



# HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING

January 14, 2021

## Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting electronically for the purposes and at the times as described below on Thursday, January 14, 2021.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's January 6, 2021 determination letter (attached).

All public meetings are available via ZOOM conference call and YouTube Live.  
Interested parties may join by dialing in as follows:

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

**Meeting ID:** 435 659 4739

**YouTube Live Channel:** <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

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Regular Meeting  
6:00 PM

I. Call to Order

- [1.](#) Mayor Rubin's No Anchor Site Determination Letter

II. Roll Call

III. Approval of Council Minutes

- [1.](#) August 14, 2020 Town Council Meeting Minutes DRAFT
- [2.](#) August 27, 2020 Town Council Meeting Minutes DRAFT
- [3.](#) September 4, 2020 Town Council Meeting Minutes DRAFT
- [4.](#) September 10, 2020 Town Council Meeting Minutes DRAFT
- [5.](#) December 10, 2020 Town Council Minutes DRAFT

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

V. Agenda Items

- [1.](#) Consideration to adopt an ordinance requiring the use of bins for recycling and trash
2. Discussion regarding possible Council and staff working meeting to discuss 2021 projects
3. Update regarding the quarterly meeting between the Town and Mustang Development

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

VII. 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 1/11/2021

**File Attachments for Item:**

1. Mayor Rubin's No Anchor Site Determination Letter



January 6, 2021

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS  
WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(4) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The percent and number of positive COVID-19 cases in Utah has been over 30.46% of those tested since January 5, 2021. The seven-day average of cases has been over 2971 since January 5, 2021.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

**Meeting URL:** <https://zoom.us/j/4356594739>

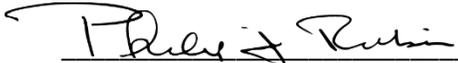
**To join by telephone dial:** US: +1 408-638-0986

**Meeting ID:** 4356594739

Additionally, comments may be emailed to [hideoututah@hideoututah.gov](mailto:hideoututah@hideoututah.gov). Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

This determination will expire in 30 days on February 5, 2021.

BY:

  
Phil Rubin, Mayor

ATTEST:

  
Alicia Fairbourne, Town Clerk



**File Attachments for Item:**

1. August 14, 2020 Town Council Meeting Minutes DRAFT

**Minutes**  
**Town of Hideout**  
**Town Council - Special Meeting**  
**August 14, 2020**

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 14, 2020 at 12:00 PM electronically via Zoom Meeting due to the ongoing COVID-19 pandemic.

**Special Meeting**

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

Mayor Phil Rubin called the meeting to order at 12:00 pm.

**II. Roll Call**

**Present:** Mayor Philip Rubin  
 Council Member Chris Baier  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg  
 Council Member Kurt Shadle

**Staff Present:** Town Attorney Dan Dansie  
 Town Administrator Jan McCosh  
 Town Clerk Alicia Fairbourne

**Others in attendance:** Nate Brockbank, Wasatch County Council Member Kendall Crittenden, Dave Moore, Mark Boyle, Malena Stevens, Brooke Moss, Ivy Telles, Park City Mayor Andy Beerman and others who dialed in via telephone or otherwise did not use their full name when logging into the Zoom meeting.

**III. Agenda Items**

**1. Consideration of Possible Repeal of Town of Hideout Resolution 2020-05**

Mayor Rubin stated the meeting was called to discuss the potential repeal on Resolution 2020-05 – a Resolution of Intent regarding the annexation of Richardson Flats – due to the inability to hold a Public Hearing due to technical difficulties on August 12, 2020. The Public Hearing would not be able to be re-noticed and held prior to the Special Legislative Session held on August 20, 2020 and Utah Code § 10-2-418(3) being revised. He presented a draft Resolution and read it in its entirety. Council Member Jerry Dwinell inquired about adding language to state the Town could not re-notice the meeting in order to meet the statutory noticing requirement. Town Attorney Dan Dansie stated he would add language to include the provision.

Council Member Chris Baier asked if the Resolution would mean the Town would be required to restart the annexation process from the beginning. Mr. Dansie confirmed. Council Member Baier expressed her disappointment in the inability to hold the meeting.

1 Council Member Kurt Shadle stated there were two separate issues. The first issue was regarding  
2 repealing the Resolution. The second was to determine how to proceed with the annexation going  
3 forward. He expressed the need for commercial services around the Jordanelle area, but urged the  
4 Council to pause on the annexation in order to allow the Special Legislative Session to take place  
5 in order to get a better understanding of what the legislatures intended when the bill was passed.  
6 Council Member Baier expressed her desire to follow the Town’s General Plan and pursue a lawful  
7 annexation.

8 Council Member Dwinell stated he felt the service needs of the Town were not being met. He  
9 stated the Town would continue to look at ways to resolve those issues, including reaching out to  
10 surrounding cities. Council Member Haselton agreed and expressed regional planning would  
11 benefit everyone in the area. Council Member Dwinell stated Hideout was located in an area that  
12 did not get the same attention from Wasatch County that other areas received. Council Member  
13 Baier hoped awareness was raised because of the growth in Hideout. She expressed the growth of  
14 the Town was something Council took very seriously. Council Member Shadle agreed and  
15 expressed his desire to take a regional approach to the issues.

16 Wasatch County Council Member Kendall Crittenden recognized Hideout may not have been  
17 previously included in regional planning in Wasatch County as it should have, but was willing to  
18 work to include the Town moving forward. Council Member Dwinell expressed his concern with  
19 the exclusion of Hideout, Parks Edge Retreat, Black Rock Ridge and Deer Mountain in the  
20 County’s General Plan. He voiced his concern regarding the school-aged children being bussed to  
21 Heber or Midway and asked for the County to look for a resolution. Council Member Crittenden  
22 addressed Council Member Dwinell’s concerns and reiterated his willingness to work with the  
23 Town.

24 Council Member Bob Nadelberg confirmed with Nate Brockbank the annexation was brought to  
25 Summit County and was rejected. Mr. Brockbank confirmed and stated he had approached Summit  
26 County and had complied with the legalities of annexing the land. Council Member Nadelberg  
27 expressed the Town had considered the needs of all parties involved, including Summit County,  
28 and felt that constituents wanted the development in Richardson Flats.

29 Mayor Rubin presented the Resolution as updated by Mr. Dansie to include the aforementioned  
30 changes. Mr. Dansie noted the meeting was not noticed as a Public Hearing, although Council  
31 Member Crittenden was allowed to speak, and therefore should allow other members of the public  
32 to comment. Mayor Rubin and Mr. Dansie agreed any comments should strictly address the matter  
33 before the Council, which was the repeal of Resolution 2020-05, and not allow comments  
34 regarding the annexation itself.

35 Council Member Nadelberg inquired if the Resolution were adopted, would the Town be able to  
36 adopt a similar resolution in the future. Mayor Rubin stated the process would be restarted as a  
37 new annexation.

38 Park City Mayor Andy Beerman stated he was in support of the repeal and would welcome a  
39 regional planning discussion with Hideout. Council Member Baier asked Mayor Beerman to make  
40 a better effort in protecting the reputation of Hideout. Council Member Shadle agreed with Mayor  
41 Beerman in a regional approach and would like the chance to work in conjunction to solve some  
42 of the issues.

1 Town Resident Mark Boyle spoke to acknowledge the Council's work on the annexation, however  
 2 he was concerned it was short-sided and the long term effects were not being discussed. He stated  
 3 there was not a lot of consideration for the big business interest which were a factor. He expressed  
 4 his concern for the properties that may lose value because of a flooded market, and it would be a  
 5 bigger problem in the future.

6 Council Member Baier read a message from a resident of Park City, stating not everyone in Park  
 7 City was opposed to the development, and felt it would help ease the traffic issues and crowding  
 8 that is increasing in Park City.

9 There being no further comments, Mayor Rubin closed public input at 12:38 pm and asked for a  
 10 motion.

11 ***Motion: Council Member Shadle moved to adopt Resolution 2020-08 repealing Resolution***  
 12 ***2020-05 – a Resolution of Intent to initiate an annexation process under Utah Code § 10-2-***  
 13 ***418(3). Council Member Haselton made the second. Voting Yea: Council Members Baier,***  
 14 ***Dwinell, Haselton, Shadle. Voting Nay: Council Member Nadelberg. Motion carried four to***  
 15 ***one.***

16 Mayor Rubin thanked Council and the public for their comments, as well as Mayor Beerman and  
 17 Council Member Crittenden. He also thanked Wasatch County and Park City for the offer to join  
 18 together in regional planning.

19 **IV. Closed Executive Session – Discussion of pending or reasonably imminent litigation,**  
 20 **personnel matters, and/or sale or acquisition or real property as needed**

21  
 22 There being no further public agenda items, Mayor Rubin closed the public meeting at 12:43 pm.  
 23 He addressed the need to enter into a closed executive session and asked for a motion.

24 ***Motion: Council Member Dwinell moved to enter into closed executive session to discuss***  
 25 ***pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or***  
 26 ***real property as needed. Council Member Nadelberg made the second. Voting Yea: Council***  
 27 ***Members Baier, Dwinell, Haselton, Nadelberg and Shadle.***

28  
 29 **Present:** Mayor Phil Rubin  
 30 Council Member Chris Baier  
 31 Council Member Jerry Dwinell  
 32 Council Member Carol Haselton  
 33 Council Member Bob Nadelberg  
 34 Council Member Kurt Shadle

35 **Staff Present:** Town Attorney Dan Dansie

36  
 37 At approximately 1:15 pm, the executive session adjourned to open meeting.  
 38

V. Meeting Adjournment

*Council Member Baier moved to adjourn the meeting. Council Member Haselton made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, Nadelberg and Shadle. Voting Nay: None. The motion carried.*

The meeting adjourned at 1:15 p.m.

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Alicia Fairbourne, Town Clerk

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**File Attachments for Item:**

2. August 27, 2020 Town Council Meeting Minutes DRAFT

**Minutes**  
 Town of Hideout  
 Town Council Regular Meeting  
 August 27, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 27, 2020 at 6:00 PM via electronic virtual meeting due to the ongoing COVID-19 pandemic.

**Regular Meeting**

**I. CALL TO ORDER**

Mayor Phil Rubin called the meeting to order at approximately 6:05 pm.

**II. ROLL CALL**

**Present:** Mayor Philip Rubin  
 Council Member Chris Baier  
 Council Member Jerry Dwinell  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg

**Staff Present:** Town Attorney Dan Dansie  
 Town Administrator Jan McCosh  
 Town Clerk Alicia Fairbourne  
 Public Works Director Kent Cuillard  
 Town Engineer Ryan Taylor  
 Town Planner Thomas Eddington  
 Town Treasurer Wesley Bingham

**Others Present:** G. Crane, Bubba Brown, Mike Stokes, Jared Fields, Gwen Wetzel, Polly McLean, Hannah Tyler, Brent Ventura, Linda Smith, Scott DuBois, Dan Motov and others who may not have made their names known via Zoom or did not sign in otherwise.

**III. APPROVAL OF COUNCIL MINUTES**

1. Approval of June 11, 2020 Meeting Minutes
2. Approval of June 25, 2020 Meeting Minutes
3. Approval of July 9, 2020 Meeting Minutes
4. Approval of July 23, 2020 Meeting Minutes

There was no feedback from Council as it pertained to all minutes. Council consented to approve all sets of minutes.

