



# HIDEOUT, UTAH TOWN COUNCIL MEETING

## October 10, 2019

### Amended 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, October 10, 2019

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

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Regular Meeting  
6:00 PM

I. Call to Order

II. Roll Call

III. Approval of Council Minutes

1. June 27, 2019 Draft Regular Meeting Minutes
2. September 5, 2019 Draft Special Meeting Minutes
3. September 12, 2019 Draft Regular Meeting Minutes

IV. Agenda Items

1. David Church, Utah League of Cities and Towns - Discussion on What Hideout Needs to do as a Municipality as it Moves from Town to City
2. Approval of Bills to be Paid
3. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Venturi Subdivision, Located at Approximately 11378 N. Shoreline Dr., Hideout, UT
4. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Plumb Subdivision, Consisting of Approximately 3.79 Acres Located on Longview Dr., Hideout, UT.
5. Continued Public Hearing - Discussion Regarding the Snow Removal Ordinance Due to Additional Suggested Revisions to the Ordinance
6. Continued Public Hearing - Possible Adoption of an Impact Facilities Plan
7. Discussion Regarding a Proposal to Increase Building Permit Fees as well as Reconfirming Civil Fees
8. Presentation of the Master Plan from P.O.S.T. (Parks, Open Space and Trails Committee)
9. Public Input - Floor Open for Any Attendee to Speak

IX. Meeting Adjournment

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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 10/9/19

**Item Attachment Documents:**

1. June 27, 2019 Draft Regular Meeting Minutes

**Town of Hideout  
Town Council Meeting Minutes  
10860 North Hideout Trail  
Hideout, Utah  
June 27, 2019**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:00 p.m. on June 27, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

**2. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier  
Council Member Kurt Shadle  
Council Member Hanz Johansson  
Council Member Jim Wahl (by telephone)

**Excused:** Council Member Dean Heavrin

**Staff Present:** Town Attorney Dan Dansie (by telephone)

**Others Present:** Pat Putt, Jerry Dwinell, and others who did not sign in or whose names were illegible.

**3. CONTINUATION OF PUBLIC HEARING – Annexation Policy Plan.**

Mayor Rubin reported that the Annexation Policy Plan (the “Plan”) had been introduced at the last meeting and a lot of feedback was received from MIDA, Summit County, Park City, contiguous landowners challenging the breadth of real estate the Town was proposing in its Plan. Additionally, the Town was in receipt of a letter from Park City suggesting that the process to amend the Plan was not in compliance with statutory requirements.

Mayor Rubin opened the floor to public comments.

Pat Putt, Community Development Director for Summit County, reviewed that Tom Fisher, County Manager for Summit County, sent a letter to the Council concerning the annexation plan and requested it be entered into the record.

With no further public comments, Mayor Rubin closed the public hearing.

Mayor Rubin asked Dan Dansie for his legal opinion regarding whether the Town would need to repeat the notice procedure again.

1 Mr. Dansie responded that the required notice procedure was not followed correctly at the  
2 Planning Commission level, whereby there should have been two different hearings. The initial  
3 hearing would be to discuss the proposal, after which there would be a ten-day window for  
4 feedback. Following the ten-day period, a second hearing would be held to review the comments  
5 and make revisions before recommending the Plan to the Town. He felt that based on the  
6 feedback from Park City, Summit County, MIDA and others, the current intent of the Council  
7 would be to redraw and revise the map, send it to the Planning Commission and go through the  
8 process again. Accordingly, this would eliminate any basis for a procedural challenge to the  
9 revised Plan.

10  
11 Discussion and questions from the Council followed concerning the procedure and legal  
12 compliance. Mr. Dansie advised the Council to start from the beginning, since it appeared the  
13 map would be revised anyway, to comply with both the spirit and the letter of the law.

14  
15 Council Member Shadle explained his understanding regarding the Planning Commission's  
16 reasoning behind the proposed annexation map, adding that the Plan's purpose was to anticipate  
17 in the long term what the Town could look like depending on a number of variables: 1) the  
18 MIDA areas were included as a defensive strategy if the MIDA plan were to fail or if MIDA  
19 could not completely fulfill their obligations. If that were to happen, the Town would want those  
20 areas included for potential annexation. 2) the broadened scope of the annexation map was to  
21 provide land for public space: parks and trails which Hideout did not currently have. 3) The  
22 Town needed a way to increase its revenue to take care of its children and build schools.

23  
24 Dan Dansie agreed that an annexation policy plan identified potentially appropriate areas for  
25 expansion under certain terms and conditions. Hideout would have the ability to revise the Plan  
26 anytime in the future and include language concerning MIDA, if the situation became a more  
27 realistic possibility.

28  
29 Mayor Rubin referred to a map depicting boundaries included within the MIDA project area and  
30 Wasatch County consent agreement. He indicated he would facilitate having this map overlaid  
31 with the Town's map to better depict all areas involved.

32  
33 Mr. Dansie summarized Park City's objections to the Plan, based on his conversations with the  
34 Park City attorney and his review of Park City's letter:

- 35
- 36 • Involved areas within their long-range planning
  - 37 • Park City owned some of the land in the Richardson Flat even though not within the
  - 38 municipal boundaries of the city
  - 39 • Some of the land was deed restricted in a manner that would limit development
  - 40 • Some of the area was part of a NEPA study and/or a remediation area
- 41

42 Mr. Dansie added he was not aware that any of the land identified by Hideout's Plan was  
43 currently within Park City's Annexation Policy Plan.

44  
45 Council Member Shadle commented on a KPCW news article stating Park City would consider  
46 amending its annexation plan this evening in response to action by a neighboring municipality.

1 He felt Park City was attempting to be the first to claim their annexation plan and to hold off  
2 Hideout. He suggested all neighboring communities have a sit-down meeting to discuss their  
3 respective plans.

4  
5 Mayor Rubin commented he and Mr. Dansie did have a discussion with Park City this week  
6 about their letter. Basically, Park City recited their letter contents at the meeting. Mr. Dansie  
7 added they also had a conversation with Tom Fisher from Summit County. As to the legality of  
8 overlapping annexation policy plans, Mr. Dansie advised that while it was true that two  
9 municipalities could not annex the same property, there was no prohibition on two municipalities  
10 having the same area within their annexation policy plans, however the statute discouraged it.

11  
12 Mayor Rubin encouraged the Planning Commission to think about the input from the various  
13 entities and to take each piece separately. Jerry Dwinell agreed language needed to be added for  
14 future issues. The Council was agreeable to considering and discussing the Plan with the other  
15 entities.

16  
17 Discussion ensued regarding the noticing procedures associated with the hearings. Dan Dansie  
18 suggested planning a sit-down public meeting with Park City, Summit County and others  
19 including the public; this would be considered as the first hearing. Then the second meeting  
20 could be scheduled after the statutory 10-day waiting period. He further expounded on the  
21 process regarding the review of and modifications to the Plan as a part of the public hearing  
22 schedule. Jerry Dwinell commented this hearing could be added to the Planning Commission's  
23 July agenda. Mr. Dansie affirmed the Planning Commission would be required to notice affected  
24 entities via mail: the counties, service districts, or municipalities within ½ mile of the boundary.  
25 He added even if the revised map boundaries fell outside ½ mile of Park City, he still advised  
26 providing notice to them as well. The following dates were discussed for the Planning  
27 Commission's hearings: July 18 and August 1.

28  
29 Mayor Rubin opened the floor for public comment.

30  
31 Nate Brockbank asked whether any action this evening by Park City on its plan would result in  
32 the first claim to the plan. Council Member Baier affirmed it would but she noted the Town  
33 Attorney advised the Town needed to provide proper hearing notice to adhere legally without  
34 challenge. Mr. Brockbank recommended the Town hold the hearings as quickly as possible and  
35 not change the Plan at all.

36  
37 Pat Putt stated he was not aware of any recent action from Park City to extend their map across  
38 US 40. He added they recently had a robust discussion on annexation expansions in the Summit  
39 County area and they held back in moving forward on the east side of US 40. He believed they  
40 were going back and taking another look at it, however, he did not believe it was motivated by  
41 Hideout's recent work. As far as he was aware, Park City would not be taking action this evening  
42 and were instead going to discuss the broad topic of annexation areas. In closing, Mr. Putt stated  
43 Summit County would welcome a sit-down meeting with all the jurisdictions, including Hideout.

44  
45 Ron Spratling stated he owned 23 acres about which he had been discussing annexing into the  
46 Town and was looking forward to it. He encouraged the Town to continue with the Plan as

1 boldly as it felt, but at some point, the Town would need to understand it had an area it could  
2 safely and effectively manage for the betterment of the population. Mr. Spratling commented he  
3 was very much in favor of the MIDA project.

4  
5 With no further comments, Mayor Rubin closed the floor to public comments.

6  
7 Discussing the hearing schedule, the Council agreed the goal would be to have the matter heard  
8 by the Planning Commission and moved before the Council to be heard at its August 8 meeting.

9  
10 *Council Member Shadle moved that the Council send the Annexation Plan back to the Planning*  
11 *Commission for review and to reset the statutory process for moving it forward. Council Member*  
12 *Johansson made the second. Voting Aye: Council Members Shadle, Baier, Johansson and Wahl.*  
13 *Voting Nay: None. The motion carried.*

14  
15 **4. PUBLIC HEARING – Consider the recommendation of the Planning Commission**  
16 **to approve a zone change for the Vanden Akker parcel from Mountain Zone to**  
17 **Residential Medium Density**

18  
19 Jerry Dwinell, Chairman of the Planning Commission, explained the Planning Commission was  
20 currently working to rework the Town's zoning definitions and recommended the Lake View  
21 (Vanden Akker) zone change to Residential Medium Density with the following restrictions  
22 (which are consistent with the current zoning redefinition project, projected to be completed this  
23 year):

- 24  
25 1. 25-foot minimum front setback.  
26 2. 25-foot minimum driveway length.  
27 3. Five-foot or 15-degree offset from the neighboring building or road.  
28 4. Single-Family Detached only  
29 5. Max ERU of six.  
30 6. 35-foot maximum building height, subject to review.  
31 7. DRC will consist of two Town officials.

32  
33 Discussion followed concerning the zoning and density. Mr. Dwinell explained the maximum 6  
34 ERUs decreased the density in this zone. He explained the Town did not currently have anything  
35 in the Town zoned residential medium density, adding that if the Vanden Akker parcel remained  
36 mountain zone, it would be very difficult to build anything on that property.

37  
38 Council Member Baier asked what benefits the Town would derive in changing the zoning. Mr.  
39 Dwinell responded there would be an increased tax base associated with re-zoning and if it were  
40 added to the MIDA project area, there would be an additional financial advantage afforded to the  
41 Town via the Development Fund to fund parks and trails and other projects the Town envisioned.  
42 Ms. Baier expressed concern with higher densities and their impact on the environment.  
43 Discussion followed regarding same.

1 Jerry Dwinell noted that current Town Code allowed the use of a conditional use permit in the  
2 mountain zone. Accordingly, if a conditional use permit came in and it planned something that  
3 the conditional use allowed, it could not be denied. He used Sunrise as an example of the use of a  
4 conditional use permit. The conditional use would allow the developer or landowner to frame out  
5 what they wanted, and the Town would not have control.

7 Dan Dansie explained that the restrictions suggested by the Planning Commission outlined this  
8 evening would be considered a voluntary restriction beyond what the current Code required. To  
9 achieve the goals the Planning Commission was working to accomplish, the landowner  
10 expressed its willingness to enter into a deed restriction whereby the owner would voluntarily  
11 subject the property to the additional conditions that were not yet part of the zone to which the  
12 property would be changed.

14 Mayor Rubin opened the floor for public comment.

16 Nathan Brockbank – the developer explained his conceptual drawing, the neighborhood layout,  
17 the home designs and the infrastructure and how they changed it to incorporate the conditions,  
18 i.e. the setbacks and offsets, etc. He also discussed his projects and how he considered others’  
19 input and comments and felt Lake View was a great product and would be competitively priced  
20 with the other townhomes. He added that if approved, MIDA would be a good bonus for the  
21 Town. Mr. Brockbank stated the project was designed to allow over 30% of open space, well  
22 above the required 25%. Further, he mentioned they would like to include an access to the parks  
23 with a trail. Council Member Baier felt the whole Town needed access, and not just HOA by  
24 HOA.

26 Council Member Johansson asked whether the straight roads surrounding the development could  
27 be re-aligned to include more curves. Mr. Brockbank agreed to look into it and change it.

29 Dennis Vanden Akker - Land owner, commented on the trail access to park. After having served  
30 on a committee concerning access to the park, he commented he knew a trail access would be  
31 agreeable to the park authorities. He commented how impressed he was with the Planning  
32 Commission and their due diligence. He was in favor of the development.

34 With no further public comments, Mayor Rubin closed the floor.

36 *Council Member Shadle moved to accept the Planning Commission’s recommendation to change*  
37 *the zoning of the Vanden Akker parcel to Residential Medium Density incorporating the six deed*  
38 *restrictions that have to be filed within 15 working days. Council Member Wahl made the*  
39 *second. Voting Aye: Council Members Baier, Shadle, Wahl and Johansson. Voting Nay: None.*  
40 *The motion carried.*

42 **5. DISCUSSION and POSSIBLE ADOPTION of an ordinance requiring delinquent**  
43 **tax payments be made before approving development or building permits.**

45 Council Member Shadle explained the need for the resolution and ordinance, explaining most  
46 delinquent taxes were developer delinquencies. The Wasatch County delinquent tax roll listed



1 \$3.6 million in delinquent taxes, of which Hideout's portion was \$700,000. He added the Town  
2 needed to be able to require payments be current.

3  
4 Mr. Shadle explained the difference between the resolution and the ordinance, both of which  
5 were drafted by the Planning Commission: Resolution - for developers and/or taxpayers that  
6 were covered by an MDA; and Ordinance - for developers and/or taxpayers that were not  
7 covered by an MDA.

8  
9 Discussion followed, with Dan Dansie explaining the legal implications and potential challenges.

10  
11 Mayor Rubin opened the floor for public comment.

12  
13 Jared Fields representing Mustang Development (by phone): commented he could not view  
14 either the resolution or the ordinance on his screen or on the website and added public notice had  
15 not been provided. Dan Dansie explained a land use ordinance should be available before a  
16 meeting, however it was not required to be posted on the website, only made available for  
17 review. Mayor Rubin commented the website was down.

