



AMENDED AGENDA

HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING

August 13, 2020

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting at 10860 N. Hideout Trail, Hideout, Utah for the purposes and at the times as described below on Thursday, August 13, 2020

All public meetings are available via ZOOM conference call and net meeting.

Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739> To join by telephone dial: US: +1 408 638 0986

Meeting ID: 435 659 4739

Regular Meeting

6:00 PM

- I. Call to Order
- II. Roll Call
- III. Discussion and Approval of Bills to be Paid
- IV. Approval of Council Minutes
 1. June 11, 2020 Minutes
 2. June 25, 2020 Minutes
 3. July 09, 2020 Minutes
- V. Public Input - Floor open for any attendee to speak on items not listed on the agenda
- VI. Agenda Items
 1. Continued Public Hearing - Continued Discussion and Possible Adoption of an Ordinance Regarding an Impact Fee Facilities Plan
 2. Discussion and Possible Approval to Move Forward with a Maintenance and Operations Agreement with JSSD for Sewer and Water Services
 3. Discussion Regarding Todd Hollow Eviction Notices
 4. Discussion Regarding Town Code 4.16 and the Town Fee Schedule Concerning Sexually-Oriented Businesses
 5. Discussion and Possible Approval to Extend Ordinance 2020-03 Enacting Temporary Public Meeting Restrictions Pursuant to the Governor's Recent Extension of the State's Emergency Order
- VII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
- VIII. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

HIDEOUT TOWN COUNCIL

10860 N. Hideout Trail

Hideout, UT 84036

Phone: 435-659-4739

Posted 8/12/20

8/13/2020

General Town Expenses

Ace Hardware	Supplies	-	
Ace Signs & Designs	Plan Prints/Signs	96.00	
All West	Monthly service	174.42	
Ally	Equipment	1,048.85	
Alpine Business Products	Supplies	97.28	
Associated Business Tech	Office printer supplies	-	
Associated Business Tech	Office printer lease	192.81	
Blue Stakes of Utah	Services	193.94	
Bregan Enterprises	Clerking services	1,117.50	
Brockbank, Nate	License agreement fee	10.00	
Carquest	Auto parts	11.96	
Dominion	Utilities	32.30	
Francis City	Salt	-	
Fuelman	Fuel roads	475.29	
Green Leaf Enterprises	Noxious weeds	250.00	
Hideout	Utilities	107.60	
Home Depot	Road maintenance materials	561.02	
Integrated Planning & Design	Planning services	1,450.00	
Park City Lock & Key	Keys for new building	60.00	
Park Record	Public noticing	-	
Pelorus Methods	Quarterly service/maintenance financial software	-	
Point S Kamas	Auto maintenance	-	
Professional Alarm, Inc.	Alarm monitoring	80.00	
PEHP	Health insurance January & February	1,857.40	
Rocky Mountain Power	Utilities	363.11	
Safety Supply & Sign	Streets materials, signs	-	
Solano, Laura	Cleaning services	150.00	
T-O Engineers	Engineering -- town expenses	-	
Tech Logic	Monthly service, Office 365, port switch & panel	645.00	
Thyssenkrupp Elevator	Maintenance	-	
Utah League of Cities & Town	Council training	-	
Utah Local Governments Trust	Insurance--liability, auto, property, wc policies	8,619.44	
Utah Machine Rentals	Kubota lease/snow removal equip	-	
Verizon Wireless	Equipment and monthly service	370.45	
Wasatch Co Solid Waste	Utilities	48.00	
York Howell & Guymon	Legal representation - town charges, January	12,650.00	
	Total General Town Expenses		30,662.37

Expenses Passed Through

Integrated Planning & Design	Plan review	2,062.50
Park Record	Public noticing	-
Rick Gines	Inspections	-
T-O Engineers	Inspections	-
T-O Engineers	Pass through expenses billed	-
York Howell & Guymon	Legal representation - pass through charges billed	-

	Total Expenses Passed Through		2,062.50
	TOTAL GENERAL FUND EXPENSES FOR APPROVAL	32,724.87	32,724.87
	<u>Expenses from Enterprise Funds</u>		
Clyde Snow	Water matters	1,445.00	
Dakody Gines	Sewer/water maintenance & repair	1,580.00	
Rick Gines	Water maintenance & repair	1,180.00	
Jordanelle SSD	Sewer	2,030.31	
Jordanelle SSD	Water	20,812.50	
Mountainland Supply Co	Valves	1,016.87	
Precision Power	Repairs/maintenance lift station	-	
Summit Co Health Dept	Water testing	120.00	
T-O engineers	Engineering	-	
Twin D Inc	Emergency repair sewer	-	
USA BlueBook	Water testing supplies		
	TOTAL ENTERPRISE EXPENSES FOR APPROVAL		28,184.68

**Minutes
Town of Hideout Town Council Special Meeting
Conducted Electronically
June 11, 2020**

Present: Mayor Phillip Rubin
Chris Baier
Jerry Dwinell
Carol Haselton
Kurt Shadle

Staff: Jan McCosh, Town Administrator
Alison Lutz, Town Clerk
Dan Dansie, Town Attorney
Thomas Eddington, Town Planner
Ryan Taylor, TO Engineers
Wes Bingham, Town Accountant

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Phil Rubin called the Town Council Meeting to order at approximately 6:00 p.m. The Pledge of Allegiance was not recited as the meeting was held virtually.

II. ROLL CALL

All members of the Town Council were present.

III. APPROVAL OF COUNCIL MINUTES

1. May 5, 2020 Minutes.

The minutes were reviewed and the proposed amendments noted.

Council Member Shadle moved to approve the minutes of May 5, 2020, as amended. The motion was seconded by Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

2. May 14, 2020 Minutes.

The minutes were reviewed and modified.

Council Member Haselton moved to approve the minutes of May 14, 2020, as amended. The motion was seconded by Council Member Shadle. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

1 **IV. AGENDA ITEMS**

2
3 **1. Approval of Monthly Bills to be Paid.**

4
5 Attention was directed to Engineering and the Town expenses of \$10,000. Town Administrator,
6 Jan McCosh noted that they are moving to fixed fees, which should help with this line item. Fixed
7 fees will be for the pass-through expenses but the fixed fees will not address the Town expenses.
8 Numerous hours had been spent on the Titles being discussed later and by Ryan Taylor from TO
9 Engineers, which has contributed to this number.

10
11 Mayor Rubin reported that some of Mr. Taylor's expenses should be charged to the Enterprise
12 Fund. Council Member Shadle pointed out there is only \$2,600 in the Enterprise Fund. Mayor
13 Rubin suggested that they go back to Ms. McCosh and Mr. Taylor about what percentage of the
14 fees should go to the Enterprise Account. Ms. McCosh stated that it was under review and they
15 should have an amendment ready for the next meeting on additional funds to the Enterprise
16 Account. Mayor Rubin asked Mr. Taylor to review the expenses to determine what portion can go
17 to the Enterprise Fund.

18
19 Council Member Dwinell did not see anything about the paving items discussed the previous
20 month. Mayor Rubin explained that paving will begin in July. Council Member Dwinell recalled
21 that the minutes included discussion of approving a paving contract. He asked if those expenses
22 had begun to be incurred. Mayor Rubin confirmed that they had not. They are working with Town
23 Accountant, Wes Bingham to take the current year's money allocated to road repair to ensure that
24 it is available in the coming fiscal year, which starts in July.

25
26 **Council Member Shadle moved to approve payment of the bills. The motion was seconded**
27 **by Council Member Baier. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry**
28 **Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

29
30 **2. Public Hearing – Consideration and Approval of an Amendment to the FY-**
31 **2019-2020 Budget.**

32
33 Jan McCosh presented the proposed budget amendment and Town Accountant, Wes Bingham
34 addressed changes to the operating budget and stated that he looked at the budget from the
35 standpoint of each department. Building Inspection fees were projected to be approximately
36 \$45,000 higher and Legal fees \$10,000 higher. Engineering was estimated to be approximately
37 \$45,000 higher. They are increasing the budgets in these areas because actual costs were expected
38 to come in higher. Additionally, they only budgeted \$3,000 for the audit but were required to have
39 a full audit. As a result, that line item was increased by \$7,000. The Administrative Office
40 Supplies line item came in significantly higher than budgeted. Overall, they will use
41 approximately \$20,000 of the sales tax to pay the expenditures. Property taxes were estimated to
42 be \$5,000. They did not expend \$25,000 for Safety Personnel, so that budget item will decrease.
43 The remainder will be appropriated through the surplus.

44
45 With respect to the Enterprise Fund, although not required, Mr. Bingham included a depreciation
46 budget. There were no further amendments to the Enterprise Fund. Some of the estimates are

1 conservative but he wanted to ensure that legally, they stay within their limits and meet the
2 requirements pursuant to the Municipal Code. Council Member Shadle stated that the previous
3 administration budgeted nothing for infrastructure replacement. As a result, they have to catch up
4 and be diligent in setting funds aside for future improvements and repairs to Town infrastructure.

5
6 Mayor Rubin reported that they are not yet closing the 2019-2020 fiscal year. Once all of the bills
7 through June have been received, there could be another adjustment before they finalize the year.
8 Mr. Bingham believed that the budget, as amended, will keep the various departments within the
9 General Fund and the overall legal limits the Council set when the budget was adopted. He did
10 not expect to have to make additional amendments.

11
12 With the contract specific to the Roads budget, Mr. Bingham agreed to draft a resolution next fiscal
13 year after they see the road contract. As a matter of practice, when the fiscal year ends and the
14 budget is closed out, any funds that have not been spent will go to the Unrestricted category. The
15 Council is allowed to make an amendment to appropriate those funds.

16
17 Council Member Dwinell asked about the process mandating that the Council pass a Budget
18 Resolution the current year. Mr. Bingham explained that certain departments within the General
19 Fund could be spending more than budgeted. The proposed resolution sets a legal limit on what
20 the Town is allowed to spend within each department.

21
22 The proposed changes were based on Mr. Bingham's belief that some departmental costs will be
23 higher than budgeted. He stated that the State requires the budget to be balanced by department.
24 Therefore, each account must be within the range of what was budgeted. While they may not
25 expend the funds allocated to a specific department, they want to ensure that there are sufficient
26 funds in order to not go over budget. The auditor looks at the budget by individual departments to
27 make sure they do not go beyond the legal limits.

28
29 Mayor Rubin stated that when they close out the Fiscal Year and have spent less than the projected
30 budget, those funds are carried over to the next Fiscal Year. The surplus sits in equity, which can
31 be appropriated by resolution.

32
33 In response to a question raised, Mayor Rubin responded that building inspections are pass-
34 throughs but are a credit/debit transaction that is differentiated between Building Inspection
35 Revenue and Building Inspection Expense. When there are more building inspections, there is
36 more expense than the budget included and they are required to amend that line item. Council
37 Member Dwinell asked why the revenue from the Building Inspections is not included in the
38 proposed amendment to the budget. It was clarified that the revenue will necessarily exceed what
39 was budgeted as revenue, but the expenditures ultimately were higher than initially budgeted,
40 which requires an amendment.

41
42 There were questions raised about the need for an increase in the Building Inspection Budget if
43 there is Building Inspection revenue to cover it. Mr. Bingham explained that they are not changing
44 the budgeted revenue figure since they are within the originally budgeted number. He expected to
45 be under budget in revenues based on his projections. The revenue numbers remained unchanged

1 and he did not expect the revenues to increase. In addition, he wanted to show the expenditure
2 number as being pulled from surplus.