***Motion: Council Member Dwinell moved to approve minutes from June 11, June 25, July 9, and July 23, 2020 meetings. Council Member Baier made the second. Voting aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. The motion passed.***

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

3 At 6:13 pm, Mayor Phil Rubin opened the floor to public comment.

4 Council Member Chris Baier reported she had received multiple reports of water running down  
 5 the trail in the State Park. The water was a result of the construction in Shoreline Phase Two,  
 6 which pushed water down the trail and caused flooding at the bottom. She stated the trails were  
 7 State owned and managed through the Federal Government. Studies had been done prior to  
 8 constructing the trails which were designed to protect the environment. She noted a natural spring  
 9 in the area was disrupted by the developments and the State Park was aware of the disruption. She  
 10 asked what the possible remediation would be. Mayor Rubin addressed the issue and stated the  
 11 Town would look into remediation.

12 Town resident Gwen Wetzel asked for a status update on the contract with Wasatch County  
 13 Sheriff's Office and when additional patrol from them could be expected. Mayor Rubin stated it  
 14 was still in negotiation and would be discussed during a future council meeting.

15 There being no further public comment, Mayor Rubin closed the public comment portion at 6:19  
 16 pm.

17 **V. AGENDA ITEMS**  
 18

19 **1. Resignation of Council Member Kurt Shadle and Public Notice of Open Vacancy**

20 Mayor Rubin announced the resignation of Town Council Member Kurt Shadle and discussed the  
 21 requirements required of any persons interested to fill the vacancy.

22 **2. Introducing Polly McLean - Hideout Town Attorney**

23 Mayor Rubin acknowledged the outstanding service the Town Attorney Dan Dansie had provided  
 24 for the Town, and stated Mr. Dansie was also working for a law firm in the Salt Lake Valley. He  
 25 would be taking on more responsibilities at the firm and would not be able to manage the added  
 26 responsibilities at the firm and provide the service the Town needed, and therefore had informed  
 27 Mayor Rubin of his resignation from the Town. Mayor Rubin thanked Mr. Dansie for his service  
 28 to the Town. He introduced Polly McLean as the new Town Attorney and provided Ms.  
 29 McLean's qualifications. Mr. Dansie and Ms. McLean would work together to ensure a smooth  
 30 transition.

31 **3. Public Hearing - Consideration and possible adoption of an Impact Fees Facilities Plan**  
 32 **Establishing Service Areas Within the Town of Hideout**

33 Mr. Dansie presented information regarding the Impact Fees Facilities Plan (IFFP) and addressed  
 34 why the Town should adopt an ordinance establishing the fees. The IFFP was a plan which  
 35 identified public infrastructure within the Town which constituted system improvements. It  
 36 established the cost of the infrastructure and a pro rata share for contributing to the cost of that  
 37 infrastructure which landowners pay in connection with the development activity.

38 Mr. Dansie noted the Town did not concede any build to perform any obligations it had to  
 39 Mustang Development, but Mustang Development had asserted claims and had threatened  
 40 litigation if those claims were not addressed. He noted the reimbursement agreement (found later  
 41 in the agenda) was for the purpose of collecting fees that would be used for the reimbursement to  
 42 Mustang Development.

1 Mr. Dansie introduced Brent Ventura, a professional engineer who had prepared the IFFP  
2 document. Mr. Ventura reviewed the purpose of the IFFP document, which was a collection of  
3 two documents – an impact fee facilities plan and an impact fee analysis. He reiterated the  
4 purpose of an IFFP and stated it was for future planning of water line, sewer line and roads were  
5 needed with the growth of the Town.

6 Mr. Ventura noted Chapters 1 through 6 in the IFFP study defined each of the impact fees that  
7 existed in the Town. He provided history of the Town's current facility plans, however, when  
8 prior administration provided the plans, they were not complete. He noted he and his team were  
9 able to complete those records to the best of their ability and were reflected in Chapters 3 through  
10 6. He explained the public infrastructure and system improvements were identified within those  
11 chapters and all residents should have been responsible for paying for those fees during  
12 construction of their homes. He explained the developer typically paid the fees and passed those  
13 fees through in lot costs. He stated the fees in the Plan would be for future development and not  
14 charged to residents who's homes were already built.

15 Mr. Ventura stated there were several factors in which costs were determined. Many of them were  
16 based on engineering calculations, however there were some calculations which could be  
17 discussed and fees negotiated, which could change some of the intent behind it. He emphasized  
18 lawsuits could be avoided by discussion and gathering different points of view.

19 Council Member Jerry Dwinell asked Mr. Ventura to explain the difference between a system  
20 improvement and project improvement. Mr. Ventura explained a system improvement was when  
21 a development being established was looped with other existing infrastructure which would affect  
22 other residents in the city, versus a project improvement was typically a stand-alone infrastructure  
23 which was development on a dead-end street that did not loop into other infrastructure and did not  
24 affect other residents.

25 Mr. Ventura provided information on the variances of the rates provided in the Executive  
26 Summary of the IFFP dependent upon each subdivision. He explained each subdivision had a  
27 different amount of system and project improvements that had been applied for different reasons.  
28 Each of the subdivisions was split up as to what impact each of the lots had on the overall system.

29 Mr. Ventura provided a background of differences between the draft presented to Council  
30 previously and the current draft. He presented the maps of the roads and explained the brown  
31 lines illustrated the system improvements which were intended to service the entire community.  
32 He also noted the interest rate that was used to calculate the impact fee cost. He explained the  
33 previous version was originally analyzed with a 6 percent interest rate, which was an average rate,  
34 but discovered it should be raised to 7.5 percent.

35 Council Member Baier added she had worked closely with Mr. Dansie and Mr. Ventura in  
36 providing what she felt was a reasonable plan. Mayor Rubin added impact fees were not unusual  
37 for developing communities. Council Member Dwinell reiterated existing homes were not  
38 affected by these impact fees and it was for new development going forward. Council Member  
39 Baier inquired when the impact fees would be paid, to which Mayor Rubin replied they would be  
40 paid at the same time the permit was being paid.

41 Council Member Dwinell inquired if the impact fees would apply to residents who wanted to add  
42 an addition or remodel to their home. Mr. Dansie stated they would not. Further discussion  
43 continued regarding what the fees would cover.

44 There being no further discussion or questions from Council, Mayor Rubin opened the floor to  
45 public comment at 6:56 pm.

1 Scott DuBois spoke on behalf of Mustang Development. He stated he had been involved in the  
2 process for approximately three years. After many discussions, he believed the IFFP was fair and  
3 reasonable. He thanked everybody who was involved in the process and recognized the work  
4 involved. He noted Mustang Development had paid 12 percent interest, which was higher than the  
5 proposed 7.5 percent. He felt 7.5 percent interest rate was low, but it had been discussed and an  
6 agreement was made.

7 Dan Motov, a Hideout resident, introduced himself and stated he owned a lot and was building a  
8 new residence on Lasso Trail. His building plans were currently in the Design Review Committee  
9 (DRC) process which could take approximately three months to a year to complete. He inquired if  
10 he was subject to the fees or if he would be grandfathered in since he was already in the approval  
11 process. Mr. Dansie provided an explanation of vested rights and explained the date the building  
12 permit was complete would be the date in which the fees would be imposed. He also noted the  
13 ordinance would not take effect until 90 days after the date it was approved. Mr. Motov asked for  
14 Council to take into consideration a grandfather clause for those who were currently in the  
15 process of building. Discussion regarding the request continued. A possible work-around would  
16 be if the current fees were paid within the 90-day window, the impact fees could be bypassed  
17 although the design had not been issued. Legal counsel would research the proposal to ensure the  
18 proceedings would be permitted.

19 Jared Fields expressed his gratitude to Mr. Dansie and Mr. Ventura for the amount of work that  
20 went into the Plan. He emphasized Mr. DuBois' statement regarding the mutual negotiations and  
21 exchanges between developers and the Town. He addressed Mr. Motov's concerns and stated it  
22 should be negotiated with on a case-by-case basis with each owner or builder.

23 Town resident Mike Stokes spoke and asked for clarification regarding the impact fees for the  
24 storm drain pertaining to the Forevermore development. He stated the map did not show the storm  
25 drain in Forevermore, and questioned why the development would be subject to the storm drain  
26 impact fee. Mr. Ventura explained the water would run down the curb and gutters of the street and  
27 be collected at the end of Forevermore. That water would then be transported to the storm drain  
28 facilities, which warranted the fees.

29 There being no further comment from the public, Mayor Rubin closed public comment at 7:19 pm  
30 and asked Mr. Dansie to address the next steps. Mr. Dansie reiterated the Plan had been discussed  
31 and negotiated on by several parties, including a mediator for both the Town and developers. He  
32 stated the Plan was reasonable and was defensible under the Impact Fee Act. Mayor Rubin  
33 expressed his gratitude for all the work which had been done to make the Plan reasonable and  
34 accurate. Council Member Dwinell reiterated the vast majority of developers in the town had  
35 contributed to the Plan. Mr. Dansie confirmed Council Member Dwinell's statement.

36 There being no further comment, Mayor Rubin asked for a motion to adopt the Impact Fee  
37 Facilities Plan as presented and dated August, 2020.

38 ***Motion: Council Member Dwinell moved to adopt the Impact Fee Facilities Plan as presented***  
39 ***and dated August, 2020. Council Member Haselton made the second. Voting Yea: Council***  
40 ***Members Baier, Dwinell, Haselton. None opposed. Abstaining: Council Member Nadelberg.***  
41 ***The motion passed 3-1.***

1 **4. Public Hearing - Consideration and possible adoption of Ordinance 2020-09 regarding**  
 2 **Impact Fees**

3 Mayor Rubin read Ordinance 2020-09 in its entirety and asked for any questions from Council.  
 4 Council Member Dwinell inquired about Section 9 and asked what would make a developer  
 5 eligible for credits. Mr. Dansie explained what criteria would need to be met in order to be  
 6 eligible for the credits, which was determined in the IFFP.

7 Council Member Dwinell inquired how the credit would be calculated. Mr. Dansie explained the  
 8 cost of construction of the road is included in the IFFP. It was explained when the developer pulls  
 9 the permit and the Town collected the impact fee, the developer could choose to pay the impact  
 10 fee or apply any credit to offset the impact fee cost. The developer would earn credit by the cost  
 11 of the number of linear feet of roadway multiplied by 178 dollars (*number of linear feet of*  
 12 *roadway x \$178*).

13 There being no further questions from Council, Mayor Rubin opened the floor to the public at  
 14 7:42 pm. There was no public input. At 7:44 pm, Mayor Rubin closed public input and asked  
 15 Council for a motion to adopt Ordinance 2020-09 (*Clerk's correction: Should be numbered 2020-*  
 16 *08*).

17 ***Motion: Council Member Haselton moved to adopt Ordinance 2020-08 adopting an Impact***  
 18 ***Fee Facilities Plan, establish service areas within the Town of Hideout and enacting impact***  
 19 ***fees. Seconded by Council Member Dwinell. Voting Yea: Council Members Baier, Dwinell,***  
 20 ***Haselton and Nadelberg. None opposed. The motion passed.***

21 Mayor Rubin thanked the public for their comments and thanked those who worked on the Plan.

22 **5. Discussion and possible approval of a Reimbursement Agreement with Mustang**  
 23 **Development, LLC, related to public infrastructure within the Town of Hideout**

24 Mr. Dansie presented a reimbursement agreement made between the Town and Mustang  
 25 Development, LLC regarding the impact fees. The document was intended to resolve claims from  
 26 Mustang Development and remove the threat of litigation from the developer. It would also  
 27 provide a mechanism for the developer to receive a portion of the cost of constructing the  
 28 infrastructure identified in the IFFP. He noted the document had been negotiated between various  
 29 lawyers as well as a mediator who represented both parties. He addressed a question which was  
 30 asked earlier by Council Member Nadelberg regarding any warranties on the infrastructure and  
 31 noted a provision which stated this was a representation and warranty from the developer which,  
 32 when constructed, was done so by licensed contractors and was free of defects upon construction.  
 33 He also stated the document addressed the mechanism for reimbursement, noting the newly  
 34 adopted Ordinance (2020-08) would be the driver for the impact fees to be collected. Mr. Dansie  
 35 continued to review the document and gave a brief summary of each section.

