

TOWN COUNCIL MEETING MINUTES
January 11, 2018

1. Call to Order and Pledge of Allegiance

Mayor pro temp Dean Heavrin called to order the meeting of the Town Council of the Town of Hideout at 6:05 p.m. on January 11, 2018 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. Roll Call

Mayor pro temp Heavrin conducted a roll call. The following Council Members were present:

Mayor-elect: Phil Rubin

Council: Chris Baier
Doug Egerton
Hanz Johansson

By telephone: Dean Heavrin
Jim Wahl

Also attending: Town Clerk - Lynette Hallam, Public Works – Kent Cuillard, Bruce Baird, Bill Bartlett, Lisa Bartlett, Ken Block, Nikki Blumin, Nate Brockbank, Ian Colligan, Cynthia Donaher, Rhonda Egerton, George Garvin, Chris Hartley, Paul Linford, Terry Matyszczyk, Will Pratt, Lynn Register and Rick Shapiro

3. MINUTES - Consideration and Approval of Minutes for Regular Meeting of December 14, 2017

Council Member Jim Wahl motioned to approve the minutes of the regular meeting of December 14, 2017. Council Member Doug Egerton seconded the motion. The motion passed unanimously with affirmative votes from Councilors Egerton, Wahl, Heavrin and Johansson.

4. SWEAR IN NEWLY ELECTED COUNCIL MEMBERS

Town Clerk Lynette Hallam swore in the newly elected Council members, Mayor Phil Rubin and Councilors Chris Baier and Hanz Johansson.

5. INFORMATION ITEM – Introduction of the Council to the Community

Mayor Rubin explained how the Hideout Town government runs. The mayor pointed out a speakerphone was now available and the number will be posted so that anyone wanting to attend the meeting electronically will have the option to call in. The mayor asked the Council Members

to introduce themselves to the community. Each Council member and the mayor told a little about themselves and their history in the community. They also stated what their goals were for the Town.

6. ACCEPT OR REJECT FOR PROCESSING THE PETITION TO ANNEX PROPERTY INTO THE TOWN OF HIDEOUT – Western States Ventures – Austin Property

Council Member Doug Egerton pointed out the Council is not accepting or rejecting an annexation, merely a petition to annex, which gives the Council the right to later to consider the annexation if the petition is accepted. If the petition is accepted, the Council is under no obligation to accept the annexation if the right terms cannot be reached. The annexation can be rejected for any reason.

Council Member Hanz Johansson stated they had received a copy of the ten page Annexation Policy Plan for Hideout. As long as the petition falls within the realm of that plan, Councilor Johansson felt that was an argument for accepting the petition. If it is outside that Plan, the Council should probably not accept it. There was further discussion of the Annexation Policy Plan and the timeline for an annexation.

Rick Shapiro asked, if the Council had just received the Plan today, can or should they make a choice tonight. Councilors Johansson and Baier assured him they could.

Council Member Dean Heavrin pointed out when the boundaries of the Town were drawn, all these properties were invited to be in the Town. The properties not in the Town chose not to be in in the first place.

The developer's attorney, Bruce Baird, explained the Annexation Policy Plan is designed to be a map function to let vying municipalities what areas the Town is reserving for annexation. Other municipalities mark the areas they want.

Mayor Phil Rubin mentioned the annexation would have to fit within the mapped annexation boundaries approved by the Town. By accepting the petition the Council would be saying they are agreeable to the petitioner fleshing out the proposal and bringing it to the Council.

The mayor asked the developer to give the details on the annexation petition. Nate Brockbank commented they had an open house the previous Tuesday; approximately thirty people attended. Mr. Brockbank showed on the Town map where the proposed annexation was located. Mr. Brockbank pointed out the property he annexed last year. The property they are looking to annex now is roughly one hundred acres at the end of Hideout. Mr. Brockbank then pointed out the road he is putting in which in the spring will be connected in to Shoreline Drive. The proposed annex is just north of the second entrance of Hideout. Mr. Brockbank said there will be approximately 12,000 feet of trails to connect to Park City and Deer Valley. There is about another 1000 feet of rail

trails to be put in for a subdivision they are doing north of this property. Jordanelle Parkway will come in and will go all the way to Deer Valley. A park is planned with a soccer field, playground, a dog park, etc.