3
4 It was reported that the Town collected enough to pay for the inspections. Ms. McCosh explained
5 that they do not take monies out of revenue to pay for expenditures because it is an issue of timing.
6 She stated that the revenue and expenditures do not necessarily line up. Staff accounts for the
7 revenue when it is received. On a standard Building Permit, they require payment but they advance
8 some permits. The Council questioned the authority to advance some building permits.

9
10 It was noted that the line items for Building Inspection Revenue and Expenditures is an accounting
11 function. When the revenue comes in, it is recorded to Building Permits. The budget numbers are
12 not actual dollars, so when the actual dollars come in, they can be reconciled. It is an exercise of
13 moving budget numbers around and has nothing to do with how the overages are paid. Because
14 the budget amount for building inspection revenue is on target, that line item will not be changed
15 to increase building inspection expenditures.

16
17 Mr. Bingham set the expenditure numbers slightly higher so that if they get close to those limits,
18 they can legally pay their bills without being in conflict with the State, and ultimately the Council.
19 They moved numbers from other categories that they were fairly certain will not approach the
20 budgeted amount. It does not matter if the revenue numbers are higher than budgeted but the
21 expenditure numbers do matter. It is important to make sure that the expenditure accounts remain
22 within budget even though each revenue account does not specify where the funds are being pulled
23 from. Ultimately, the goal is for the expenditure accounts to stay within budget. Mr. Bingham
24 invited the Council Members to contact him with questions.

25
26 Mayor Rubin opened the public hearing. There were no public comments. The public hearing
27 was closed.

28
29 **Council Member Shadle moved to approve an amendment of the Fiscal Year 2019-2020**
30 **Budget per the documentation presented, along with the correction to the Resolution to**
31 **reflect the Town of Hideout and the addition of subtotals on both source and use. The motion**
32 **was seconded by Council Member Haselton. Vote on motion: Carol Haselton-Aye, Chris**
33 **Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

34
35 Council Member Shadle reported that the Budget Committee will provide the Council with
36 quarterly targets for budget line items. John Sherwood from the Budget Committee will spearhead
37 the quarterly reports.

38 39 **3. Public Hearing – Consideration and Approval of FY 2020-2021 Budget.**

40
41 Council Member Shadle presented an overview of the new budget. It was reported that a
42 Provisional Budget was adopted at the May meeting. Every level of government is grappling with
43 uncertainties relative to the economic effects of COVID-19. The Town is mindful that whatever
44 is included in the budget may need to be amended later.

1 The revenue assumptions the Budget Committee was striving for include not utilizing the Town's
2 reserves. They are proposing to decrease the number of building permits from 78 to 50 and project
3 that sales tax revenue will be down even though the population has increased. They must ensure
4 that they are credited for the right population in the Town. Class C Road Funds will likely increase
5 slightly because they have more road miles in Town; however, gas tax revenue will likely be down
6 because people are not driving as much. The Town will also generate more revenue from planning
7 and zoning fee schedule.

8
9 In terms of expense projections, they have been more realistically allocating personnel time
10 between the General Fund and the Enterprise Fund. This will not change the number of staff
11 members but will have an impact on a tight budget. The Enterprise Fund has significant revenues,
12 although most of the revenues need to be set aside due to depreciation and replacement expenses.

13
14 Two major expenses were envisioned in the budget. The first was a year-end agreement with the
15 Wasatch Sheriff's Office to initiate patrols in Town. There were concerns that insurance premiums
16 for the Town will increase as a result of the patrols. The second expense was the Town Planner.

17
18 Council Member Dwinell asked about Council Pay and whether that figure is being adjusted since
19 there are now two meetings per month. After some discussion, the decision was made to not
20 increase the budget for Council Pay.

21
22 There was no increase in property taxes or water rates. With respect to water rates, Jordanelle
23 Special Service District ("JSSD") is increasing its rates to the Town by 5.4%. The Council and
24 the Mayor submitted a letter to JSSD urging them not to raise their rates. Mayor Rubin stated that
25 they have not acknowledged receipt of the letter; however, he has a meeting scheduled with them.

26
27 Budget expenses were next reviewed. It was noted that new sewer connections will be coming in,
28 however, the major expenditure is the completion of water and sewer models to assess
29 infrastructure capabilities and capacities. Potential deficiencies were suspected that will need to
30 be remedied. It was noted that the State is requiring the same.

31
32 Council Member Shadle recognized the work of the Budget Committee and Council Member
33 Vytas Rupinkas who spent a significant amount of time on the water portion of the budget. John
34 Sherwood is a citizen volunteer who will take over the compilation of the quarterly projections.
35 Mayor Rubin echoed the appreciation expressed by Council Member Shadle and expressed his
36 support for the budget. The Budget Committee would continue to work to ensure that they are on
37 target given the current COVID-19 crisis results. Council Member Shadle recounted that two
38 months earlier, developers were still planning on moving forward. Since then, closings have
39 slowed, but the market is still active.

40
41 Council Member Dwinell referenced the Total Revenue figure of \$738,000 compared to the Total
42 Expenses of \$732,000, which were projected to be approximately \$5,600 in unexpended revenue.
43 This reflected a balanced budget.

44
45 Council Member Shadle commented that property tax revenue is increasing with new growth and
46 the Certified Tax Rate; however, the number shown in the budget was expected to be collected

1 and is less than what was billed. A net decrease was anticipated in collections but the available
 2 revenue increased. The budget reflected their best estimate of revenues in light of COVID-19. It
 3 was noted that expenditures cannot be controlled. The hope was to continue with a disciplined
 4 budget.

5
 6 Mayor Rubin opened the public hearing. There were no public comments. The public hearing was
 7 closed.

8
 9 **Council Member Dwinell moved to approve the 2020-2021 budget. The motion was seconded**
 10 **by Council Member Haselton. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry**
 11 **Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

12
 13 **4. Continued Public Hearing – Consider Adopting an Ordinance Repealing and**
 14 **Replacing Titles 3, 10, 11, and 12 of the Town Code.**

15
 16 Mayor Rubin reported that they have gone through several iterations and the Town Code has been
 17 tightened. There was discussion about minor changes pertaining to public safety, specifically
 18 clarifying language on road widths. Council Member Dwinell stated that there had been discussion
 19 about adding a minimum standard and Town Planner, Thomas Eddington was to make an addition.
 20 There was discussion regarding types of roads. Messrs. Eddington and Taylor agreed to insert
 21 additional comments regarding minimum standards for roadways. Mr. Eddington planned to add
 22 to Title 11 as well. Currently, Title 11 includes a required traffic study. In addition, an Evacuation
 23 Plan was to be added as part of the process that developers will be required to submit.

24
 25 For Title 10, Council Member Dwinell asked the Town's Legal Counsel, Dan Dansie, and/or
 26 Mr. Eddington to speak to major changes that should be brought to the Council's attention.
 27 Mr. Dansie stated that they have tried to create a Code that provides objective-based standards.
 28 Initially, several components lacked definitive standards to enable an applicant to understand what
 29 was being asked of them in connection with a development.

30
 31 Council Member Dwinell recalled a discussion with Mr. Dansie about moving a provision
 32 regarding Sensitive Lands from Title 11 to Title 10. Mr. Dansie recalled their discussion as
 33 involving the open space dedication requirement in Title 12 being moved to Title 10. That change
 34 had not yet been made and was still pending. Mr. Dansie confirmed that the first major concept
 35 was to provide increased clarity and objective standards in connection with defining development
 36 activities and requirements for developers.

37
 38 The second concept involved open space and public space requirements. They had several
 39 discussions with Mr. Eddington and Council Member Dwinell to arrive at the right balance for
 40 what the Town is looking for in connection with open space and public space requirements. In
 41 connection with development, the proposed document provides for a developer to create both open
 42 space and public space areas. An open space area would have minimal or no disturbance to its
 43 native condition. Minimal disturbance might include a walking trail or other use that is consistent
 44 with the pre-existing topography and flora in the area.

1 A public space requirement requires the developer to not only produce homes and dwellings but
2 parks and grassy areas. Revisions to the language were discussed, which would make the
3 requirements more illustrative than prescriptive. Mr. Dansie stated that if someone has a
4 subdivision of 2 and 20 lots, the developer would be required to provide a public space. The
5 suggestion in this example would be a small park with a community garden and plaza, along with
6 covered seating. This would represent the scale and scope of the public amenity they would want
7 to require in connection with that level of development; however, they may not want to be
8 prescriptive in saying that in every development of this size the Town will require a small park
9 with a community garden, plaza, and covered seating. The Code should allow some degree of
10 flexibility that would permit the creation of spaces the public can enjoy and provide a public
11 amenity in addition to the open space. Council Member Dwinell appreciated the distinction
12 between illustrative versus prescriptive.

13
14 Mr. Dansie encouraged the Council to study the concept and be comfortable with what developers
15 are asked to do. The Council next addressed the question of what areas are to be maintained by
16 the Town and under what circumstances they are not public. The public space component is owned
17 and maintained by the Town. With respect to open space, the question is whether the Town wants
18 them to become public areas to be used by the public and maintained by the Town. If the open
19 space is not going to be public and maintained by the Town, the intent would be for those open
20 spaces to be dedicated to an HOA or a sub-HOA, depending on where the property is located. That
21 entity would then be responsible for maintenance. Another option was for those areas to be
22 dedicated and transferred to a land trust or non-profit entity that has an interest in preserving open
23 space. In creating public amenities and potential public open spaces, while the public spaces create
24 community benefits, they also carry long-term maintenance obligations.

25
26 With respect to fencing locations, dimensions, height, Mr. Eddington clarified the language with
27 no substantive changes having been made. A minor change made to the Roads section was
28 described.

29
30 Council Member Dwinell expressed concern with Visual Impact since they are subjective rather
31 than objective. Despite the fact that it is subjective, the Town still wants to retain some aspect of
32 Visual Impact and building mass.

33
34 Mr. Eddington offered to craft standards such as identifying vantage points and objective criteria
35 to make it more objective. Objective criteria could include ridgelines or heights of development
36 as viewed from a particular location. Mr. Dansie's intent was to ensure that the Code is clear in
37 terms of the meaning of Visual Impact and how it is measured.

38
39 While the concept of Visual Impact was within the realm of Sensitive Lands, many of the concepts
40 apply outside of Sensitive Lands. Mr. Eddington agreed to craft them so that they apply outside
41 of Sensitive Lands applications and do not need to be defined more than once. This also applies
42 to the section involving Steep Slopes.

43
44 Mr. Eddington agreed that the Visual Impact concepts apply virtually everywhere in the
45 community and agreed to clarify it to make it a subdivision standard. He stated that there still may
46 be some separation for Sensitive Lands or Steep Slopes.

1 Council Member Dwinell commented that Vytas Rupinskas provided him with a ‘Monotony
2 Clause’, which prevents the same design exterior from repeating itself. Council Member Dwinell
3 was not proposing to include such a clause in this version of the Code but considered it worth
4 discussing at a future date.

5
6 Mr. Eddington addressed the clarification in terms of topography and what is expected in terms of
7 trail surfaces. There had been discussion as to where to place this standard, which is prescriptive.
8 It was determined to be fair to the developer to place it in the Code to provide clear direction.

9
10 Council Member Haselton requested clarification regarding the Fencing changes. Her concern
11 with Fencing specifically related to Shoreline. It was noted that there are two safety issues raised
12 by the steep drop off at the edge of some of the patios. Council Member Dwinell clarified that this
13 section does not prohibit fencing and requires an applicant to go through an approval process. Mr.
14 Eddington stated that the intent of the section was to protect adjacent property owners and limit
15 heights. It was reported that all fencing must go through the Town Planner.