36 Mayor Rubin asked Council if there were any questions. Council Member Dwinell inquired about  
 37 Section 3 and asked if any public infrastructure had not yet been transferred. Mr. Dansie stated  
 38 the purpose of the provision was to ensure any infrastructure which may not have been dedicated  
 39 already, was dedicated as public infrastructure, although he was not aware of any not yet  
 40 transferred.

41 Council Member Dwinell asked about Section 5 and how it was determined if a road tied into the  
 42 infrastructure in the event of annexation. Mr. Dansie provided an example of when a new portion

1 of land were to require the use of the infrastructure being tied into the public infrastructure. He  
2 stated it would be included within the terms of the agreement.

3 Council Member Dwinell stated in Section 6.2, certain landowners were eligible to receive  
4 compensation and asked who would be eligible and why. Mr. Dansie stated it would be  
5 landowners in connection with construction of a certain portion of a future Shoreline Road, as  
6 identified in the IFFP.

7 He then asked about Section 6.3 and asked what would constitute “default” under the clause. Mr.  
8 Dansie stated the obligations under the agreement were on the part of the Town; however, the  
9 developer was now included in terms of collecting and reversing any agreements. There were  
10 certain obligations the developer had – some of which were with respect to the indemnification  
11 provisions under Section 8, and some of which were the agreement to not dispute the impact fees.  
12 He stated if a developer breached any of the obligations under the agreement, it would constitute  
13 the breach which was referred to in that Section. Council Member Dwinell pointed out the term  
14 would end after forty years or once everything was built out. Mr. Dansie confirmed and noted if  
15 the Town were to ever pay the impact fees in their entirety, the agreement would terminate and  
16 the reimbursement obligation would be terminated as well. He also noted once the forty year  
17 obligation was met, the agreement would be terminated.

18 Council Member Dwinell inquired why, in Section 6.5, a developer would elect to forego the  
19 payment of impact fees. Mr. Dansie stated the developer had the right to opt for credit rather than  
20 reimbursement in order to reduce administrative costs.

21 There were no further questions from the Council. Council Member Baier thanked Council  
22 Member Dwinell for providing such a thorough review and asking such detailed questions.

23 Gary Crane, the mediator between the Town and Mustang Development, LLC, spoke and  
24 expressed his appreciation for the amount of work put forth by Mayor Rubin, Mr. Dansie and the  
25 Council. He noted there were two signed agreements for licensing, which were funded by the  
26 developer, in which he had possession of both. He stated once the agreement and other actions  
27 were adopted tonight, it would invoke the license.

28 Mayor Rubin asked for a motion to approve the Reimbursement Agreement and authorize the  
29 Mayor to sign it on behalf of the Town.

30 ***Motion: Council Member Dwinell moved to approve the Reimbursement Agreement and***  
31 ***authorize Mayor Rubin to sign on behalf of the Town. Council Member Baier made the***  
32 ***Second. Voting Yea: Council Members Baier, Dwinell and Haselton. Abstaining: Council***  
33 ***Member Nadelberg. Motion passed 3-1.***

## 34 **6. Discussion and possible approval of two public access and use license agreements with** 35 **Mustang Development, LLC**

36 Mr. Dansie spoke of ways the Town could provide benefits to the community and one thing  
37 which was determined was to provide additional public access for the community, particularly on  
38 the Longview corridor. He presented two documents regarding public access. The first document  
39 proposed a walking path and sitting area adjacent to the pond on the south side. It was noted there  
40 would be a number of provisions for pedestrian access only, which included no dogs, bikes,  
41 scooters, motor use, et cetera. The Town would agree to install signs indicating it was for  
42 pedestrian use only and only by residents of the Town.

1 Council Member Dwinell indicated there were two license agreements, one of which indicated  
2 time-of-year usage restrictions. Discussion ensued regarding the reasons for the restrictions,  
3 including the safety of sharing the path with golf carts and other users of the path during the time  
4 the golf course was open.

5 Mayor Rubin presented a diagram of the path while Mr. Dansie provided an overview of the path  
6 and sitting area. He stated it would be a 9-foot path within the storm drainage easement, which  
7 was a 40-foot wide area. He noted the rest of the 40-foot wide area would not be used for this  
8 purpose.

9 Council Member Baier inquired what the base of the path would be (for example, pavement,  
10 gravel, et cetera). Mr. Dansie indicated it would be road base, but no other materials would be  
11 used unless the guarantor provided written permission.

12 Mayor Rubin presented the diagram of the golf cart path and showed how it would extend from  
13 Longview on the east to the connection with Lasso on the west. He reiterated the terms of use  
14 would be limited to usage being permissible only when the golf course was closed for the season.  
15 Mayor Rubin expressed concern of the difficulty in contacting the golf course entity. He asked for  
16 a mechanism in the document addressing the golf course must communicate to the residents and  
17 Town on when the opening and closing dates were projected. It was agreed to add a provision to  
18 provide dates of opening and closing as well as a way to contact the golf course entity.

19 Mr. Dansie discussed a conversation with the developers' counsel on an agreement for the  
20 developer to meet with the Town on a quarterly basis.

21 Council Member Dwinell stated there had been a lot of public comments received over the last  
22 year regarding the golf course. He wondered when those issues could be legally addressed. Mr.  
23 Dansie provided clarification the issues were related to the status of the pond, to which he noted  
24 the walking path and golf cart path agreements would allow residents to take advantage of that  
25 amenity. He stated the discussions with the developer had been positive, and there was a  
26 commitment from everyone involved to rectify the pond situation. He expressed his appreciation  
27 to Mr. DuBois for engaging Mustang Engineer and facilitating dialogue and substantive  
28 engagement between Mustang's Engineer and the Town's Engineer. He addressed Council  
29 Member Dwinell's question and stated the Town would want to raise those issues in the ongoing  
30 discussions with Mustang Development. Council Member Dwinell highlighted the status of the  
31 pond was of the utmost importance with the Council on finding a resolution. Town Engineer  
32 Ryan Taylor provided a status update on the issue with the well, and stated they would be  
33 working on it early next week.

34 There being no further questions from Council, Mayor Rubin asked for a motion to approve the  
35 two public access agreements.

36 ***Motion: Council Member Chris Baier made the motion to approve the two public access and***  
37 ***use license agreements with Mustang Development, LLC subject to a correction of the legal***  
38 ***description in the recital to be consistent with the graphics presented during the meeting on a***  
39 ***pedestrian walkway, and to insert into the Golf Path Agreement a commitment to***  
40 ***communicate opening and closing of the golf course season. Council Member Haselton made***  
41 ***the second. Voting Yea: Council Members Baer, Dwinell, Haselton and Nadelberg. None***  
42 ***opposed. The motion passed.***

43

1 Mayor Rubin called for a recess at 8:51 pm.

2 At 8:58 pm, Mayor Rubin announced the meeting was in session and asked for a roll call.

3  
4 **Present:** Mayor Rubin  
5 Council Member Chris Baier  
6 Council Member Jerry Dwinell  
7 Council Member Carol Haselton  
8 Council Member Bob Nadelberg

9 **7. Discussion and possible approval of Cooperative Emergency Access Agreement Between**  
10 **UDOT and the Town of Hideout; MP 7.42, SR-248**

11  
12 **8. Discussion and possible approval of Cooperative Maintenance Agreement Between UDOT**  
13 **and the Town of Hideout; SR-248 Access Improvements at MP 7.33 and 7.42**

14 *(Clerk's note: Items seven and eight were discussed and voted on together.)*

15 Mayor Rubin presented information regarding the Emergency Access Agreement between the  
16 Town of Hideout and Utah Department of Transportation (UDOT). He stated the development  
17 known as KLAIM had been working with the Town and UDOT to provide an entrance to the  
18 development. The agreement had taken approximately a year to get to the point it was currently  
19 at. In order to progress further, two documents would need to be signed by the Town. Mayor  
20 Rubin provided a brief overview of the agreements and noted one agreement described the need  
21 for a second entrance for emergency purposes. It also described what portions were managed by  
22 UDOT versus the Town. Mr. Dansie added SR-248 was a limited access highway, which meant  
23 any entrances had to be approved through UDOT, and as part of their approval process, these  
24 agreements were necessary to establish maintenance agreements.

25 Council Member Baier asked what was being built in relation to these agreements. Mr. Dansie  
26 stated there was a lot of information in the design package submitted to UDOT, which included  
27 what the Town's obligations were going forward as well as plans for a deceleration and  
28 acceleration lane. He noted those things were already submitted to UDOT for review and were not  
29 subject to Council approval. He also noted anything constructed would be pursuant to approved  
30 UDOT safety standards.

31 The two agreements were discussed and Mayor Rubin and Mr. Dansie provided clarification on  
32 the agreements. The first agreement ensured a gate was to be installed by the developer, and an  
33 emergency access road was to be constructed which would result in improvements made to the  
34 road. The second agreement stated the developers would improve the entrance to meet UDOT  
35 standards. Mr. Dansie provided content regarding the entrances to the development.

36 Council Member Dwinell observed a potentially dangerous situation regarding the turn-in from  
37 SR-248 to the Soaring Hawk Development. He highlighted there was no turn lane for drivers  
38 going eastbound on SR-248 to turn into the development. He asked if there were plans to have a  
39 left-turn lane leading into both KLAIM and Soaring Hawk. Mr. Dansie stated the specifications  
40 would come from UDOT.

41 Council Member Dwinell asked if there were design plans for trees or lights for the entryway to  
42 the development. Mayor Rubin stated it was determined by the Home Owner's Association  
43 (HOA). He added there was a small parcel that may be the Town's responsibility, but the final  
44 design had not been reviewed.

1 There being no further questions from Council, Mayor Rubin asked for a motion to authorize the  
2 Mayor to execute the agreements.

3 *Motion: Council Member Dwinell made a motion to authorize the Mayor to execute the*  
4 *Cooperative Emergency Access Agreement between UDOT and the Town of Hideout: Mile*  
5 *Post 7.42, SR-248, and the Cooperative Maintenance Agreement between UDOT and the*  
6 *Town of Hideout; SR-248 Access Improvements at Mile Post 7.33 and 7.42. Council Member*  
7 *Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and*  
8 *Nadelberg. None opposed. The motion passed.*

#### 9. Continued discussion regarding Todd Hollow eviction notices

10 Council Member Chris Baier did not have any new information regarding the Todd Hollow  
11 eviction notices. Council Member Haselton stated she had received emails from the Christian  
12 Center stating residents had received phone calls and were concerned it was an eviction notice.  
13 However, she had contacted the apartment manager who stated no eviction notices had been  
14 issued and she would do further research to find out where these phone calls came from.