18  
19 Mr. Fields expressed his concern that this ordinance would be preempted by State statute for  
20 collection and enforcement of property taxes, and he felt it would invite litigation. He also  
21 commented this ordinance would limit a developer's ability to generate revenue with which it  
22 could satisfy the property tax obligation. He felt certain there would be developers with liquidity  
23 issues, and if the Town were to adopt this (even if legally permissible) it may impair those  
24 developers' ability to bring in money to satisfy not only their tax obligations, but to increase the  
25 tax base by having a fully developed parcel. Finally, he commented (from Mustang's perspective  
26 only) it was frustrating that the Town, which was in default under the provisions of the Master  
27 Development Agreement to facilitate reimbursement for tens of millions of dollars of  
28 infrastructure, to then accuse Mustang of not holding up its end of the bargain.

29  
30 The Council agreed to move this item to the next meeting.

31  
32 *Council Member Shadle moved to continue this item to the next Council meeting, to provide ten*  
33 *days' notice and to provide access to all the documentation concerning this agenda item.*

34 *Council Member Baier made the second. Voting Aye: Council Members Johansson, Baier,*  
35 *Shadle and Wahl. Voting Nay: None. The motion carried.*

36  
37 **6. PUBLIC INPUT – Floor open for any member of the public to speak (5 minute limit**  
38 **per person).**

39  
40 Jerry Dwinell: commented regarding the pond and the deteriorating conditions and asked for an  
41 update. Mayor Rubin explained a letter had been sent on June 24 to Outlaw Golf Course citing  
42 nuisance code violations and providing a deadline for a response. It was indicated the HOA  
43 could also be copied on correspondence concerning the Golf Course. The issues also included  
44 not only the pond, but the maintenance area and the pro shop as well.

1 *Council Member Shadle moved to adjourn to executive session. Council Member Baier made the*  
2 *second. Voting Aye: Council Members Baier, Johansson, Shadle and Wahl. Voting Nay: none.*  
3 *The motion carried.*

4  
5 Whereupon the Council moved to executive session.

6  
7 The meeting adjourned at 8:50 p.m.  
8  
9

10  
11 

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Lynette Hallam, Town Clerk

**Item Attachment Documents:**

2. September 5, 2019 Draft Special Meeting Minutes

HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL MEETING  
September 5, 2019  
6:00 PM

TOWN COUNCIL SPECIAL MEETING

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:02 p.m. on September 5, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

**2. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier  
Council Member Kurt Shadle  
Council Member Hanz Johansson  
Council Member Jim Wahl (by telephone)

**Absent:** Council Member Dean Heavrin

**Staff Present:** Town Administrator Jan McCosh  
Town Attorney Dan Dansie (by telephone)  
Town Clerk Allison Lutes  
Public Works Kent Cuillard

**Others Present:**

Jerry Dwinell, Steven Bergman, John Molenaar, Craig Coburn, Tony Matyszczyk, Jack Walkenhorst, Arianna Farber, Lawrence Goldkin, David Boyle, Melyssa Davidson, Bill Bartlett, and others who did not sign in or whose names were illegible.

**3. Continued Hearing – Consideration and Possible Recommendation to Allow the Mayor to finalize the service Agreement with Utopia/UIA Fiber**

Council Member Shadle reviewed that since the last meeting, the Town received correspondence from the president of All West, offering a new price structure. Jack Walkenhorst, All West's representative, was present to discuss. Mr Walkenhorst indicated the pricing structure as stated in the letter would remain at that price or lower for five years, and he was willing to take it back to the president for a commitment. Consequently, Council Member Shadle recommended postponing the decision on the UIA/Utopia contract until All West could commit to a long-term pricing contract. If All West was in fact going to commit to a long-term pricing structure, Mr.

1 Shadle felt it would be best not to obligate the Town to the long-term financial structure posed  
2 by the UIA/Utopia contract.

3 Mr. Walkenhorst agreed to have a response from the All West president by the following week;  
4 accordingly, the decision concerning the UIA/Utopia contract would be postponed until the  
5 September 12 meeting.

6 Discussion followed concerning the rates and competition. Mr. Walkenhorst assured the Council  
7 that All West did not take a price drop lightly and there was no "hidden small print" in the offer.  
8 He committed to taking the issue concerning a long-term rate structure to the president, stating  
9 that the prices would remain as stated or lower, for at least five years.

10 Council Member Baier commented her objective for the Town was not only finding competitive  
11 pricing but offering services to the entire community. Mr. Walkenhorst stated All West had been  
12 in contact with Shoreline 1 and 2, Soaring Hawk and KLAIM, and they continued to reach out to  
13 all of the developments.

14 *Council Member Shadle moved to continue discussion on this agenda item until September 12.*  
15 *Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson,*  
16 *Wahl and Shadle. Voting Nay: none. The motion carried.*

17 Following the vote, Mayor Rubin expressed his appreciation to the Internet Committee for its  
18 work.

19  
20 He followed up with a question to Mr. Walkenhorst concerning Toad Hollow and whether  
21 pricing would apply to that area as well. Mr. Walkenhorst acknowledged the pricing would be  
22 company-wide and would apply to all areas, and not just to Hideout. Further, he indicated the  
23 free installation offer had been extended, however he didn't know how long it would be in place,  
24 but he thought All West could extend it even longer. Additionally, Mr. Walkenhorst commented  
25 All West would work with those who had already signed up at the higher price to adjust their  
26 pricing or plans.

27  
28 **4. Continued Hearing – Consideration and Possible Recommendation to Allow the**  
29 **Mayor to Sign an Inter-local Agreement With MIDA**

30  
31 Jerry Dwinell, Chair of the Planning Commission, presented on the Planning Commission's  
32 reasoning for its recommendation authorizing the Mayor to sign the Inter-local Agreement with  
33 MIDA.

34  
35 Mr. Dwinell outlined issues the Planning Commission identified for analysis and clarification: 1)  
36 land use authority. The Commission wanted to ensure that if the Town were to enter into an  
37 agreement with MIDA, it would have no effect on the Town's existing land use authority; 2) no  
38 loss of sovereignty, so that any current or future Town laws would not be exempted within the  
39 project area; and 3) look at how the MIDA agreement may affect how the Town would further its  
40 goals with respect to the General Plan and where it would be in the next 20 years.

41  
42 1) Land use: pursuant to the MIDA Act, all land use authority within the Hideout zone would be

1 assigned by the state to MIDA. However, in the proposed Inter-local agreement, MIDA would  
2 designate Hideout as the land use authority. MIDA would have the authority to appeal to the  
3 Town Council, and if necessary, to the district court.

4 Responding to a question concerning what areas within the Hideout zone had yet to obtain  
5 Planning Commission approval, Mr. Dwinell stated the vast majority of the properties within the  
6 zone already had final development approvals, save for the Warner and Vanden Akker parcels.

7 Continuing, Mr. Dwinell added the Inter-local Agreement stipulated that all current and future  
8 land use decisions and town code would be accepted by MIDA for the Hideout Zone, so there  
9 would be no additional layers of approval, and thus no lags in the process.

10  
11 In sum, Dwinell affirmed there would be no land use authority changes under MIDA.

12 2) Sovereignty and municipal services. Under the MIDA agreement, Hideout would provide the  
13 same services to the zone as it would for the balance of the town. MIDA would pay (via the  
14 Municipal Fund) for the municipal services to the zone; it would not provide any services to the  
15 Hideout zone without the consent of the Town. Hideout would still provide and receive revenue  
16 for permits, inspections, certificates of occupancy, etc. MIDA would not take any portion of  
17 those funds.

18 Mr. Dwinell went on to explain the two MIDA funds and what they would fund. 1): The  
19 Municipal Fund. It would fund infrastructure, maintenance, snow removal, professional services,  
20 engineering, etc. It would not be audited by MIDA, so the Town would have autonomy on directing  
21 how the funds would be spent.

22 The Development Fund would be the larger of the two funds. Monies from that fund could be  
23 used for contract backstops, for example, the Utopia Agreement. The funds would be used for  
24 anything to enhance the public and recreational area inside and outside the Hideout zone within  
25 Hideout. This would also include any future lands annexed into Hideout. Dan Dansie affirmed  
26 the Town would have very wide discretion about how to use development funds within the  
27 Hideout zone.

28 Mr. Dwinell outlined additional fundamental questions the Planning Commission analyzed and  
29 addressed:

30 1) Any lag in land use or Town Code acceptance? All future land use decisions and Town Code  
31 changes would be accepted as though MIDA made the change.

32 2) Any impact to zoning or re-zoning? MIDA would grant full land-use authority to Hideout  
33 without restriction.

34  
35 3) Mr. Dwinell went on to discuss a Salt Lake Tribune article that implied MIDA was a taxation  
36 without representation ploy. The Planning Commission concluded MIDA would have no  
37 authority to levy property taxes or to set tax rates, nor would it collect taxes.

38 Mr. Dwinell explained the MIDA Act provided a structure for the reallocation of incremental  
39 tax. Incremental tax is defined as the tax produced as a result of increased property values due to

1 the development of the land. The incremental increase is what would drive the revenue MIDA  
2 would receive and distribute back to the Town.

3 4) The developer would receive a significant portion of the fund as well. The Planning  
4 Commission wanted to ensure that the same restrictions imposed on the Town for use of funds  
5 were likewise imposed on the developers. The Planning Commission confirmed the developer  
6 funds were indeed restricted to infrastructure. He added the perceived windfall to the developers  
7 was not a reality; the use of the money to the developers would be restricted as Hideout's would  
8 be.

9 The Planning Commission recommended the Town enter into a side agreement with developers  
10 to help guide how those funds can and should be spent and to ensure both the Town and the  
11 developers were looking toward the same goals.

12 In sum, Mr. Dwinell stated the Planning Commission voted unanimously to recommend, and  
13 fully supported, the MIDA agreement, as they found no effective change to land use or  
14 sovereignty. While the Commission offered certain edits to the agreement which they felt  
15 strengthened the agreement, none were principal to the Planning Commission's recommendation.  
16 The financial benefits from the MIDA agreement would allow the Town to achieve the goals set  
17 out in its General Plan and would provide funding sources for those goals with no impact to  
18 property taxes.

19 Discussion followed concerning MIDA retaining appeal authority. Dan Dansie clarified that  
20 MIDA's appeal authority related to land use decisions, rather than fees and structures. Mr.  
21 Dwinell commented that if the appeal authority became a sticking point, he felt the developers  
22 demonstrated some willingness to relinquish that.

23 At this time, Arianna Farber, MIDA Project Manager fielded questions from the Council.  
24 Council Member Baier asked why MIDA wanted Hideout in the Project Area. Ms. Farber  
25 explained the developers were interested in MIDA and wanted to be in the project area. MIDA  
26 recognized there were mutual gains for all and for the community. She felt the biggest reason for  
27 MIDA was its public policy to provide public places for the military. She stated MIDA would  
28 love to be a part of it, but they were not doing a "land grab" and building an empire.  
29

30 Discussion and debate continued regarding the taxes, the MIDA funds, and Hideout's future with  
31 regard to schools in the area, and that MIDA not undermine the Town's long range plans and  
32 funding future projects.  
33

34 Next, Ms. Farber was asked to define "benefit the project area." Ms. Farber responded it  
35 specifically related to infrastructure, which could be outside the Hideout area as long as it would  
36 benefit the Hideout area, for example a park-n-ride. However, if a proposed project was outside  
37 the Hideout Zone, it would have to go before the MIDA board for approval. Dan Dansie clarified  
38 that discretion to spend the funds would be bound by the strictures of the MIDA Act, which were  
39 fairly broad. (§63-H-1-502).

40 At 7:15 p.m., Mayor Rubin opened the hearing for public input.

1 Council Member Wahl inquired about the snow maintenance costs concerning the Jordanelle  
2 Parkway. Ms. Farber responded MIDA would be using its Municipal Services fund and the Inter-  
3 local agreement to contract back with Wasatch County for snow removal services.

4 With no public comments, Mayor Rubin closed the public hearing at 7:18 p.m.

5 Mayor Rubin discussed the modifications to the resolution. Based on the Council's input, the  
6 language in Section 3 was modified to state that "(a)ny authority which the agreement delegates  
7 to the Mayor of the Town of Hideout will be exercised with the advice and consent of the Town  
8 Council."

9 Dan Dansie explained there were two components to the MIDA decision. The first would be to  
10 get the Interlocal Agreement finalized; and the second would be to consent to the inclusion of  
11 Hideout within the project area. The current agreement was about 95% agreed upon. MIDA's  
12 attorney Richard Cattan felt the changes were good, but Paul Warren, MIDA's Executive  
13 Director and the Board still needed to approve it. Before the Council could vote on the consent  
14 resolution agreeing to include Hideout in the Project Area, the Interlocal Agreement would need  
15 to be finalized. Dansie added If the Council were to take any action this evening, it would make  
16 sense for the Council to authorize the Mayor to finalize negotiations of the agreement to present  
17 to the MIDA Board for their approval, then vote on the consent resolution.

18 Ms. Farber confirmed the Council would need to consent, then the agreement would be taken to  
19 the MIDA board, which would be meeting October 1. Ms. Farber stated they would need 10 days  
20 prior to that meeting to provide notice to the taxing entities. Dan Dansie commented it would be  
21 entirely doable to finalize the agreement, if Ms. Farber could work to get the changes from  
22 Richard Cattan and have it ready by the September 12 Council meeting.

23 Council Member Shadle expressed concern with the developer agreements, and the significant  
24 amount of money they would be receiving under MIDA; he felt the Council needed to  
25 understand how that would be handled. Mayor Rubin responded he and Dan Dansie met with  
26 developers this past week, who raised solid points regarding their significant investments they  
27 were bringing to the table. The use of those funds would enable them to generate the funds for  
28 the Town by helping their cost structure, enabling them to sell the units which would give the  
29 incremental tax base to build. Mr. Dansie added the developers, as the Town, were constrained to  
30 spend MIDA funds on infrastructure and they had already committed to making publicly  
31 available infrastructure re trails parks, and other amenities.

32 [Developer - name?] stated the MIDA agreement had to be a win-win for everyone: the  
33 developer, the Town, and MIDA. They pulled twenty-six permits in Deer Waters, most of which  
34 consisted of spec homes. The reason for this pace of development was because of MIDA. He  
35 added they would be spending \$36 million on infrastructure on their three projects, and \$256  
36 million to build out all their projects. The number they would be getting from MIDA was very  
37 small compared to what they were spending. Mr. \_\_\_\_\_ commented they were competing  
38 against builders along the lake that were already getting the money from MIDA. Further, he  
39 stated the cost to develop a lot in Hideout averaged approximately \$75,000 per lot, as compared  
40 to their other projects in Utah that cost approximately \$40,000, due to several factors: slope,  
41 rock, water, etc. He added they brought MIDA to the table because it would be a win-win for



1 everyone. He offered to sit down with Council members to show what they planned to do and to  
2 ensure they were on board with it.