16
17 Council Member Haselton expressed concern that several homes are impacted by the steep drop
18 off. While she does not want to change the Fencing section, she asked if it could be amended if
19 enough people request approval of fencing for health and safety reasons. Council Member Shadle
20 suggested including health and safety concerns in the ordinance. Council Member Dwinell asked
21 if they should request the developer come back and shore up the health and safety concerns. Mr.
22 Dansie reminded the Council that the proposed ordinance is a forward-looking document. Council
23 Member Dwinell noted that going forward if a subdivision comes before the Council with the same
24 conditions as Shoreline Phase 1, the Planning Commission and Council could require fencing. In
25 addition, the project would not be approved without some sort of barrier from a health and safety
26 perspective.

27
28 It was reported that the Fencing section includes a general prohibition of fences to protect property
29 values. There are situations where fencing will be required and will be part of the subdivision
30 process.

31
32 Mr. Dansie suggested a follow-up conversation on the health and safety issues from a retrospective
33 standpoint. He noted that the proposed ordinance document is prospective. Council Member
34 Dwinell suggested that Mr. Eddington include in the Steep Slope section a requirement for safety
35 barriers under certain conditions. Mr. Eddington agreed to address the issue.

36
37 Council Member Haselton clarified that she was speaking on behalf of herself and several of her
38 neighbors. The consensus was that the situation at Shoreline is of concern for the Town and needs
39 to be addressed to resolve health and safety issues.

40
41 Donna Turner raised a question about sidewalks and had concerns in her neighborhood with the
42 lack of sidewalks. In terms of safety, from the circle, there is a small sidewalk to the right that
43 goes into the cul-de-sac but there is no sidewalk where the mailboxes are located. Council Member
44 Dwinell stated that the proposed document is forward-looking and approved by the prior Council.
45 He noted that there is a balance they are trying to achieve. If they require full sidewalks and
46 planters on both sides of the street, they begin to look like a subdivision in Town. That is not the

1 feel they are trying to achieve. The proposed ordinance allows the Planning Commission
2 flexibility to include sidewalks where appropriate. Generally, they favor the connected trail system
3 more than sidewalks along the road.

4
5 Ms. Turner reported that she had seen people walking their dogs along the cliff area, which is
6 dangerous. She felt that a sidewalk or gravel path would improve the situation. It was noted that
7 there is a tremendous amount of construction and pedestrian traffic in the area.

8
9 Mayor Rubin stated that there is a team working on public safety, including the concerns raised at
10 Shoreline. They will hold another session to address public safety, traffic, egress, and fire safety.
11 He suggested the Council focus on the proposed Code amendments. Mr. Eddington had been
12 working with Will Pratt from the Master HOA who has been helping with some of the HOA trails,
13 and in particular, the trail referenced by Ms. Turner. He explained that it is a trail that they want
14 to restore depending on the budget.

15
16 Council Member Baier asked about construction materials for paved and non-paved trails and why
17 there is a specification of eight feet for paved trails. Mr. Eddington explained that it is a standard
18 used in both Wasatch and Summit Counties. Typically, 8 to 10 feet is the minimum required for
19 bikes, carriages, walkers, and runners. The width can be adjusted at the time of subdivision review.
20 It was requested that the minimum width be changed to 10 feet.

21
22 Council Member Baier was satisfied with the four-foot width for hiking and single-track mountain
23 bike trails but asked about the compacted base. Mr. Eddington stated that the compacted base will
24 utilize some other material if there is an erosion issue depending on the slope. She would not want
25 to specify that the trails must be over a compacted base in all cases. They would need to be
26 armored only as needed.

27
28 Council Member Baier responded to Donna Turner's comments and stated that before the prior
29 Council, she, Mayor Rubin, and others, as private citizens, encouraged the developer to install a
30 paved sidewalk or trail along Shoreline and they refused. They did, however, install a small
31 amount of asphalt along the cliffside.

32
33 According to Council Member Dwinell, the Planning Commission recommended the proposed
34 document in March and since then the Council had been looking at and making various edits to
35 the document. There was some argument about whether the changes were substantial. Some
36 believe it is within the spirit of what the Planning Commission initially recommended. To make
37 sure everything is done correctly, the Council agreed to allow the Planning Commission to review
38 the requests and recommendations that come out of tonight's Council meeting. There was a public
39 Planning Commission Meeting scheduled for the following week with the matter scheduled to
40 come back to the Town Council for final approval. It was clarified that the Council would not be
41 voting on the proposed amendments tonight.

42
43 Council Member Dwinell gave an overview of Title 11 and focused on substantive changes, as
44 opposed to wordsmithing. He explained that there was no need to redefine the term 'public notice'
45 as it is defined in Utah State Code. The section on Bonds was modified to be consistent with Utah
46 State Code.

1 Mr. Dansie addressed the removal of the section for Performance Bond Replacement. This section
2 allowed a developer to replace a performance bond with one form of surety for another as work
3 was being completed. Under the current statute, the bond can be drawn down. For a warranty
4 bond, State law provides for a 10% warranty bond, with a warranty period of one year.

5
6 In response to a question raised by Council Member Baier, Mayor Rubin stated that there is no
7 provision in Title 11 to cover Weed Bonds. The intention was for a Weed Bond to be included at
8 a later date. He also stated that they are also looking into a fee instead of a bond to cover weed
9 control.

10
11 Council Member Dwinell requested input from the Council on where to place the Evacuation Plan.
12 Mayor Rubin suggested that it be required with a proposal for a road system. Many preliminary
13 plans include high-level road systems. Because the topography work has not yet been completed,
14 they do not know where things will be placed.

15
16 Council Member Shadle suggested that as the Planning Commission looks at subdivisions, that
17 there be discussion on how fire and safety will play into the dynamics of the development. Council
18 Member Dwinell agreed and suggested that at preliminary they ask for an Evacuation Plan as well
19 as a Traffic Study and require the same at Final approval.

20
21 In the Revocation section, the intent is to correct past mistakes. This section addresses how
22 permits are expired or final plats and permits revoked. Once a plat is recorded, it is very difficult
23 to reverse. The Council can discuss issues related to the plat. Any plat not recorded within six
24 months of approval will be revoked. Council Member Shadle expressed support for the proposed
25 changes

26
27 The Council next discussed the Development Agreement section, which was lifted from the prior
28 version of the Code and there were no substantive changes made.

29
30 Mayor Rubin opened the public hearing. There was no public comment. Mayor Rubin closed the
31 public hearing on Title 11.

32
33 The Council next discussed changes to Title 12. What was referred to previously as “Non-
34 Conforming Zones,” was renamed “Limited Future Application of Certain Zones.”

35
36 Section 20 was eliminated and added to another section.

37
38 The Classification of Annexed Territory provides that upon annexation, a zone or zones is
39 declared. It does not guarantee approval but will be taken into consideration as part of the
40 annexation negotiation.

41
42 Mr. Dansie addressed the change to the General Plan Section and stated that the prior wording
43 simply restated that the Town adopted a General Plan. Since a General Plan was already adopted,
44 he saw no need to include it in the Code. To avoid the need to come back and amend the Code
45 each time the General Plan is updated, this language was unnecessary. The Code should specify
46 that any development or amendment to the zoning ordinance must be consistent with the General

1 Plan. In the hierarchy of zoning documents, the General Plan followed by the Zoning Ordinance,
2 which should be consistent with the General Plan. It was noted that Mr. Dansie eliminated some
3 redundancy in the definitions.

4
5 The Conveyance of Open Space addresses who will maintain an open space going forward.
6 Currently, this section is a subsection of Cluster Development. The substance of this section was
7 to be moved to Title 10.

8
9 The section on Conditional Use was referenced and included some wording changes. Mr. Dansie
10 stated that the purpose of the changes was to make the Ordinance more consistent with State law.

11
12 Determination of Non-Conforming Building and Land Uses was eliminated as it was covered in
13 other sections.

14
15 Mayor Rubin opened the public hearing. There was no public comment. The public hearing was
16 closed.

17
18 Council Member Dwinell accepted the proposed changes and would provide the updated versions
19 to the Planning Commission Members for review prior to the vote scheduled in two weeks.

20
21 Procedural and noticing issues were discussed.

22
23 **Council Member Shadle moved to continue the hearing to June 25, 2020. The motion was**
24 **seconded by Council Member Baier. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye,**
25 **Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

26
27 **5. Continued Public Hearing – Continued Discussion and Possible Adoption of**
28 **an Ordinance Regarding Impact Fee Facilities Plan.**

29
30 Mayor Rubin reported that the Town received input requiring additional documentation from a
31 developer. They need to continue the matter again to allow them to provide that input.

32
33 **Council Member Shadle moved to continue the above agenda item to the first scheduled**
34 **Town Council Meeting in July, which is scheduled for July 9, 2020. The motion was seconded**
35 **by Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry**
36 **Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

37
38 **6. Discussion Regarding COVID-19 and Town Operations.**

39
40 Jan McCosh suggested that the Town operate “by appointment only” at least through the end of
41 June 2020 and then reassess the situation in July 2020. She is constantly involved in meetings
42 with the State, the Utah League of Cities and Towns (“ULCT”), and Public Health. She explained
43 that the State’s virtual meeting allowance expires the end of June. Complicated rules are coming
44 out from the Occupational Safety and Health Administration (“OSHA”) and compliance is very
45 labor-intensive. In addition, there are no essential services provided in Town Hall, unlike other
46 municipalities.

1 Council Member Baier agreed and suggested it be extended it beyond the end of June, given the
2 state of the pandemic. Council Member Dwinell asked if the Town is hindered by the “by
3 appointment only” model. Ms. McCosh stated that while staff has had to learn a new way of doing
4 business and are communicating more through texting.

5
6 Council Member Dwinell wanted to ensure that staff feels safe in the work environment in the
7 Town Office. He did not want to force anyone back into the office if they are uncomfortable doing
8 so. He agreed that it should be extended beyond June. She thanked the Council for being sensitive
9 to the issues surrounding COVID-19.

10
11 Ms. McCosh stated that there have not been any complaints about the current policy. Council
12 Member Shadle saw no reason to change what they are doing, because this is good for the Town
13 employees and they are not receiving any complaints from the public. Council Member Baier
14 agreed and did not believe they need to tie the Open and Public Meetings Anchor Site Requirement
15 to whether or not staff has to come to the office. She recommended they extend it out as far as
16 possible to avoid the need to revisit it.

17
18 Council Member Dwinell agreed and stated that if the Anchor Site Order is not extended and the
19 Town is forced to host an Anchor Site, they will be required to open Town Hall. They need to
20 comply with State law but can strongly recommend that residents not attend via the Anchor Site
21 and participate via Zoom.

22
23 Ms. McCosh stated that additional cleaning will have to be done. The Town has received a
24 distribution from the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, and will
25 be able to cover those costs. They will also have to arrange the chairs to allow for social distancing.
26 It was estimated that Town Hall can accommodate up to 11 people to meet social distancing
27 requirements.

28
29 Council Member Dwinell suggested a 60-day extension of the Town Operations model.
30 Ms. McCosh suggested it specify “until further notice.” The Council agreed. Without an
31 Ordinance regarding Town staff working remotely, an administrative policy can be adopted.
32 Mr. Dansie stated that if the Governor does not extend the Anchor Site exemption, the Town will
33 have to comply.

34
35 Mr. Dansie suggested that the Council adopt a Resolution extending Town Operations for 30 days,
36 as opposed to “until further notice” (*clerk’s note: this should be an ordinance instead of a*
37 *resolution*). Ms. McCosh proposed an extension of 60 or 90 days. Mayor Rubin expressed concern
38 with the construction extension. He did not want to extend it indefinitely but did not object to a
39 30-day extension.