15 Mayor Rubin asked to continue to the next Council Meeting in order to provide more information.  
16 Council Member Dwinell asked if there were Federal funds available for residents who were  
17 facing eviction during the COVID-19 pandemic. Town Administrator Jan McCosh stated there  
18 were no funds allocated for this to which she was aware of. Discussion regarding potential non-  
19 profit organizations who may be able to offer assistance ensued. Mayor Rubin stated it would be  
20 revisited at the next Town Council meeting.

#### 21 10. July 2020 budget review

22 Mayor Rubin presented the June 2020 financial document while Town Treasurer Wes Bingham  
23 provided a recap of the budget. Mr. Bingham stated the total revenues for the Town's year-to-date  
24 were \$764,000, and the annual budget with the use of surplus was \$884,000. He stated although  
25 the building permits fell short, there was a substantial increase in July. He noted the expenditures  
26 indicated \$732,000, which gave the town a net increase of unrestricted equity of \$31,000.

27 Mr. Bingham had created a document of projected revenue and expenditures. He provided a  
28 forecast of fund allocation during different times of the year and provided the document for  
29 Council review. The objective was to look at the budget, and project what should be expected for  
30 the upcoming year in order to determine when to expect an influx of revenue and an increase in  
31 expenditures.

32 He noted he had allocated funds for the public safety officer, but it could be reallocated elsewhere  
33 if needed.

34 Council Member Dwinell noted there were months to which shortfalls were projected. Mr.  
35 Bingham stated there was \$25,000 in debt service which had a significant impact on the  
36 financials. There were no projected road fund revenues that month, which impacts it as well. Mr.  
37 Bingham informed Council Member Dwinell there was an unrestricted net position in the General  
38 Fund.

39 Mr. Bingham presented the July 2020 financial statements and noted there was a fund balance. He  
40 stated there were \$355,000 in unrestricted funds that could be used at the Town's discretion. He  
41 stated 25 percent was recommended, and would provide the Town a 90-day cash flow for the  
42 typical city or town's operations.

1 Mr. Bingham proposed a quarterly budget update, which he would provide for review. He  
 2 discussed the enterprise fund, which was generating a significant amount of cash flow. He  
 3 suggested in looking to invest some of that money in infrastructure of some point. Mayor Rubin  
 4 stated it was intended to contract with JSSD (Jordanelle Special Services District). Mr. Bingham  
 5 asked Council if they had any questions.

6 There being no questions from Council and no further public business, Mayor Rubin asked for a  
 7 motion to close the public portion of the meeting and enter into closed executive session.

8 At 9:39 pm. Mayor Rubin closed the Regular Meeting of the Hideout Town Council and asked for  
 9 a motion to proceed to executive session.

10 *Motion: Council Member Dwinell moved to go into executive session to discuss pending or*  
 11 *reasonably imminent litigation, personnel matters, and/or sale of acquisition of real property*  
 12 *as needed. Council Member Haselton made the second. None opposed.*

13 Whereupon, the closed executive session convened.

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

17  
 18 **Present:** Mayor Phil Rubin  
 19 Council Member Chris Baier  
 20 Council Member Jerry Dwinell  
 21 Council Member Carol Haselton  
 22 Council Member Bob Nadelberg

23 **Staff Present:** Town Attorney Dan Dansie

24  
 25 At approximately 10:25 pm, the executive session adjourned to open meeting.

26 **VII. MEETING ADJOURNMENT**

27  
 28 *Council Member Dwinell moved to adjourn the meeting. Council Member Nadelberg made*  
 29 *the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None*  
 30 *opposed. The motion carried.*

31 The meeting adjourned at 10:25 pm.

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 Alicia Fairbourne, Town Clerk

**File Attachments for Item:**

3. September 4, 2020 Town Council Meeting Minutes DRAFT

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**Minutes**  
Town of Hideout  
Town Council - Special Session Work Meeting  
September 4, 2020

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The Town Council of Hideout, Wasatch County, Utah met in a Special Session Work Meeting on September 4, 2020 at 6:30 PM. Due to the ongoing COVID-19 pandemic, the meeting was held electronically via Zoom online conferencing.

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**Special Session Work Meeting**

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**I. Call to Order**

Mayor Phil Rubin called the meeting to order at 6:34 pm and provided a brief overview of the work meeting.

**II. Roll Call**

**Present:** Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg

**Staff Present:** Town Attorney Polly McLean  
Town Administrator Jan McCosh  
Town Clerk Alicia Fairbourne

**Others Present:** Park City Mayor Andy Beerman, Becca Gerber, Bonnie Park, Kim Carson, Lindsay Payeur, P. Frechette, Sean Higgins, Thea Leonard, Dave Rockwood, Mary Mouthaan, Scott Bigger, Celia Peterson, Kent Culliard, Stewart Gross, Susan Richer, Kurt Shadle, David Bennett, Jack Walkenhorst, Linda George, Margaret Plane, Sally Elliott, Sean Morgan, Rob Mansfield, Ellen Moore, Robert Hughes, Ralph Severini, Alex Butwinski, Amy Donaldson-Brass, Brad Cahoon, Jack Walkenhorst, Jim Gray, Emma Prysunka, Linda Kottler and others who may not have signed in using their proper name or full name via Zoom net meeting.

**III. Agenda Items**

1. **Work Session to discuss Judge Brown's September 3, 2020 Ruling and options related to the possibility of an annexation across county lines and the possible boundaries of such annexation. The potential annexation area includes areas in Summit County in the vicinity of Richardson Flat. The work session will also address the advisability of rescinding the Pre-Annexation, Development, and Reimbursement Agreement entered into between the Town of Hideout and N Brockbank Investments, LLC on July 14, 2020 and material terms that may be included within any new pre-annexation agreement relating to the potential annexation that is the subject of this work session.**

1 Mayor Phil Rubin asked legal counsel to provide an update regarding Judge Brown's September 3, 2020  
2 ruling and the status of the legislative repeal related to annexation. Town Attorney Polly McLean reported  
3 she attended the court hearing wherein the court ruled Hideout could go forward with the annexation and  
4 Judge Brown would not enjoin the Town from proceeding while the law remained in effect until mid-  
5 October.

6 Ms. McLean noted the ruling was on the injunction and was not a ruling on possible Open Public  
7 Meetings Act violations. The court allowed Hideout to move forward on an annexation during the sixty-  
8 day window. The pre-annexation agreement was on hold based on the injunction. The judge stated this  
9 would not be an advisory opinion and she had not found any express violations of the Open Public  
10 Meetings Act.

11 Based on state law, Hideout may consider moving forward based on the fact that the legislature did not  
12 make the law effective for 60 days. Ms. McLean added if the decision were made to proceed, this would  
13 be a new annexation consideration to be conducted with full public transparency. The outstanding items  
14 for discussion included whether to enter into an indemnification agreement based on the pre-annexation  
15 agreement which is on hold, as well as the next steps the Town Council should consider.

16 Mr. Rob Mansfield added it was important that everyone understood this was a new annexation  
17 agreement under consideration.

18 Council Member Jerry Dwinell asked why the legislature did not make the law's repeal effective  
19 immediately. Mr. Mansfield said there were differing opinions on this, and it was not clear. Mayor Rubin  
20 asked if the Council members had any other questions regarding the legal matters.

21 Council Member Chris Baier asked what date the 60-day timeline started. Mayor Rubin responded  
22 August 20<sup>th</sup>, 2020 with a deadline of October 19<sup>th</sup>. Council Member Baier also asked if the previously  
23 approved pre-annexation agreement was now null and void given the injunction; Mr. Mansfield  
24 confirmed it was. Council Member Baier asked if the entire agreement was null and void. Mr. Mansfield  
25 said in order to be conservative, the Town should not proceed on any portion of that agreement without  
26 further order from the court.

27 Council Member Dwinell referenced a recent publication of the Utah League of Cities and Towns which  
28 reported on the Land Use Task Force's current discussion of cross-county annexations, and asked if the  
29 topic remained an open issue with the State Legislature. Mr. Mansfield responded the State Legislature  
30 had expressed possible interest in revisiting this in a future session.

31 Mayor Rubin reiterated the purpose for this meeting was to consider the potential for starting anew on  
32 the annexation process, and noted several open topics for discussion.

33 **Deed Restricted Parcels:** Regarding the enforcement of potential deed restrictions on any properties  
34 under consideration for the annexation, Ms. McLean explained the Town would not be a party to such  
35 deed restrictions or be responsible for their enforcement. Such deed restrictions would not necessarily  
36 preclude the property from annexation, would remain with the land under a potential annexation, and it  
37 would be between the deed holder and the property owner to ensure the property was being used in  
38 accordance with the restrictions. Mr. Mansfield and Ms. McLean agreed.

39 Council Member Baier asked to see the map of any parcels that were possibly deed restricted. The map  
40 of the deed restricted property was displayed and reviewed. Mr. Nate Brockbank confirmed the status of  
41 the land he owned, and noted the pieces which were under discussion with Park City regarding deed  
42 restrictions. Mr. Brockbank also noted the deed holders for the properties under consideration were  
43 entities he owned or had under contract (with either Jordanelle Special Services District or Mayflower).  
44 The deed restrictions for these properties were held by either Park City Municipal or United Park City  
45 Mines/Wells Fargo.

1 Regarding parcel SS-86 which included two acres owned by Summit County and subject to pending  
2 litigation, Mr. Brockbank reported the parcel had been removed from the proposed annexation. Mr.  
3 Brockbank also noted Parcel PP-28-A (also under litigation with Summit County) was also removed from  
4 the proposed annexation and development plan.

5 Mayor Rubin reiterated no actions or decisions were being made during this session, and the purpose of  
6 this meeting was to provide the council members with information to consider as they contemplate  
7 whether or not to proceed with the proposed annexation.

8 **Access to Services:** Mayor Rubin noted access to services was not required as part of the annexation  
9 process, however would be required for future development. It was confirmed part of any development  
10 process would require the developer to provide the necessary Will-Serve Letters from various utility  
11 providers.

12 **Environmental Concerns:** Mayor Rubin noted a significant amount of soil testing had been conducted  
13 to better understand existing ground conditions. He further noted the area for proposed annexation had  
14 been reduced due to concerns over these results. Documents regarding these test results were provided  
15 in the meeting materials for the council members' review, and an environmental expert could be invited  
16 to attend a future meeting to discuss in more detail. Mayor Rubin stated the council members should  
17 think through these potential issues, and any such issues would have to be mitigated prior to  
18 development.

19 **Revisions to the Proposed Land Use Plan:** Mayor Rubin asked Mr. Brockbank to review revisions to  
20 the proposed development plan. Mr. Brockbank presented the potential land use map and noted it would  
21 consist of approximately 500 homes on 626 acres, and with 272 workforce housing units. He highlighted  
22 various park and open space areas including 20 acres of bike trails; city town center (26 areas) to be  
23 planned in conjunction with the Hideout town planner; and residential development to consist of single-  
24 family and town homes. He also noted a site for a school (five acres). The development would leave  
25 approximately 60 percent of the property as open space. In response to a question from Ms. McLean, Mr.  
26 Brockbank confirmed the specific numbers of homes and commercial units would be applied for later in  
27 the planning process.

28 Mr. Brockbank discussed a potential indoor surf facility and noted retailers had already begun reaching  
29 out to him prior to the launch of any marketing for the project. Council Member Baier asked if there  
30 would be sufficient space for a large grocery store, to which Mr. Brockbank responded yes.