3 Discussion continued. Council Member Shadle wanted the Town to have a say in how the MIDA  
4 money to the developers would be handled. Mayor Rubin offered to work with the developers on  
5 some language regarding the undeveloped space on the not-yet approved projects and he would  
6 bring it back to the Council.

7 *Council Member Shadle moved to continue discussion on this agenda item to September 12.*  
8 *Council Member Baier made the Second. Voting Aye: Council Members Baier, Johansson, Wahl*  
9 *and Shadle. Voting Nay: None. The motion carried.*

10  
11 **5. Resolution 2019-09 – A Resolution Appointing the Town Clerk for the Town of**  
12 **Hideout**

13 Mayor Rubin announced the Town Clerk, Lynette Hallam had tendered her resignation. He  
14 asked that the Council approve the resolution appointing Allison Lutes as the new Town Clerk.

15 *Council Member Baier moved to approve Resolution 2019-09, appointing Allison Lutes as Town*  
16 *Clerk. Council Member Johansson made the second. Voting Aye: Council Members Baier,*  
17 *Johansson, Wahl, and Shadle. Voting Nay: None. The motion carried.*

18 **6. Resolution 2019-10 – A Resolution Cancelling the Election and Declaring Those**  
19 **Candidates Who Filed as Elected**

20  
21 Mayor Rubin explained the deadline for write-in candidates passed on September 3, and with no  
22 write-ins received, the Town could cancel the election because there were only three available  
23 seats and three candidates. Dan Dansie explained the statute.

24 *Council Member Johansson moved to adopt Resolution 2019-10 canceling the election. Council*  
25 *Member Baier made the second. Voting Aye: Council Members Baier, Johansson and Wahl.*  
26 *Council Member Shadle abstained. The motion carried.*

27 **7. Closed Executive Session to Discuss Personnel**

28  
29 *Council Member Baier moved to adjourn the regular meeting and convene an executive session.*  
30 *Council Member Johansson made the second. Voting Aye: Council Members Baier, Shadle and*  
31 *Johansson. Council Member Wahl was absent for the vote. The motion carried.*

32  
33 At 7:55 p.m., the regular meeting was adjourned and the Council entered into an executive  
34 session.

35  
36 The executive meeting was adjourned at [REDACTED] p.m.

37  
38  
39  
40 \_\_\_\_\_  
Allison Lutes, Town Clerk

**Item Attachment Documents:**

3. September 12, 2019 Draft Regular Meeting Minutes

HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL MEETING  
September 12, 2019  
6:00 PM

TOWN COUNCIL REGULAR MEETING

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:00 p.m. on September 5, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

**II. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier  
Council Member Kurt Shadle  
Council Member Hanz Johansson

**Absent:** Council Member Dean Heavrin  
Council Member Jim Wahl

**Staff Present:** Town Administrator Jan McCosh

Town Attorney Dan Dansie  
Town Treasurer Wes Bingham  
Town Clerk Allison Lutes  
Public Works Kent Cuillard

**Others Present:**

Jerry Dwinell, Will Pratt, Jack Walkenhorst, Heather Kruse, Carol Haselton, Arianna Farber, Bill Bartlett, Paul Ziegler, and others who did not sign in or whose names were illegible.

**III. Approval of Council Minutes: June 13, 2019; August 8, 2019; and August 22, 2019**

*Council Member Shadle moved to approve the of June 13, 2019 Regular Meeting Minutes. Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson, and Shadle. Voting Nay: None. The motion carried.*

*Council Member Shadle moved to approve the August 8, 2019 Truth in Taxation Hearing Meeting Minutes. Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson, and Shadle, Voting Nay: None. The motion carried.*

Regarding the August 8, 2019 Regular Meeting Minutes, Council Member Baier made the following corrections: page 12, section 13, line 31: Wada Way instead of Waterway; line 36: Ross Creek instead of Lost Creek and remove a second period. Council Member Johansson requested the spelling of his name be corrected.

*Council Member Johansson moved to approve the August 8, 2019 Regular Meeting Minutes subject to the referenced corrections. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson, and Shadle. Voting Nay: None. The motion carried.*

*Council Member Shadle moved to approve the August 22, 2019 Regular Meeting Minutes. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson, and Shadle. Voting Nay: None. The motion carried.*

#### **IV. Agenda Items**

##### **1. Declaration by the Mayor**

Mayor Rubin informed the Council that Council Member Heavrin last attended a meeting on May 9. Consequently, on June 13 and June 26, the Mayor sent Mr. Heavrin letters regarding his attendance, which remain unanswered. Further, Mr. Heavrin had not submitted any requests for his Council Meeting attendance fees for more than a year. Utah Code §10-3-301-5(b)(3) provides that if a member does not attend for a continuous period of more than 60 days, that seat can automatically be declared vacant. Accordingly, Mayor Rubin felt the Council needed to declare his seat vacant. He suggested this be addressed at the October 10 meeting to allow for certain Council Members' upcoming travel.

Council Member Shadle was not in favor of the proposal and thought it would set a bad precedent; he felt it was too close to the start of the new year when three new Council Members would be seated. Council Member Baier commented his vacancy created a quorum issue. She suggested seating one of the two remaining candidates early. Dan Dansie explained the statutory process to fill a vacancy. He clarified that pursuant to the statute, the seat is automatically vacant if the council member is absent for a consecutive period of more than 60 days. "Absent" in the context of the statute is specifically defined as, "the elected municipal officer fails to perform official duties including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend."

Council Member Shadle commented that based on the foregoing explanation by Mr. Dansie and strictly applying the statute, it could also be applied to Council Member Wahl, who had missed at least two meetings in a row. He was concerned with setting a precedent and a potential challenge to the Council's action on this issue. Mayor Rubin stated he also sent letters to Council Member Wahl, who responded that he would improve his attendance. Mr. Wahl had been coming to more meetings recently, and the Mayor would not be comfortable applying this statute to him.

Further discussion ensued regarding whether it was feasible, given travel commitments, the remaining Council Members would be able to address Town business effectively, and addressing Council Member Shadle's concern regarding whether the rule would be applied equitably. Mayor

1 Rubin believed his approach was not targeting people; he reached out to both and asked them to  
2 participate. Mr. Wahl agreed to work on his attendance.

3  
4 Mayor Rubin announced he would table the item until the next meeting. Discussion followed  
5 concerning council member availability for the next meeting.

6  
7 Addressing Council Member Shadle's concerns, Dan Dansie explained the conservative position  
8 would be to say this is or is not the intent of the Council to move forward on this path  
9 authorizing the Mayor to post notice of vacancy.

10  
11 Mayor Rubin asked the Council for its consent to move forward and declare a vacancy. Council  
12 Members Baier and Johansson were in support. Council Member Shadle was not in support.  
13 Mayor Rubin stated he would follow up on Council Member availability for October 10.

14  
15 **2. Presentation – Moving Toward a Budget Less dependent on Building Fees – Ken**  
16 **Leetham, City Manager North Salt Lake**

17 Ken Leetham, City Manager of North Salt Lake appeared via telephone to speak on his  
18 experience as City Manager of Saratoga Springs, a small town similar to Hideout that generated  
19 revenue through its building permits.

20 Mr. Leatham detailed what happened during the downturn in 2007-2008 during a rapid growth  
21 period. The city's general fund was heavily dependent on building permits and fees. Layoffs  
22 occurred as a result of the downturn. The city did not have a balanced revenue structure to  
23 weather a downturn without raising property taxes. The city ultimately raised taxes. Mr. Leatham  
24 felt it would be important for all communities to put together goals and sustainable policies on  
25 how they want their cities to be funded. He added that in North Salt Lake, they use a modeling  
26 software to make five-year projections and see how sustainable the financial picture would be.  
27 He felt the same exercise would benefit Hideout.

28 Discussion continued regarding the steps taken by Saratoga Springs to recover, using salary  
29 freezes, layoffs and a property tax increase, and what could happen in Hideout should a  
30 downturn occur.

31  
32 Council Member Shadle asked Treasurer Wes Bingham to provide a reality-based view of what  
33 impact a downturn would have on Hideout. Mr. Bingham responded that if the Town  
34 was generating \$350,000 of permit revenue and the cost of full-time staff was approximately  
35 \$75,000-\$80,000, and if in a downturn, the revenue dropped by 1/2, the Town could still  
36 consider hiring one additional full-time staff member. It was estimated the Town would have 75-  
37 80 building permits this year.

38 Mayor Rubin focused the discussion on that would be the base load to run the Town and initiate  
39 certain Town initiatives in support of the General Plan and green space initiatives. The Town's  
40 income sources outside permitting, and even with the tax increase, were still limited. Questions  
41 the Town could need to address the gap: do we add commercial space? If so how? At some point  
42 the Town will be built out. What would happen to B & C road funds? The Mayor felt it

1 necessary to put a finance committee back together to analyze the the real numbers and address  
2 the issues.

3 Discussion followed on what potential commercial opportunities would be available in the  
4 Town. Council Member Shadle commented the Town should be focused on moving forward on  
5 doing something on the two potential commercial parcels in the Town and to annex in the parcels  
6 of the landowner who has been wanting to annex his land in.

7 Mayor Rubin encouraged the community members, particularly those with budget and finance  
8 skills to participate in the finance committee.

9 **3. Approval of Bills to be Paid**

10  
11 Mayor Rubin led a short discussion to identify new items on the report of bills to be paid.

12 *Council Member Shadle moved to approve payment of the bills. Council Member Johansson*  
13 *made the second. Voting Aye: Council Members Baier, Johansson, and Shadle. Voting Nay:*  
14 *None. The motion carried.*

15 **4. Resolution Appointing a Mayor Pro Tempore from September 21 through**  
16 **October 5, 2019**

17 Mayor Rubin announced he would be out of town for two weeks, thus necessitating the need to  
18 appoint a Mayor Pro Tempore. Council Member Baier agreed to serve as the Mayor Pro Tem.

19 *Council Member Shadle moved to adopt Resolution appointing Chris Baier as Mayor Pro*  
20 *Tempore from September 21 through October 5. Council Member Johansson made the second.*  
21 *Voting Aye: Council Members Baier, Johansson, and Shadle. Voting Nay: None. The motion*  
22 *carried.*

23 **5. Continued Public Hearing – Consideration and Possible Recommendation to Allow**  
24 **the Mayor to Finalize the Service Agreement With Utopia/UIA Fiber**

25 Mayor Rubin announced All West committed to the rates set out in their September 4 letter, or  
26 lower, for five years and they would continue with the free installation offer through October 31.  
27 Further, they would address all areas of Hideout, including Toad Hollow, and they would contact  
28 those residents who had already signed up to offer a change in their plans, given the new pricing.  
29 Jerry Dwinell clarified that the new installation offer through October 31 also applied to areas  
30 not yet serviced, such as Soaring Hawk.

31  
32 Jack Walkenhurst with All West commented the company planned to send another mailing to the  
33 Town residents and reach out via social media to let people know about the service available. He  
34 would also leave some advertising materials at the town office. Concerning smart applications  
35 such as fire reporting, air quality monitoring, etc., Mr. Walkenhurst stated he had already started  
36 looking into it and would be the point of contact person.

37 Following discussion, the Council decided not to move forward on the Utopia/UIA contract at  
38 this time.

1     **6.     Continued Public Hearing – Consideration and Possible Recommendation to Allow**  
2     **the Mayor to Sign an Inter-local Agreement With MIDA**

3     Dan Dansie provided an update on his work with Richard Cattan, MIDA's attorney, after  
4     incorporating edits based on feedback from the Planning Commission. He noted MIDA accepted  
5     most of the edits and they provided two minor edits. Mr. Dansie walked through in more detail  
6     the specific revisions and the rationale behind them.

7     A discussion arose concerning whether an arbitration clause would need to be included in the  
8     agreement concerning performance of maintenance services within the Hideout zone. Council  
9     Member Shadle felt it would be appropriate to include such clause, noting the Planning  
10    Commission originally had the clause in the contract. Arianna Farber, Project Manager for  
11    MIDA commented that a failure in Hideout's performing its maintenance services in the Hideout  
12    zone would need to be so egregious for MIDA to take action, because MIDA did not have the  
13    manpower to come in and decide to take over any part of Hideout's municipal services. From  
14    MIDA's perspective, it was not a realistic scenario. She added MIDA would be willing to pursue  
15    arbitration should such a situation arise. Council Member Shadle reiterated the arbitration clause  
16    should be included to avoid potential costly litigation. Mr. Cattan (appearing by phone) agreed to  
17    include the clause and stated there would be no way MIDA would take over Hideout's services.

18    Mayor Rubin moved the discussion to sales tax revenue. He understood that all sales tax revenue  
19    would be allocated to MIDA. Ms. Farber countered it was not true. There were two components  
20    to sales tax revenue. The population-based sales tax on Hideout would not be captured by  
21    MIDA. As to the other component, point-of-sale, MIDA would take .5%. Mayor Rubin  
22    commented he had reached out to Zions Financial to look at the benefit of Hideout being a  
23    landowner if the town-owned parcels were to become a part of the MIDA district and received  
24    65% of the MIDA funds as opposed to 35% without MIDA, vs. the loss of 50% of sales tax.  
25    Therefore, based on that analysis, the Town would need to decide whether it would be beneficial  
26    to include Town-owned lands within the MIDA zone.

27    Town Administrator Jan McCosh reviewed discussions she had with Jim Clayton of the State  
28    Tax Commission, who oversees distribution of sales tax, (unintelligible) of MIDA, and Mike  
29    Davis with Wasatch County. Mr. Davis stated under MIDA, the Town would give up all  
30    municipal taxes without sunset. Jim Clayton stated it was outside the scope of MIDA. Ms.  
31    McCosh stated the population portion of the taxes would be based on census data and it was  
32    unclear how that would work; she felt more questions needed to be asked.

33    Ms. Farber stated Mike Davis' assertion was untrue on any level. MIDA would not pocket the  
34    sales tax revenue but would invest the funds back into the project area via the Development or  
35    Municipal Services funds. Council Member Shadle noted the point-of-sale sales tax argument  
36    really applied to only two slivers of land owned by the Town, and currently no commercial  
37    development was slated to go into that. Thus, the Town only needed to confirm whether it would  
38    be getting the head count sales tax, which it would be under MIDA. He felt the Town also  
39    needed to decide whether it would make economic sense to include those two Town-owned  
40    slivers of land. Mayor Rubin stated he scheduled a meeting with Susie Becker of Zions the  
41    following week to discuss the options concerning the sales tax.