40
41 Council Member Baier agreed to a 30-day extension to review the construction rules but extend
42 Town Hall staff indefinitely. She suggested that Ms. McCosh send a letter to the Governor asking
43 about a small-town exemption. Ms. McCosh stated that it would be most effective for her to
44 communicate that through the ULCT.

1 Council Member Haselton moved to extend Ordinance Number 2020-04 to allow the
 2 construction rules for COVID-19 an additional 30 days and extend Ordinance Number 2020-
 3 03 to allow the ability for staff to work remotely until further notice. The Governor should
 4 be approached, through the ULCT, about changing the Anchor Site rules and keeping the
 5 current meeting procedures in place for an additional 30 days. The motion was seconded by
 6 Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry
 7 Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.

8
 9 Council Member Dwinell raised a point of order regarding an Honorary Resolution to be
 10 addressed. It was recommended that the Council still act on the resolution even though Vytas
 11 Rupinkas was unable to be present.

12
 13 Council Member Shadle read the Resolution in its entirety regarding the service of Vytas
 14 Rupinkas.

15
 16 Council Member Dwinell moved to adopt a Resolution Number 2020-06 honoring Vytas
 17 Rupinkas for his service on Town Council. The motion was seconded by Council Member
 18 Shadle. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt
 19 Shadle-Aye. The motion passed unanimously.

20
 21 **7. Discussion and Possible Approval to Move Forward with a Maintenance and**
 22 **Operations Agreement with JSSD for Sewer and Water Services.**

23
 24 Mayor Rubin reported that the agreement was being drafted and had not yet been circulated to the
 25 Council. He explained that the Town needs professional help, particularly with the sewer system
 26 which has created issues for several residents. The Town is involved with sales from JSSD at the
 27 wholesale level. JSSD is highly experienced and has the necessary equipment to perform the work.
 28 The Town has funds budgeted in the 2020-2021 Budget.

29
 30 Mayor Rubin suggested that JSSD serve as the primary agent responsible for sewer maintenance,
 31 flushing and scoping of the sewer system, and maintenance of the lift stations.

32
 33 Council Member Shadle recommended that they seek competitive bids from other providers.

34
 35 **8. Discussion Regarding Creekside Estates.**

36
 37 Concerning the above matter, Mr. Eddington and Mayor Rubin were in the process of reworking
 38 the current proposal. Council Member Shadle commented that the property is beautiful but has
 39 challenges, primarily with access.

40
 41 **9. Discussion and Refinement of a Proposal to Charge a Small Hike-In/Bike-In**
 42 **'Access Fee' to Hideout Households to Enable Public Trail Connections to**
 43 **Jordanelle State Park Trails through the Deer Springs and Lakeview Estates**
 44 **Subdivisions.**

1 Council Member Baier reported that the above matter a continuation of a discussion that she had
2 last summer with State Park Manager, Jason Whitaker. They discussed two potential trail
3 connections in the Ross Creek area where they could connect public trails in Hideout into the State
4 Park.

5
6 The State Park is a fee area, which requires the purchase of a State Park pass at a cost of \$75. For
7 those 62 and older, the fee is approximately half. At the end of the month, the fee will be increasing
8 to \$150 with no senior discount. The Council was surprised by such a dramatic increase during a
9 pandemic.

10
11 It was reported that there is a desire to make a trail connection in both Deer Springs and Lakeview
12 Estates. The connection at Deer Springs has already been stubbed in and ends at the Deer Springs
13 property line. Lakeview Estates is being developed by Nate Brockbank, who would like to connect
14 into the Waterway East Trail, which is part of the State Park. For the Town to make the public
15 trail connections into the State Park, the State Park Manager would require the collection of a hike
16 in/bike in the fee. Council Member Baier did not yet have details on a fee that would be acceptable
17 to the State Parks.

18
19 Council Member Baier reported that Mayor Rubin raised the possibility of whether they could
20 charge a fee on utility bills and require residents to pay the hike in/bike in the fee. The other
21 alternative is for Nate Brockbank to encumber his HOA in Deer Springs to pay the fee. Because
22 it is an amenity for the entire Town, she was looking at ways to spread the cost out to more
23 residents. With both Deer Springs and Lakeview Estates, Mr. Brockbank is planning to install a
24 parking area to allow people from other subdivisions to use the trails to access the park without
25 parking in the State Park parking lot.

26
27 Council Member Dwinell agreed that access to the State Park by way of the Town's own trail
28 network was most desirable for the Town. If people are buying the hangtag for the State Park,
29 they do not also want to be charged the Town fee for accessing the Park. He suggested a provision
30 that would allow someone to opt-out of the hike in/bike in fee if they show proof that they have
31 the hangtag.

32
33 Council Member Baier preferred not to encumber Deer Mountain households with the additional
34 fee. A determination would need to be made on how to spread the fee around fairly. She did not
35 think it was too much to ask more affluent residents to pay more.

36
37 She asked Ms. McCosh for information on the number of households that pay utility bills, as well
38 as the number of households in the Deer Mountain. When she can connect with Mr. Whitaker, she
39 will try to come up with a fair fee and divide it by the number of households. Council Member
40 Shadle expressed his support and suggested that the fee be included in the Budget rather than
41 making it a utility charge. He did not expect more than 50% of the Town to use the trails to access
42 the State Park. With regard to recycling, he did not expect everyone to want it. He suggested the
43 Council determine why recycling is something they want to require and spreading the cost over
44 the entire Town.

1 Council Member Dwinell stated that those who will use the access to the State Park likely have
2 already purchased the State Park hangtag.

3
4 Mayor Rubin suggested that if they impose a Recreation Fee that is more than what the State Park
5 requires, the balance can be used to maintain trails. He considered it a nice feature for the Town
6 and a win for the State Park.

7
8 There was discussion as to whether the Park would be amenable to entering into an agreement
9 with the Town to provide the residents with a pass for a reduced fee, with the understanding that
10 the Town will contribute a certain amount out of the General Fund. Mayor Rubin expressed his
11 support.

12
13 Council Member Baier did not have a sense of what the State Park would charge in terms of a fee.
14 At Sun Ridge they are planning to construct a trail and enter into an agreement with the Park about
15 paying for that. A deal was made but the terms were not public. The next step was to get the
16 number from the State Park for the hike in/bike in fee. That fee does not get a hang tag, or for
17 entrance into any other parks. There are 498 doors, which includes 188 units in Deer Mountain.
18 After her discussion with the State Park Manager, she will circulate an email to the Council for
19 consideration.

20
21 **10. Proposal to Add a Short Public Backcountry Trail Segment on the Newly**
22 **Town-Conveyed Property for the Purpose of Connecting a Singletrack Section**
23 **from the Ross Creek Parking Area to Belaview Way in Deer Springs.**

24
25 Council Member Baier reported that the above matter is time-sensitive. Trails are going in that
26 are part of Deer Springs and Deer Waters. A hard surface trail will be partially paved and partially
27 roughed in through Deer Springs this year. According to Nate Brockbank, when he completes the
28 road from Shoreline Drive up through Deer Waters, he will complete a six-foot-wide paved
29 bike/walking trail. This was expected to be done this summer.

30
31 Council Member Baier referred to the map provided and stated that the two circles on page 2
32 represent the Deer Waters and the Deer Springs Developments. The next map showed a red line
33 parallel to 248, which is the six-foot-wide paved bike trail that continues to Deer Springs. A
34 black line presented the proposed natural surface trail on Town property. Mayor Rubin confirmed
35 that ownership of the property has not yet been transferred to the Town. The property is also
36 within the MIDA District, so there needs to be a discussion regarding what is planned there.

37
38 There was some question as to whether the District would consider this a qualifying project.
39 Council Member Dwinell recalled that anything that is for public recreational use qualifies. The
40 District verbally represented that whatever the Council qualified is a qualifying project.

41
42 Council Member Baier stated that the reason the proposal is coming forward now because there is
43 another trail segment finishing off the figure 8 in the State Park. There is one section of a perimeter
44 trail that is marked as both blue and green on the map. Hanz Johansson recently received approval
45 to construct a parallel single-track trail next to the perimeter trail and will no longer have to run
46 along the double-track perimeter trail. As a result, he can use trail equipment. Mr. Johansson is

1 also doing the work for Mr. Brockbank in Deer Springs. Council Member Baier asked Mr.
2 Johansson to flag an area that could be a single track on Town property. The intent was to construct
3 a trail at a lower cost with equipment that is already available.

4
5 The proposed trail would provide an extra single track for hiking or biking and connect Ross Creek
6 to Deer Springs. It is a recreational trail that can be installed now at a relatively low cost and cost
7 very little to maintain. The trail could be easily rerouted should the Town decide to use the
8 property for another purpose in the future.

9
10 Mayor Rubin asked how it would be paid for. Council Member Baier reported that the estimated
11 \$1,100 cost equals the amount remaining in the Trails Budget. Council Member Shadle asked if
12 there is a different use envisioned for the property and noted that a portion of the property is owned
13 by UDOT. Mr. Dansie stated that negotiating a conveyance of property with UDOT may be
14 difficult since UDOT is primarily interested in the property being used for transportation-related
15 uses. He did not know what UDOT's appetite would be for conveying property for community
16 enhancements.

17
18 Mr. Johansson reported that his timeline is flexible and has submitted another bid to construct five
19 miles of trail for the U.S. Forest Service. He will be completing the project for Mr. Brockbank to
20 cut an eight-foot-wide dirt trail from Deer Springs to Jordanelle Parkway. When he is doing work
21 for Mr. Brockbank would be a good time to complete the Town project since the machine will be
22 in the area and will avoid transport costs.

23
24 Mr. Johannsson reported that Mr. Brockbank has indicated that he will convey the parcel for the
25 dirt trail. The Town would need something in writing from Mr. Brockbank to that effect before
26 doing the work. Council Member Baier was asked to explore whether Mr. Brockbank will pay for
27 the trail. If not, the Town will allocate up to \$1,100 towards the trail, with an agreement to be
28 worked out with Mr. Brockbank.

29
30 **V. PUBLIC INPUT – FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS**
31 **NOT LISTED ON THE AGENDA**

32
33 Mayor Rubin opened the meeting up for public input.

34
35 *Carol Haselton* wished to speak as a resident and not as a Council Member. She spoke on behalf
36 of a number of her neighbors who have asked that the public input section be placed at the
37 beginning of the agenda. The Council agreed to make the change with a time limit of two to three
38 minutes per person.

39
40 Ms. Haselton also asked about dump trucks traveling down Shoreline Drive towards Shoreline
41 Tube and what is being dumped into Hideout. Mayor Rubin stated that it is dirt and fill that they
42 are taking away or bringing in for road construction. They are cutting roads in for the next phase
43 and bringing in road base material. He stated that it is nothing toxic or illegal.

44
45 Ms. Haselton asked when the uncompleted section of Shoreline Drive will be completed to access
46 the highway. Mayor Rubin stated that it is projected to be completed before winter.

1 Mayor Rubin suggested to the Council that they have an open public meeting with no specific
2 agenda, to serve as a Town Hall type of meeting. This can be done via Zoom to allow residents
3 open discussion with the Council. He asked that interested residents indicate in advance what they
4 wish to discuss so that the questions and comments can be assigned for responses.

5
6 Council Member Dwinell stated that the house on the hill just north of Klaim looks to be building
7 a pad. He asked if the Town was aware of what they are doing. Mayor Rubin stated that they
8 have not been issued any permits but acknowledged the possibility of a slide.

9
10 Council Member Shadle followed up on Council Member Haselton's point that GCD is building
11 roads in an area where they have not been approved to perform construction. He noted that they
12 are currently working on Phase 3. The Town now requires contractors to get permission before
13 work is performed. Mayor Rubin stated that they are aware and are taking steps to address the
14 issue. He noted that under the current Code the work is legal.