31 Council Member Baier referred to the general plan created with Brigham Young University's Planning  
32 Department which addressed the town's needs for various commercial services, a better school solution  
33 for students currently being bussed 16 miles to Heber City, and the fiduciary need for tax revenues to  
34 support the growing population of Hideout and surrounding HOAs. She added much of the public does  
35 not understand since the town's 2008 incorporation, and well before the current elected administration,  
36 most of the land in Hideout was already approved for development. The neighborhoods were already pre-  
37 defined and planned and the town was not left with many options for the needed commercial, community,  
38 and school development. Council Member Baier stated she was pleased with the amount of planned bike  
39 trails, and noted their importance as an alternative to HWY 248 for pedestrians and bikers and to provide  
40 connectivity to Park City. She also noted the proposed annexation and development would be important  
41 for older members of the community who require closer access to services in order to age in place.

42 Council Member Bob Nadelberg stated the population growth was coming; the infrastructure was needed  
43 and he hoped that Hideout could work with Park City and Summit County to address the needs of the  
44 broader community.

1 Council Member Dwinell noted Wasatch and Summit Counties were responsible for the vast majority of  
2 the development of the Jordanelle corridor, but did not take into account the services these communities  
3 required. He noted the Wasatch County Development Plan was not current, and excluded Hideout from  
4 the General Plan. He also noted within Mayflower, there were just five small parcels zoned for  
5 neighborhood commercial development, and there was a school parcel zoned, but no plans to build a  
6 school.

7 Council Member Dwinell reported on a recent conversation with Park City Mayor Andy Beerman who  
8 shared plans for the Silver Creek development, near Home Depot. These plans included a school, stores,  
9 restaurants and affordable housing. Summit County did not respond to a request to share its development  
10 plans which could help inform the decisions that Hideout was considering.

11 Council Member Dwinell added he was struggling with the needs of the Town and the surrounding area,  
12 as well as with the Legislature's action and intent, given the 60-day window provision. He did not  
13 understand whether the legislative intent was to provide a window in order for Hideout to annex, or not,  
14 and added these were difficult concepts to consider.

15 Council Member Baier noted that counties should not be responsible for urban planning, which may be  
16 why the requested development plans were not provided. Urban planning should be done by cities and  
17 towns. She noted Wasatch and Summit Counties have very different agendas which had left Hideout in  
18 a challenging position of being ignored by Wasatch County and despised (at least currently) by Summit  
19 County. She added that while Hideout did not want to be in this situation, the Town Council must think  
20 ahead to anticipate the needs of the community. She stated that as elected officials, the Town Council  
21 was true local representation and must live with any decisions made. Council Member Dwinell noted the  
22 frustrations of Hideout residents who conduct most of their business in Summit County while paying  
23 property taxes to Wasatch County, which had not provided adequate services.

24 Mayor Rubin asked the Council to consider starting the annexation process anew, and noted additional  
25 legal challenges would be faced if the decision was made to move forward with the proposed annexation.  
26 He added the need to provide complete transparency in the process. Mayor Rubin asked the council  
27 members to think about the information discussed at this session, and proposed Council meet again next  
28 Tuesday to speak further on whether or not to move forward with a new annexation process.

29 Council Member Dwinell asked to add a discussion of the traffic study to the list of issues for further  
30 consideration. Ms. McLean stated this may more appropriate to discuss later in the process; however  
31 Council Member Dwinell noted that Summit County had expressed concerns over the increased traffic  
32 and therefore he would like to address this early on in the process. Mr. Brockbank stated he would provide  
33 an updated traffic study based on the revised development proposal. Ms. McLean noted as this would be  
34 a new potential annexation process, an updated traffic study would be more relevant.

35 Mayor Rubin asked the Town Council to meet again at 5:00 pm on Tuesday, September 8<sup>th</sup>, 2020 to  
36 discuss next steps regarding an annexation decision. Mayor Rubin confirmed it would be a public  
37 meeting, as opposed to a public hearing.

38 Council Member Baier stated she was still concerned about the indemnification portion of the pre-  
39 annexation agreement and what the judge ruled in its regard. As public servants, she noted the need to  
40 make the best decisions possible for the Town. Mayor Rubin stated if it is decided to move forward, the  
41 Town Council would be asked to agree on a new pre-annexation agreement. He stated a draft agreement  
42 would be provided for Council's review at that time.

43 Council Member Carol Haselton stated she moved to Hideout because of the sense of community and  
44 neighborhood, and it was not until after she moved in that she understood the poor planning of the  
45 previous administration and original developer. She noted she too was torn about the annexation decision

1 and wanted to do what was right for Hideout and the surrounding community. She noted her desire for a  
2 community center and gathering places for the Town in additional to commercial development. She  
3 added her desire for better communication and more regional planning to address the needs of Hideout  
4 and the surrounding Jordanelle area.

5 **IV. Meeting Adjournment**

6 There being no further business and no Executive Meeting needed, Mayor Rubin asked for a motion to  
7 adjourn.

8 ***Motion: Council Member Nadelberg made a motion to adjourn the meeting. Council Member***  
9 ***Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Nadelberg.***  
10 ***None opposed. Motion passed.***

11 The meeting adjourned at 8:12 pm.

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17 Alicia Fairbourne, Town Clerk

DRAFT

**File Attachments for Item:**

4. September 10, 2020 Town Council Meeting Minutes DRAFT

**Minutes**  
 Town of Hideout  
 Town Council Regular Meeting  
 September 10, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on September 10, 2020 at 6:00 PM via electronic virtual meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

**I. No Anchor Site Determination Letter**

Mayor Phil Rubin stated there was no anchor site due to the transmittal risk of COVID-19. Town Hall would not provide adequate room for safe spacing between attendees, and therefore, the meeting was held virtually via Zoom conferencing.

**II. Call to Order**

Mayor Rubin called the meeting to order at 6:04 pm.

**III. Roll Call**

**Present:** Mayor Phil Rubin  
 Council Member Chris Baier  
 Council Member Jerry Dwinell  
 Council Member Carol Haselton  
 Council Member Bob Nadelberg

**Staff Present:** Town Attorney Polly McLean  
 Town Administrator Jan McCosh  
 Town Clerk Alicia Fairbourne  
 Town Planner Thomas Eddington

**Others Present:** Alexander Cramer (Park Record), Park City Mayor Andy Beerman, Becca Gerber, Bret Rutter, Bruce Baird, Ceila Peterson, Colin Deford, Colleen Kelly, Dana Williams, David McFawn, Doug Dickens, Dubby Jenkins, Gwen Wetzel, Helen Strachan, Jami Brackin, Jason Glidden, Jeff Bawol, Jenny Dierson, John Phillips, Julia Collins, Kent Culliard, Kim Carson, Kurt Shadle, Linda Jager, Lindsay Payeur, Lynn Ross, Malena Stevens, Summit County Attorney Margaret Olsen, Mary Smith, Mitchell Manassa, Mitchell Walski, Paul Ziegler, Roberg Hughes, Robert Mansfield, Roger Armstrong, Ron Winterton, Sally Elliot, Sarah Pearce, Sean Philipoom, Steve Joyce, Teri Orr, Thea Leonard, Tim Henney, Todd Hollow, Tricia Lake, Zoi Walker, Nann Worel, Nate Brockbank, Blaine Thomas, Claire Olio, Max Doilney, Tom Daley and others who may not have signed in electronically using their full name.

1 **IV. Agenda Items**

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

3 Mayor Rubin presented and reviewed the monthly bills to be paid. Council Member Jerry Dwinell  
4 inquired what services Cache Valley Electric was invoiced for. Mayor Rubin explained it was the  
5 cameras at the roundabout to capture wrong-way drivers and provide the ability to take action.

6 Town Administrator Jan McCosh explained legal fees and engineering were billed for two months  
7 due to late invoicing. She also noted an annual building payment from the Utah Division of Finance  
8 for the bond on Town Hall.

9 Council Member Dwinell inquired if former Town Attorney Dan Dansie's invoice was the final  
10 invoice. Mayor Rubin stated Mr. Dansie would continue to finalize some projects with the Town,  
11 and would provide future invoices for those services. Mayor Rubin presented the pass-through  
12 billing and explained Mr. Dansie would provide invoices for work done on the annexation.

13 There being no further questions, Mayor Rubin asked for a motion to pay the bills.

14 *Motion: Council Member Nadelberg moved to approve the bills to be paid. Council Member*  
15 *Dwinell made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and*  
16 *Nadelberg. None opposed. Motion passed.*

17 **2. Discussion and Possible Action of Entering into a Memorandum of Mutual Intent Between**  
18 **Hideout and Mustang Development.**

19 Mayor Rubin presented a Memorandum of Understanding (MOU) between the Town and Mustang  
20 Development and explained this was proposed between the Town's legal counsel and Mustang  
21 Development's legal counsel. Council Member Chris Baier asked for some context behind the  
22 MOU. Mayor Rubin stated an Impact Fee Agreement was recently signed between the Town and  
23 Mustang Development for the reimbursement for system investments in the Town. The intent was  
24 to facilitate discussion between the Town and Mustang Development. The number of members for  
25 representation was discussed. It was decided to amend the MOU to state each party would not be  
26 limited to a specific number of representatives.

27 *Motion: Council Member Baier moved to authorize the Mayor to enter into a memorandum*  
28 *of mutual intent between Hideout and Mustang Development as amended. Council Member*  
29 *Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and*  
30 *Nadelberg. None opposed. Motion passed.*

31 **3. Discussion and Appointment of a Mayor Pro Tempore for the dates between September 17**  
32 **through October 4, 2020 and October 17 through November 1, 2020.**

33 Mayor Rubin stated he would be traveling during the dates of September 17 through October 4, and  
34 October 17 - November 1, 2020. He noted he would be in areas where electronic service would  
35 not be available and needed to appoint a Mayor Pro Tempore during that time. It was discussed  
36 and decided Council Member Dwinell would act as Mayor Pro Tempore during September 17  
37 through October 4, and Council Member Baier would act as Mayor Pro Tempore during October  
38 17 through November 1.

1 **4. Consideration and Possible Action on a Resolution Indicating the Town of Hideout's Intent**  
 2 **to Annex property in the vicinity of Richardson Flats across county lines which includes**  
 3 **parcels SS-125, SS-125-C, PP-28-1, PP-28-2, SS-86, and portions of PP-28-A, (as depicted**  
 4 **and described in Richardson Flats Annexation attachments). The legal description of the**  
 5 **area is listed on the attached Resolution.**

6 The agenda item had been continued from the September 8, 2020 meeting. Mayor Rubin reviewed  
 7 what was discussed in the prior meeting and which parcels would potentially be excluded from the  
 8 impending annexation. It was clarified the agenda item included all parcels with the option to omit  
 9 some at Council's discretion.

10 Attorney Rob Mansfield explained there were two litigation matters:

- 11 1. Summit County had filed a lawsuit against the Town of Hideout and an injunction was  
 12 issued with respect to the prior annexation efforts from the July 9, 2020 meeting.
- 13 2. Summit County had filed a lawsuit against developer Nate Brockbank and his entities  
 14 directly in the Third District Court of Summit County, which prohibited Mr. Brockbank  
 15 and his entities from granting a consent for the property (parcel number PP-28-A), which  
 16 Summit County claimed was illegally subdivided from being annexed into the Town of  
 17 Hideout.