1 Ms. Farber asserted MIDA would have the tools to contribute to the Town-owned land if the  
2 Town was considering a commercial development for that land. For example, MIDA would have  
3 the ability to charge a 6% energy tax (gas and electricity), as well as a 1.1% resort communities'  
4 tax. There would be advantages to incorporating those areas into the zone. Council Member  
5 Shadle felt the issue shouldn't hold up a decision on MIDA; it was just a financial decision and  
6 he believed the Mayor was fully capable of assessing the financial decision. However, he did  
7 want it affirmed in the agreement that the 50% per capita sales tax would flow to the Town.

8 Mr. Cattán reminded the Council that if Hideout owned properties were included within the  
9 project area, they would also be eligible for landowner monies from the Development Fund.  
10 Further, MIDA could help finance infrastructure within that area.

11 Mayor Rubin summarized the issue to be considered: if the loss of point-of-sale revenue would  
12 exceed the amount the Town would receive from the landowner development fund. Council  
13 Member Shadle reiterated his preference to have the Mayor determine the answer to that  
14 question after meeting with Susie Becker of Zion Finance. Ms. Farber commented this decision  
15 would have to be made by Tuesday the following week for MIDA's timing. The Mayor felt there  
16 wasn't any reason it couldn't be done by that deadline. Mr. Dansie and Mr. Cattán confirmed they  
17 could add language to section 10 to clarify the population tax flowing to the Town that was  
18 discussed earlier. Mr. Cattán also affirmed language could be added to the agreement that would  
19 state that if somehow the State were to determine the residents within the Hideout project zone  
20 were counted as MIDA residents, then MIDA would transfer the per capita tax to Hideout; it was  
21 also agreed that B&C road taxes would also be included.

22 Discussion continued regarding the MIDA funds and how they are structured.

23 Council Member Baier felt the MIDA agreement represented unchartered territory and the  
24 Council was facing an important decision. Ms. Farber commented she had never seen any MIDA  
25 agreement where the legislature introduced legislation to change the agreement. Mr. Dansie  
26 added the only impact MIDA Act legislation could potentially have on the Hideout zone would  
27 be those side areas that hadn't been previously spelled out in the original agreement. He agreed it  
28 would be unlikely the legislature would come in and change a contract through legislation.

29 Mr. Dansie clarified the MIDA agreement provides that all the sales tax would be going into the  
30 development fund, but the Town could approach MIDA to transfer funds to the municipal  
31 services fund if needed.

32 Council Member Shadle felt the financial benefits to the Town via the MIDA agreement would  
33 further the goals of the General Plan and would help fund other initiatives.

34 At 8:35 pm, Mayor Rubin opened the floor for public comments. With no comments  
35 forthcoming, the Mayor closed the public hearing.

36 Council Member Shadle asked for a report on discussions with the developers. Mayor Rubin  
37 reported both agreed (though not yet in writing), that the Town would be part of the process in  
38 deciding how their development funds would be used and what amenities the Town would want.  
39 Jerry Dwinell submitted that the developer would need to come before the Planning Commission  
40 on three separate occasions, which would afford the Commission the opportunity to provide



1 input to the developers on amenities to benefit the project area. Council Member Shadle felt the  
2 issue should be addressed with some specificity, due to the substantial amount of money  
3 involved.

4 Discussion with Walt Plumb, a developer, followed concerning the developers' risk, their  
5 financial commitment, the MIDA funds flowing to the developers, and addressing how Hideout  
6 could be a part of the decision on how developer MIDA funds could be utilized. Mayor Rubin  
7 suggested reviewing the amenities installed by the developers on past projects as a percentage of  
8 overall project cost, determine that value and possibly include language in the agreement stating  
9 that the amenities would need to be x% of the total project cost for future developments.

10 Discussion continued regarding the Mayor's suggestion. Mr. Plumb indicated his agreement with  
11 the proposal.

12  
13 Council Member Shadle recommended the Council authorize the Mayor to finish the agreement  
14 and include the items discussed this evening: the sales tax, B&C taxes, the arbitration clause, and  
15 to perform the analysis regarding whether to include the small slivers of land.

16 Ms. Farber explained that a decision would need to be made so that the informational packets for  
17 the taxing entities would be prepared by Tuesday to meet the deadline prior to the MIDA Board  
18 meeting on October 1. The Council continued its deliberations on what action to take regarding  
19 the contract negotiations and the timing associated therewith. Dan Dansie provided the Council  
20 with some options on how to proceed this evening with the Council's decision.

21 *Council Member Johansson moved to allow the Mayor to finalize the MIDA agreement, but not*  
22 *to sign. Council Member Shadle made the second.*

23 Further discussion ensued concerning all the tasks involved in reaching a conclusion as to  
24 whether to include the Town's small parcels in the project area; the decision was dependent upon  
25 the Mayor's upcoming meeting with Susie Becker of Zion's to discuss the financial impacts.

26 The Council also discussed the potential impact to the incremental taxes should the decision be  
27 delayed into the following year. Council Member Shadle felt the amount of money the Town  
28 would potentially be giving up was not worth risking the chance over its decision on whether to  
29 include the two small slivers of commercial land.

30 Mayor Rubin called for a vote on Council Member Johansson's motion. *Voting Aye: Council*  
31 *Members Shadle and Johansson. Voting Nay: Council Member Baier. The motion failed.*

32 *Council Member Shadle moved to authorize the Mayor to finish negotiations of the agreement*  
33 *with MIDA with the modifications discussed this evening and to move forward adopting a*  
34 *consent resolution on MIDA. Council Member Johansson made the second. Voting Aye: Council*  
35 *Members Shadle and Johansson. Voting Nay: Council Member Baier. The motion failed.*

36 Discussion and debate resumed. Council Member Shadle urged Council Member Baier to  
37 reconsider her position.

1 Council Member Johansson said including the sliver into the project area would benefit the  
2 Town residents, because they could develop it faster using MIDA money, and realize the benefits  
3 to the Town.

4 Walt Plumb expressed concern in not being part of the MIDA project area. He proposed the  
5 following on the Vanden Akker parcel: if instead of the Town having 35%, it would have 40%.  
6 He explained the Vanden Akker development was a higher end product with an estimated \$68  
7 million in development. He felt it was very unwise to go back to MIDA and tell them the Town  
8 voted this down. Ms. Farber added her leadership was so humble, they would walk away to  
9 avoid bad press. Mr. Plumb reiterated his commitment to give the Town an additional 5%.

10 Jerry Dwinell asked Council Member Baier to expound on the nature of her dissent. Ms. Baier  
11 responded it started in principle. She perceived MIDA just kept expanding and growing all the  
12 way across Highway 40 to the Jordanelle. She felt it would have to be someone's financial gain  
13 for that to be happening. She queried who would be benefitting from all the development and she  
14 opined it was not the military families, but rather the developers themselves to accelerate growth.  
15 Secondly, she wondered whether the Town would be getting the best deal it could. Mr. Dwinell  
16 stated they had been working for six months on the financial aspects of the deal and held three  
17 public hearings on the issue.

18 Ms. Farber stated MIDA had never approached developers, developers had always come to  
19 MIDA. She continued with a statement about the purpose and vision of MIDA, from her  
20 perspective as a former Marine Captain. She expressed the purpose of her job was to create  
21 public policy that would impact the country's military members. Ms. Farber asserted the MIDA  
22 project was not a money grab; it was an organization that really cared about military members  
23 and supported projects in areas like Hideout for economic development and growth. Council  
24 Member Baier expressed her appreciation to Ms. Farber for presenting on the real purpose of  
25 MIDA, because she previously felt it was all about money and incentivizing accelerated  
26 development.

27 Carol Hazelton, Town resident, was concerned with the lack of attendance at the meeting, where  
28 such an important decision was before the Council. She was also concerned that two council  
29 members were not showing up and she was concerned that three people were making a big  
30 decision. She expressed her support for the MIDA agreement and appealed to Council Member  
31 Baier to reconsider her position.

32 Council Member Baier polled the Council, asking if they felt MIDA would go away if they did  
33 not vote this evening. Council Member Shadle felt it was indeed possible, however he rephrased  
34 the question: Would it be worth taking the chance that this agreement may not be on the table in  
35 a month, and he didn't think it was worth a chance.

36 Council Member Johansson expressed his belief in Ms. Farber and felt the MIDA principals  
37 were humble people that would indeed walk away if the Council did not support the agreement.

38 Although not a voting member, Mayor Rubin expressed without MIDA tax revenue there would  
39 be no possible way it could exceed the other values the MIDA elements would bring to the table.  
40 It would allow the Town to achieve the things they wanted to do and to attract people to the

community and use the facilities. Further, it would provide a greater recreational experience for people who really needed it. He saw very little downside to this and it would be the right thing to do for the Town.

Council Member Baier commented she heard some very compelling arguments and suggested the Council pursue another motion and include the Vanden Akker offering stated by Walt Plumb.

*Council Member Shadle moved to approve the Consent Resolution, and in tandem authorize the Mayor to finalize the MIDA agreement, incorporating the changes to the provisions discussed this evening, including the additional 5% tax portion from the Lakeview Estates parcel. Council Member Johansson made the second. Voting Aye: Council Members Shadle, Johansson and Baier. Voting Nay: None. The motion carried.*

#### **7. Continued Public Hearing – Possible Adoption of an Impact Facilities Plan**

Mayor Rubin explained the details had been worked out with the engineering firm which was currently making the final changes. He expected to have the final document this week for review and hopefully put it on the table at the next meeting. Council Member Shadle felt there were some issues to discuss. Dan Dansie stated they could be discussed during an executive session. Discussion followed on Council availability for an October 10 meeting.

*Council Member Shadle moved to continue this discussion to October 10. Council Member Johansson made the second. Voting Aye: Council Members Shadle, Johansson and Baier. The motion carried.*

#### **8. Presentation of Financial Statements for Fiscal Year Ended June 30, 2019 – Wes Bingham, Town Treasurer**

Wes Bingham explained the municipality would be highly dependent on property tax and would need to start thinking about the potential for a downturn and getting the correct amount of surplus in the General Fund. He directed the Council's attention to the balance sheet, showing \$735,000 in cash, but much of it was tied up: \$547,000 in developer bonds. Regarding equity, the Town has \$275,000 of which \$250,000 consists of \$250,000 restricted B & C funds which cannot be used for operations. Mr. Bingham stated he would advocate moving some of those funds into another fund. He added the Town could keep up to 75% of its revenue; when it becomes a city, it could retain up to 25%.

Mr. Bingham stated the Town would need to start planning for future property tax increases, because they are such a significant part of the Town's revenue source. As to B & C road funds, Mr. Bingham found only about \$6,000-10,000 that were used for crack seal. Mayor Rubin commented the Town did have \$600,000 cash promised through the Deer Springs development that could be used to help toward some of the shortages, however there were contractual obligations as to how those funds could be used.

Mr. Bingham continued, noting that based on the trajectory of the Town, it would have to use \$107,000 surplus, however the Town does not have that. He added the Town could transfer money from the enterprise funds, however he cautioned the Town would want to keep those balanced.

1 Mr. Bingham commented the Town would need to look at some of the expenditures to see what  
2 could be eliminated, at least from the current year until the Town receives some of the increases.  
3 Council Member Shadle noted the MIDA agreement could change the look of the property tax  
4 revenue starting next year. Discussion followed regarding MIDA; Mayor Rubin stated he would  
5 inform Mr. Bingham regarding the MIDA structure and agreement.

6  
7 Continuing, Mr. Bingham stated the Town may need to adopt another resolution to transfer funds  
8 from the Enterprise Fund to the General Fund as a loan. He noted the Water and Enterprise  
9 Funds were doing well, explaining that the funds generated approximately \$110,000 in cash  
10 based on \$25,000 in depreciation. When reviewing the actuals, the Town generated \$515,000 in  
11 revenue and \$338,000 in expenses last year. He reiterated the Town may need to increase  
12 property taxes to consider other services the Town may need to provide.

13 **9. Public Hearing – Regarding FY 2020 Budget Amendment – Reallocation of a**  
14 **Portion of Engineering Fees to the Enterprise Fund**

15 Mr. Bingham explained the resolution reallocating some of the engineering costs (\$30,000) that  
16 were historically allocated to the General Fund should be coming out of the Enterprise Fund, as  
17 they relate more to sewer and water infrastructure. Council Member Shadle noted some  
18 typographical errors in the Resolution that will be corrected.

19 At 10:18 p.m., Mayor Rubin opened the floor for public comments. With no public comments,  
20 the Mayor closed the hearing.

21 *Council Member Shadle moved to adopt Resolution 2019-13 amending the 2019-2020 Operating*  
22 *Budget to reallocate \$30,000 from the Enterprise Fund to the General Fund. Council Member*  
23 *Baier made the second. Voting Aye: Council Members Shadle, Baier and Johansson. Voting*  
24 *Nay: None. The motion carried.*

25  
26 Following the vote, Council Member Shadle thanked Jan McCosh, Vytas Rupinskas and Wes  
27 Bingham for their time and effort in working through and getting the Town's finances under  
28 control.