15
16 Council Member Shadle asked that Mr. Dansie address the issues regarding the pond.

17
18 There was no further public input.

19
20 **VI. CLOSED EXECUTIVE SESSION – DISCUSSION OF PENDING OR**
21 **REASONABLY IMMINENT LITIGATION, PERSONNEL MATTERS, AND/OR**
22 **SALE OR ACQUISITION OF REAL PROPERTY, AS NEEDED**

23
24 There was no Executive Session.

25
26 **VII. ADJOURNMENT**

27
28 **Council Member Shadle moved to adjourn. The motion was seconded by Council Member**
29 **Baier. The motion passed with the unanimous consent of the Council.**

30
31 The Town Council Meeting adjourned at approximately 10:55 p.m.

32
33
34
35
36
37
38

Alicia Fairbourne, Town Clerk

Minutes
Town of Hideout Town Council Special Meeting
Conducted Electronically
10860 North Hideout Trail
Hideout, Utah
June 25, 2020

Present: Mayor Phillip Rubin (excused at 6:09 p.m.)
Chris Baier
Jerry Dwinell
Carol Haselton
Kurt Shadle

Staff: Jan McCosh, Town Administrator
Alison Lutz, Town Clerk
Thomas Eddington, Town Planner
Ryan Taylor, TO Engineers
Kent Culliard, Public Works Director

Others: Nate Brockbank
Bret Rutter
Don Blumenthal

I. CALL TO ORDER

Mayor Phil Rubin called the meeting to order at 6:03 p.m.

II. ROLL CALL

All members of the Town Council were present.

Chair Dwinell reported that there is currently an open seat on the Town Council. It is open to any resident of Hideout who has lived in the Town for more than one year and is a registered voter. Those interested were invited to contact send an email to hideoututah@hideoututah.gov.

It was also reported that Town Clerk, Alison Lutz has tendered her resignation effective June 30, 2020.

Kurt Shadle moved to nominate Jerry Dwinell to serve as Mayor Pro Tempore for this evening's meeting. Carol Haselton seconded the motion. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Abstained, Kurt Shadle-Aye. The motion passed unanimously with one abstention.

Council Member Shadle assumed the Chair.

Mayor Rubin was excused from the remainder of the meeting

1
2 **III. AGENDA**

3
4 **1. Public Hearing - Deer Waters Phase 1: Discussion and Possible Approval of**
5 **the Preliminary and Final Plats.**

6
7 Chair Dwinell confirmed that the above plat amendment that was heard by the Planning
8 Commission the previous week. At last week's hearing, neither the Engineering Department nor
9 the Planning Department had issues with the plat amendment. The Planning Commission voted
10 to recommend the amendment to the Town Council.

11
12 The plat amendment addresses an additional access to the Lakeview subdivision, which was
13 requested by the Planning Commission and the Town Engineer. The additional access is
14 proposed in Deer Waters, Phase 1. The existing road, which was a hammerhead, is being
15 replaced with a thru-road. The developer requested the ability to put one additional unit where
16 the hammerhead was previously. This will not change the density of the total project. Deer
17 Waters Phase 3 reduced its overall footprint by 10 units; therefore, the developer is requesting
18 one additional unit to be added back to Deer Waters Phase 1.

19
20 Chair Dwinell opened the meeting up for questions from the Council. He explained that the new
21 access point will be the second into Lakeview Subdivision. The first access is off of Shoreline,
22 which serves as the primary point of ingress/egress. The new access point will be a secondary
23 entrance. There are two other entrances to Lakeview.

24
25 Chair Dwinell explained that because the single lot is not large enough for a duplex, the new unit
26 will essentially be one-half of a duplex and be a stand-alone unit. Windows and architectural
27 details will be installed on what would have been the shared wall so it does not look like it is a
28 duplex that was just cut in half. Mr. Brockbank confirmed that there will not just be a blank wall
29 on one side of the home. The home will be the larger 3,600 to 3800 square-foot home plans.

30
31 The developer, Nate Brockbank was asked if the homes will be more saleable. He indicated that
32 it is difficult to tell at this time because none of the units will be ready to sell until they record
33 Deer Waters Phase 2. They have sold six of the small and medium units in the past two weeks
34 and everything available for sale is selling quickly.

35
36 Chair Dwinell pointed out that the plat amendment will adjust the property line to add a
37 birdsmouth into Deer Waters Phase 1 and subtract it from Lakeview.

38
39 There were no further Council comments. Chair Dwinell opened the public hearing. There were
40 no public comments. The public hearing was closed.

41
42 **Council Member Shadle moved to approve the plat amendment for Deer Waters Phase 1.**
43 **Council Member Haselton seconded the motion. Vote on motion: Chris Baier-Aye, Carol**
44 **Haselton-Aye, Kurt Shadle-Aye, Jerry Dwinell-Aye. The motion passed unanimously.**

1 **2. Discussion and Possible Approval of a Resolution Amending the Town Fee**
2 **Schedule.**
3

4 Town Administrator, Jan McCosh presented the staff report. Ryan Taylor from TO Engineers
5 and Town Planner, Thomas Eddington, prepared the Amended Fee Schedule. The process of
6 amending the Fee Schedule was the result of staff spending a significant amount of time
7 answering questions from developers on pass-through fees. Responding to these questions
8 became very labor-intensive and the Town does not have the staff for pass-through billing.
9 Town Consultant, Jacob McHargue, met with the team and the group came up with the concept
10 of increasing fees to capture funds that cover administrative costs in handling the various
11 processes that they address.

12
13 Messrs. Eddington and Taylor proposed a fixed fee with a higher fee being charged to cover
14 fixed fees. If there is an extreme case that requires more time and effort, there is an overage fee.
15 This process benefits the Town because if they end up spending more than the fee, the overage is
16 passed on accordingly. The changes made to the rates were showing in blue on the screen.
17 There are both new fees and changes to existing fees to help cover administrative costs. As an
18 overview, they added a Utility Property Owner Transfer Fee. The Roadway Security Deposit
19 was eliminated because they were having to reconcile the books, which results in more
20 administrative time. In its place, they added a 500-foot construction fee. If the roads are
21 damaged, they can use bond funds, rather than recover it from a security deposit.

22
23 Certain fees, like Excavation, are delineated better than they were in the old Code. The
24 Excavation Fee was never in the Fee Schedule and it is separately listed in the Amended Fee
25 Schedule. Grubbing and Grading is a new fee. A financial analysis was conducted and the new
26 fees will not result in the Town losing money after figuring in time and overhead. Looking
27 specifically at what has changed at the planning level, which is tied into the new zoning, Concept
28 Review is a flat fee of \$2,000, plus overage. Preliminary is \$2,000. The fees for Final are
29 scaled, depending on whether the plans went through Preliminary for a minor subdivision,
30 \$6,500 for a full final subdivision, and a plat amendment is \$1,200.

31
32 The Subdivision Construction Fee was described by Mr. Taylor. This item was buried in the old
33 Code but because it was not listed in the Fee Schedule, it was not being applied. By separately
34 listing it in the Fee Schedule, it will start being charged. The 5% Construction Fee is consistent
35 with what surrounding communities are charging. The fee will be paid upfront and replaces and
36 covers all of the pass-through expenses to avoid having to invoice the different developers and
37 chase that money. If something goes seriously wrong, they will ask the developer to post a
38 larger bond. This concept is desirable because it minimizes the time spent by the Town to collect
39 pass-through expenses from developers and makes the Town more efficient. Also, not having to
40 reconcile invoices will be much more efficient. The fee is simply an upfront charge and will not
41 have to be reconciled or invoiced.

42
43 Mr. Eddington was asked if the \$3,000 fee for the Conditional Use Permit is the right number.
44 He explained that they calculated the fee conservatively and it probably is a little low, however,
45 he thinks that it is fair and that they will be okay. He explained that the Conditional Use Permit
46 is based on their best estimate to be fair to the applicants as well as the Town. They will reassess

1 the fee at the end of the year. The Council was reminded that in the current Code, only the
2 Mountain Zone supports the issuance of a Conditional Use Permit and there is not a lot left in
3 Town in that zone. Therefore, it was unlikely this would come up in the current Code. The
4 revisions to the Town Code that were being worked through have more possibilities for
5 Conditional Use Permits. Temporary Use Permits are typically for private property applications
6 and items such as temporary tents, temporary banners, and temporary signage for uses that are 60
7 days or less. A Temporary Use Permit would not apply to construction trailers.

8
9 In response to a question raised about General Plan Amendments, Mr. Eddington explained that
10 they are rare but arise when an applicant proposes a development that is not in line with the
11 General Plan. They are typically accompanied by a zone change. Chair Dwinell pointed out that
12 the General Plan does not speak to what the zoning ought to be. If someone owns property
13 outside of Annexation Plan and wants to annex in, they would have to update the Annexation
14 Plan portion of the General Plan. Mr. Taylor pointed out that if the parameters for the use of the
15 land are contained within the General Plan, the land is inconsistent with the specific use sought,
16 and the zoning will accommodate the use, the General Plan would have to be amended followed
17 by a rezone request. Mr. Eddington commented that General Plan Amendments are rare because
18 the Town's General Plan is not specific with regard to land use.

19
20 There is a significant upcharge for a zone change in the New Fee Schedule. Mr. Eddington
21 explained that the proposed zone change includes 'plus costs' (engineering and planning) as
22 well. It is more defined as a process and goes both through the Planning Commission and Town
23 Council.

24
25 Chair Dwinell inquired about annexation. Under the New Code Amendment that is in process,
26 annexation and zoning are not two separate occurrences. He wanted to ensure that the Town is
27 covered. Mr. Eddington confirmed that it would be under the new zoning ordinance.
28 Annexation requests most often include more than one zone depending on the size of the
29 property. Chair Dwinell explained that annexation makes the City aware of what the landowner
30 and developer have in mind for the property to create the zone map when it is annexed.

31
32 Council Member Shadle asked about the rationale for the 40 acres as a delineation point for the
33 annexation fees. It was noted that 40 acres are in the existing Code. Council Member Shadle
34 suggested changing the fee to be commensurate with the acreage. After further discussion,
35 Council Member Shadle proposed that annexations up to 40 acres be a flat \$10,000, and anything
36 over 40 acres be \$20,000 plus \$250 per additional acre over 40 acres. Mr. Eddington concurred
37 that those numbers are fair given what is involved in the process. There is no objection.

38
39 Mr. Eddington noted that they did not increase the pre-application fee, which is unchanged at
40 \$5,000. Pre-Application is the point at which an application is reviewed if someone is proposing
41 annexation. They petition the Town to allow Annexation. Pre-application includes engineering
42 and planning review prior to the Council's decision on the petition. Because the pre-application
43 review is conceptual, Mr. Eddington did not believe this fee needs to be set forth on an acreage
44 basis similar to annexation. He suggested that the pre-application fees be set at one fee for 40
45 acres or less and higher for over 40 acres. Town Attorney, Dan Dansie noted that at the pre-

1 application stage, there typically is not a lot of legal work involved. Most of the legal work
2 typically comes after the application is filed.

3
4 The Council agreed to increase the Pre-Application Fee for 40 acres or less to \$7,500 and
5 \$15,000 for more than 40 acres. For Annexation Fiscal Impact Analysis, the Council agreed on a
6 fee of \$5,000 for annexations of up to 40 acres and \$100 for every additional acre over 40 acres.
7 Chair Dwinell calculated the fees for annexation at these levels. An annexation of 40 acres
8 would include a Pre-Application fee of \$7,500, an Annexation fee of \$10,000, and a Fiscal Study
9 of \$5,000 for a total of \$22,500. The Council agreed that this was a very reasonable fee for 40
10 acres.