Chris Hartley asked what kind of buildings would be put in. Mr. Brockbank replied they would be 2500 to 3000 square foot town homes, in the \$550,000 to \$800,000 price range. There will be of 2.6 units per acre. Some things will be worked out in the development agreement. Nate Brockbank indicated if a development agreement cannot be worked out, the Town will just reject the annexation.

Mayor Phil Rubin called for discussion from the Council.

Council Member Hanz Johansson asked a question clarifying the trails will only go in if the annexation is accepted. Councilor Johansson stated he is in favor of the continuity of the trails.

Council Member Chris Baier indicated she had been concerned the Town did not have an Annexation Policy Plan, and she was glad to discover a plan is already in place. Councilor Baier voiced her concern about the capacity of the Town to handle this continued growth without staffing and legal advice. Attorney Bruce Baird said the clocks set into the annexation statute can be waived. Council Member Baier declared her feelings on the challenge the Town has with telecommunications. The Town Clerk offered the Council can require the developer to contribute to needs of the Town when they request annexation.

Council Member Doug Egerton shared the concern of staffing and declared he had other concerns. The general plan needs to be updated including what we want the Town to look like and how far we want it to extend. There needs to be some financial analysis on the impact of services. Will it bring enough tax revenue to justify the extra services required? Councilor Egerton proposed taking time to think through what we are doing and figure out what needs to happen and how it will affect the Town and the Town's finances. Councilor Egerton expressed concern of getting a look running all the way from Stock Lumber almost to Rustler where everything starts looking the same. Do we want to wait until an attorney is on board to advise the Council? If the ball starts rolling down hill, are we going to lose control? Do we want everything in this area to be town homes?

Councilor Johansson reported he had looked at the numbers and came up with 417 doors with Todd Hollow. The total with all the projects which are presently planned is 1917 doors. The Town needs to have some commercial development to increase the tax base.

Ken Block asked if there is sufficient sewer for the project. Nate Brockbank stated about three months ago they signed an agreement with JSSD; they are running a sewer line down to their building. Mr. Brockbank stated he prepaid hookup fees as did about ten other developers. There is no issue with the sewer anymore once that line is done. The engineering is done, and they are starting in March. Concerning water, Mr. Brockbank

stated with his Deer Waters project and if this one comes, they are prepaying all the fees to JSSD. JSSD is building a water treatment facility; the first pod will accommodate 1600 homes.

Bill Bartlett asked about Rocky Mountain Power. Mr. Brockbank replied all future lines will be buried.

Council Member Dean Heavrin agreed with Councilor Egerton. Adding density if the Town doesn't break up the huge shelf of twin homes and quad homes somehow; that is the end of town and the first thing you are going to see at the gateway to Hideout.

Council Member Jim Wahl also agreed with Councilors Heavrin and Egerton. The land and the Town are too valuable to be having row after row of condos. The Town has enough going now, we can't keep up with it.

Council Member Chris Baier opined the Austin property looks bad presently; we need a nice community there. Trail connections to Park City and Deer Valley would add value. The Councilor said she would like to see something done.

Council Member Johansson asked what would happen if the property was left in Wasatch County. Councilor Doug Egerton replied one of the reasons the developer wants to annex into Hideout is the way the Hideout code is written. There would be less density if left in Wasatch County. Nate Brockbank agreed that Wasatch County wants 50 foot setbacks for commercial and 150 feet for residential. The development would lose footage and would have less density. They would put in trails, but they would not connect with the Town trails. They would be extending trails they have already put in. Council Member Chris Baier mentioned she would like the Town to have some control.

Mr. Brockbank commented they have had a traffic study done and will give it to the Town. This development would provide three accesses instead of one. Councilor Egerton commented it would give easier access to Highway 40.

Nate Brockbank advised the Council if they deny tonight, he would probably go to the County; he is going to have to close on the property in May.

Will Pratt echoed the opinions of the new council and mayor concerning no Town attorney, deadlines. Mr. Pratt recommended postponing actions for staffing issues.

Rick Shapiro questioned why the developer preferred Hideout. Nate Brockbank stated Wasatch County doesn't care about parks; they already have a five acre park in the development by Stock Building Supply. The County probably don't care about the trails as much as Hideout because they already have trails. Mr. Brockbank opined Hideout Town is a better address than Wasatch County.

