

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
May 12, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on May 12, 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 6:03 p.m. and reminded those attending there was no physical anchor site for this meeting due to the ongoing COVID-19 pandemic.

II. Roll Call

Present: Mayor Phil Rubin (*excused at 7:08 p.m.*)
Council Member Chris Baier
Council Member Sheri Jacobs
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Director of Engineering and Public Works Timm Dixon
Director of Public Works Daniel Allen
Town Clerk Alicia Fairbourne

Others Present: Katie Shepley, Carol Tomas, Jonathan Gunn, Sumner and Dylan Brandt, Rob Sant and others who may have logged in using a partial name or using only a phone number.

III. Approval of Council Minutes

1. January 27, 2022 Town Council Meeting Minutes DRAFT

The minutes were deferred to the next meeting.

Mayor Rubin noted he would be excusing himself from the meeting early and would like to reorder the agenda from what was originally published to the public. He stated the discussion regarding debris in the dumpsters and the Dark Skies Ordinance update would be pushed to the end of the meeting. The regular Public Input section would be heard after the Public Hearing item, the reallocation of funds discussion, and the tentative budget adoption items.

IV. Public Hearing Items

1. **Discuss and possibly approve a lot amendment to combine lots 74 and 75 in the Soaring Hawk subdivision**

Town Planner Thomas Eddington presented the Staff Report for a lot combination in the Soaring Hawk Subdivision and provided Council with an explanation of the proposed terms to combine lots 74 and 75. He noted each lot was approximately one quarter (1/4) acre and currently zoned as Resort Specialty Planned Area (RSPA) with a Resort Village Density (RVHD) pod overlay. The lots would be combined to construct a single-family dwelling unit. He noted the Planning Commission gave a favorable recommendation with the conditions outlined in the Staff Report, which included:

- The dwelling would primarily be constructed on what was currently Lot 75, and Lot 74 would generally remain as open space
- There would be no driveways or accessory structures permitted on the open area and no additional landscaping (must remain in its natural vegetative state)
- The house size could be increased up to one-hundred and twenty-five percent (125%)
- All design guidelines of the Master Homeowner's Association (HOA) and Covenants, Conditions and Restrictions (CCR's) would apply
- Prior to issuing a building permit, confirmation would need to be made that no utility lines were buried in the six (6)-foot utility easement which ran down either side of the center property line

Council Member Baier expressed her support of the lot combination and asked the applicants if the home design increased to the full one-hundred and twenty-five percent (125%). Applicant Sumner Brant stated the home design was slightly less and the interior was approximately four thousand (4,000) square feet. Ms. Brandt mentioned she was concerned the Design Review Committee (DRC) would not approve the home's "L" shape. If that were the case, the home would be modified and could cross into Lot 74. Mr. Eddington stated he would work with the applicants and DRC but could amend the Resolution to include a provision which would allow up to a twenty five percent (25%) crossover into Lot 74 if needed. Council supported the additional language added.

There being no further questions from Council, Mayor Rubin opened the floor for public comment at 6:24 p.m. and reviewed the procedure for commenting for the public.

There were no comments from the public, and therefore, Mayor Rubin closed public comment at 6:25 p.m. and asked for a motion.

Motion: Council Member Nadelberg approved the lot amendment to combine Lots 74 and 75 in the Soaring Hawk Subdivision with the following modification to number four (#4) of the Conditions of Approval:

The primary dwelling unit will generally be constructed on what is currently delineated as Lot 75. Lot 74, as currently delineated, will generally be used as open space. There is an allowance

for an encroachment of up to 25% for the house footprint on Lot 74 if needed per HOA Design Review Committee (DRC) review.

Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.

V. Agenda Items

1. Reminder of Jordanelle Clean Up Day

Council Member Baier presented the annual Jordanelle Community Clean-up Day, which was to be held on Saturday May 14 from 10 am to 12 p.m. She encouraged residents and community to attend and reviewed the process to sign up. The dumpster would be located at the Public Works building for the trash collected during the cleanup. Public Works Director Daniel Allen reminded residents that no metal, concrete or hazardous materials could be deposited in the dumpster.

2. Discussion and possible approval of a reallocation of funds for the budget ending fiscal year 6/30/2022

Mayor Rubin explained that although the Fiscal Year ending June 30, 2022 had not closed, there was enough projected data to realize a reallocation of funds was necessary. He explained in municipal accounting, budget numbers could not be significantly out of alignment with what was allocated and what was actually spent. He further explained this was an accounting process and there was no change in actual spending.

Katie Shepley presented the Fiscal Year 2022 Budget Amendment and explained there were excess funds of fifty-four thousand, eight hundred forty dollars (\$54,840) which was proposed to move into a Capital Fund to be used for one-time adjustments or one-time expenses in the following year. She further explained the reasons for the deficits and overages as presented on the Budget Amendment spreadsheet (*included in the materials*), which included a decrease in the projected number of building permits, additional employees, increase of cost in street repairs and maintenance, et cetera. Mayor Rubin explained the deficit regarding street repair was due to a fairly large street project which did not get billed for until the current fiscal year.

Council Member Baier inquired if some funds could be allocated to the Parks and Trails budget for a redesign of the two (2) signs which were temporarily placed by the bench dedicated to Doug Egerton on the Keetley West Trail, where it meets Perimeter Trail and Wada Way West Trail. Ms. Shipley explained if it were a one-time expense, a portion of the surplus money could be used for that purpose, however, it would need to be requested prior to June. Otherwise, the request would need to be submitted for Fiscal Year 2023.

There being no further questions from Council, Mayor Rubin asked for a motion to approve the reallocation of funds.

Motion: Council Member Nadelberg moved to approve the reallocation of funds for Fiscal Year ending 6/30/2022. Council Member Severini made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.

3. Possible adoption of Resolution 2022-R-XX to adopt the Town of Hideout Tentative Budget for Fiscal Year 2022-2023 and setting a Public Hearing for the Final Budget to be held on June 9, 2022

Ms. Shepley reviewed the tentative budget for Fiscal Year 2022-23. She stated there was an increase of property taxes as well as municipal energy taxes, which was driven by an increase in occupancy. She further detailed the increase in building permits and the increase in funds due to the percentage collected of the projected construction costs.

The additional budget line items were reviewed. Ms. Shepley noted as of April, 2022, the Fiscal Year ending in 2023 was projected to end in a deficit, however, a tax increase for Fiscal Year 2023 was a possibility. She would also investigate other ways to conserve funds.

Ms. Shepley reviewed the Water Fund and noted the increase in revenue, which was based on occupancy, was due to the increase in cost of the connection fees and water and sewer services. Because Jordanelle Special Service District (JSSD) was raising rates, an eight percent (8%) increase in water rates beginning in January, 2023 would be assessed. There was also an increase in the cost of meters, which contributed to the additional revenue.

Mayor Rubin noted there were several projects in the water and sewer systems which had been postponed due to lack of funds. He stated some of those projects could be completed with the excess funds in order to make the system more efficient but would hold off until there was confirmation the excess funds were available.

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

Motion: Council Member Severini moved to adopt Resolution 2022-R-06 to adopt the Town of Hideout's tentative budget for Fiscal Year 2022-2023 and set a public hearing date for the final budget on June 9, 2022. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg and Council Member Severini. None opposed. Motion carried.

Mayor Rubin excused himself at 7:08 p.m. and appointed Council Member Baier as Mayor Pro Tempore for the remainder of the meeting.

4. Discussion regarding the overflow of construction debris in the dumpsters

Council Member Haselton expressed concern regarding excess trash, which included water bottles, food cartons, et cetera, piled up next to the construction dumpsters. She stated the dumpsters were overflowing and debris and cardboard boxes were littered about the streets. Mayor Pro Tempore Baier inquired if Hideout had an Ordinance in place for nuisances which would include excess debris and overflowing dumpsters. Ms. McLean stated there was an Ordinance in place and issuing a citation would be the next step. Director of Engineering and Public Works Timm Dixon confirmed the Public Works Staff was aware of the issues and were assisting in picking up debris as they were driving around Town. He confirmed he was in contact with the developers and superintendents of the construction sites, and they were aware of the debris and were doing what was necessary to mitigate it.

Council Member Haselton suggested requiring additional dumpsters. Mr. Dixon stated he would ask the developers to provide them. Ms. McLean stated the Town had adopted the Administration Code Enforcement (ACE) process, which allowed for civil citations for nuisance and non-

criminal types of violations. The fines would accumulate until the violation was corrected and if left ignored, could result in a tax lien. Ms. McLean stated she would work with Mr. Dixon and Assistant Town Attorney Cameron Platt to follow up on the enforcement of the ACE process.

5. Update regarding the Dark Skies Ordinance

Mayor Pro Tempore Baier reviewed the discussion of the proposed Dark Sky Ordinance, which was last discussed during the June 10, 2021 Council meeting. She noted former Council Member Dwinell was concerned of overburdening residents and wanted to conduct a survey of the current lighting conditions. During that meeting it was also discussed the Master Homeowner's Association (HOA) had its own design standards that were dark skies compliant. She thought the Town may not currently be too far out of alignment with the requirements of the Dark Skies Ordinance.

Mr. Eddington stated a Request for Proposal (RFP) was submitted, to which there were no responses. He also stated the University of Utah Professor Daniel Mendoza was not available to assist with a study. The Town had purchased a light meter and Mr. Dixon used it to conduct a baseline measurement in March. Mr. Eddington stated further light readings could be had in the summer.

Mayor Pro Tempore Baier asked Council if they were still interested in adopting the Dark Skies Ordinance, in which case further studies and measurements could be assessed. The Council expressed support of the Ordinance and would like to see it passed prior to the holiday season.

Council Member Jacobs inquired who would enforce compliance at night. Ms. McLean stated a code enforcement officer could be hired to patrol. She also mentioned it was not a legal requirement to have the baseline readings Mr. Dixon conducted in order to be dark skies compliant. The Town would not be striving for the Official International Dark Skies Association Certification, but rather, to model lighting conditions with other communities' Night Sky Ordinances. Council Member Nadelberg stated he did not want Code Enforcement to cite residents unless the violation were to be a continuous problem. He expressed concern of interior lighting being a violation. Ms. McLean noted interior lights were not typically enforced as a violation, however, outside string lights could be regulated under the Ordinance. Mayor Pro Tempore asked for language to be added to the Ordinance regulating string lights to be allowed as temporary lighting for gatherings.

Council Member Severini stated the lighting in the older HOA's should also be surveyed and all HOA's should be provided with the proposed Ordinance and results of the study done in those areas. He expressed concern of moving forward with the Ordinance until a proper survey was conducted and all HOA's had been notified. Mr. Eddington agreed and noted there was a five-year grace period to come into compliance. Council Member Severini expressed his desire to have the proposed Ordinance published on the Town's website.

VI. Follow Up Discussion Items - Status on Previous Action Items

Because there were no Council minutes to review, there were no follow up items to discuss. Council Member Severini inquired if an action item register could be created. Town Clerk Alicia Fairbourne noted she had created a document which she would share with the Council. Council Member Severini mentioned it should be each Council Member's responsibility to review the document.

VII. 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 7:51 p.m.

Carol Tomas – Ms. Tomas lived on Stargazer Circle adjacent to Lakeview Estates. She expressed concern of orange spray painted lines indicating where a bike path would be constructed, and stated it was within close proximity to her house. She wondered when the relocation of the bike path was approved and what the minimum setback from a structure was. Mr. Eddington offered to view the location of the bike path and review it with the developer. He would follow up with Ms. Tomas on his findings.

Council Member Nadelberg – inquired how much of the dirt was projected to be moved in the Shoreline development. Mr. Dixon explained the developer was moving dirt for future phases of the development and was constructing a park and retention pond area. The existing lift station was also being reconstructed and new overflow ponds were being dug out, which were other contributing factors.

Council Member Nadelberg asked if there were Ordinances in place which regulated the disruption of natural vegetation. Mr. Eddington explained the Ordinance passed in 2020 included those regulations, however, the Shoreline Development preceded that Ordinance and were subject to the previous code when they were approved.

There being no further comments from the public, Mayor Pro Tempore Baier closed public input at 8:09 p.m.

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

At 8:09 p.m., Mayor Pro Tempore asked for a motion to move into Executive Session.

Motion: Council Member Haselton moved to close the public meeting and reconvene into Executive Session. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg and Council Member Severini. None opposed. Motion carried.

After a short recess, the Executive Session was called to order at 8:18 p.m.

Present: Council Member Chris Baier
Council Member Sheri Jacobs
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Excused: Mayor Phil Rubin

Staff Present: Town Attorney Polly McLean

At 9:00 p.m., Mayor Pro Tempore adjourned the Executive Session and asked for a motion to move into public meeting.

Motion: Council Member Haselton moved to adjourn the Executive Session and reconvene into public meeting. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg and Council Member Severini. None opposed. Motion carried.

IX. Meeting Adjournment

At 9:00 p.m., Mayor Pro Tempore asked for a motion to adjourn the public meeting.

Motion: Council Member Nadelberg moved to adjourn. Council Member Jacobs made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg and Council Member Severini. None opposed. Motion carried.

The meeting adjourned at 9:00 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk

APPROVED