11
12 The Council discussed the line item for the Modification to the Annexation Agreement.
13 Mr. Dansie explained that in connection with nearly every Annexation that was sought, the Town
14 requires an Annexation Agreement that could be coupled with a Development Agreement. The
15 Annexation Agreement would provide that in exchange for the City's agreement to annex
16 property into the Town, the landowner will meet certain conditions with respect to the annexed
17 property. Chair Dwinell wanted clarity on when a modification requires a fee. Once the
18 document has been finalized, approved, signed, and recorded, any modifications thereafter would
19 fall within this line item. Chair Dwinell suggested calling it an "Amendment to the Annexation
20 Agreement" on the Fee Schedule and point out that it is not an acreage-based fee. Council
21 Member Shadle proposed changing the fee to \$5,000. The Council Members concurred.

22
23 Because overage fees require an accounting, Chair Dwinell suggested using the term 'reasonable
24 and customary' to avoid the need for accounting for the overage, which they are trying to get
25 away from. Mr. Taylor explained that this process reduces the amount of accounting the Town
26 has to do to account for the overage. He believed that overages will be the exception, so the
27 accounting work will be minimized. Ms. McCosh explained that the accounting burden will be
28 on the service provider since the Town is paying Messrs. Eddington and Taylor a flat fee. They
29 will know at the outset if the project will be extraordinary and be on alert for potential overages.
30 Mr. Taylor explained that if he has an extraordinary fee, it is his job to prove it to the Town. The
31 Town then has the information to share with the applicant.

32
33 Council Member Baier asked about the fees involved in the annexation of already developed
34 land and used Deer Mountain as an example. This type of situation is possible and presents a
35 different standard because there are many property owners, as opposed to the typical annexation
36 where three is one. Council Member Baier questioned whether fees to annex land that is already
37 developed would be fair, given that structures are already built. It was agreed that there would
38 be a fiscal impact, which would likely be the bulk of the fee that is related to such an annexation.
39 The question then becomes who pays the fee. It could be the HOA or the homeowners as a
40 collective.

41
42 The Council then discussed whether there should be a differentiation between annexation fees
43 for raw land versus developed land. Chair Dwinell used Deer Mountain as an example. While
44 the subdivisions are platted, they are not built out, so the question is what the Town needs to do
45 to ensure that the existing infrastructure is up to Code and whether what is platted meets the
46 Town standards. Mr. Eddington raised the point that there could be a significant amount of

1 work-related to zoning because there would have to be an assessment of every existing property
2 to be annexed to ensure that there is a proper zoning designation that allows for their setbacks.
3 Zoning work will be required to ensure that there are no non-conforming uses in the new zone.
4 Council Member Shadle asked if, under the scenario where developed land is sought to be
5 annexed, there is the opportunity to waive the fees or mitigate them. If a provision for waiving
6 fees is not in the ordinance, Mr. Dansie stated that that is something that could be added by
7 amendment to the ordinance. The Council agreed to come back to the issue of a waiver at a later
8 date.

9
10 Concerning fees for Special Meetings, the Council agreed to a fee of \$750 per meeting, which
11 includes Planning Commission and Town Council meetings.

12
13 Chair Dwinell asked if they should change Subdivision Construction Review [line 82] (not
14 included in the changes), which is a deposit they have to account for. He suggested keeping this
15 as is goes against their desire to get away from accounting functions. Ms. McCosh did not know
16 if, historically, they have ever collected this fee. Mr. Taylor explained that the intent behind the
17 \$5,000 deposit is that it be credited to the 5% Construction Fee. Therefore, if the applicant backs
18 out before construction, the Town is covered for the time it took to get the permit issued. This
19 line item is intended to cover professional services performed after final and prior to
20 construction. To simplify the process, they could eliminate this line item and stick with the 5%
21 Construction Fee. Ms. McCosh suggested leaving the line item in and analyzing how it has been
22 utilized in the past. It was noted that this should be a fee, not a deposit because the work as part
23 of the Construction Review is different than the work performed as part of Construction.
24 Therefore, it should not serve as a credit on the 5% fee. The line item should be a \$5,000 fee
25 plus overage costs for Construction Review rather than a deposit.

26
27 The Council next discussed the Infrastructure Inspection Fee. Mr. Taylor explained that it is part
28 of the 5% Construction Fee of the developers' construction budget for inspections, etc. It is
29 redundant and can be removed as a separate line item. For Infrastructure Construction Fees,
30 Mr. Taylor was comfortable with a fee of 5% of the construction estimate and a bond of 100% of
31 the construction estimate for what they are building with respect to infrastructure. He
32 commented that it would be easier to administer. Chair Dwinell was not opposed to this and was
33 in favor of updating Line 83 to be re-worded later. The Council Members agreed.

34
35 Council Member Shadle stated that line item 95 needs to be deleted as previously requested.
36 Because they do not want any sexually-oriented businesses in Town, they will not be licensed, so
37 there is no need to have this line item in the Fee Schedule. Mr. Dansie raised the issue that
38 Title 4 of the Code currently allows sexually-oriented businesses under certain conditions.
39 Therefore, this raises Constitutional issues. There is a reason every city has provisions
40 regulating sexually-oriented businesses. There are limits as to what zoning regulations can and
41 cannot exclude. The rationale is that if they cannot eliminate conduct, it is better to regulate the
42 time, place, and manner in which the activity takes place.

43
44 Chair Dwinell stated that there is no zoning in Town that would support a sexually-oriented
45 business. Within the proposed commercial zone, a sexually-oriented business is not a permitted
46 use. Since there is no place a sexually-oriented business could apply for a permit it is not

1 necessary to include it in the Fee Schedule. Council Member Baier agreed. After further
2 discussion, Chair Dwinell proposed removing the fee from the Fee Schedule. Council Member
3 Baier supported taking the advice of the Town's Legal Counsel. There was further discussion
4 with Mr. Dansie regarding possible hypotheticals, including having someone apply for zoning to
5 permit such a business. The Council agreed to leave the line item in and address it later.

6
7 Violations of Ordinances were next discussed. Council Member Shadle requested more
8 information regarding before assessing whether the change from \$250 to \$500 per day is
9 reasonable. The proposed increase was inserted at the request of the Mayor. Kent Culliard
10 stated that if the fine is increased from \$250 to \$500, there will be issues with collection.
11 Council Member Shadle proposed that they not address the issue now and determine if they are
12 reasonable before taking any action.

13
14 Chair Dwinell noted that the amendment of the Fee Schedule is not a public hearing item and is
15 at the Council's discretion. Don Blumenthal asked if there is any warning before a violation is
16 issued and if there is any time to correct it before the fee is charged regarding that violation.
17 Public Works Director, Kent Culliard stated that they try to give a verbal warning. If nothing is
18 done, they issue a written citation which gives them an additional 24 hours to correct the issue.
19 The fine starts when the second 24-hour period begins and continues until the violation is
20 corrected. Most violations are corrected. It was not known whether this process is codified, but
21 according to Mr. Dansie, enforcement of the Code is an administrative function. As long as the
22 officers are not discriminatory in the way in how they enforce the Code, they can exercise their
23 reasoned discretion in giving warnings, issuing citations, etc. Mr. Culliard stated that historically
24 if someone disagrees with a citation, they can speak with the Mayor. He takes photographs for
25 proof, which are provided to the Mayor. Collection of the fine is not within his purview. For the
26 time being, the fee/fine for Code violations was to remain at \$250.

27
28 *Jim Wahl* asked if fees and penalties for non-compliance apply to Reflection Ridge. Mr. Dansie
29 was unsure if there had been a specific citation issued for Reflection Ridge. A Notice of
30 Violation was issued regarding the maintenance area on the golf course and the notice indicated
31 that fines would accrue. Mr. Dansie was unaware of any other notices issued. Mr. Wahl
32 reported that the 12 to 13 spools of cable are still present but not owned by All West. Mr. Wahl
33 was assured that the Council was working diligently on the issue.

34
35 There were no further public comments. Chair Dwinell closed the public hearing.

36
37 **Council Member Shadle moved to adopt the Resolution Updating the Fee Schedule, with**
38 **an edit to Line 83 that will be reworded to include the 5% fee plus the 100% bond, as**
39 **discussed. Council Member Baier seconded the motion. Vote on motion: Chris Baier-Aye,**
40 **Carol Haselton-Aye, Kurt Shadle-Aye, Jerry Dwinell-Aye. The motion passed**
41 **unanimously.**

1 **IV. PUBLIC INPUT – FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS**
2 **NOT LISTED ON THE AGENDA.**
3

4 Council Member Shadle reminded the Council that they agreed to allow public input at the
5 beginning of the meeting. Mayor Pro Tempore Dwinell agreed. Ms. McCosh was instructed to
6 reorder the agenda so that public input comes first. There was no public input.
7

8 **V. CLOSED EXECUTIVE SESSION.**
9

10 Mayor Pro Tempore Dwinell announced that he will entertain a motion to adjourn the public
11 meeting and move to executive session to discuss pending or recently imminent litigation,
12 personnel matters, or sale or acquisition of real property.
13

14 **Council Member Haselton moved to Adjourn and move to Executive Session to discuss**
15 **pending or reasonably imminent litigation, personnel matters, or the sale or acquisition of**
16 **real property. Council Member Shadle seconded the motion. Vote on motion: Chris Baier-**
17 **Aye, Carol Haselton-Aye, Kurt Shadle-Aye, Jerry Dwinell-Aye. The motion passed**
18 **unanimously.**
19

20 **VI. ADJOURNMENT.**
21

22 The Town Council Meeting adjourned at approximately 8:08 p.m.
23
24
25
26
27

Alicia Fairbourne, Town Clerk

Town of Hideout Town Council Regular Meeting
 Conducted Electronically
 10860 North Hideout Trail
 Hideout, Utah
 July 9, 2020

The Town Council of Hideout, Wasatch County, Utah met in **Regular Meeting** on July 09, 2020 at 6:00 PM. Due to the ongoing COVID-19 pandemic, this meeting was held remotely via personal computer device.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Philip Rubin called the meeting to order at 6:03 pm. The Pledge of Allegiance was omitted due to meeting being held virtually.

II. ROLL CALL

Present: Mayor Philip Rubin
 Council Member Chris Baier
 Council Member Jerry Dwinell
 Council Member Kurt Shadle
 Council Member Carol Haselton

Excused: Council Member Vytas Rupinkas

Staff: Town Administrator Jan McCosh
 Town Clerk Allison Lutz
 Town Treasurer Wes Bingham
 Town Attorney Dan Dansie
 Town Planner Thomas Eddington
 Ryan Taylor, TO Engineers
 Public Works Director Kent Cuillard

Others Present: Bob Nadelberg, Glenn Wright, Jared Rigby, Rick Brough, Alexander Cramer, Bruce Baird, Bruce Erickson, Alicia Fairbourne, Christopher Robinson, Clint Neerings, Douglas Ogilvy, Josh Romney, Kendall Crittenden, Margaret Olson, Nate Brockbank, Pat Putt, Matt D., D.P., David Everitt, and others who dialed in but were not identified.

III. APPROVAL OF COUNCIL MINUTES

1. May 28, 2020 Minutes

A typo was pointed out for correction.

Motion: Council Member Shadle moved to approve the May 28, 2020 minutes with the aforementioned corrections. Council Member Baier made the second. Voting Yea: Council Member Baier, Council Member Shadle, Council Member Dwinell, Council Member Haselton. Motion passed unanimously.