Mr. Shapiro stated he had looked at the campaign financial disclosures. Western States Ventures had contributed to the three Council members who were successful in the

election. The Town Clerk pointed out the mayor had given back all of the contributions he received. Mr. Shapiro pointed out the mayor is not a voting member of the Council. Mr. Shapiro admitted typically campaign contributions don't necessarily require recusal. Because of the very high percentage of funds received from the applicant, Mr. Shapiro recommended the Council receive counsel from an attorney. Mr. Shapiro also pointed out Will Pratt works for the other developer in Hideout.

Council Member Hanz Johansson stated he had received a contribution from Nate Brockbank; he consulted with the State Lt. Governor who stated anybody can contribute to anybody. Councilor Johansson added he had given most of his contributions to charity.

George Garvin stated he lives at Todd Hollow. Mr. Garvin said Mr. Shapiro's point was well taken but should not be a reason to hold things up. These are honorable people, but they probably should have disclosed; now, we need to move on. The issue is if this is good for the community. The Town needs to decide where they want to have high density, where they want low density. Mr. Garvin felt that the Council doesn't necessarily need to wait for the general plan update for this particular project; the Council can look this project on its merits. There is nothing to lose by looking into it and moving ahead.

Ken Block felt he had to question taking money from the developer. The simple solution obtained from Block's attorney would be for those individuals to recuse themselves from the vote. Mr. Block suggested slowing down a little bit. Mr. Block added the master home owners association and the design review committee have done a pretty good job. The Town needs to maintain these high architectural standards.

Lisa Bartlett expressed Hideout is a wonderful and beautiful place to be. Ms. Bartlett asked how the KLAIM development was brought in without being subject to the Master DRC.

Council Member Doug Egerton reported the person who told the Council that the Deer Waters development was required to go under the Master HOA and DRC requirements was the Master HOA attorney. If Deer Waters was subject to the Master HOA, they had to get an agreement with that HOA that made them a sub. Things moved forward and the agreement got signed before it got challenged. There was some question if it was required. When KLAIM came along, the Council did not require them to be a part of the Master HOA. The Council does not think the Master Development Agreement did not require it; and the Town did not require them to be. Probably Deer Waters should not have been required to be under the Master HOA. The Master HOA and the Deer Waters developer will have to work that out.

Lisa Bartlett voiced her opinion that it is better to have control than no control. Ms. Bartlett felt trails and parks would be a great addition. Hideout is an up and coming place, and it is better to have control.

Bruce Baird declared the law is clear on when recusal is required. State Code says you don't have to recuse for campaign contributions. Rick Shapiro opined the Council has the ability to do better; the residents didn't vote for mere compliance.

Council Member Chris Baier asked Mr. Shapiro if he considered this parcel a part of Hideout. Wouldn't it be better to have control? Rick Shapiro commented he had more basic concerns. Mr. Shapiro felt the Council Members were honest and decent, but thought they may have made mistakes.

Council Member Doug Egerton disagreed with Mr. Shapiro's comment. There will be no decision made tonight that compromises anyone on the Council. At the time the Council has to vote on a development agreement and final annexation, if 51 percent of the residents feel is a mistake and those members of the Council who received contributions vote for it, maybe you concerns can be arguable. Councilor Egerton recommended saving comments for the time when a decision will be made.

Bruce Baird stated anyone can file a protest to the annexation, but no one can stop it except the Council. There are clocks for notice. Mr. Baird believed the petitioner can waive the clocks. A vote to accept the petition commits the Council to nothing except time and resources.

Council Member Chris Baier made a motion to accept the petition. Council Member Doug Egerton seconded the motion. Voting as follows: Councilor Baier "aye", Councilor Heavrin "nay", Councilor Wahl "nay", Councilor Egerton "aye", Councilor Johansson "aye". The motion passed with a 3-2 vote.

There was a short break. Councilors Heavrin and Wahl did not return to the meeting after the break.

7. ORDINANCE #18-01 An Ordinance Establishing a 2018 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah

Council Member Doug Egerton suggested keeping the meetings at 6:00 pm.

Council Member Hanz Johansson motioned to approve the meeting schedule for 2018 – Ordinance #18-01. Council Member Chris Baier seconded the motion. Motion passed unanimously with affirmative votes from Councilors Baier, Egerton and Johansson.

8. DISCUSSION ITEM - Planning Commission Meeting Schedule

Council Member Doug Egerton felt it was a good idea to keep a set schedule with the Planning Commission. Town Clerk Lynette Hallam suggested the Planning Commission be scheduled farther from the Council Meetings. Councilor Egerton felt it was good to have a longer time between Planning Commission and Town Council.

Council Member Doug Egerton suggested the developers and others who come before the Planning Commission and Town Council bring better visuals that everyone can see.

Councilor Chris Baier talked about what the term limits are for the Planning Commission. The Town Clerk thought the term was four years and pointed out the members did not have to live within the Town. Councilor Baier opined the Planning Commission needs to be more active and engaged and give a report to the Council so they can have a more complete package. Mayor Rubin reported he was preparing a checklist for all the things the Planning Commission should cover. The mayor also suggested Dave Erichsen, Commission Chair, should prepare a formal report of the Planning Commission's decisions. Council Member Doug Egerton suggested the Planning Commission Chair should be at the Town Council meeting.

9. **DISCUSSION AND POSSIBLE APPROVAL - RFP for Town Attorney**

10. **DISCUSSION AND POSSIBLE APPROVAL - Town Administrative Assistance Job Description**

Items 9 and 10 were combined for discussion. There was a short discussion about these items.

11. **DISCUSSION ITEM – Top 5 focus Areas for the Town**

Council Member Doug Egerton suggested the Council hold a work session to discuss this item.

12. **INFORMATION ITEM - Newly Formed Internet Committee**

Mayor Rubin commented he had asked for residents who were interested in trying to come up with different options for high-speed internet. George Garvin, Kurt Shadle, Hanz Johansson and Jerry Dwinell have volunteered to look into this.

13. **INFORMATION ITEM - New E-mail Address for Posting Town Concerns**

The mayor informed there is an email address to address concerns from the community. The address is concerns@hideoututah.gov.

14. **DISCUSSION ITEM – Info Systems Update – Hanz Johansson**

Council Member Hanz Johansson declared he was working on how the Council can better communicate with the residents. There are four to five options; some will cost money. This will be covered further at the work session. The residents will have to agree to the notifications, or they can opt out.

15. **CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of payment of December bills**

Council Member Chris Baier had a question why the Pelorus Methods showed up on both General Fund and Enterprise. The Town Clerk explained the bill was split between both funds.

Councilor Doug Egerton made the motion to approve payment of the December, 2017 bills. Councilor Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Council Members Baier, Egerton and Johansson.

16. **REVIEW SECOND QUARTER FY18 FINANCIAL STATEMENTS**

It was decided the financial statements would be reviewed later.

17. **PUBLIC INPUT**

Bruce Baird stated Deer Water was told they would have to be a part of the Master HOA. It was determined later by the Council, properties not in the original development did not have to be part of the master HOA. Deer Water will be petitioning the Council to be remove that requirement. The documents were signed incorrectly by a person who does not actually own the property. The petitioner invited the Master HOA to discuss this matter, and they declined. Council Member Doug Egerton asked Mr. Baird if there was any legal implications for the Town in reversing the decision. Mr. Baird opined that a legislative action is virtually unchallengeable; the Council has the right to challenge anything that is reasonably debatable. Councilor Egerton stated he had studied the MDA after the meeting in question and he could not find that requirement. Mr. Baird said legally the MDA could only bind the property owned by the declarant of the MDA.

Mayor Rubin stated since there are properties coming to the Town for development which are not part of the MDA, there are parts of the agreement the Town would want to adopt as far as materials for construction, etc. The Town will need to adopt some standards. Councilor Doug Egerton brought up the fact there will need to be someone who would administer those standards and design review standards. Ken Block opined the HOA is not just managing construction standards but will move forward in perpetuity; that is why an HOA is needed. Councilor Doug Egerton added each development needs CCRs.

Councilor Member Chris Baier reminded everyone the Council are elected officials; the community has a say. With the HOA, residents have very little say. The Council hopes the community will be satisfied with the level of input they are allowed with the governing body.

Ken Block felt that the developer of the master HOA still has the best interest of the Town in mind. Mr. Block hoped the hostilities could be minimized.

Chris Hartley opined the purchaser of new homes or properties needs to read all documents and exercise due diligence before purchase; it is a shame that all members for community have to pay the price of antagonism because someone does not do their due diligence.

Councilor Doug Egerton agreed as a Town we can start making information available at Town Hall. Mayor Phil Rubin pointed out if the Town provided material that was incomplete, they could be liable.

18. ADJOURNMENT

Council Member Hanz Johansson made the motion to adjourn the Hideout Town Council Meeting.

The meeting adjourned at 8:30 p.m.

Lynette Hallam, Town Clerk

Approved: 3/8/18