18 Mayor Rubin presented a concept map of the potential annexation area and proposed to include  
 19 only parcels SS-86, PP-28-1, PP-28-2, SS-125 and SS-125-C, which was 350 acres of land. A  
 20 color-coded map was presented and Mayor Rubin explained what each section could be developed  
 21 as, including a Town Center, community site or school, and parks and open space. Mr. Brockbank  
 22 stated although several parcels were excluded from the original annexation proposal, the intent  
 23 was to continue with the development of parks on those parcels even though they would not belong  
 24 to Hideout. Details of the map were discussed, including the addition of seventeen miles of trails,  
 25 regional parks and open space, an equestrian center, roads, and commercial and residential  
 26 development.

27 Council Member Bob Nadelberg stated he would be in favor of moving forward with the revised  
 28 annexation attempt within the 60-day window before the law was repealed. Mayor Rubin asked  
 29 Council for their thought regarding moving forward with the annexation attempt. Council Member  
 30 Dwinell expressed he had received follow up phone calls from other legislators who provided their  
 31 opinion on why the 60-day window was given, which was to allow the annexation to continue. He  
 32 believed the annexation would be beneficial to the Town and to the greater community, however  
 33 he was unsure if the best action would be to continue with the annexation within the 60-day  
 34 window or wait until after the next legislative session.

35 Bruce Baird, legal counsel for the developer, spoke. He explained to Council Member Dwinell the  
 36 legislators who spoke with him were sponsors of the bill, where the two legislators who spoke  
 37 during the previous meeting were not directly involved in the bill. He further explained with special  
 38 legislative sessions, almost all the bills passed with 60 percent or more taking effect immediately.  
 39 He further discussed reasons why Council should pursue the annexation within the 60-day  
 40 window.

41

1 Council Member Carol Haselton expressed her concerns of pushing the annexation through within  
 2 the 60-day window. She felt more regional planning and working with all other entities involved  
 3 was needed. She expressed she did not feel like the Town would get what was needed in the long  
 4 run unless other communities were also involved. Council Member Baier agreed with Council  
 5 Member Haselton's statement regarding regional planning. She stated Hideout has not ever been  
 6 invited to regional planning meetings that she had been aware of, and she felt if the annexation  
 7 were not pursued, the Town would not be addressed in future planning meetings with Park City or  
 8 Summit and Wasatch Counties. She also expressed she was disappointed with the smaller  
 9 annexation area, but was encouraged Mr. Brockbank would work with Park City to keep the other  
 10 parcels as usable open space. She stated she was in favor of moving forward with the next steps of  
 11 the revised annexation plan.

12 Mayor Rubin presented and described a timeline of events which would take place if the Council  
 13 determined to move forward with the revised annexation plan, including various Planning  
 14 Commission meetings, Town Council meetings, and a Town Council Public Hearing session.

15 Mayor Rubin hoped if the proposed resolution of intent to annex passed, the meetings which were  
 16 discussed on Tuesday would still take place. He later received a message from State Representative  
 17 Tim Quinn stating if the Council were to move forward with passing the resolution, the regional  
 18 planning meeting which he had been working to schedule would be cancelled.

19 The Pre-Annexation Agreement was presented and the final language was clarified and discussed.  
 20 It was agreed the specific parcels would be included in the language (SS-86, PP-28-1, PP-28-2,  
 21 SS-125 and SS-125-C), the land would be renamed in order to decipher between the previous  
 22 annexation attempt, and the termination date was adjusted to end in December of 2021.

23 Mayor Rubin received a private message from Park City Mayor Andy Beerman, which stated if  
 24 the pre-annexation agreement were passed, it would have a chilling impact on the regional  
 25 conversations and might end up limiting conversations to courtrooms. Council discussed the pros  
 26 and cons of passing the agreement and what impact it might have on the relationships between  
 27 neighboring areas.

28 Mayor Rubin asked for a motion for consideration and possible action on the resolution.

29 *Motion: Council Member Nadelberg made the motion approving Resolution 2020-09, a*  
 30 *resolution indicating the Town of Hideout's intent to annex property in the vicinity of*  
 31 *Richardson Flats across county lines which includes parcels SS-86, PP-28-1, PP-28-2, SS-*  
 32 *125 and SS-125-C. Council Member Baier made the second. Voting Yea: Council Members*  
 33 *Baier, Dwinell and Nadelberg. Voting Nay: Council Member Haselton. Motion passed 3-1.*

34 **5. Consideration and Possible Action to authorize the Mayor to enter into a Pre-Annexation**  
 35 **Agreement with N Brockbank Investments, LLC related to a possible annexation of land**  
 36 **owned by N Brockbank Investments, LLC in the vicinity of Richardson Flat described in the**  
 37 **Resolution Indicating the Town of Hideout's Intent to Annex (Item #4 above) considered**  
 38 **September 10, 2020 in a form approved by the Town Attorney.**

39 Mayor Rubin presented the Pre-Annexation Agreement as revised by Ms. McLean and asked for  
 40 a motion.

*Motion: Council Member Nadelberg moved to authorize the Mayor to enter into a pre-annexation agreement with N Brockbank Investments, LLC related to a possible annexation of land owned, or has the right to purchase, by N Brockbank Investments, LLC in the vicinity of Richardson Flats describing Resolution 2020-09 indicating the Town’s intent to annex, considered on September 10, 2020 in a form approved by the Town Attorney. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, and Nadelberg. Voting Nay: Council Member Haselton. Motion passed 3-1.*

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

At 8:41 pm, Mayor Rubin opened the floor to public input. He reminded attendees that a future meeting would be held for public input regarding the annexation, and the public input portion was for items not listed on the agenda.

Hideout resident Gwen Wetzel spoke and stated she appreciated the progress made on the pond. She inquired if the leftover asphalt from the chip seal would be removed. Mayor Rubin stated it would be spread.

Dave McFawn spoke and asked how much tax revenue Hideout was short on. Mayor Rubin explained Hideout was not short on tax revenue, however, as the Town grows the need for other income sources would be necessary in order to continue to maintain the Town. He informed Mr. McFawn of budget hearings which were held on a continual basis, and the budget was a matter of public record.

There being no further comments, Mayor Rubin closed public input at 8:52 pm.

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

There being no further public business, Mayor Rubin asked for a motion to close the public portion of the meeting and move into Executive Session.

*Motion: Council Member Dwinell made the motion to enter into Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or real property as needed. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Nadelberg. None opposed.*

Whereupon, the closed executive session convened at 8:53 pm.

**Present:**  
Mayor Phil Rubin  
Council Member Chris Baier  
Council Member Jerry Dwinell  
Council Member Carol Haselton  
Council Member Bob Nadelberg

**Staff and Others Present:**  
Town Attorney Polly McLean  
Rob Mansfield

1 **VII. Meeting Adjournment**

2 At approximately 9:40 pm, Council moved into public session.

3 *Council Member Baier moved to adjourn the meeting. Council Member Dwinell made the*  
4 *second. Voting Aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed.*

5 The meeting adjourned at 9:40 pm.  
6  
7  
8  
9

10 \_\_\_\_\_  
11 Alicia Fairbourne, Town Clerk  
12

DRAFT

**File Attachments for Item:**

5. December 10, 2020 Town Council Minutes DRAFT

1  
2  
3  
4  
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7  
8

**Town of Hideout  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL REGULAR MEETING  
December 10, 2020**

9 The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on December 10, 2020  
10 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

11  
12 Regular Meeting

13  
14 **I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter**

15 Mayor Rubin called the meeting to order at 6:01 pm and read the No Anchor Site Determination  
16 Letter in its entirety. All attendees were present electronically.

17  
18 **II. Roll Call**

19  
20 **Present:** Mayor Phil Rubin  
21 Council Member Carol Haselton  
22 Council Member Ralph Severini  
23 Council Member Jerry Dwinell  
24 Council Member Chris Baier

25  
26 **Excused:** Council Member Bob Nadelberg

27  
28 **Staff Present:** Town Attorney Polly McLean  
29 Town Administrator Jan McCosh  
30 Town Treasurer Wes Bingham  
31 Public Works Director Kent Cuillard  
32 Town Planner Thomas Eddington  
33 Town Clerk Alicia Fairbourne

34  
35 **Others Present:** Wes Mangum, Dan Dansie, Rachel Cooper, Maureen Pelton, Frank Pizz, Carlen  
36 Petersen, Donald Blumenthal, Glyniss Tihansky, Sarah Winter, Bryan Cooper, Dillon Bliler, Jeff  
37 Schiff, Charlie Hartwell and others who may not have signed in using full or proper names when  
38 logging in via Zoom.

1 **III. Approval of Council Minutes**

2 **1. August 14, 2020 Town Council Meeting Minutes**

3 **2. August 27, 2020 Town Council Meeting Minutes**

4 **3. September 4, 2020 Town Council Meeting Minutes**

5 A quorum of Council Members who attended the meetings held on August 14, 2020, August 27,  
6 2020 and September 4, 2020 was not present in order to approve the minutes, so a decision was  
7 made to postpone approval of the minutes until the next meeting.

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

9 Mayor Rubin invited members of the public to speak. Shoreline Phase 1 homeowners Maureen  
10 Pelton and Charlie Hartwell joined the meeting. Ms. Pelton shared their frustrations with builder  
11 GCD on several ongoing health and safety issues regarding their homes which had not been  
12 addressed. These issues included slope erosion, sewer back ups, water heater ventilation problems  
13 and fencing at drop-offs which GCD had told homeowners before closing would be constructed.  
14 She stated a committee of homeowners had been created and she asked for support from the Town  
15 to address these issues with GCD. She added the issues related to slope erosion presented potential  
16 safety concerns to the Town in addition to specific homeowners.

17 Mayor Rubin reported he had communicated with GCD to share these concerns and requested a  
18 written response. He added he was also working with the town engineer to schedule inspections  
19 of some of the impacted homes. Town Attorney Polly McLean reported she had recently received  
20 a seven-page response letter from GCD, to which she had not yet reviewed in detail. She added  
21 the Town was doing what it could to help rectify the issues, but noted there was no jurisdiction  
22 for the Town to intercede more formally on issues which were between the homeowners and the  
23 builder. In response to Ms. Pelton's question on whether the erosion issues were a safety concern  
24 to the Town, Mayor Rubin stated an engineering inspection would be conducted to determine  
25 whether the erosion was creating stability issues. Ms. Pelton noted Town Engineer Ryan Taylor  
26 had been to her home to view the erosion and shared her concerns. Mayor Rubin stated he would  
27 discuss this with Mr. Taylor, who was not able to attend this meeting, and he expected GCD to  
28 rectify the issues in order to continue doing business in the community.

29 Council Member Baier noted these concerns had also been shared at another Town Council  
30 meeting, and requested the inspection records, engineering reports and certificates of occupancy  
31 for these properties be reviewed by the town engineer and reported on at the January Town  
32 Council meeting.

33 Mayor Rubin stated since the last meeting, he had worked with legal counsel to determine what  
34 the Town could do legally, and asked one of the Shoreline residents to coordinate in-home  
35 inspections with the town engineer. The intention was to provide a report to the Town Council  
36 based on these visits. He added the predecessor outsourced engineering firm, (not TO Engineers),  
37 conducted the inspections, and would be approached if deficiencies were identified.

38

1 Council Members Baier, Dwinell and Severini each stressed their concerns and sense of urgency  
 2 to address these health and safety matters, and put pressure on the builder to remedy them to the  
 3 fullest extent possible. Council Member Haselton added she was also a Shoreline homeowner  
 4 with similar issues, and agreed with the other Council Members' comments of support.

5 Shoreline homeowner and member of the Town's Infrastructure Committee, Brian Cooper, shared  
 6 the recent Infrastructure Committee discussion of this matter. He reported Town Engineer Ryan  
 7 Taylor had agreed to obtain quotes from a geo-tech engineering firm to review several locations  
 8 around Hideout that appeared to have issues with slopes and erosion. He referenced the APWA  
 9 (American Public Works Association) building codes for unstable and stable rock conditions and  
 10 noted that certain areas did not appear to be compliant. The Infrastructure Committee suggested  
 11 an estimate be obtained for performing these inspections and providing recommendations for  
 12 remediation as appropriate. This would be forwarded to the Mayor and Town Council for  
 13 approval to proceed.

14 Mr. Cooper added he had reached out to an independent building inspector, Dave Thatcher, who  
 15 would be reviewing issues with sewer back-ups and water heater ventilation. He noted the sewer  
 16 problems have occurred at all three levels in Shoreline and appeared to be caused by feeder line  
 17 problems or defective back up preventer valves. By having an independent inspector conduct final  
 18 re-inspections of these homes, it was his hope that pressure could be put on the builder to complete  
 19 the remediation by withholding future building permits until these issues were remedied. Mayor  
 20 Rubin noted the Town did not have authority to withhold approval of future building permits as  
 21 a means of leverage with the builder.

22 Mayor Rubin reported that the entire Shoreline Phase 1 sewer system main lines had been flushed  
 23 and scoped, and no issues had been identified based on the video reviewed thus far. The final  
 24 report was expected soon.

25 Mr. Cooper reported work had also begun to investigate issues with water heater ventilation and  
 26 develop potential solutions which would comply with the manufacturer's installation  
 27 recommendations.

28 Shoreline homeowner Frank Pizz reiterated the homeowners' concerns and noted their home  
 29 values were also at stake in addition to the health and safety issues discussed.

30 There being no further comments from the public, Mayor Rubin closed the public comment  
 31 session at 6:40 pm.  
 32

## 33 **V. PUBLIC HEARING**

### 34 **1. Budget Amendment (Continued from November 26, 2020 Meeting)**

35 Mayor Rubin reviewed the law's requirement for a reasonable alignment with the budget target  
 36 for a specific expense and the actual expense. He noted it would be appropriate to adjust the  
 37 budget figures for building permits to align with actual building activity, as well as to reflect the  
 38 collection and disbursement of the newly implemented impact fees.

39 Town Treasurer Wes Bingham explained the budget had been built conservatively to reflect a  
 40 number of unknowns related to the potential impact of the COVID-19 pandemic, and added it

1 was not unusual to adjust the budget during the course of the year. For example, more building  
2 permits were issued than what was projected, and the projected costs of building inspections  
3 increased. Therefore, the budget was adjusted to reflect the increase. He added the adjusted budget  
4 reflected issues that could come up over the next six months and hoped there would be just one  
5 more budget adjustment required at year end.

6 The proposed budget adjustment requested an additional \$75,000 to cover engineering expenses  
7 in the current budget year and stemmed from the high level of building activity. Building  
8 inspections had exceeded the budgeted revenue item already, so an adjustment to align the  
9 expenses and revenues was required.

10 Regarding money received from the CARES Act, Mr. Bingham noted certain requirements to  
11 spend those dollars and properly meet federal requirements. He reviewed the figures associated  
12 with these funds and highlighted the budget adjustments necessary to properly account for receipt  
13 and disbursement in order to avoid returning any of the funds to state or federal agencies.

14 Regarding the new Impact Fee funds, Mr. Bingham explained the proposed budget item that  
15 segregated these special purpose funds for accounting purpose.

16 Regarding the Class C road fund, Mr. Wes noted \$72,500 had been included within the general  
17 fund budget. He proposed creating a separate account for this budget item in order to separately  
18 track these funds. He noted that similar accounting was done for culinary, waste and storm water  
19 impact items.

20 Council Member Jerry Dwinell inquired whether the building inspection fees and the engineering  
21 fees were pass-throughs, to which Mayor Rubin explained they were, but it was necessary to  
22 budget and align both sides of the balance sheet.

23 Mr. Bingham highlighted items related to building permit revenues and building inspection  
24 expenses, as well as the accounting for the COVID-related funds. Mayor Rubin added the  
25 allocations of time the town staff spent on public health issues as well as expenditures to allow  
26 for staff to work remotely were all allowable under CARES and were reflected as allocations in  
27 the budget. He also noted the Town would continue to apply for additional funding for local  
28 governments if approved by Congress.

29 There being no further questions from Council, Mayor Rubin opened the floor to public comment  
30 at 7:02 pm. He clarified the budget adjustments were not raising taxes on the community, but  
31 rather aligning the revenues and expenses within the budget.

32 There were no comments from the public. Mayor Rubin closed the public comment portion of the  
33 meeting at 7:03 pm.  
34

1 Mayor Rubin read Resolution Number 2020-12 in its entirety and asked for any questions from  
2 the Council. There being no questions, Mayor Rubin asked for a motion to adopt the resolution.

3 *Motion: Council Member Dwinell moved to approve Resolution 2020-12 amending the*  
4 *Town's operating budget for fiscal year ending June 30, 2021. Council Member Severini*  
5 *made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, and Severini.*  
6 *Voting Nay: None. The motion passed.*

7 Mayor Rubin closed the public hearing and moved into regular meeting.  
8

9 **VI. Agenda Items**

10 **1. Discussion on municipal revenues**

11 Town Administrator Jan McCosh provided background on potential revenue sources to consider  
12 as part of the budget process. She reviewed a summary of the three forms of revenues authorized  
13 by the state legislature for cities and towns: property tax, sales tax, and utility tax. These taxes  
14 generate money for the Town's General Fund and could be used for any legitimate public  
15 purposes.

16 Ms. McCosh noted the current home tax rate in Hideout of .000867% and presented a property  
17 tax value from a typical home in Hideout and the portion received by the Town. She also shared  
18 the tax rates for surrounding cities and explained Hideout was low compared to its neighboring  
19 towns and cities.

20 Ms. McCosh explained the Town did not currently generate any sales tax revenue, and noted  
21 cities typically generate sales tax revenue four times that of property tax revenues. She noted the  
22 range of special sales taxes which could be generated, including hotel taxes, resort community  
23 taxes and public transportation taxes if those services existed. She added the Town currently  
24 collected taxes on municipal utilities and telecommunications services to the extent  
25 allowable. She also noted several restricted funds, which could not be used for purposes other  
26 than as defined. These included roads, building permits and inspections, water, and garbage  
27 services. Finally, Ms. McCosh reviewed the approved uses for impact fees, and clarified they are  
28 generally not used for maintenance of the project.

29 Council Member Ralph Severini asked if Ms. McCosh had any projections for future needs which  
30 would require increasing taxes. Ms. McCosh responded it was difficult to make accurate  
31 projections, but suggested moderate increases to avoid any crisis, stay in line with the surrounding  
32 communities and which provide increased public services as the Town grows. Mayor Rubin added  
33 as the number of homes increase in the Town what will be the ratio for coverage of additional  
34 services required. He also reminded Council that taxes were frozen this year due to COVID, and  
35 also if the annexation were to move forward, there would be no revenues generated from that for  
36 several years.

37 In response to Ms. McLean's question regarding revenues from short-term rentals, Mayor Rubin  
38 stated short-term rentals were prohibited by the HOA (Homeowners Association). Any future  
39 condo-hotel developments could provide such income.  
40

1       **2. Discussion and possible approval of a Resolution Authorizing Application for the Renewal**  
 2       **of the State-Sponsored Enterprise Zone**

3       *(Clerk's note: Mayor Rubin corrected the agenda item to read: Discussion and possible approval*  
 4       *of a Resolution Authorizing Application for the Creation of the State-Sponsored Enterprise Zone)*

5       Ms. McCosh shared the Enterprise Zone Tax Credit document and described the program which  
 6       would provide tax credits for certain job creation, infrastructure spending, and investments within  
 7       a designated enterprise zone. This state-sponsored program was extended for four years (through  
 8       2024) and was designed to incentivize economic development in rural Utah.

9       Ms. McCosh stated she did not see a downside to the designation of the entire Town as an  
 10       enterprise zone which could serve as part of an incentive package for potential business creation  
 11       in the Town or potential re-zoning of some planned development to neighborhood commercial in  
 12       order to participate. She noted Summit County designated the entire county as an enterprise zone.  
 13       She added any development would require zoning approvals, and approving this would not  
 14       commit the Town to any specific projects. Ms. McLean added she did not see any downsides from  
 15       a legal perspective.

16       Mayor Rubin thanked Ms. McCosh for her efforts in researching additional revenue sources and  
 17       incentive package ideas for the Town. He presented the resolution, read it in its entirety and asked  
 18       for a motion to approve the resolution.

19       ***Motion: Council Member Severini moved to recommend the adoption of Resolution 2020-13,***  
 20       ***authorizing the Application to enter into the State-sponsored Enterprise Zone. Council***  
 21       ***Member Haselton made the second. Voting Aye: Council Members Baier, Dwinell, Haselton,***  
 22       ***and Severini. Voting Nay: None. The motion passed.***

23       **3. Proposed new Planning Commission members and possible consent from Council to appoint**

24       Mayor Rubin presented the two new candidates for the Planning Commission which would  
 25       provide for a full membership of the Commission and an alternate member.

26       Mayor Rubin introduced Glynnis Tihansky and asked her to provide her background. Ms.  
 27       Tihansky stated she had recently moved to Shoreline Phase 2, had served on the planning  
 28       commission for Buckingham Township, PA for ten years, and had looked forward to serving in a  
 29       similar capacity again. She noted her undergraduate degree in agricultural engineering and a  
 30       master's degree in bio-medical engineering, and currently worked in the medical device area.

31       Council Members Severini, Baier and Dwinell thanked Ms. Tihansky for her interest in  
 32       supporting the community through this position.

33       Mayor Rubin introduced Rachel Cooper, who was married to Brian Cooper – a new member of  
 34       the Town's Infrastructure Committee. Ms. Cooper shared she moved to Shoreline approximately  
 35       eighteen months ago from Maryland, and her background included real estate appraisal and  
 36       writing. She had a long-term interest in urban planning and had written three books about  
 37       Washington, DC.

38       Council Members Baier thanked Ms. Cooper for her involvement and looked forward to hearing  
 39       her new ideas for Hideout.

1 Mayor Rubin confirmed that these appointments would bring the Commission to five members  
 2 and one alternate, with an opening outstanding for a second alternate member. It was also noted  
 3 with the addition of Ryan Sapp at a previous meeting, the Planning Commission now included  
 4 representation from Soaring Hawk.

5 Mayor Rubin asked for the Council's consent to appoint Ms. Tihanksy as a new member and Ms.  
 6 Cooper as an alternate member of the Planning Commission. Each Council Member gave his or  
 7 her consent. Mayor Rubin noted that Ms. Cooper would have an active role as an alternate  
 8 member, with the opportunity to participate fully in all meetings and vote in the absence of any  
 9 full time members.

10 Ms. Tihanksy and Ms. Cooper were excused from the meeting at this time.

#### 11 **4. Bills to be approved**

12 Mayor Rubin stated he had learned from Ms. McLean the Council was not technically required  
 13 to approve each bill paid unless specifically required by a purveyor. He asked Council Members  
 14 if they were comfortable changing the procedure whereby, they would continue to approve the  
 15 budget and receive updated financial reports in the current format, but would not be required to  
 16 vote on each payment item.