1 **IV. AGENDA ITEMS**

2 **1. Discussion and possible approval to extend Ordinance 2020-03 enacting temporary**
 3 **public meeting restrictions pursuant to the Governor's recent extension of the State's**
 4 **Emergency Order.**

5 Discussion regarding how long to extend the ordinance was made. It was determined August 20th,
 6 2020 per order of the Governor. It was agreed upon to extend the ordinance to August 20, 2020 if the
 7 extension was still warranted.

8 **2. Public meeting to interview candidates to fill the vacancy created by the resignation**
 9 **of Council Member Rupinkas regarding the candidates' qualifications; possible**
 10 **Town Council action to fill vacancy**

11 Bob (Robert) Nadelberg expressed interest in serving on the Town Council. Mr. Nadelberg gave a
 12 brief background statement and provided a summary of why he wants to serve on the Council. Council
 13 Members expressed support.

14 **Motion: Council Member Shadle moved to approve the appointment of Bob Nadelberg to the**
 15 **Town Council of Hideout to fill the vacancy created by the resignation of Council Member**
 16 **Rupinkas. Council Member Baier made the second. Voting Yea: Council Member Baier,**
 17 **Council Member Shadle, Council Member Dwinell, Council Member Haselton. None opposed.**
 18 **Motion passed unanimously.**

19 The conditions regarding the terms were discussed. It was determined Mr. Nadelberg would officially
 20 take office the following day on July 10, 2020. Town Attorney Dan Dansie consulted with the
 21 Lieutenant Governor's Office and confirmed Mr. Nydelberg's seat would be up for election in the
 22 2021 municipal election.

23 Town Clerk Allison Lutes administered the Oath of Office to Mr. Nadelberg. It was noticed audio
 24 recording was not started. For the record, Mayor Rubin summarized the items discussed thus far:

- 25 • The May 28, 2020 meeting minutes were approved with corrections.
- 26 • Council discussed and agreed to extend Resolution 2020-03 to August 20, 2020 if the extension
- 27 is still warranted by the Governor.
- 28 • Bob Nadelberg was sworn in to serve as interim Council Member effective July 10, 2020 due
- 29 to the resignation of Council Member Vytas Rupinkas.

30 **3. Wasatch County Sheriff Jared Rigby - Discussion of Wasatch County Police Service**
 31 **for Hideout**

32 Mayor Rubin introduced Wasatch County Sheriff Jared Rigby. He provided a summary of several
 33 meetings held with Sheriff Rigby regarding the possibility of a contract for additional police services
 34 in Hideout. Sheriff Rigby provided background information regarding the WCSO (Wasatch County
 35 Sheriff's Office) and what they would provide. He stated there were approximately 100 employees in
 36 the Sheriff's Office, including corrections, law enforcement, dispatchers and search and rescue. He
 37 and Mayor Rubin have been discussing the possibility of a contract for the last year. He offered a
 38 contracted service at a minimal level without additional compensation, however should the Council
 39 decide more services were needed, additional law enforcement services were available. He stated
 40 WCSO has worked with Midway City on a 60 hour per week basis for a number of years, but have
 41 recently increased the obligations due to the growth of the city. Council Member Dwinell asked for
 42 clarification regarding the minimal service contract agreement and what was already provided to
 43 taxpayers as a basic service. Sheriff Rigby stated in addition to the basic service WCSO provides, the

1 contract would provide other services such as VIN (vehicle identification number) inspections,
 2 lockouts, special events, and instances where schools, neighborhoods, and businesses would need
 3 police assistance. The contract would allow 16 hours per week for deputies to be dedicated to the needs
 4 of Hideout. Council Member Shadle stated Hideout would benefit from more traffic and code
 5 enforcement and asked if WCSO would be providing those services. Mayor Rubin clarified a three-
 6 month timeline to assess the needs of Hideout, which could be negotiated if desired. Council Member
 7 Shadle inquired about how many deputies would be provided. Sheriff Rigby addressed there would be
 8 multiple deputies that would patrol the area at different times.

9 Discussion regarding how much money was allotted into the budget to contract with WCSO
 10 commenced. It was determined that the budget would need to be adjusted in order to accommodate
 11 the cost. Sheriff Rigby stated he would agree to run the trial period of three months for the \$40,000
 12 that was budgeted, but the Town would need to commit to contracting and paying the remainder
 13 \$30,000 for the year so WCSO could hire another deputy. Further discussion regarding services and
 14 length of contract time ensued. Council expressed their support. Council Member Baier questioned
 15 how the results would be measured. Sheriff Rigby stated deputies log all incidents and would provide
 16 feedback to Council. He also reiterated that citizens would typically provide feedback. Council
 17 Member Dwinell questioned if any revenue generated from citations would go into the City funds to
 18 offset fees for contracting with WCSO. Mayor Rubin explained the revenue would go back to Wasatch
 19 County and not to the City.

20 Mayor Rubin would like Council's support to move forward with the contract. Council expressed their
 21 support and stated they would figure out the budget adjustment. Council Member Haselton inquired if
 22 SR-248 would be included during patrol. Sheriff Rigby confirmed that SR-248 would be included.
 23 Mayor Rubin stated Deer Mountain apartment complex was also supportive of police presence.

24 **4. Discussion with Wasatch County Fire Marshal Clint Neerings regarding fire and** 25 **safety**

26 Mayor Rubin introduced Wasatch County Fire Marshall Clint Neerings and recapped presentations
 27 regarding what was needed in order to get reasonable emergency access and egress. Mr. Neerings
 28 discussed the process in which the fire code was adopted. The State adopted the fire code and Wasatch
 29 County adopted the minimum standard, which was a 20 (twenty) foot access road. This presents a
 30 problem for apparatus access. The apparatus assigned to Hideout Town was an apparatus that
 31 measured 10 feet to 10.5 feet wide; with the stabilizer bars deployed was approximately 21 (twenty-
 32 one) feet wide. Mr. Neerings explained all new roads should be a code minimum of 26 (twenty-six)
 33 feet wide or in excess in the event other emergency vehicles needed to access the road. Town Attorney
 34 Dan Dansie asked Mr. Neerings to provide more information regarding his background with Wasatch
 35 County Fire Department. Mr. Neerings stated he had been employed with Wasatch County Fire
 36 Department since 2007. He was promoted to Assistant Marshall in 2011 and advanced to Fire Marshall
 37 in 2012. His responsibilities as Fire Marshall included fire safety within the county, which consisted
 38 primarily working with buildings and developments in order to ensure fire code and safety was being
 39 enforced. Mr. Dansie asked if Mr. Neerings would be the primary contact to address these types of
 40 concerns. Mr. Neering agreed and stated he helped towns and cities plan for fire safety issues and
 41 events. He stated Wasatch County Fire District was the entity to provide fire safety and suppression
 42 for the Town of Hideout. Mr. Dansie asked about the number of response vehicles deployed on a call.
 43 Mr. Neerings provided information regarding those vehicles, which included a vehicle driven by a
 44 battalion chief, a suppression apparatus, and an ambulance. Law enforcement is oftentimes required
 45 for street and crowd control. The vehicles need access to pass during the event of an emergency. Mr.
 46 Neerings further clarified 26 feet was exclusive of shoulders, and should be engineered to withstand
 47 75,000 pounds of force.

48

1 Council Member Dwinell asked what types of things Hideout would need to be aware of in the event
 2 of an evacuation. Mr. Neerings stated evacuations would be multi-faceted and would include Wasatch
 3 Fire District, troopers, and the Sheriff's Office to enforce an evacuation. He stated a lot of homes in
 4 Hideout were secondary residences and may not have residents at home, which was time consuming
 5 for law enforcement. Council Member Dwinell inquired about infrastructure moving forward in order
 6 to provide resources to the Fire Department. Mr. Neerings stated multiple points of access was the
 7 main concern, as well as getting access from the current town center to the state park pump house at
 8 the JSSD (Jordanelle Special Service District) in order to move people to multiple points. Mayor Rubin
 9 thanked Mr. Neerings for his time and reiterated Hideout was working diligently to improve code to
 10 meet the minimum standards.

11 **5. Public meeting to discuss a pre-annexation agreement in connection with obtaining**
 12 **landowner's consent for possible annexation; possible Town Council action to**
 13 **authorize the Mayor to finalize and execute the pre-annexation agreement**

14 Mayor Rubin provided background information regarding the pre-annexation agreement. He stated in
 15 February of 2019 the Town approved a new general plan which identified a number of needs for the
 16 community, which included a need for neighborhood and commercial services, additional green and
 17 public spaces, further connectivity to transit, et cetera. In August of 2019, the Town recognized the
 18 goals of the general plan could not be met solely by the land space inside the Town's existing
 19 annexation policy, approved a revised annexation policy plan which incorporated additional parcels
 20 including some parcels in Summit County. In May and June of 2020, the Utah Legislature approved a
 21 change to Utah State Code Section 10-2-418 to allow a municipality to annex unincorporated space in
 22 bordering counties. Due to those changes, the Town believed it was in a position to consider initiating
 23 the annexation of some parcels in Summit County, which were previously identified in the August,
 24 2019 annexation policy plan. The Town had approached the developer who held the purchase rights
 25 to the parcels. The developer, Nate Brockbank with Brockbank Investments, LLC, had expressed
 26 interest to partner with the Town of Hideout to develop those properties and was willing to consent to
 27 a town-initiated annexation process. He had also agreed to sign a pre-annexation agreement which
 28 would describe the way the Town and Mr. Brockbank would work together during the annexation
 29 process and finalize a proposal for development of said parcels. The agreement had been shared with
 30 Council prior to the meeting to which each provided their input and any changes. Mayor Rubin asked
 31 Council for any further input, to which there was none. With the modifications made to the agreement,
 32 and the approval from Mr. Brockbank, Mayor Rubin asked Council for the authorization of the
 33 agreement to be completed and finalized.

34 **Motion: Council Member Kurt Shadle moved to approve the completion and finalization of the**
 35 **pre-annexation agreement. Council Member Jerry Dwinell seconded the motion. Voting aye:**
 36 **Carol Haselton, Chris Baier, Jerry Dwinell, Kurt Shadle. None opposed. Motion passed.**

37 **6. Public hearing to discuss possible Town Council action to adopt a resolution**
 38 **indicating the Town Council's intent to annex certain real property into the Town**

39 Mayor Rubin presented a map of the potential annexation boundaries of the aforementioned parcels.
 40 He described areas of the color-coded map and what each represented. The areas in green represented
 41 the Town's existing boundaries, pink was Park City, purple was the MIDA Project area, and the areas
 42 in yellow represented the land considered for annexation. The map detailed the descriptions of the
 43 parcels and showed a dark line around those parcels. He further described the parcels considered for
 44 annexation. He presented the Resolution of Intent documentation and asked Council to consider
 45 approval. Mayor Rubin asked Council if they had any questions. No questions were presented by
 46 Council. At 7:41 p.m. Mayor Rubin opened the floor to public comment. Christopher Robinson, a
 47 member of the Summit County Council, spoke regarding Summit County's objection to the annexation

1 declaration. He stated there was no notice of the action and it was only by happenstance he was
2 participating tonight. He asked for a meeting to be held between city and county members to discuss
3 the plan before the pre-annexation agreement was signed and the resolution was passed. Mayor Rubin
4 agreed to a meeting between the Mayor, staff and subset of the Council of Hideout and Summit
5 County. An in-person meeting was scheduled for Tuesday, July 14th, 2020.

