costs associated with each item.

Council Member Severini inquired if employee salary and wages would level off. Ms. Shepley replied two new employees would be hired in the Engineering Department and external professional services would be reduced gradually over the next several years.

Discussion regarding the various costs and budget make up ensued. Mayor Rubin presented options to make up for the budget deficit, which included:

- Additional income would need to be generated through a tax increase
- Services would need to be cut

Mayor Rubin supported the presented budget and suggested a tax increase to offset the deficit. He reminded Council and meeting participants Hideout had not increased taxes for several years and had deferred a tax increase during the COVID-19 pandemic. He asked Council if they were supportive of holding a Truth in Taxation Hearing. Town Attorney Polly McLean reminded

Council they were not adopting the budget at this meeting if they were to be in favor of a tax increase. Council expressed support in holding a Truth in Taxation Hearing in August.

There being no further questions from Council, Mayor Rubin opened the floor for public comment at 7:29 p.m. There were no comments from the public, and therefore, Mayor Rubin closed the public hearing at 7:30 p.m. and asked for a motion.

***Motion: Council Member Nadelberg moved to continue the budget process and hold a Truth in Taxation Hearing in August, 2022 per State requirements. Council Member Severini made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Baier. None opposed. Motion carried.***

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

Mayor Rubin opened the floor for public comment at 7:30 p.m. for any items not listed on the agenda. He reminded residents that a survey was sent to hideout residents regarding the future development of Hideout and informed Council approximately 250 responses were received as of the date of this meeting. The survey was open for residents until June 14, 2022, at which time the results would be compiled and shared with the public.

There being no further comments, Mayor Rubin closed public input at 7:34 p.m.

## **VIII. Agenda Items (continued)**

### **1. Discussion and announcement of upcoming concert planned by Hideout's Vision Committee**

Council Member Sheri Jacobs discussed a town-sponsored event on June 24, 2022 from 6:00 p.m. to 9:00 p.m. She mentioned there was to be a concert held and food trucks available at the Hideout Public Works building during that time. Residents could purchase tickets for ten dollars (\$10) each.

### **2. Consideration and possible approval for Mayor to appoint Jonathan Gunn as regular Planning Commissioner**

Mayor Rubin discussed the resignation of Planning Commissioner Bruce Woelfle and asked Council to support the move of Alternate Planning Commissioner Jonathan Gunn to a voting member of Planning Commission. Council expressed their support and thanked Mr. Gunn for stepping into the role for the Town.

### **3. Consideration of adopting Resolution 2022-R-XX to amend the Fee and Rate Schedule to include a water rate increase of 4% beginning July 1, 2022 as well as eliminate the reservation fees and charge a flat rate stand-by fee. Also make technical wording corrections.**

Mayor Rubin presented the Fee and Rate Schedule as proposed. Town Administrator Jan McCosh explained the water rate increase, which was to be four percent (4%) beginning on July 1, 2022. Further increases would continue based on increases from JSSD.

Assistant Town Attorney Cameron Platt explained there was a duplicate water connection fee line item in Section 1.1 and Section 6.2. The Council could opt to eliminate the duplicate line in Section 1.1, or modify the wording in Section 1.1 to refer to Section 6.2. Mr. Platt recommended to eliminate the line in Section 1.1. Mayor Rubin agreed.

*Motion: Council Member Severini Moved to adopt Resolution 2022-R-08 to amend the Fee and Rate Schedule to include a water rate increase of 4% beginning July 1, 2022, eliminate the reservation fees and charge a flat rate stand-by fee, and make technical wording corrections to eliminate the duplicate line in Section 1.1. Council Member Nadelberg made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Baier. None opposed. Motion carried.*

**IX. 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 reconvene in Executive Session.

*Motion: Council Member Severini moved to close the public portion of the meeting and reconvene in Executive Session. Council Member Jacobs made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Baier. Motion carried.*

At 7:46 p.m., the public portion of the meeting was closed.

After a short recess, Mayor Rubin called the Executive Session to order at 7:55 p.m.

**Present:** Mayor Phil Rubin  
Council Member Sheri Jacobs  
Council Member Carol Haselton  
Council Member Bob Nadelberg  
Council Member Ralph Severini

**Excused:** Council Member Chris Baier

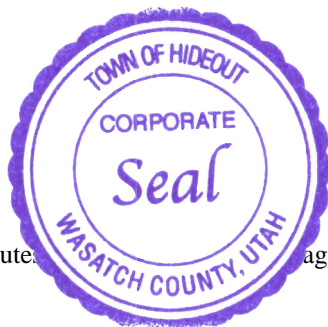
**Staff Present:** Town Attorneys Polly McLean and Cameron Platt

**X. Meeting Adjournment**

At 8:30 p.m., Mayor Rubin asked for a motion to close the Executive Session and adjourn the Town Council Meeting.

*Motion: Council Member Nadelberg moved to close the Executive Session and adjourn the Town Council Meeting. Council Member Jacobs made the second. Voting Yes: Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Baier. None opposed. Motion carried.*

The meeting adjourned at 8:30 p.m.



*Alicia Fairbourne*  
Alicia Fairbourne, Town Clerk