29 **10. Public Hearing to Discuss the Snow Removal Ordinance, due to Additional**  
30 **Suggested Revisions to the Ordinance**

31 This item will be deferred to another meeting.

32 **V. Adjournment to Executive Session – Threatened Litigation**

33 *Council Member Shadle moved to adjourn to executive session. Council Member Baier made the*  
34 *second. Voting Aye: Council Members Shadle, Baier and Johansson. Voting Nay: None. The*  
35 *motion carried.*

36 Whereupon at 10:20 p.m., the Council adjourned to executive session.

37 **VI. Meeting Adjournment**

1 The executive meeting was adjourned at        p.m.

2

3

4

5

---

Allison Lutes, Town Clerk

DRAFT

**Item Attachment Documents:**

2. Approval of Bills to be Paid

10/10/2019

**General Town Expenses**

Ace Hardware	Roads supplies	13.18	
Ace Signs & Designs	Plan Prints/Signs	576.00	
Ally	Equipment	1,048.85	
Alpine Business Products	Supplies	356.44	
Bregan Concepts	Clerking services --Allison Lutes	3,056.78	
Fuelman	Fuel roads	296.64	
Home Depot	Roads supplies	1,371.63	
Municode	Information Tech/50% meetings subscription	1,200.00	
OnTask LLC	Contract services--Nancy Hooten	275.00	
Park Record	Public noticing	433.80	
Pelorus Methods	Support agreement	-	
Professional Alarm, Inc.	Alarm monitoring	80.00	
Rocky Mountain Power	Utilities	408.95	
Safety Supply & Sign	Streets materials, signs	3,970.02	
T-O Engineers	Engineering -- town expenses	33,663.22	
Tech Logic	Monthly service, Office 365 (2 months)	1,290.00	
Town of Hideout	Utilities--Town Hall Aug/Sept	102.00	
Utah Broadband	Internet	89.95	
Utah Local Gov't Trust	Workers Comp audit	196.61	
Utah State Div of Fin	Annual bond payment Town Hall	25,525.00	
Verizon Wireless	Monthly service	324.58	
York Howell & Guymon	Legal representation - town charges, July	6,644.00	
Zions Public Finance	MIDA	1,100.00	
<b>Total General Town Expenses</b>			82,022.65

**Expenses Passed Through**

Epic Engineering	Building permit inspections	4,063.08	
T-O Engineers	Pass through expenses billed	9,895.20	
York Howell & Guymon	Legal representation - pass through charges billed	594.00	
<b>Total Expenses Passed Through</b>			14,552.28

**TOTAL GENERAL FUND EXPENSES FOR APPROVAL**

96,561.75      96,574.93

**Expenses from Enterprise Funds**

Chemtech-Ford	Testing/sampling supplies	913.00	
Dakody Gines	Sewer/water maintenance & repair	1,350.00	
Rick Gines	Water maintenance & repair	1,233.00	
Jordanelle SSD	Water	9,375.00	
Jordanelle SSD	Sewer	3,860.70	
Precision Power	Repairs/maintenance	940.52	
T-O engineers	Engineering	18,022.16	
USA BlueBook	Water testing supplies	72.26	
<b>TOTAL ENTERPRISE EXPENSES FOR APPROVAL</b>			35,766.64

**Item Attachment Documents:**

3. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Venturi Subdivision, Located at Approximately 11378 N. Shoreline Dr., Hideout, UT





**Staff Report**  
**Town of Hideout Planning Commission**

**Date:** October 9, 2019  
**Applicant:** Venturi Capital, LLC  
**Subject:** Venturi – Plat A Residential Subdivision  
**Recommendation:** Approval with conditions

---

**BACKGROUND:**

The proposed Venturi Subdivision is located along Shoreline Drive between the Shoreline Phase 1 and Deer Waters Phase 2 developments in Hideout. The Applicant has proposed splitting the property into 2 lots on approximately 2.26 acres. The subdivision is within the boundaries of the master development agreement and thus will be part of the Community Preservation Association (CPA).



**Lot Sizes and Setbacks**

The preliminary plat map is for splitting of the parcel only and thus does not specify building footprints or setbacks. Upon development, setbacks will need to be reviewed. Based on the preliminary plat map provided, lot sizes are given in the table below:



<b>Lot Number</b>	<b>Lot Size (acres)</b>
1	1.13
2	1.13

**Public Street Access**

Each lot has adequate access to public streets.

**Outstanding Developer Balance**

Based on a Billing History from 10/07/2018 to 10/07/2019, the applicant holds an outstanding balance of \$510.00 with the Town of Hideout.

**Utility (Water and Sewer) Will-Serve Letters**

Utility Will-Serve letters from the Town of Hideout are prepared and may be issued upon payment of outstanding balance with the Town and upon the Council's vote to approve this application.

**Final Design**

The Applicant will provide final design documents including further and more comprehensive detail for review by the Town of Hideout.

**RECOMMENDATION:**

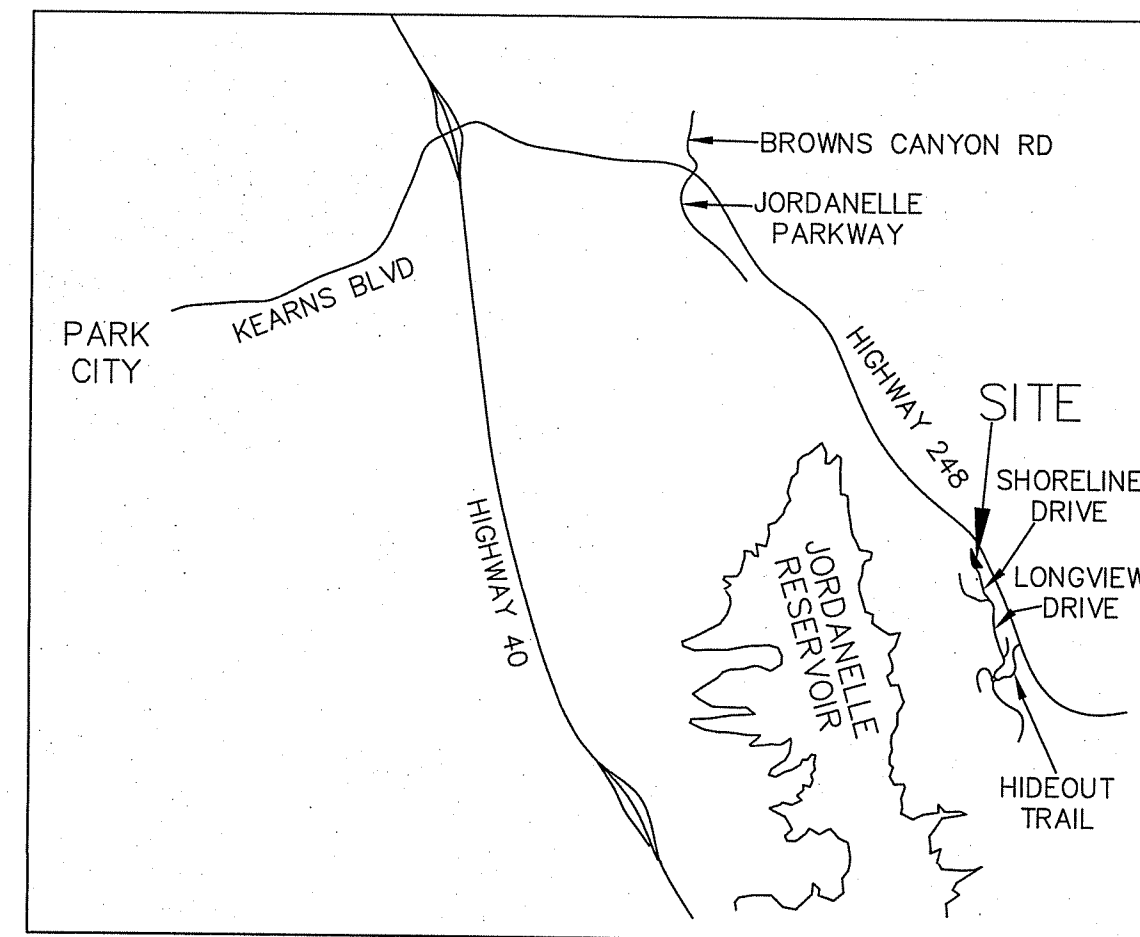
Pending payment of the applicant's outstanding balance, staff recommends preliminary approval of the Venturi – Plat A Residential subdivision. The following recommended motion is provided for the benefit of the Planning Commission and may be read or referenced when making a motion:

*I move that the Planning Commission recommends approval of the Venturi – Plat A Residential Subdivision to the Town Council, subject to the following conditions:*

- 1) Payment of the applicant's outstanding balance with the Town of Hideout.

**ATTACHMENTS:**

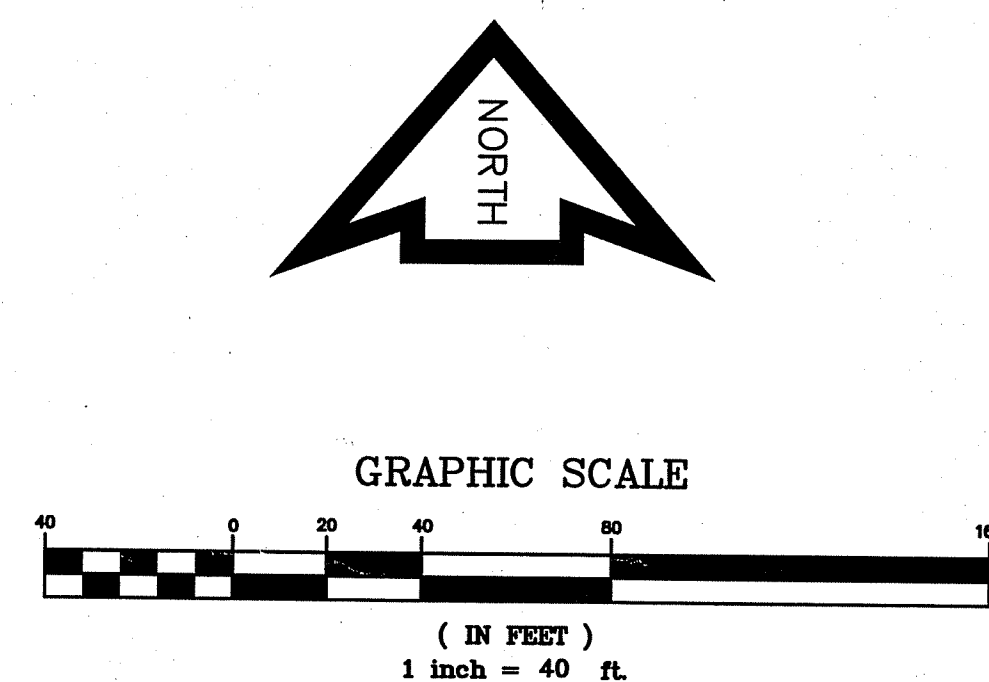
VENTURI, PLAT "A" Subdivision Plat Map



VICINITY MAP

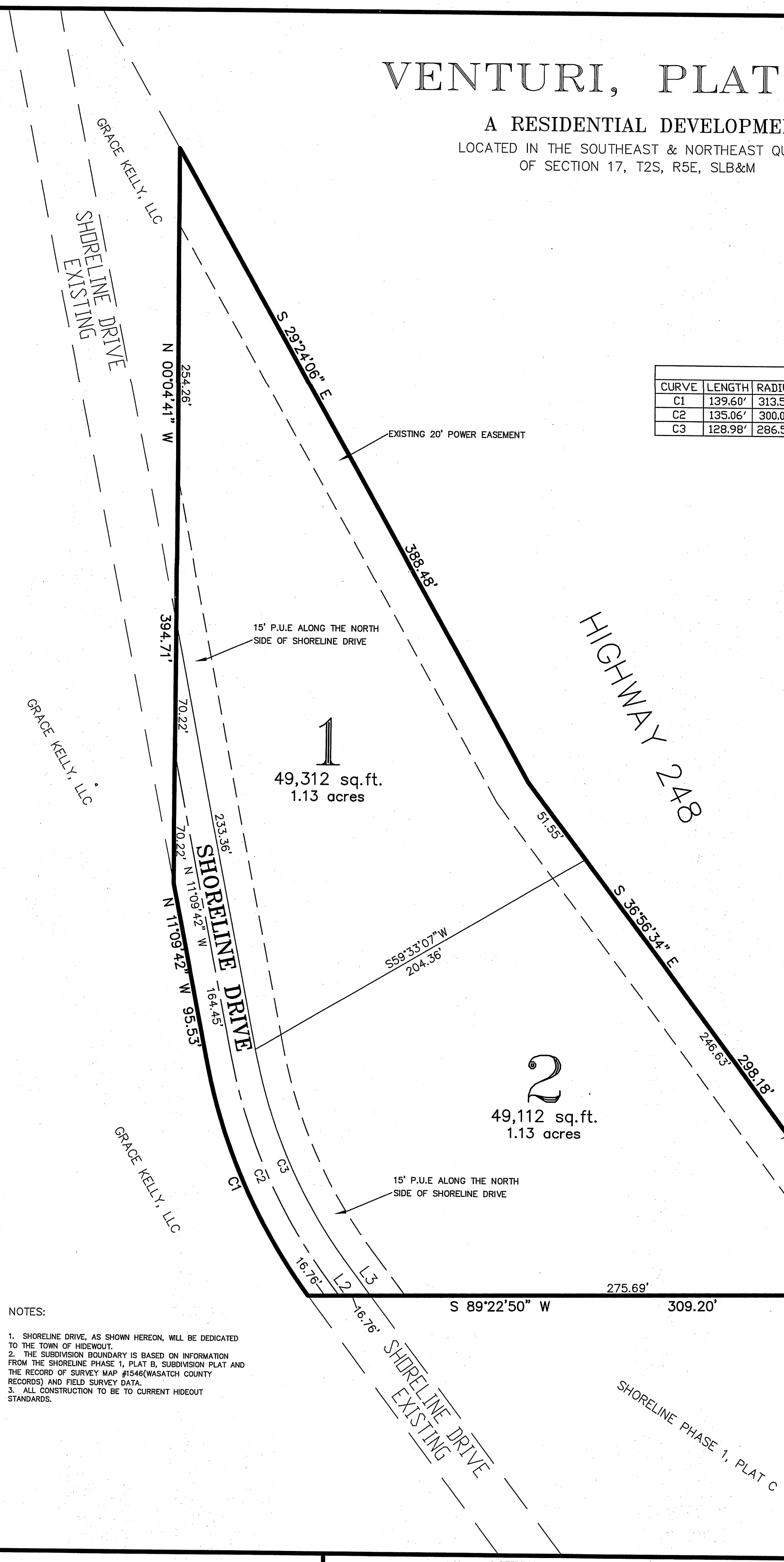
# VENTURI, PLAT "A"

A RESIDENTIAL DEVELOPMENT  
LOCATED IN THE SOUTHEAST & NORTHEAST QUARTERS  
OF SECTION 17, T2S, R5E, SLB&M



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT CHORD BEARING	CHORD LENGTH	DELTA	
C1	139.60'	313.50'	70.98' N23°55'05"W	138.45'	25°30'47"	
C2	135.06'	300.00'	68.69' S24°03'32"E	133.92'	25°47'40"	
C3	128.98'	286.50'	65.60' S24°03'32"E	127.90'	25°47'40"	

LINE TABLE		
LINE	LENGTH	BEARING
L1	37.75'	S22°27'02"E
L2	8.39'	N36°57'22"W
L3	18.32'	N36°57'22"W



- SYMBOL LEGEND
- FOUND SUMMIT COUNTY MONUMENT
  - SET NEW REBAR & CAP (OR FOUND EXISTING REBAR & CAP)
  - SET PLUG ON LOT LINE EXTENSION
  - NOTHING SET

NOTES:

- SHORELINE DRIVE, AS SHOWN HEREON, WILL BE DEDICATED TO THE TOWN OF HIDEOUT.
- THE SUBDIVISION BOUNDARY IS BASED ON INFORMATION FROM THE SHORELINE PHASE 1, PLAT B, SUBDIVISION PLAT AND THE RECORD OF SURVEY MAP #1546 (WASATCH COUNTY RECORDS) AND FIELD SURVEY DATA.
- ALL CONSTRUCTION TO BE TO CURRENT HIDEOUT STANDARDS.