6 One of Park City's Deputy City Manager David Everett stated a letter was sent on June 17, 2019 from
7 the Park City Mayor expressing concerns Park City had for the potential for Hideout annexation to
8 reach into a previously designated pre-annexation area for Park City. He expressed concern that
9 Hideout's attempt to move quickly does not respect other jurisdiction's plans. He stated notice was
10 not provided appropriately to the affected entities, and items on the agenda were vague with no packet
11 attachments. He felt as though the approach was suspicious and Park City was very concerned about
12 it moving forward. He would encourage more meaningful ways to engage with Hideout going forward.
13 Mayor Rubin stated he had no objections to meeting with Park City officials and discussing more
14 detailed analysis of the plan.

15 Wasatch County Council Member Kendall Crittenden spoke and stated Wasatch County hadn't talked
16 about the annexation but was aware that there had been discussion. He expressed the same concerns
17 as Summit County and Park City. He asked to table the item tonight until after the meetings were held
18 between Summit County and Park City and suggested to combine the meetings. He encouraged Mayor
19 Rubin to meet with Doug Smith with the Wasatch County Planning Department and share the plan.
20 Mayor Rubin agreed.

21 Bruce Baird, Counsel for Nate Brockbank and his entity spoke and encouraged the meetings be held
22 with Park City and Summit and Wasatch Counties, but respectfully asked the Council to approve the
23 resolution of intent so the process could move forward, but reiterated they were willing to meet with
24 City and County officials. He stated the notices have all been given in a manner consistent with law
25 and state statute. He stated the development agreement would be thoughtfully planned subject to the
26 development agreement. He urged Council vote on the authorization resolution and move forward
27 tonight. He asked if there were any questions from participants to which there were none.

28 Kim Carson, a member of Summit County Council, reiterated Council Member Crittenden's
29 comments regarding the lack of advanced notification, and asked Council to hold on a decision prior
30 to meeting with Summit County Council. Council Member Crittenden asked to receive the maps and
31 the resolution. Mayor Rubin stated the maps would be uploaded to the packet and dispersed within 24
32 hours of the meeting.

33 Mayor Rubin reiterated this was not a decision on the annexation, but an intent to pursue the details
34 for the annexation. He stated there was no intention to shortcut the legal process for the annexation.
35 This was relatively new legislation and the process was unfamiliar. The Town was filing a resolution
36 of intent in order to make the process known.

37 There were no other public comments. Mayor Rubin closed the public hearing at approximately 8:30
38 p.m. He asked if Council was prepared to adopt the resolution.

39 **Motion: Council Member Shadle moved to adopt the resolution. Council Member Dwinell made**
40 **the second. Voting Yea: Council Members Baier, Haselton, Shadle, and Dwinell. None opposed.**
41 **Motion passed.**

42

1 **7. Approval of bills to be paid**

2 A document was shared showing the bills to be paid for July, 2020. Council Member Dwinell inquired
3 about the roundabout cameras. Mayor Rubin explained there were cars driving the wrong way in the
4 roundabout, and visual evidence of the vehicle and driver was needed in order to make contact. The
5 camera system needed to be improved in order for contact to be made. Town Administrator Jan
6 McCosh and Mayor Rubin were exploring the public safety budget to ensure there was adequate
7 money for the cameras. Discussion regarding remaining budget items ensued.

8 **Motion: Council Member Haselton moved to approve the bills to be paid. Council Member**
9 **Dwinell made the second. Voting aye: Council Members Baier, Shadle, Dwinell, and Haselton.**
10 **None opposed. Motion passed.**
11

12 **8. Continued Public Hearing - Continued discussion and possible adoption of an**
13 **Ordinance regarding an Impact Fee Facilities Plan**

14 Mayor Rubin stated progress has been made, but input was still being received that would potentially
15 require some changes to the plan. Mayor Rubin recommended Council's support in continuing the
16 discussion until the July 23, 2020 Town Council meeting.

17 **Motion: Council Member Shadle moved to continue the discussion to the July 23, 2020 Town**
18 **Council meeting. Council Member Dwinell made the second. Voting aye: Council Members**
19 **Baier, Shadle, Dwinell, and Haselton. None opposed. Motion passed.**

20 **9. Wes Bingham - Fraud Risk Assessment**

21 Town Treasurer Wes Bingham presented a fraud risk assessment to Council required by the State
22 Auditor's Office in preparation for the upcoming audit. He displayed a document exposing the
23 potential risk of fraud. For a town the size of Hideout, the risk was fairly low. Although some risks
24 were high, steps have been made to mitigate those risks. Different policies should be adopted for the
25 town to limit the risk of fraud. Further discussion regarding creating a personnel policy and lowering
26 the risk score ensued. Mayor Rubin wished he had earlier awareness of this in order to get the policies
27 written out and adopted. Council Member Shadle offered to create a letter for town officials to sign
28 regarding ethical behavior. Mayor Rubin stated written processes were warranted.

29 **10. Discussion and possible approval to move forward with a maintenance and**
30 **operations agreement with JSSD for sewer and water services**

31 Mayor Rubin presented information regarding bids and progress on the management of water services.
32 It was discussed with legal counsel and it was determined it would be difficult to identify someone to
33 conduct those services. The options presented were to hire more staff and contract with equipment
34 providers, or form a partnership with JSSD (Jordanelle Special Service District). Council Member
35 Dwinell expressed his support to form a partnership with JSSD. Mayor Rubin agreed and stated it was
36 critical that we move forward with an agreement with JSSD. Council Member Shadle asked if the
37 budget supported the partnership. The contract term would be five years with the possibility of
38 canceling the contract if the Town was unsatisfied. Mayor Rubin provided information regarding the
39 scope of work for the cost. Further discussion continued.

40 Mayor Rubin suggested the decision be deferred until the next meeting. He would obtain a letter from
41 the engineer and review letters from other communities who utilized the similar services. Additionally,
42 the latest version of the agreement was expected this week.

1 **V. PUBLIC INPUT - FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS**
 2 **NOT LISTED ON THE AGENDA**

3 At 8:35 p.m., Mayor Rubin opened the floor to public comment. No comments were made. Public
 4 comment was closed.

5 **VI. CLOSED EXECUTIVE SESSION - DISCUSSION OF PENDING OR REASONABLY**
 6 **IMMINENT LITIGATION, PERSONNEL MATTERS, AND/OR SALE OR**
 7 **ACQUISITION OF REAL PROPERTY AS NEEDED**

8 **Council Member Dwinell made a motion to close public meeting and move to an executive**
 9 **session to discuss imminent litigation, personnel matters, and/or sale or acquisition of real**
 10 **property as needed. Council Member Baier made the second. Voting aye: Council Members**
 11 **Baier, Shadle, Dwinell, and Haselton. None opposed. Motion passed.**

12 At 8:38 p.m. the regular meeting adjourned and the executive meeting convened.

13 **Present:** Mayor Phil Rubin
 14 Council Member Chris Baier
 15 Council Member Jerry Dwinell
 16 Council Member Carol Haselton
 17 Council Member Kurt Shadle

18 **Staff Present:** City Attorney Dan Dansie

19 **VII. MEETING ADJOURNMENT**

20 **Council Member Kurt Shadle Moved to adjourn the meeting. Council Member Baier made the**
 21 **second. Voting aye: Council Members Baier, Dwinell, Haselton and Shadle. None opposed.**

22 The meeting was adjourned at approximately 8:55 p.m.

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 28 _____
 29 Alicia Fairbourne, Town Clerk

TOWN OF HIDEOUT, UTAH

Ordinance No. 2020-03

**AN ORDINANCE ENACTING
TEMPORARY RESTRICTIONS ON PUBLIC MEETINGS
IN RESPONSE TO COVID-19**

WHEREAS, the President of the United States has declared a national emergency and the Governor of the State of Utah has issued Executive Order No. 2020-1 declaring a state of emergency in response to the COVID-19 virus and associated illnesses; and

WHEREAS, the Governor of the State of Utah has asked communities to “take quick action to adjust our daily lives and limit the spread of the virus”; and

WHEREAS, Summit County, which contains the nearest municipalities to the Town of Hideout, has ordered the closure of “resorts, restaurants, taverns, bars, entertainment venues, fitness and exercise facilities, spas, churches, and other businesses at which people tend to gather”;

WHEREAS, the Town Council desires to ensure that public meetings remain accessible to the public while simultaneously not contributing to the spread of the virus; and

WHEREAS, the Utah Open and Public Meetings Act (“OPMA”) allows a municipality to conduct business by means of “electronic meetings” and the Town has previously adopted an ordinance permitting electronic meetings; and

WHEREAS, on March 18, 2020, the Governor of the State of Utah issued Executive Order No. 2020-5, waiving enforcement of certain requirements under the OPMA; and

WHEREAS, based on the need to limit the spread of the COVID-19 virus, the Town Council deems it to be essential to the health, safety, and welfare of the public to restrict in-person participation in public meetings on the terms set forth below;

WHEREAS, the Town has published notice, as required by law, of its intent to adopt temporary restrictions on in-person participation in public meetings; and

WHEREAS, on March 19, 2020, the Town Council held a public hearing to discuss the provisions hereof; and

WHEREAS, the Town Council finds good cause for adopting the provisions provided for herein.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hideout, Utah, as follows:

Section 1 – Recitals Incorporated. The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

Section 2 – Temporary Meeting Restrictions. The following restrictions will be in place for the longer of: (a) sixty (60) days after the date this Ordinance is passed and adopted; or (b) the termination of the state of emergency declared in Executive Order No. 2020-1.

a. **Electronic Meetings.** All public meetings of the Town Council and the Planning Commission will be held by telephonic or electronic means. The public may participate in such meetings electronically, or by means of telephone access. The Town Council and Planning Commission shall provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission, the open portions of the meeting.

b. **No Anchor Location.** As permitted under Executive Order No. 2020-5, the Town will not provide access to an “anchor location” where the public can participate by means of in-person attendance.

c. **Notice.** The Town will continue to provide notice of public meetings by all means required under statute; provided, however, that as permitted under Executive Order No. 2020-5 the Town will not post written notice at the Town Hall.

d. **Public Comment.** If a matter to be discussed at the public meeting requires or permits public comment, the Town Council or Planning Commission will provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the open portions of the public meeting.

e. **Meeting Materials Available Electronically.** The Town Council and the Planning Commission will use their best efforts to ensure that materials which would otherwise be made accessible to in-person participants, such as documents, charts, plats, etc., will be made available in real time via video link in connection with electronic meetings.

f. Additional Restrictions. In addition to the foregoing, the Mayor is authorized to temporarily close Town Hall to the public. The Town will take all reasonable steps to ensure that any business such persons have with the Town can be transacted without entering Town Hall. The Mayor is hereby authorized to take additional executive action as the Mayor deems necessary to preserve the health, safety, and welfare of those working in, or visiting, Town Hall. Without limitation, the Mayor is authorized to extend the restrictions provided for in this Ordinance by an additional thirty (30) days upon written notice to the Town Council.

g. Restrictions of Other Authorities Incorporated. To the extent restrictions adopted or imposed by the United States, the State of Utah, Wasatch County, or any agency or office of any of the foregoing in response to the COVID-19 virus require or implement health and safety standards or actions which are more stringent than those set forth herein, such standards or actions are incorporated herein by reference.

Section 4 – Clerk to Post Restrictions. The Town Clerk is hereby directed to post the restrictions adopted in this Ordinance within twenty-four (24) hours on the Town’s website, at Town Hall, and in at least two (2) other reasonably accessible locations within the Town.

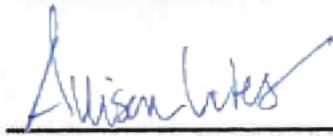
Section 5 – Effective Date. This Ordinance will be effective immediately.

WHEREFORE, Ordinance 2020-03 has been **Passed and Adopted** by the Town of Hideout.

TOWN OF HIDEOUT



Philip Rubin, Mayor



Allison Lutes, Town Clerk

Attest: