

MINUTES IN DRAFT FORM

Town of Hideout
Town Council Meeting
January 10, 2019

REGULAR MEETING

The Council of the Town of Hideout, Wasatch County, Utah, met in **Regular Meeting** on January 10, 2019 at 6:00 pm in the Council Chambers located at 10860 N. Hideout Trail, Hideout, Utah,

Present Mayor Philip Rubin
Council Member Dean Heavrin – via telecommunication
Council Member Hanz Johansson
Council Member Chris Baier
Council Member Jim Wahl – via telecommunication
Council Member Kurt Shadle

Excused: None

Also Present: Town Administrator, Jan McCosh
Lynette Hallam, Town Clerk
Kent Cuillard, Public Works
Dan Dansie, Town Attorney

Others in Attendance: Ben Fitzgerald, Clint Neerings and Jason Provost - Wasatch County Fire Department, Bill Bartlett, Nate Brockbank, Melyssa Davidson, Jerry Dwinell, Jared Fields, Will Pratt, Jack Walkenhorst, Ralph Severini – via telecommunication

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Rubin called the meeting to order for January 10, 2019. Mayor Rubin led the Pledge of Allegiance.

2. ROLL CALL

Mayor Rubin polled the Council for roll call. All members were in attendance with the exception of Council Members Heavrin and Wahl who joined the meeting electronically.

3. MINUTES - Consideration and Approval of Minutes for Regular Meeting of December 13, 2018

Mayor Rubin introduced Jan McCosh; the Town's new Town Administrator.

Mayor Rubin addressed his corrections to the minutes of December 13, 2018, which he already had Ms. Hallam incorporate into the minutes. There were two minor corrections and a clarification on page 4. Council Member Baier addressed a correction on page 3, regarding the Urban Wild Land Interface Code, which should be Urban Wildlife Interface Code; in addition, she addressed a paragraph addressing the fire code in section 5. Council Member Johansson pointed out a correction regarding "Commissioner" in section 6. Ms. Hallam noted that Kurt Shadle is the Commission Chair.

Motion: Council Member Johansson moved to approve the Regular Minutes of December 13, 2018, with the corrections as cited. Council Member Baier made the second.

Roll Call: Council Members Voting Aye: Council Members Heavrin, Wahl, Baier, Johansson. Members Voting Nay: None. The motion passed unanimously.

4. COUNCIL VOTE TO FILL COUNCIL VACANCY – Council will Vote to Select One of the Three (3) Interested Candidates to fill the Vacancy Created by the Passing of Doug Egerton

Mayor Rubin noted the next item was a Council vote to fill the Council vacancy. The three candidates were in a Special Meeting, which was held Tuesday, January 8, 2019.

The three candidates are: Kurt Shadle, Jerry Dwinell, and Ralph Severini (electronically). Mayor Rubin stated he would like to poll the Council for their vote.

Mayor Rubin asked Council Member Johansson for his vote. Council Member Johansson indicated he would like to say something first. He indicated that all three candidates were very good candidates and have been good members on the Planning Commission. He stated his vote would go to Mr. Shadle.

Mayor Rubin asked Council Member Baier for her vote. Council Member Baier indicated she would like to go last.

Mayor Rubin asked Council Member Heavrin for his vote. Council Member Heavrin indicated he wanted to say thank you to everyone that applied; his vote was for Kurt Shadle.

Mayor Rubin asked Council Member Wahl for his vote. Council Member Wahl indicated his vote was for Kurt Shadle.

Mayor Rubin asked Council Member Baier for her vote. Council Member Baier said she wanted to thank all the candidates. They were very lucky to have good candidates. She stated it was a difficult decision; however, her vote was for Kurt Shadle.

Mayor Rubin welcomed Kurt Shadle, and he thanked Jerry Dwinell, and Ralph Severini. He went on to thank them for their interest and their value on the Planning Commission.

Mayor Rubin indicated the next item of business was to swear in Mr. Shadle. Ms. Hallam swore in Mr. Shadle with the Oath of Office, and he joined the other Council Members.

5. DISCUSSION ITEM – Update everyone re: next steps regarding the General Plan

Mayor Rubin noted that the General Plan was slated to be voted on; however, it has been amended to an update item. There were several comments from individuals who had not been able to review the entire Plan. In addition, the Council had not had the opportunity to review the Plan.

Mayor Rubin went on to say he spoke with Dr. Clay at BYU, and he expects to have the revised Plan document available for the Council to review next week. As soon as it is available, a link will be added to the Town's website so that everyone will have a chance to review the document. After this public posting of the draft General Plan, the Council will then encourage public comment. The mayor went on to say, after receiving public comment, the Council will make appropriate modifications (if required) to the Plan at the February Council meeting before considering approval of the document.

Mayor Rubin went on to say he also had a call from the Wasatch County Council to discuss the Plan's intent to expand the Town's annexation boundaries. If that boundary change is approved, the Wasatch County asked if they could sit down to discuss this annexation boundary change. The Wasatch Council is focused on the MIDA portion of the Annexation Plan. the Mayor noted that he would send the Planning Commission the contact information in order to arrange a meeting.

6. PUBLIC HEARING – Review and Possible Approval of the Preliminary Plan for Phase 1 of the Deer Springs Subdivision in the Town of Hideout

Mayor Rubin introduced the next agenda item, a review and possible approval of the Preliminary Plat for Phase 1 of the Deer Springs Subdivision in the Town of Hideout, which was to be presented by Mr. Nate Brockbank of Western States Ventures, LLC.

Mayor Rubin inquired about the Planning Commission's recommendation and if they had any comments regarding the plan. It was noted the Planning Commission approved the Preliminary Plan. Mr. Brockbank addressed the Council.

Nate Brockbank indicated the property was annexed into Hideout last year, and this agenda item concerns the first phase of the subdivision. The subdivision encompasses the old Austin property which extends to the western boundary of the new Jordanelle Parkway.

Nate Brockbank discussed the location of the first phase which has access from Shoreline Road; he stated they would finish the second phase next year. The first phase was a 30-lot subdivision with property lots starting at 10,000 square feet. Mr. Brockbank noted Western Ventures would start the phase 1 project as soon as it was approved.

Nate Brockbank said his firm also met with the Wasatch Fire Department which was a requirement of annexation. The Fire Department approved the first 30 lots but with only one access point. Mr. Brockbank noted he would have additional access points when the Jordanelle Parkway opened next year and Phase 2 begins.

Mayor Rubin pointed out there was portions of a few lots that are close to Highway 248; he inquired if the distance between Highway 248 and the lots were within code. Mr. Brockbank stated they were. He noted the lots were about 110-feet deep. In addition, there is a trail between the lots and Highway 248.

Mayor Rubin asked about the MDA, and Mr. Brockbank stated they had not finalized the signatures on the document yet; and if they were to approve it, it would be conditional on the signing of the Master Development Agreement (MDA). Mr. Dan Dansie, Town Attorney, indicated the MDA was finalized; and they were working on an amendment, which would be required prior to preliminary approval. Mr. Dansie went on to say before approval, there were a couple of things that need to be addressed prior to signatures on the MDA.

Nate Brockbank noted that if he received preliminary tonight, he would get his attorney to draft the final document and make sure everything was addressed for the final MDA.

Mayor Rubin reminded the Council that the MDA was what the Town is utilizing to ensure that appropriate design standards, materials, and construction standards are specified in advance because these items have not been incorporated in Town code yet.

Council Member Johansson inquired when the secondary access would be completed. Nate Brockbank stated the access was a cul-de-sac right now; however, when the Parkway is completed, the secondary access will go through up to the Jordanelle Parkway.

Mr. Brockbank briefly discussed the second phase, which may consist of 78 townhomes. He added that he did not want to construct a sewer lift station so some lots will be built up to avoid the need for a lift station.

Council Member Johansson inquired about grading issues, which had been discussed at the Planning Commission. Seven lots were downhill-facing properties that were designed to account for these slopes. Mr. Brockbank indicated there were a few places that will need rock walls; however, not in this phase. He went on to say CMT Engineering had done all of the soils testing; and he cannot build in those areas for one year, due to settling, once the area has been built-up. Mr. Brockbank noted it's about a 30-foot build and added that CMT comes out twice a day to do testing for compaction.

Council Member Baier inquired if Mr. Brockbank could provide more detail on the planned phasing. Mr. Brockbank indicated that phase 2 could change a little but this phase is where the playground park, dog park and trails will be located. These public facilities would occur before any development in that phase. He noted the double line on the plat indicates the trail.

Mr. Brockbank pointed out the road between lots 22 and 23 and noted it is a road to allow access to the adjoining property owner who may want to be included into this development at some point.

Council Member Baier inquired about the road alignment; she said they had been working with UDOT on an inter-local agreement. Mr. Brockbank said he didn't bring Steve Jackson this evening; however, he would address it and how it works if they do move the entrance at final approval. Mr. Dansie noted that issue was addressed in the MDA.

Councilor Shadle asked Nate Brockbank to refresh everyone's memory on what Western States was bringing to the community. Mr. Brockbank indicated they are building a maintenance building for Public Works on approximately 1.5 acres, and he described the building. In addition, his firm will contribute \$600,000 to the Town, after the recording of the second phase plats, as well as donating two commercial lots along Rt. 248. His firm is also conveying 3.5 acres of property across the highway to the Town. He noted that all trails would be open to the public.

Mayor Rubin opened the public hearing for public comment.

There was no public comment. Mayor Rubin closed the public hearing.

Motion: Council Member Shadle moved to approve the Preliminary Plat for Phase 1 of the Deer Springs Subdivision in the Town of Hideout. Council Member Baier made the second.

Roll Call Vote: Council Members Voting Aye: Council Members Heavrin, Wahl, Johansson, Baier, and Shadle. Council Members Voting Nay: None. The motion passed unanimously.

Mayor Rubin introduced the next item, which was Agenda Item 9.

9. ACTION ITEM – Review and Possible Adoption of Ordinance #19-04 Amending Chapter 3 of Title 10 of the Hideout Town Code and adding Wasatch County Fire Commissioner to the Plat Review Process

Mayor Rubin indicated they were going to review Chapter 3 of Title 10, which would add the Wasatch County Fire Commissioner to the Plat Review Process.

Mayor Rubin indicated at the last meeting there was quite a bit of public input on this item; however, there was not a quorum and a vote could not be taken. He noted there is a quorum this evening and a vote can be taken. The mayor added that he would welcome any other public comment on the agenda item.

Fire Marshall Clint Neerings come forward and gave a brief overview of what was being proposed. He stated this ordinance provided for review of all new subdivisions, plats and plat amendments by the Wasatch County Fire District. He noted that this review by the Wasatch County Fire Chief was designed to verify that their firefighters and apparatus would be able to get in and out of any new development in a safe manner. He said the fire code is the fire code, but they impact the response with fire and EMS as well. He pointed out there is not a police code or an EMS code, but they take it on their backs to ensure a safer community for the Town of Hideout, Wasatch County and the first responders or medical personnel.

Fire Marshal Neerings was asked if he was aware of the revisions made to the ordinance, and if they were aware that the review time, at their request, was amended to 21 days. If so, was the Fire District okay with that timeframe. Fire Marshal Neerings indicated they were. It was pointed out there was language added to the ordinance that if the Fire District doesn't provide any comments within the 21-day timeframe with respect to a plan, plat or amendment, it would then waive the opportunity for review.

It was clarified that the Wasatch Fire District is the entity that provides fire suppression services for the Town of Hideout. Fire Marshall Neerings indicated they provide fire and medical. Council Member Baier asked if the Fire District designated the Town of Hideout as a Wild Land Urban Interface town. It was noted that was correct. It was further clarified that the designation of Wild Land Urban Interface indicates the area is subject to increased fire risk. The Fire Marshall stated this was the case. The discussion went on to address that the State maps also designated Hideout as a Wild Land Urban Interface town, thus indicating that the Town has an increased fire risk.

Fire Marshall Neerings said that the Town's fire risk score placed it at a lower risk because there have not been fires in the area. He cautioned, as the Town keeps adding new developments, the protection class goes up because as cumulative property values increase in the Town. Discussion followed regarding the extreme topography of the area increased the risk of fire.

Council Member Johansson questioned if the code was written for only future development or existing development as well. Mr. Dansie stated the way it was written right now, anything that has been previously recorded would fall under this ordinance and future development that occurs would also fall under the new ordinance. In addition, there is a provision in the MDA to allow the Town, if it found a compelling health and safety reason, to apply the new code, section 3, to existing developments.

Council Member Wahl said he was a little confused about how the Fire District became involved, and how the Town dealt with fire reviews previously. His understanding was the Fire District was the Town's fire protection even if the Council does not adopt this ordinance. Did the District approached the Town?

Mayor Rubin explained the Town of Hideout use to have a consulting Fire Marshall under contract, and he recently retired. Consequently, the Town needed to provide for fire code review going forward. Therefore, he, as the Mayor, reached out to the Fire District to receive qualified fire input, and asked if they provided this service; they said yes. The District performs this service for most of the County. The Mayor was looking for a replacement to make sure the Town had Fire District input for making planning decisions as new development occurs in the Town.

Council Member Wahl asked if every town in Wasatch County has the Fire District approve their plats. Mayor Rubin explained they were not approving the plats; they were providing input as to fire safety. Council Member Wahl asked for clarification if the Council considered the Fire District's advice and if there was a holdup involved. Mayor Rubin indicated there was not - other than the 21 days to respond.

Council Member Wahl asked if that could be taken out of consideration. Mayor Rubin indicated other views could be brought forward.

Mayor Rubin asked Fire Marshall Neerings to review their process with other entities. Fire Marshall Neerings explained the only plats they sign are in unincorporated Wasatch County. However, they are involved in all the other communities in Wasatch County under the same review process. He stated if there is a disagreement between the Fire District and a developer, the Town Council would ultimately decide.

Council Member Heavrin inquired if they were going to bring another Fire Marshall onboard. Mayor Rubin indicated that he did not see the need for that. That is why residents pay taxes, to have access to the Fire District; and they are professionals. The mayor did not see the need to spend additional Town funds on another opinion. If the Town gets to a point where they need to bring someone in on a consulting basis, the Town could do that. The Mayor did not think it is necessary to pay for additional fire input.

Mayor Rubin opened the meeting for public comment.

Jared Fields, Mustang Development, addressed the Council, and he stated that he appreciated Mr. Dansie being helpful and his willingness to consider the revisions from the first draft of the ordinance. He wanted to reinforce Mustang's objection to the proposed application of the ordinance to previously approved developments but where such development had not reached final plat recording. Mustang has an acknowledged disagreement with the Town on this application of the ordinance and wanted to make the record clear on this point.

Melyssa Davidson spoke on behalf of the Community Preservation Association. She wanted to get clarification on what this looked like applied to vested rights regarding conserving existing vegetation. She said a lot of the master association is predicated on the preservation of existing vegetation. Do they see the change of the law affecting the intent of preserving existing vegetation?

Fire Marshall Neerings indicated it was his thought that the application of this question was addressed in the Wild Land Urban Interface area for setbacks of vegetation and that certain vegetation could not be within setbacks of the home. He noted the Fire District's involvement was just plat approval. It would mainly be access, egress and slopes, as well as determining whether fire apparatus could access the subdivision. He said the District would not be reviewing the issue of vegetation. He noted that roads would need to be cut in with minimum widths, grades, and turning radius.

Mr. Dansie explained many of Ms. Davidson's concerns were addressed in the Wildland Urban Interface code.

Mayor Rubin said it had come up throughout the discussions some of the members of the public were concerned with fuel load that existing vegetation presented to the fire safety of the Town. He noted that they are aware of it from a town's perspective and have not taken this problem on yet. Over time, the Town may have to think about ways to minimize the risk that current vegetation poses. He stated that the Town has a lot of grasses and citizens love the look and want to maintain that esthetic. However, the Town may want to be cognizant of not creating signification opportunities for fire to spread.

Jared Field said if he understands the matter correctly, the types of issues that they are discussing are largely dealt with in Wild Land Urban Interface Code. The Fire District would recommend that the Town adopt that code. Mayor Rubin indicated the Town has not taken this issue up yet. He went on to say, whatever happens here tonight, it was up to the Council to adopt the Urban Wild Land Interface. The State and County have previously done so. He reiterated it is up to the Town Council and representatives of the pubic to see if that was something they want to pursue.

Mayor Rubin closed the public input.

Motion: Council Member Johansson moved to adopt Ordinance No. 19-04 Amending Chapter 3 of Title 10 of the Hideout Town Code and adding Wasatch County Fire Commissioner to the Plat Review Process. Council Member Baier made the second.

Roll Call Vote: Council Members Voting Aye: Council Members Shadle, Baier, and Johansson. Council Members Voting Nay: Council Members Heavrin and Wahl. The motion passed with three votes in favor and two opposed.

7. **ACTION ITEM – Review and possible Adoption of Ordinance #19-01, AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE TOWN CODE RELATING TO AMENDMENTS TO THE GENERAL PLAN, allowing that Proposed Amendments to the General Plan will be Presented to, and Considered by, the Hideout Legislative Body from Time to Time as the Hideout Legislative Body Deems Necessary and Appropriate for Effective Administration of the General Plan**

Mayor Rubin introduced agenda item 7 – an ordinance amending certain provisions of the Town Code relating to the General Plan.

He noted for background purposes, prior to the current, existing code, it specified that the only time the Town could look at reviewing the General Plan was during the month of November. He said that somehow this provision in the Code was missed during the entire process; luckily, it was brought to the Town's attention.

The Planning Commission, our citizens and the team from BYU did a lot of work on revising the General Plan, and revising the Plan is warranted. To do so, the Council first needs to remove the language concerning the timeframe for making amendments only in November. This amendment, however, does not adopt the General Plan, just the time when amendments to the General Plan may be considered.

Council Member Johansson inquired if there were any benefits to having amendments only in November. Council Member Baier indicted she did not see a benefit of having it in November only; if the Town misses the November timeframe, it has to wait an entire year.

Council Member Heavrin pointed out, if the Council changes this timeframe, the Plan could be amended every month. Mayor Rubin stated that was not the purpose of the ordinance. He noted the Town just spent \$15,000 to engage the BYU team and received a significant amount of input from the community and hundreds of individuals responded. He thought it was right to bring the amended General Plan forward for Council consideration.

Council Member Shadle stated due to the amount of time and effort involved in preparing a General Plan, he did not believe that constant changes to the General Plan would occur.

Mayor Rubin said if the Town gets to the point where it is getting requests to amend the General Plan every month, the Council could put up parameters. Council Member Heavrin indicated they could put in language that indicated the Council could alter the amendment from time to time with not more than "x" times per year. He acknowledged amending the General Plan has been the best thing the Town has ever done.

Council Member Baier pointed out she thought there was another November reference in Section 11.08.109(1). She would like to get rid of the last sentence in that paragraph, and she would like the ordinance to include that deletion.

Mayor Rubin indicated what Council Member Baier was referring to was, 11.08.109 (1) “Public Hearing. After receiving the Planning Commission recommendation, the Hideout Legislative Body shall hold a public hearing on the proposed amendment after giving notice as required by state law. The public hearing shall be set for the November public hearing of the General Plan Amendments.”

Mayor Rubin suggested the Council modify that ordinance and take out the date reference. Therefore, they would propose to adopt the ordinance with a condition that the Council modify last sentence of the paragraph in 11.08.109, removing the November reference.

Mayor Rubin opened the meeting to public comment.

Jared Fields addressed the Council. He had two points, with respect to the frequency of the code amendments. He wanted to remind the Council that the code also allows property owners to apply for amendments to the General Plan. In addition, the Council may not be receiving all public comments, in his opinion as the ordinance wasn't noticed adequately.

Mr. Dansie stated this is not a land use ordinance which requires 10-day notice; i.e., land use, annexation, impact fees, and such. He went on to say there are certain land use ordinances that do require such 10-day notice. Mr. Dansie stated that Mr. Field was correct about provision 4, whereby amendments can be initiated by either the Town or a property owner.

A question was asked of Mr. Dansie whether the Town had to entertain the request or can it just take the request under advisement or just ignore it completely. Mr. Dansie said such a request is much like a land use application. It would go to the Planning Commission to be approved or denied, and then go forward to the Council. He went on to say unlike a development application, the General Plan is a big, visionary picture. An amendment to the General Plan attempts to articulate what the vision of the community is. There is broader discretion at the Planning Commission and Council level.

Mayor Rubin closed the meeting to public input.

Motion: Council Member Shadle moved to adopt Ordinance No. 19-01 to change the timing as they just described; with the condition that they also modify Section 11.08.109 item 1 to remove the reference to the November timeframe. Council Member Johansson seconded the motion to amend certain provisions of the Town Code Related to Amendments to the General Plan while striking the reference to November in Section 11.08.09.

Roll Call Vote: Council Members Voting Aye: Council Members Johansson, Baier, Shadle and Wahl. Council Members Voting Nay: Council Member Heavrin. The motion passed with four votes in favor and one opposed.

8. **ACTION ITEM – Review and Possible Adoption of Ordinance #19-02, AN ORDINANCE PROVIDING FOR DEADLINES RELATING TO ITEMS TO BE INCLUDED ON AN AGENDA OF THE PLANNING COMMISSION, Clarifying that if Any Citizen or Applicant Desires to have an Item Placed on the Agenda for the Regular Meeting of the Planning Commission, a Description of the Agenda Item and Supporting Materials must be Delivered to the Town Clerk no Later than 5:00 PM on the Wednesday which is at Least Ten (10) Days or More Prior to the Planning Commission’s Regularly Scheduled Meeting**

Mayor Rubin explained agenda item 8 was an item from the Planning Commission, and the Planning Commission has asked for more time. The item was deferred to a future meeting.

10. ACTION ITEM – Review and Possible Adoption of Ordinance #19-03, An Ordinance Establishing a 2019 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah

Mayor Rubin introduced agenda item 10. He indicated it is an ordinance because the Town of Hideout has historically done it this way. It is an ordinance to agree on the dates of the Town Council meetings. This ordinance retains the current schedule of holding regular Council meetings on the second Thursday at 6:00 p.m. in the Town Hall.

Motion: Council Member Johansson moved to adopt Ordinance No. 19-03 Establishing a 2019 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah. Council Member Heavrin made the second.

Roll Call: Council Members Voting Aye: Council Members Shadle, Baier, Heavrin, Wahl, and Johansson. Council Members Voting Nay: None. The motion passed unanimously.

11. DISCUSSION ITEM – Review the Proposed Update to the SR248 Corridor Agreement and Resolve to Allow the Mayor to Sign the Agreement

Mayor Rubin indicated that he would like to defer consideration of Item 11. He just received information today from the Town Engineer and wants to review these comments and bring the item back at a later date.

Council Member Baier indicated she was always interested in the topic at hand. Mayor Rubin indicated the new information would be shared with the Council, and the item was being deferred for this evening.

12. CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Consideration and Possible Approval of Payment of December 2018 bills

Mayor Rubin passed out copies of the Bills for the Month of December. He noted there was one large bill, which was to the Jordanelle SSB. He explained the reason the bill was higher than normal was because Jordanelle SSB did not bill the Town the previous month. Discussion followed regarding the bills.

Council Member Johansson inquired about liquor taxes being paid to Wasatch County and also payments being made to John Severini. Ms. Hallam indicated the Town received liquor funds when they should have gone to Wasatch County. In addition, Mayor Rubin explained the payment went to John Severini for IT services for the Town.

Motion: Council Member Johansson moved to approve the bills for the Month of December. Council Member Baier made the second.

Roll Call Vote: Council Members Voting Aye: Council Members Heavrin, Wahl, Shadle, Baier, and Johansson. Members Voting Nay: None. The motion passed unanimously.

13. PUBLIC INPUT – Floor Opened for Any Attendee to Speak

There was no public comment forth coming at this time.

14. ADJOURNMENT OF PUBLIC MEETING

With no further business coming before the Council at this time during the Regular Meeting, Council Member Baier moved to adjourn the meeting and move into executive session. Council Member Johansson made the second.

Roll Call Vote: Council Members Voting Aye: Council Member Shadle, Baier, Johansson, Heavrin, and Wahl. Council member Voting Nay: None. The motion passed unanimously.

The meeting adjourned at 7:30 pm.

Lynette Hallam, Town Clerk