#### DOMINION ENERGY COMPANY APPROVAL

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY RESUME OTHER EASEMENTS IN ORDER TO SERVE THE DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE AN ENDORSEMENT OR WARRANTY OF ANY KIND, INCLUDING THOSE SET FORTH IN THE OWNERS' SUBDIVISION MAP AND THE NOTES. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND, INCLUDING THOSE SET FORTH IN THE OWNERS' SUBDIVISION MAP AND THE NOTES. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY RIGHT-OF-WAY DEPARTMENT AT 1-800-368-6032.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_  
DOMINION ENERGY COMPANY

PREPARED BY:

LEVEL OF FOCUS, INC

1334 East 1150 South  
Spanish Fork, Utah 84660  
(801) 319-5441

VENTURI CAPITAL LLC  
8361 MEADOWVIEW CT. APT D24  
PARK CITY, UT 84098

#### ACKNOWLEDGEMENT (CORPORATE)

COUNTY OF WASATCH S.S.  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ AND \_\_\_\_\_, WHO BEING BY ME DULY SWORN DID SAY EACH FOR HIMSELF, THAT HE, THE SAID \_\_\_\_\_, IS THE PRESIDENT AND HE THE SAID \_\_\_\_\_ IS THE SECRETARY OF \_\_\_\_\_ CORPORATION, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS BOARD OF DIRECTORS AND SAID \_\_\_\_\_ AND \_\_\_\_\_ EACH DULY ACKNOWLEDGE TO ME THAT SAID CORPORATION EXECUTED THE SAME AND THAT THE SEAL AFFIXED IS THE SEAL OF SAID CORPORATION.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC  
RESIDING AT \_\_\_\_\_

NOTARY PUBLIC SEAL

TOWN CLERK SEAL

CLERK-RECORDER SEAL

CORPORATE SEAL

#### SURVEYOR'S CERTIFICATE

I, DAVID F. HUNT, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5243543-2201 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

#### BOUNDARY DESCRIPTION

COMMENCING AT A POINT LOCATED ON THE NORTHERLY BOUNDARY OF PHASE 1, PLAT C, SHORELINE SUBDIVISION ACCORDING TO THE OFFICIAL PLAT OF RECORD ON FILE AT THE WASATCH COUNTY RECORDER'S OFFICE, SAID POINT BEING LOCATED SOUTH 17.23 FEET AND WEST 1406.41 FEET FROM THE EAST QUARTER CORNER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°22'50" WEST 309.20 FEET ALONG THE SAID NORTHERLY BOUNDARY OF PHASE 1, PLAT C, SHORELINE SUBDIVISION TO A POINT ON THE WESTERLY SIDE OF SHORELINE DRIVE; THENCE ALONG SAID WESTERLY SIDE OF SHORELINE DRIVE THE FOLLOWING TWO (2) COURSES: ALONG THE ARC OF A 313.50-FOOT RADIUS CURVE TO THE RIGHT 139.60 FEET (CHORD BEARS N 23°55'05" W 138.45 FEET) AND NORTH 11°09'42" WEST 95.53 FEET; THENCE NORTH 00°04'41" WEST 394.71 FEET; THENCE SOUTH 29°24'06" EAST 388.48 FEET; THENCE SOUTH 36°56'34" EAST 298.18 FEET; THENCE SOUTH 22°27'02" EAST 37.75 FEET TO THE POINT OF BEGINNING.

AREA = 2.4503 ACRES

2 LOTS

BASIS OF BEARING:

NORTH 00°19'21" WEST ALONG THE SECTION LINE FROM THE EAST QUARTER CORNER TO THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE & MERIDIAN.

11-03-18

DATE

David F. Hunt  
SURVEYOR

#### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP AND SUBJECT TO ANY CONDITIONS AND RESTRICTIONS STATED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

#### ACCEPTANCE OF LEGISLATIVE BODY

THE TOWN OF HIDEOUT, COUNTY OF WASATCH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR THE PUBLIC PURPOSE OF THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

MAYOR

ATTEST

TOWN CLERK  
(See Seal Below)

#### TOWN OF HIDEOUT PLANNING COMMISSION

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE \_\_\_\_ PLANNING DIRECTOR.

CHAIRMAN, PLANNING COMMISSION

#### TOWN OF HIDEOUT ENGINEERING

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ WITH THE FOLLOWING CONDITIONS:

DIRECTOR, ENGINEERING DEPARTMENT  
(See Seal Below)

#### APPROVAL AS TO FORM

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE HIDEOUT TOWN ATTORNEY.

ATTORNEY, TOWN OF HIDEOUT

#### COUNTY SURVEYOR

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

COUNTY SURVEYOR

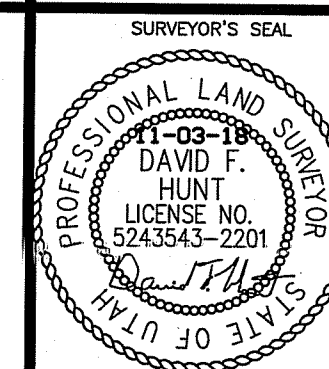
#### PLAT "A"

#### VENTURI

#### A RESIDENTIAL DEVELOPMENT

TOWN OF HIDEOUT WASATCH COUNTY, UTAH  
SCALE: 1" = 40 FEET

SHEET 1 OF 1



COUNTY RECORDER

ENTRY # \_\_\_\_ DATE \_\_\_\_ TIME \_\_\_\_

FEE \_\_\_\_ BOOK \_\_\_\_ PAGE \_\_\_\_

FOR \_\_\_\_

BY \_\_\_\_

WASATCH COUNTY RECORDER

**Item Attachment Documents:**

4. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Plumb Subdivision, Consisting of Approximately 3.79 Acres Located on Longview Dr., Hideout, UT.





**T.O. ENGINEERS**

**Staff Report  
Town of Hideout Planning Commission**

**Date:** October 9, 2019  
**Applicant:** Plumb Holdings  
**Subject:** Plumb Hideout 4 Lot  
**Recommendation:** Approval with conditions

---

**BACKGROUND:**

The proposed Plumb Residences subdivision is located at the northern dead-end of Longview Drive in Hideout. The Applicant has proposed developing 4 lots on approximately 3.66 acres. The subdivision is within the boundaries of the master development agreement and thus will be part of the Community Preservation Association (CPA).





### **Lot Sizes and Setbacks**

Section 11.07.111 of Chapter 7 of the Hideout Town code requires a front setback for dwellings a “minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater.” The current preliminary plan does not meet these setback requirements. Lot sizes are given in the table below:

<b>Lot Number</b>	<b>Lot Size (acres)</b>
1	0.45
2	1.24
3	0.84
4	0.51

### **Public Street Access**

Each lot has adequate access to public streets.

### **Snow Storage**

An updated preliminary plat map has been provided showing adequate snow storage easement.

### **Shared Emergency Access Driveway**

An emergency access driveway has been approved to be gravel (and is indicated as such on the updated plat map) and when access to other development is completed, this access road will be paved.

### **Detention Basin**

Final plans must present details and drawings for the detention basin. It has been determined that Lot 2 will be responsible for and will maintain the basin/pond.

### **Outstanding Developer Balance**

Based on a Billing History from 10/07/2018 to 10/07/2019, the applicant holds no outstanding balance with the Town of Hideout.

### **Utility (Water and Sewer) Will-Serve Letters**

Utility Will-Serve letters from the Town of Hideout are prepared and may be issued upon Council’s vote to approve this application.

### **Final Design**

The Applicant will provide final design documents including further and more comprehensive detail for review by the Town of Hideout.



**T·O ENGINEERS**

**RECOMMENDATION:**

Staff recommends that the council discuss the implications of a variance in setback 5 feet smaller than Hideout Town code. If resolved, we recommend preliminary approval of the Plumb Hideout 4-Lot Subdivision. The following recommended motion is provided for the benefit of the Planning Commission and may be read or referenced when making a motion:

*I move that the Planning Commission recommends approval of the Plumb Holdings Hideout 4 Lot subdivision to the Town Council, subject to the following conditions:*

- 1) Front Setback Requirements – That the front setbacks satisfy the council’s decision.
- 2) Detention Basin – That landscape and maintenance plans be provided for the detention basin (Lot 2 responsibility)
- 3) Snowmelt and Runoff Risk Assessment – That the final plan assess snowmelt and runoff risk.
- 4) Shoreline Approvals – A statement from Hideout Administrator concerning the status of Shoreline’s approvals.

**ATTACHMENTS:**

Preliminary Hideout 4 Lot Site Development Construction Plans



# HIDEOUT CANYON PHASE 6 RESIDENTIAL PLAT

LOCATED IN THE SOUTH HALF OF SECTION 17,  
TOWNSHIP 2 SOUTH, RANGE 5 EAST,  
SALT LAKE BASE AND MERIDIAN  
TOWN OF HIDEOUT, WASATCH COUNTY

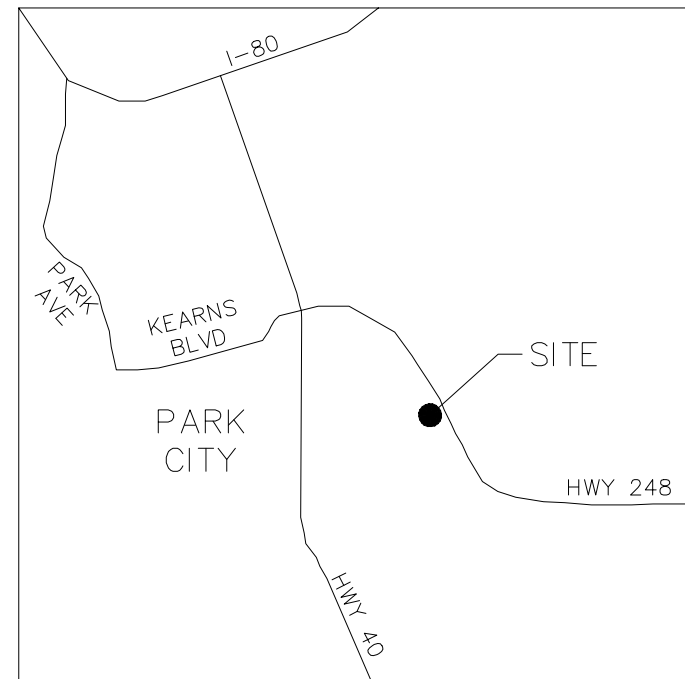


0 40' 80'  
SCALE: 1" = 40'

## LEGEND

- BOUNDARY LINE
- DEED AND ADJACENT SUBDIVISIONS
- PUBLIC UTILITY EASEMENT (PUE)
- BUILDING SETBACK
- SECTION MONUMENT
- SNOW STORAGE EASEMENT

## VICINITY MAP



## NOTES:

- THE PROPERTY IS LOCATED IN "ZONE X" FLOOD PLAIN.
- POND SHALL BE MAINTAINED IN LOT 3.

LOT	ADDRESS
1	696 EAST LONGVIEW DRIVE
2	688 EAST LONGVIEW DRIVE
3	691 EAST LONGVIEW DRIVE
4	699 EAST LONGVIEW DRIVE

## SURVEYOR'S CERTIFICATE

I, C. DAVID MCKINNEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5251295 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS TO BE KNOWN AS HIDEOUT CANYON PHASE 6 RESIDENTIAL PLAT, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS IS TRUE AND CORRECT.

C. DAVID MCKINNEY  
LIC. 5251295



## BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE OF HIDEOUT CANYON PHASE 5 RESIDENTIAL PLAT AS RECORDED IN THE OFFICE OF THE WASATCH COUNTY RECORDER, WHICH IS NORTH 2010.89 FEET, AND WEST 1626.92 FEET FROM THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING IS NORTH 0°06'03" WEST 2597.65 FEET MEASURED ALONG THE SECTION LINE BETWEEN THE WASATCH COUNTY SURVEY MONUMENTS FOUND MARKING THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 20), AND RUNNING THENCE SOUTH 85°03'28" WEST 146.67 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE NORTH 05°13'06" WEST 251.08 FEET; THENCE NORTH 32°58'51" WEST 143.46 FEET; THENCE NORTH 44°16'21" WEST 127.58 FEET; THENCE NORTH 39°46'43" WEST 56.37 FEET; THENCE NORTH 43°55'18" EAST 93.43 FEET TO THE EAST-WEST CENTER OF SECTION LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°21'35" EAST ALONG SAID CENTER OF SECTION LINE 243.81 FEET; THENCE SOUTH 35°05'34" EAST 182.35 FEET; THENCE SOUTH 08°58'04" EAST 374.64 FEET; THENCE SOUTH 03°31'31" EAST 54.49 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF HIDEOUT CANYON PHASE 5 RESIDENTIAL PLAT; THENCE SOUTH 85°03'28" WEST 101.66 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE NORTH 04°56'32" WEST 20.04 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING.

CONTAINS 3.66 ACRES AND 4 LOTS.

## OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_, THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS, AND EASEMENTS AS SHOWN ON THE PLAT, AND NAME SAID TRACT: HIDEOUT CANYON PHASE 6 RESIDENTIAL PLAT AND HEREBY DEDICATE, GRANT AND CONVEY TO THE TOWN OF HIDEOUT, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO THE TOWN OF HIDEOUT, UTAH, THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITIES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY LINES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_.

## ACKNOWLEDGEMENT

STATE OF UTAH }  
COUNTY OF WASATCH } S.S.  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ WHO BEING DULY SWORN DID ACKNOWLEDGE TO ME THAT HE/SHE/THEY IS/ARE THE OWNER(S) OF THE DESCRIBED PROPERTY WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE FOREGOING PLAT WAS SIGNED ON BEHALF OF SAID ENTITY AND ACKNOWLEDGED TO ME THAT SAID ENTITY EXECUTED THE SAME.

NOTARY PUBLIC: \_\_\_\_\_

RESIDENCE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## HIDEOUT CANYON PHASE 6 RESIDENTIAL PLAT

LOCATED IN THE SOUTH HALF OF SECTION 17  
TOWNSHIP 2 SOUTH, RANGE 5 EAST,  
SALT LAKE BASE AND MERIDIAN  
TOWN OF HIDEOUT, WASATCH COUNTY

## WASATCH COUNTY RECORDER

ENTRY # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF WASATCH, RECORDED AND FILED AT THE REQUEST OF:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

FEE \_\_\_\_\_  
WASATCH COUNTY RECORDER

**HORROCKS**  
ENGINEERS

2162 West Grove Pkwy., Suite 400  
Pleasant Grove, UT 84062  
(801) 763-5100

## THE TOWN OF HIDEOUT PLANNING COMMISSION

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY THE PLANNING DIRECTOR.