17 Council Members Baier and Dwinell stated they would be comfortable with this change. Council  
 18 Member Dwinell asked about the process to ensure correct categorization of bills to which Mayor  
 19 Rubin responded he scrutinized all bills and the accounting categories closely in his review.  
 20 Council Member Severini added he would expect to review the large expenditures in detail as  
 21 part of the quarterly review.

22 Mayor Rubin recommended the payment of bills which would be reviewed in detail at the  
 23 February meeting.

#### 24 **5. Discussion and possible approval of an impact fee credit agreement with Western States** 25 **Ventures**

26 Mayor Rubin reported when the impact fees were passed, it was recognized that some developers  
 27 had built a portion of the universal infrastructure beyond Mustang, LLC and were entitled to an  
 28 impact fee credit which could be used to offset the impact fees. These developers included GCD  
 29 and Western States Ventures.

30 Mayor Rubin asked Attorney Dan Dansie to discuss the impact fee credit agreement under  
 31 consideration for Western States Ventures regarding the infrastructure work done for Shoreline  
 32 Drive. This agreement could also be enacted for other developers who had built certain  
 33 infrastructure.

34 Mr. Dansie referenced the Ordinance passed in August when the impact fee was adopted which  
 35 made these credits available. This agreement was specifically related to a portion of Shoreline  
 36 Drive and recognized the Town's obligation to reimburse the developer for these costs through a  
 37 credit towards impact fees. It was noted some items remained outstanding in the completion of  
 38 the road. He provided a detailed overview of the proposed agreement, highlighted the  
 39 methodology used to calculate the credit amount, and noted only the transportation impact fees

1 could be offset under this agreement. It was also noted the developer had the right to assign the  
2 credit to a third party and the credits would expire after seven years.

3 Council Member Severini asked about the calculation methodology for the credit relative to the  
4 actual cost of road construction. Mr. Dansie noted only a certain number of roads are eligible for  
5 this credit, with only certain roads which remained incomplete. The exact costs of the portion of  
6 the road to be built were considered for the calculation of the credit amount. Council Members  
7 Haselton and Baier agreed the developer deserved the credit given the improvement that this road  
8 had provided. Mr. Dansie reported the agreement was acceptable to the developer's attorney.

9 Mayor Rubin presented the resolution for the Impact Fee Credit Agreement which authorized the  
10 mayor to sign on behalf of the Town.

11 Council Member Severini asked if this was the first such agreement created. Mr. Dansie noted it  
12 was similar to an agreement entered into with Mustang LLC to provide payment of impact fees  
13 as collected. He added this agreement would serve as a model for future impact fee credits.

14 Mayor Rubin asked for a motion to approve the resolution.

15 *Motion: Council Member Severini moved to approve Resolution 2020-14, allowing the*  
16 *authorization of the Development and Public Improvements Construction and Impact Fee*  
17 *Credit Agreement with Western States Ventures. Council Member Dwinell made the second.*  
18 *Voting Aye: Council Members Baier, Dwinell, Haselton, and Severini. Voting Nay: None.*  
19 *The motion passed.*

20 Mr. Dansie was excused from the meeting at this time.

## 21 **6. Consideration to adopt an ordinance requiring the use of bins for recycling and trash**

22 Mayor Rubin provided a summary of his discussions with the recycling provider Recyclops  
23 regarding the requirements for recycling bins to replace bags for street-side pick up, and noted  
24 there was a need for a similar requirement for all trash to be in street-side bins (rather than outside  
25 of bins). Council Member Dwinell added a third category to consider including in the ordinance  
26 for the small, sealed compost bins and asked if that provision could be added.

27 Ms. McLean agreed to edit the Ordinance to reference all refuse, recycling and compost.

28 Council Member Baier asked about the size of the proposed recycling bins, which Mayor Rubin  
29 noted were smaller than the current trash bins. She shared her concerns about instances when  
30 homeowners had more recycling material than the bins permit. Mayor Rubin noted the ordinance  
31 is intended to ensure bins are properly managed on snow days, and stated on other days it should  
32 not be a problem if additional recycling materials were stacked outside of bins. Mayor Rubin  
33 noted multiple cities used bins with Recyclops.

34 Council Member Baier asked if the Council was trying to fix a problem that did not exist and  
35 which might create barriers for the community to recycle. Mayor Rubin countered based on his  
36 discussions with the Town's Public Works department, it would be a problem if recycling bags  
37 were not picked up on snow days and were plowed in or otherwise remained outside. He added  
38 Hideout was one of the towns that did not use bins. Council Member Severini said he saw both  
39 sides of the issue, however he was more in favor of requiring the use of bins. Council Member

1 Dwinell suggested a requirement to prohibit leaving the recycling bags within a certain distance  
2 of the curb. Mayor Rubin noted that Recyclops had begun ordering the bins for its Hideout  
3 customers.

4 Public Works Director Kent Cuillard referenced problems with fully plowing the streets when  
5 trash bins and bags were left in the street. He added members of the community had complained  
6 about the insufficiently plowed streets.

7 Mayor Rubin agreed to speak with Recyclops to confirm they would agree to pick up additional  
8 recycling left stacked beside the bins, and asked to table this discussion until the next meeting.  
9 Council Member Baier suggested inviting someone from Recyclops to an upcoming meeting to  
10 address these concerns.

11 **7. Discussion and consideration to adopt an Ordinance amending Town Code Section**  
12 **1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of the Town**  
13 **Council of Hideout, Utah**

14 Mayor Rubin presented an ordinance to establish the 2021 Town Council Regular Meeting  
15 schedule. The proposed ordinance continued the current schedule of the second Thursday of each  
16 month with reservation of the fourth Thursday for any unfinished pertinent business that could  
17 not be held until the following month. He also noted meeting dates could be changed for holidays  
18 or as otherwise needed. The Council also discussed the red-lined items in the proposed Ordinance.

19 *Motion: Council Member Dwinell moved to adopt an Ordinance amending Town Code*  
20 *Section 1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of*  
21 *the Town Council of Hideout, Utah. Council Member Baier made the second.*  
22 *Voting Aye: Council Members Baier, Dwinell, Haselton and Severini. Voting Nay: None.*  
23 *The motion carried.*

24 **8. Discussion regarding a possible Town Hall meeting regarding the Silver Meadows**  
25 **annexation**

26 Mayor Rubin asked Council Members to consider a Town Hall-type meeting to address  
27 community questions regarding the Silver Meadows annexation Referendum. He asked for  
28 Council input on whether this might be of value prior to the referendum election to be held in  
29 June, 2021. Council Members Dwinell and Baier suggested the Town be as communicative as  
30 possible in addition to the developer's communication plans. Ms. McLean provided an update on  
31 the referendum. She added any public meeting would require equal time provided for both sides  
32 in support of, and opposing, the referendum.

33 Council Member Severini shared his concerns that significant confusion remained among  
34 members of the community and agreed it would be beneficial to create a communication plan to  
35 share the results of the various studies being conducted, as well as the perspectives of the Town  
36 Council, Planning Commission and and the developer. Mr. Thomas Eddington, Town Planner,  
37 agreed this would be beneficial.

38 In response to questions from Council Members Baier and Severini question regarding the  
39 logistics for the referendum voting process, Town Clerk Alicia Fairbourne noted it could be done  
40 locally (rather than through Wasatch County) and could be conducted by-mail and in accordance

1 with the state election code. The ballots would be mailed three weeks prior to the voting date (as  
 2 per state election code), and residents could also vote in-person at Town Hall. Council Member  
 3 Baier requested a detailed presentation on these logistics at a future Town Council meeting.  
 4 Mayor Rubin added the Town's November election may also be off-cycle from other Wasatch  
 5 County elections and could be conducted as a local election as well.

6 Council Member Haselton noted the in-person meeting in the second quarter of 2021 could be in-  
 7 person rather than via Zoom, depending on the COVID situation at that time.

## 8 **9. On-street parking ordinance update**

9 Mayor Rubin provided background on the proposed on-street parking ordinance and presented a  
 10 detailed report from TO Engineers which highlighted various areas of the Town which could  
 11 safely accommodate on-street parking in accordance with the current town code. He stated this  
 12 was for informational purposes only and did not require a vote.

13 Discussion ensued regarding logistics to create additional parking pads in certain neighborhoods,  
 14 accommodating construction crew on-street parking during working hours, and how to address  
 15 the parking requirements during the evening hours and under winter conditions. Council Member  
 16 Severini suggested soliciting input from each of the HOA's.

17 Mayor Rubin noted this topic would be addressed in more detail at the January Town Council  
 18 meeting.

## 19 **VII. Closed Executive Session - Discussion of pending or reasonably imminent litigation,** 20 **personnel matters, and/or sale or acquisition of real property as needed**

21  
 22 There being no further public business, Mayor Rubin asked for a motion to close the public  
 23 portion of the meeting in order to have a brief executive session.

24 *Motion: Council Member Haselton made the motion to enter into executive session to discuss*  
 25 *pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or*  
 26 *real property as needed. Council Member Dwinell made the second. Voting Aye: Council*  
 27 *Members Baier, Dwinell, Haselton and Severini. None opposed.*

28 Whereupon, the closed executive session convened at 9:42 pm.

29  
 30 **Present:** Mayor Phil Rubin  
 31 Council Member Carol Haselton  
 32 Council Member Ralph Severini  
 33 Council Member Jerry Dwinell  
 34 Council Member Chris Baier

35  
 36 **Excused:** Council Member Bob Nadelberg

37  
 38 **Staff and Others Present:** Town Attorney Polly McLean and Rob Mansfield  
 39  
 40

1 **VIII. Meeting Adjournment**

2 At approximately 9:50 pm, Council moved into public session.

3 ***Council Member Haselton moved to adjourn the meeting. Council Member Baier made the***  
4 ***second. Voting Aye: Council Members Baier, Dwinell, Haselton and Severini. None opposed.***

5 The meeting adjourned at 9:50 pm.

6  
7  
8  
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Alicia Fairbourne, Town Clerk

DRAFT

**File Attachments for Item:**

1. Consideration to adopt an ordinance requiring the use of bins for recycling and trash

## ORDINANCE #2021 - 01

## AN ORDINANCE REQUIRING THE USE OF CONTAINERS FOR GARBAGE AND RECYCLING

WHEREAS, the Town of Hideout has windy conditions, wildlife and snow during the winter which creates a need for enclosed containers for garbage, compost, and recycling; and

WHEREAS, the Hideout Town Council has determined it is advisable to adopt an ordinance to require all garbage, compost, and recycling to be in enclosed containers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Adoption. Chapter 5.03 and Section 5.03.010 of the Hideout Town Code is hereby adopted as follows:

**Chapter 5.03 GARBAGE AND REFUSE**

**5.03.010 CONTAINERS**

A. Receptacles Required. All garbage, refuse, composting and recycling shall be placed in suitable and sufficient garbage receptacles with tightfitting lids.

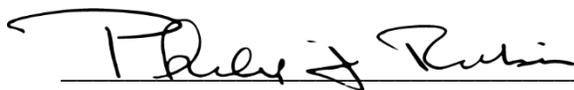
B. Closing Of Garbage Containers Required: All garbage, recycling and waste must be placed in approved containers and the container shall be closed.

C. Violations. Violation of this provision shall be addressed by Title 13, Administrative Code Enforcement Hearing Program.

SECTION II: Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 14th day of January in the year 2021.

TOWN OF HIDEOUT



Phil Rubin, Mayor

ATTEST:



Alicia Fairbourne, Town Clerk