CHAIRMAN, PLANNING COMMISSION

## APPROVAL AS TO FORM

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY THE TOWN OF HIDEOUT ATTORNEY.

ATTORNEY, THE TOWN OF HIDEOUT

## THE TOWN OF HIDEOUT ENGINEERING

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ WITH THE FOLLOWING CONDITIONS: \_\_\_\_\_

DIRECTOR, ENGINEERING DEPARTMENT

## ADMINISTRATIVE

THE TOWN OF HIDEOUT APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL EASEMENTS FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ SUBJECT TO THE FOLLOWING CONDITIONS: \_\_\_\_\_

MAYOR, TOWN OF HIDEOUT ATTEST: \_\_\_\_\_  
(TOWN CLERK)

## WASATCH COUNTY

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY THE COUNTY SURVEYOR.

COUNTY SURVEYOR



**Item Attachment Documents:**

5. Continued Public Hearing - Discussion Regarding the Snow Removal Ordinance Due to Additional Suggested Revisions to the Ordinance

## **TOWN OF HIDEOUT, UTAH**

Ordinance No. 2019-\_\_\_\_\_

### **AN ORDINANCE AMENDING THE SNOW REMOVAL PROVISIONS ADOPTED BY THE TOWN COUNCIL ON AUGUST 8, 2019**

WHEREAS, the Town Council, upon referral from the Planning Commission, adopted certain standards for snow removal within the Town's boundaries; and

WHEREAS, the Town Council finds it important to the health, safety, and welfare of the community to regulate the terms and conditions upon which snow is removed from sidewalks and other properties within the Town; and

WHEREAS, the Town Council deems it in the best interest of the Town to revise the terms and conditions of the Ordinance addressing snow removal provisions which the Town adopted on August 8, 2019 ("**Snow Removal Ordinance**") on the terms and conditions set forth below.

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 – Modification of Snow Ordinance.** The terms and conditions of the Snow Ordinance are hereby amended in their entirety. The provisions set forth on **EXHIBIT A** to this Ordinance shall hereafter be deemed the effective and applicable provisions of the Snow Ordinance.

**Section 3 – Clerk to Update Code.** Immediately after the effective date, the Town Clerk is hereby directed to update the official version of the Town Code to reflect the changes identified herein.

**Section 3 – Effective Date.** This Ordinance will be effective immediately upon execution.

*[End of Ordinance. Signature Page Follows.]*

WHEREFORE, Ordinance 2019-\_\_\_\_\_ has been **Passed** and **Adopted** by the Town of Hideout.

**TOWN OF HIDEOUT**

\_\_\_\_\_  
Philip Rubin, Mayor

Attest:

\_\_\_\_\_  
Allison Lutes, Town Clerk

## **EXHIBIT A**

### **(Substantive Provisions of Snow Ordinance)**

#### **Title 6 Motor Vehicles and Traffic, Chapter 8 Stopping, Standing and Parking**

##### **6.08.107. WINTER SEASON LIMITATIONS.**

Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate snow removal, ice control, and to facilitate emergency access during the winter months. The winter seasonal regulations shall apply from October 31 to April 15.

The special winter regulations are as follows:

(A) It shall be unlawful to park or leave unattended any vehicle in a roundabout, cul-de-sac or dead end. Construction and delivery vehicles are included under this provision.

(B) It shall be unlawful to park construction vehicles within thirty (30) feet of an intersection or blind curve.

(C) It shall be unlawful to park any vehicle in a manner that obstructs snow removal or ice control by failing to leave adequate room for passage of plows and/or other removal equipment. Construction and delivery vehicles are included under this provision

(D) Employees of Hideout are hereby authorized to remove or have removed at their discretion any vehicle or obstruction found on a street in violation of this section. Any person who parks, leaves or deposits any such vehicle or other obstruction, shall be liable for all removal and impoundment costs (including Town administrative costs). The Town shall not be responsible for injury and/or damage claims related to snow removal services.

#### **Title 7 Public Ways and Property**

##### **Chapter 6 Snow Removal (New Chapter to be added)**

**SNOW REMOVAL AND ICE CONTROL POLICY.** Snow Removal and Ice Control Policy Established. Users of the streets and roads of the Town (hereinafter referred to as "public roadways") shall exercise caution and drive with care at all times, and particularly during adverse weather conditions, recognizing that driving at the posted or otherwise lawful speed limit may not be possible at all times. When a snowfall event occurs, the following snow removal and ice control provisions will be in effect.

##### **7.06.101. SNOW REMOVAL PRIORITIES FOR PUBLIC ROADWAYS.**

Snow removal is provided for public roadways on a priority basis. Plowing priority is given first to arterial and collector streets, followed by secondary and residential streets and finally cul-de-sacs.

#### **7.06.102. PRIVATE ROADWAYS: DUTY TO REMOVE SNOW.**

It shall be the duty of every homeowners association (HOA), property owner, corporation, partnership, or other entity having control over a private roadway system within the Town, and the owners of properties abutting such private roadways which are provided access from those streets, to provide regular snow removal and ice control service on those private roadways in accordance with the standards established in Section 7.05.103.

#### **7.06.103. SNOW REMOVAL AND ICE CONTROL STANDARDS FOR PRIVATE ROADS.**

"Regular snow removal and ice control service" shall mean that snow shall be cleared from the roadway to a minimum width of eighteen feet (18') within a period of sixteen (16) hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on private roadways for more than sixteen (16) hours after the end of the storm. Ice must be removed to bare pavement or treated with sand, salt, or ice melt.

#### **7.06.104 REMOVAL OF ALL OBSTRUCTIONS FROM ROADWAYS.**

It is the responsibility of all property owners to remove trash containers from public roadways during or prior to snow events so as to not interfere with the Town's snow removal efforts.

#### **7.06.105. SNOW STORAGE ON SITE.**

It is the duty of all private property owners and homeowner associations to make arrangements for the onsite storage of snow, which has accumulated on such property or properties owned or under their control. All private property owners and homeowner associations, and their employees, agents, and contractors, shall confine the accumulated snow to the property owned or under their control or to another property with that owner's express written consent. The Town is not responsible for removal of accumulated snow from private drives or other private property.

#### **7.06.106. UNLAWFUL TO DEPOSIT SNOW IN PUBLIC WAY.**

It shall be unlawful for any private property owner or homeowners association to haul, push, blow, or otherwise deposit snow onto the traveled portion of any public roadway.

#### **7.06107. TRAVELED PORTION DEFINED.**

As used in this Chapter, the term "traveled portion of any public roadway" shall mean and refer to that portion of the public right-of-way that is paved and maintained for

vehicular or pedestrian traffic. It shall not include the portions of the right-of-way outside of the paved area, and it shall not be a violation of this Chapter for any property owner or homeowner association to place accumulated snow within the non-traveled portion of the public right-of-way.

#### **7.06.108. PRIVATE SNOW REMOVAL ON PUBLIC STREETS.**

It shall be the duty of every homeowner association, corporation, partnership, or other entity having the responsibility for snow removal on a public street pursuant to any applicable plat restriction, conditional use approval or other permit or agreement with the Town, and the duty of every owner of property abutting on and provided access from such public roadway to provide regular and adequate snow removal service on those public roadways according to the regular and adequate snow removal and ice control service standards detailed in Section 7.06.103.

#### **7.06.109. FAILURE TO REMOVE SNOW FROM PUBLIC STREETS.**

In the event the private party or parties responsible for private snow removal on public roadways, as provided in Section 7.05.108, fail to remove snow to the required standards of Section 7.05.103, the Town may, at its discretion, perform the snow removal necessary to achieve the required standards and obtain reimbursement of its snow removal costs (including administrative fees) from the responsible party or parties.

#### **7.06.110. SIDEWALKS TO BE CLEARED.**

It shall be the duty of every property owner and homeowners association (where snow removal is the responsibility of the homeowners association) to remove snow from City sidewalks at the perimeter of such owner's or association's property within a period of sixteen (16) hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on the sidewalk for more than sixteen (16) hours after the end of the storm. In addition, ice shall be removed to bare pavement or made as level as possible and treated with salt, ice melt, sand, or similar material.

#### **7.06.111. FIRE HYDRANTS TO BE UNCOVERED.**

It shall be the duty of every property owner and homeowners association (where snow removal is responsibility of the homeowners association) to mark, uncover, and remove accumulated snow and from, over and around fire hydrants located on such property. The hydrants shall be uncovered for a distance of not less than three feet (3') on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within sixteen (16) hours after the end of the storm.

#### **7.06.112. HYDRANT LOCATIONS TO BE MARKED.**

All fire hydrants on private street systems shall be marked with a minimum six (6) foot pole or other sign by the private property owner. The marker should extend well above

the normally anticipated depth of accumulated snow so the location of the hydrant can be readily determined during periods when it is covered.

#### **7.06.113. UNLAWFUL TO REMOVE MARKERS.**

It shall be unlawful to remove or destroy the hydrant markers on either public or private roadways.

#### **7.06.114. IMPROVEMENTS INSTALLED AT OWNER'S RISK.**

The Town shall have no liability for damage to sprinklers, mailboxes, lights, communications equipment, trees, shrubs, or other improvements installed in the Town's right of way.

#### **7.06.115. DAMAGE TO IMPROVEMENTS.**

The Town will not assume any liability for damage to improvements or landscaping in the public rights-of-way which results from snow removal and ice control activity.

#### **7.06.116. FLAGGING IMPROVEMENTS.**

Owners of improvements within the right-of-way are requested to flag the location of improvements (during winter months). This request shall not be construed as a waiver or abandonment by the Town of the right-of-way or an acceptance by the Town of liability for damage to improvements within the right-of-way (whether or not marked). If flagged, flags must be removed once ongoing snow removal and ice control activities have completed for the season.

#### **7.06.117. PENALTIES.**

Any person convicted of a violation of this chapter is subject to a \$200.00 fine plus any costs incurred by the Town.

#### **7.06.118 RESERVED.**

#### **7.06.119 DAMAGES TO SNOW REMOVAL EQUIPMENT.**

If the Town's Snow removal equipment is damaged during the snow removal process and the damage is caused by construction equipment or debris, the builder or developer responsible for such construction equipment or debris is liable for the damages. The Town can use any performance bond to cover the expenses related to fixing the equipment and any rental charges needed to main the snow removal and ice control standards listed in 7.06.103.

#### **7.06.120 DAMAGE TO VEHICLES DURING SNOW REMOVAL.**

The Town is not liable if a vehicle is parked on the roadway during snow removal. Since the vehicle is parked in violation with the ordinance above, the owner of the vehicle will bear all vehicle repair, rental etc. costs and in addition, if the town equipment is

damaged in anyway the owner of the vehicle will reimburse the town for all repair costs and rental costs if needed to continue snow removal while the repairs are performed.



**Item Attachment Documents:**

7. Discussion Regarding a Proposal to Increase Building Permit Fees as well as Reconfirming Civil Fees

**TOWN OF HIDEOUT FEE & RATE RESOLUTION #2019-14**  
(Amending Resolution #2016-02)

**A RESOLUTION ADOPTING FEE SCHEDULES AND POLICIES FOR  
CONSTRUCTION, BUILDING, FACILITY RENTAL, PLANNING, SIGN CODE, BUSINESS  
LICENSE, BEER AND LIQUOR LICENSES, GRAMA AND OTHER FEES.**

**WHEREAS**, it has become necessary to combine the fees from any previous resolutions or ordinances that have been previously adopted into a standard fee ordinance, thereby enabling more frequent and informed review and application of Town fees, and

**WHEREAS**, it is necessary to update the current fee schedule to reflect the changing costs of performing services, constructing infrastructure and providing facilities and other public benefits, and

**WHEREAS**, additional and/or updated Hideout Town fees need to be included in this fee and rate resolution,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Hideout Town, State of Utah, as follows:

The Fee Schedule(s) as adopted by any previous Resolutions or Ordinances and that are updated or contained in this Resolution are hereby repealed and in its place this Resolution is adopted establishing the fees for various Town services, permits and processes as follows. All other parts, sections, regulations or fees of any Resolutions or Ordinances other than those modified or included in this Resolution shall remain in full force and effect.

**SECTION 1**

**CONSTRUCTION AND DEVELOPMENT RELATED FEE SCHEDULE**

**SECTION 1.1 BUILDING PERMIT FEES**

**Residential Building Permit Fees**

The Town of Hideout calculates the Residential Building Permit Fee as a percent of Construction Value as defined by the International Code Council's "Building Valuation Data (BVD)". A separate Plan Review Fee is charged in the amount of 65% of the Residential Building Permit Fee. Fire Sprinkler review and inspection is charged at a flat rate of \$370.00 per permit. A flat rate of \$200.00 is charged for the Construction Sign Fee. The total Town of Hideout building permit fee is calculated by adding up all of the area fees, Plan Review Fee, the fire sprinkler review/inspection fee and the construction sign fee. In addition to the Town of Hideout charge, the State of Utah assess a tax surcharge of 1% of the Building Fee only.

The Town of Hideout will only review plans delivered to the Town of Hideout Office on CD, flash drive or electronically (with prior approval). When the plans are delivered a check, made payable to the Town Of Hideout, for 65% of the Residential Building Permit Fee will be due. Before a Residential Building Permit is approved, the applicant will be responsible for paying the remainder of the Total Fees in addition to a refundable "security" deposit equal to \$30 per foot frontage to protect public property of possible damage.

### Residential Building Permit Fee Calculator

	Value Sq ft	# square feet	Value
Finished Interior Area	\$112.65	x =	\$
Finished Basement	\$28.16	X =	\$
Unfinished basement	\$15.00	X =	\$
Garage/Decks/Covered Patio area	\$44.63	X =	\$
<b>TOTAL CONSTRUCTION VALUE</b>			<b>\$</b>
Building Fees (.75 of 1%)		0.75%	
Plan Review Fee (65% of building fee)		65%	
<b>TOTAL SQ FEET/BUILDING FEES + PLAN REVIEW</b>			
Fire Sprinkler Review/Inspection			\$ 370.00
Construction Sign Fee			\$ 200.00
State Surcharge ( 1% of Building Fee)		1%	\$

**TOTAL FEE \$**

*Example:*

*Note: The values per square foot below are reflective of the August 2015 Building Validation Data for Residential, one and two family home. These values are reviewed and updated every 6 months. The building permit fee on a house with 3000 square feet of finished interior area, 500 square feet unfinished basement area and 1100 square foot garage, decks and covered patio areas would be as follows:*

	Value Sq ft	# square feet	Value
Finished Interior Area	\$112.65	2,000	\$225,300.00
Finished Basement	\$28.16	1,000	\$28,163.50
Unfinished basement	\$15.00	500	\$7,500.00
Garage/Decks/Covered Patio area	\$44.63	1,100	\$49,093.00
<b>TOTAL CONSTRUCTION VALUE</b>			<b>\$310,056.50</b>
Building Fees (.75 of 1%)		0.75%	\$2,325.42
Plan Review Fee (65% of building fee)		65%	\$1,512.52
<b>TOTAL SQ FEET/BUILDING FEES + PLAN REVIEW</b>			<b>\$3,837.94</b>
Fire Sprinkler Review/Inspection			\$ 370.00
Construction Sign Fee			\$ 200.00
State Surcharge ( 1% of Building Fee)		1%	\$ 23.25

**TOTAL FEE \$4,430.19**

**REFUNDABLE Security Deposit:**      \$30.00      800      \$ 24,000.00  
**\$30/foot frontage**

## Commercial Building Permit Fees

The Town of Hideout calculates the Commercial Building Permit in the same manner as a Residential Building as defined above except using the "Business" category valuation rates.

*Example:*

*Note: The values per square foot below are reflective of the August 2015 Building Validation Data for Business. These values are reviewed and updated every 6 months. The building permit fee on a commercial building of 1000 square feet of finished interior area and 1000 square feet unfinished basement area would be as follows:*

	Value Sq ft	# square feet	Value
Finished Interior Area	123.76	1,000	\$123,760.00
Finished Basement	\$30.94	0	0
Unfinished basement	\$15.00	1,000	\$15,000.00
Garage/Decks/Covered Patio area	\$44.63	0	0
<b>TOTAL CONSTRUCTION VALUE</b>			<b>\$138,760.00</b>
Building Fees (.75 of 1%)		0.75%	\$1,040.70
Plan Review Fee (65% of building fee)		65%	\$ 676.46
<b>TOTAL SQ FEET/BUILDING FEES + PLAN REVIEW</b>		<b>2,000</b>	<b>\$1,717.16</b>
Fire Sprinkler Review/Inspection			\$ 370.00
Construction Sign Fee			\$ 200.00
State Surcharge ( 1% of Building Fee)		1%	\$ 10.41
<b>TOTAL FEE</b>			<b>\$2,297.56</b>

**REFUNDABLE Security Deposit:**      **\$30.00**      **400**      **12,000.00**  
**\$15/foot frontage**

## Remodel Building Permit Fees

Remodels, both residential and commercial, will be charged a **fixed application fee of \$200.00**. **Upon receipt of the PLANS, the Town's engineer will determine the estimated fees for plan review and inspections. A 10% administrative fee and 1% State Surcharge will be added. The total amount will be due prior to the release of the building permit. Additions will follow the New Building fees above.**

## SECTION 1.2 PLANNING FEES

### 1.2.1 DEVELOPMENT FEES

Concept Review	50.00, plus costs
Development Review	\$50.00, plus costs
Preliminary Plat (Residential)	\$300.00, plus \$50.00 per lot/unit/ERU, plus costs
Preliminary Plat (other)	\$100.00 per 1,000 sq. ft. plus costs
Site Plan Approval	\$300.00, plus \$10.00 per lot/unit/ERU, plus costs
Final Plat (Residential)	\$50.00 per lot/unit/ERU, plus costs
Final Plat (other)	\$25.00 per 1,000 sq. ft., plus costs
Revised Development Plans	\$500, plus costs

### 1.2.2 CONDITIONAL USE PERMIT

Conditional Use Permit	\$200.00, plus costs
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### 1.2.3 TEMPORARY USE PERMIT

	\$100.00, plus costs.
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### 1.2.4 GENERAL PLAN AMENDMENT

Per application	\$7000, plus costs
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### 1.2.5 ZONE CHANGE APPLICATION

Zone Change	\$150.00, plus \$25 per acre, plus costs
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### 1.2.6 ANNEXATIONS

Pre-Application	\$5000
Upon certification of completeness of the pre-application and prior to the filing of the annexation petition, the applicant shall submit a \$10,000 deposit for annexation petitions exceeding 40 acres. A \$3,000 deposit shall be required for annexation petitions less than 40 acres. The applicant shall be charged for actual City staff time for the annexation	

processing and this time will be charged against the deposit. When the deposit is depleted, the applicant shall submit another equivalent deposit for the continued review. All unused deposited funds will be reimbursed to the applicant upon completion of the annexation and agreements.

Annexation Fiscal Impact Analysis	\$1,550
Plus actual cost of City approved consultant fee.	
Modification to Annexation Agreement	\$3,300, Plus costs

#### 1.2.7 SIGN REVIEW FEES

Master Sign Plan Review	\$150.00, plus costs
Individual Signs or Sign Plans or Minor Amendment to Existing Master Sign Plan	\$150.00, plus costs
Individual Signs when a Master Sign Plan has been Approved	\$50.00
Temporary Signs	\$35.00

#### 1.2.8 SPECIAL MEETINGS

Special Meeting Fee	\$500.00, in addition to other fees
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### **SECTION 1.3 SUBDIVISION CONSTRUCTION REVIEW AND INSPECTION FEES**

All projects require a \$5,000 project application deposit due with the initial application to cover any consulting fees incurred prior to approval. Any balance remaining will be credited to the 5% deposit below. (updated 10/13/16)

Projects which require infrastructure installation, whether private or public, shall be required to pay an inspection fee deposit equal to five (5%) percent of the estimated construction cost as determined by the Town Engineer. The Town will charge against this deposit all costs associated with the project, including staff, administrative, legal, other professional and engineering consultation fees and costs incurred by the Town. If the Town has funds remaining after the completion and acceptance of the project by the Town, the balance of the fee not used will be refunded to the applicant or developer. If the actual costs associated with the project exceed the deposit, the Town shall bill the actual costs to the applicant or developer.

## **SECTION 1.4          PERMIT TO WORK TOWN PUBLIC RIGHT-OF-WAY**

A \$500.00 non-refundable fee per utility or company (regardless of number of encroachments in a one year period), plus a \$2,000.00 cash bond for work crossing the street and a \$5000 cash bond for every 100' of parallel work in the right-of-way (bond to be held for two years after acceptance of repair) plus proof of insurance. Engineering inspection fees or Town repair costs may be billed to the licensee or charged against the bond if necessary.

## **SECTION 2**

### **BUSINESS LICENSE, BEER AND LIQUOR LICENSE**

License Application Fee:	\$ 50.00
Home Occupation Business Application Fee	\$ 50.00
Annual License Administration Fee:	\$ 50.00
On Premises Beer Retail License Application/Annual Fee:	\$ 100.00
Restaurant Liquor License Application/Annual Fee:	\$ 200.00
Limited Restaurant Liquor License Application/Annual Fee:	\$ 100.00
On Premises Banquet License Application/Annual Fee:	\$ 100.00
Private Club Liquor License Application/Annual Fee:	\$ 100.00
Application and Annual Regulatory Business License Fee (Restaurants, Food Service, Taverns, Nightly Rental):	\$ 150.00
Sexually Oriented Business License Application/Annual Fee:	\$100.00

NOTE: See Town Code to determining bonding requirements.

### **SECTION 3**

#### **RENTAL OF CITY FACILITIES**

##### **SECTION 2.1 TOWN HALL BUILDING**

Hideout resident usage per day or any fractional part thereof: \$ 100.00

Non-resident usage: \$150.00

NOTE: Renter will be charged actual cost for cleaning after usage.

##### **SECTION 2.2 FEE REDUCTION OR WAIVER**

Use of facilities for non-profit, public service clubs or organizations may have all or part of their associated rental fees waived by the Town.

### **SECTION 4**

#### **GRAMA FEES (GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT)**

##### **SECTION 4.1 COPIES MADE AT TOWN FACILITY**

8½ x 11 copies:	\$ .10 per page, double sided charged as two pages
Legal size copies	\$ .25 per page, double sided charged as two pages
Copies of recorded meetings:	\$5.00 per CD

##### **SECTION 4.2 COPIES IN EXCESS OF 50 PAGES**

Outside copy facilities: For requests for copies in excess of 50 pages, the Town reserves the right to send the documents out to be copied and the requester shall pay the actual cost to copy the documents, including any fee charged for pickup and delivery of the documents.

##### **SECTION 4.3 COMPILING DOCUMENTS**

I. Records Request:



II. In a form other than that maintained by the Town:  
\$50.00 per request or \$20.00 per employee hour required to compile the record,  
whichever is greater.

## **PENALTIES AND FEES FOR NON-COMPLIANCE TO TOWN ORDINANCES**

## SECTION 5.1 PENALTY FEES: CODE VIOLATIONS

**Fees for major infractions will be as per the published fee schedule for named infractions**

## SECTION 6

### WATER FEES

#### SECTION 6.1 DEVELOPER RESERVATIONS

There are two types of water reservation fees to ensure delivery of future water rights as follows:

**STAND-BY FEES:** Platted lots without homes will be billed annually at rate of **\$187.50** per lot. Land owners with more than 20 developed lots may opt to pay semi-annually at an additional fee of **\$4.00** per lot per year.

**WATER RESERVATION FEES:** Un-platted, raw land owners must reserve water rights at an annual rate of **\$131.95** per Hideout Unit (HU) defined as a planned Hideout lot.

Planning commission approval includes only the number of HUs purchased and fully paid. Should a developer desire more HUs, additional water rights would need to be obtained either privately or through reservation from the Town of Hideout, if available. If there is a surplus of HU water reservations available to purchase, all prior year fees, beginning in 2016, must be paid in full for each additional HU. No refunds will be given if the number of HUs paid are greater than the number of approved lots. Upon subdivision county recording, approval, stand-by fees are assessed beginning Jan 1<sup>st</sup> of the following year.

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#### SECTION 6.2 WATER CONNECTION FEES **\$950.00**

WATER ADMINISTRATIVE CONNECTION FEE	\$ 50.00
WATER METER, INSTALLATION & INSPECTION FEE	\$900.00

#### SECTION 6.3 MONTHLY WATER METERED SERVICE

##### 6.3.1 Residential:

Base Rate	\$37.01 for the first 10,000 gallons
Next 10,000	\$4.50 per 1,000
Next 10,000	\$6.50 per 1,000
Next 20,000	\$8.00 per 1,000
Next 20,000	\$10.00 per 1,000
Next 20,000	\$14.00 per 1,000
Next 20,000	\$18.00 per 1,000
Over 110,000	\$21.00 per 1,000

### **6.3.2 Multifamily:**

Base Rate	\$71.96 for the first 10,000 gallons
Next 20,000	\$3.50 per 1,000
Next 20,000	\$4.00 per 1,000
Next 20,000	\$4.50 per 1,000
Next 20,000	\$5.00 per 1,000
Next 20,000	\$5.50 per 1,000
Next 30,000	\$6.00 per 1,000
Over 140,000	\$6.50 per 1,000

### **6.3.3 Parks/Irrigation:**

0 Usage	\$0.00
First 10,000	\$37.01 for 1 to 10,000 gallons
Next 20,000	\$3.50 per 1,000
Next 20,000	\$4.00 per 1,000
Next 20,000	\$4.50 per 1,000
Next 20,000	\$5.00 per 1,000
Next 20,000	\$5.50 per 1,000
Next 30,000	\$6.00 per 1,000
Over 140,000	\$6.50 per 1,000

## **SECTION 6.4 HIDEOUT IRRIGATION**

Hideout offers irrigation water to the Outlaw Golf Course at the rate of \$359 per acre-foot per year. Fees will be collected annually starting February 1, 2015, at the rate of \$359 per acre foot used.

## **SECTION 6.5 WATER RE-CONNECTION FEES**

If water is disconnected due to non-payment, etc. the reconnection charge shall be \$150.00.

## **SECTION 6.6 EXTENSION OF WATER SERVICES POLICY**

Any project or applicant or developer, whether an individual unit or multiple unit or subdivision, that requires connection to the Town water system, shall be required to pay all the costs of any extensions or facilities necessary to achieve a connection that meets

the Town Council's standards or specifications in force at the time. This may include not only the capital cost of the project, but any Town costs associated with plan approval, engineering and inspection work, exclusive to the extension.

After final inspection of the improvements or extension(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the Town, to be operated as a public system by the Town. A one-year warranty will be required on the system from the date of acceptance.

## **SECTION 6.7            CONSTRUCTION USE OF WATER BEFORE METER                                  INSTALLATION**

When water is needed on a construction site before the building is completed to the point of installing a water meter, the Town has available hydrant meters at the following rates:

DEPOSIT FOR METER	\$1,850
(\$350.00 of the deposit nonrefundable)	
USAGE FEE/1000 GALLONS	\$12.50

## **SECTION 7**

### **SEWER FEES**

<b>SECTION 7.1</b>	<b>SEWER IMPACT FEES:</b>
Bonded:	\$5,083
Un-bonded:	\$7,231

This one-time fees is collected on behalf of the Jordanelle Special Services District (JSSD). It is assumed that all platted properties to date within the Town of Hideout are bonded. Further research is required on un-platted lots to date.

## **SECTION 7.2            SEWER CONNECTION FEES:    \$300.00**

SEWER CONNECTION & INSPECTION FEE	\$400.00
SEWER ADMINISTRATIVE CONNECTION FEE	\$40.00

## **SECTION 7.3            MONTHLY SEWER FEES**

Sewer rate is \$28.60 per residential or commercial unit.

## **SECTION 7.4            EXTENSION OF SEWER SERVICES POLICY**

Any project or applicant or developer, whether an individual unit or a multiple unit or subdivision, that requires connection to the Town sewer system, shall be required to pay all of the costs of any extensions or facilities necessary to achieve a connection that meets the Town Council's standards or specifications in force at the time. This may include not only the capital costs of the project, but any Town costs associated with plan approval, engineering and inspection work, exclusive to the extension.

After final inspection of the improvements or extension(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the Town, to be operated as a public system by the Town. A one-year warranty will be required on the system from the date of acceptance.

## **SECTION 8**

### **ACCOUNT LATE FEES**

Late fees on overdue accounts will be assessed a 1.5% monthly interest charge.

## **SECTION 9**

### **STORM DRAIN FEE**

#### **SECTION 9.1**

A monthly storm drain fee to help defray the cost of inspecting of the drains and keeping them free of debris.

Monthly Storm Drain Fee:                      \$6.00 per billable meter.

## **SECTION 10**

### **EFFECTIVE DATE**

This resolution shall take effect immediately after its adoption and posting thereof.  
PASSED AND ADOPTED THIS \_\_\_\_\_ day of October, 2019

TOWN OF HIDEOUT

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Philip Rubin, Mayor

ATTEST:

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Allison Lutes, Town Clerk