

Town Council Meeting Minutes
March 14, 2019

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Phil Rubin called to order the meeting of the Town Council of the Town of Hideout at 6:05 p.m. on March 14, 2019 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. ROLL CALL

Mayor Rubin conducted a roll call. The following Council Members were present:

Mayor: Phil Rubin
Council: Chris Baier
Doug Egerton
Hanz Johansson

Also attending: Town Clerk - Lynette Hallam, Kent Cuillard – Public Works, Dan Dansie – Town Attorney, Brian Blazzard – Accountant, Jerry Dwinell, Kevin Hughes, Steve Jackson, Will Pratt and Kurt Shadle

3. MINUTES - Consideration and Approval of Minutes for Regular Meeting of February 19, 2019

Council Member Chris Baier made some corrections to the minutes. Suggested edits made in “Teams”.

Council Member Hanz Johansson motioned to approve the minutes of the regular meeting of February 19, 2019. Council Member Chris Baier seconded the motion. The motion passed unanimously with affirmative votes from Councilors Shadle, Baier, Johansson .

4. RATIFY – Council to Formally Ratify the Members of the Planning Commission

Changes were made but there was no formal motion. Jerry Dwinell,

Council Member Kurt Shadle made the motion to approve the hardest working planning commission in the state of Utah and accepting the things they have asked us to review to this point.. Hanz Johansson seconded the motion. Baier Shadle and Johansson.

5. **RESOLUTION – MIDA Agreement - Resolve to Allow the Mayor to Sign the Interlocal Agreement with MIDA**

Mayor Rubin explained the background he has presented about at past meetings. Got a version in December and it was too quick for us to accept it. Now they go in April and asking us to sign. Covered the agreement 5B. Water and sewer portion of the project. Ask Dan to write something about Hideout does water & sewer. Dan – if taxes are raised MIDA will pay such. If some portion of their pay impact fees. Mayor is making the financials. Town engineering firm is looking at the agreement – they worked on Wasatch County.

Kurt when. Mayor have to have the resolution signed by the end of the month. Meeting is the first Tuesday in April.

Hanz as it is written today. Mayor Dan is working on it and it is similar to other agreements signed.

Chris don't understand the benefits except for the backstop of the UTOPIA agreement. Asked Dan about LUDMA can we impose impact fees. Dan mayor and he have discussed and making it clear to MIDA our position. Reference? Exhibit A (see tape) Dan talking about Hideout zone. What they want to consider the "Hideout Zone". Landowner that doesn't agree. This item acts as the Town's consent in the future without coming back to the Town. Municipal services 5a does this usurp the agreement we have with Deer Springs to take care of road maintenance and recreation maintenance. Dan have discussed with them once. Section 10 passenger rope ways. Mayor rope ways wouldn't apply to us. Could take that out. Page 7 10e the MIDA board in Hideout zone and references project areas. Trails for benefit for MIDA as well. Dan funds require that they benefit project area. Mayor funds to improve water front at state park would be considered the project area. Chris Section 20 amendments if we do end up amending the agreement will the Council be able to vote or are we giving the Mayor the green light to approve it. Dan it is the practice that any amendment or agreement will be approved by Council.

Kurt uncomfortable with financial obligations without additional review after Zions report. Further discussion among council.

6. **INFORMATION ITEM – KLAIM Presentation of Elevations and Review of Materials**

Chris Ensign had a conversation with Dan Dansie what his approval was. 3 items needed. Dave Erichsen had some notes. Will get a letter from him approving. Have own HOA and want to know what process the Town wants. Showed a mockup of what the architecture will be. Solstice is fine with continuing with natural materials. Open to a 20-year product. Showed a metal wood print that will keep its quality forever.

Kurt love design time to stop 20 year architectural design. Better handled by a design review committee two council members and others. Mayor working on design for Deer Springs(?). Chris B natural materials need to be stained often. Something that looks natural but more sustainable would be good. Chris E showed cement baked plank. At least a 15 year product. At some point will have to paint. Wanted to confirm the process. Appreciate monthly developer meeting.

Chris Ensign signage if could put in more signs. Kurt in design for residences very pleased. Kurt asked about internet fiber. Chris E said he would put in conduit for fiber. Mayor suggested working with Planning Commission about sign plan. Mayor, MDA can be changed to reflect what materials are being used.

Dan could incorporate process into the MDA for the property.

Hanz asked about roof design . square footage and price (see tape) Predesign packages.

Chris B. what about access road. Chris E. is someone's driveway and part of their access. UDOT is changing an amendment that addresses this type of projects. Chris B. ingress and egress. Chris E. at some point he will be cut off if the issue is not addressed.

7 TRAINING – Open and Public Meetings Act

Council suggested that training be done but not in a public meeting. Mayor will send a link and a date to have it completed.

8. ORDINANCE - Timelines Concerning Planning Commission Agenda Items

The Council has an ordinance. The PC is looking for 15 calendar day submission before meeting. Mayor read highlights . Dan has reviewed. Dan don't have significant problems with it.

Hanz motioned to approve. Chris seconded. Councilors Shadle, Baier and Johansson.

9. RESOLUTION - Establishment of the Hideout Parks, Trails, Common Spaces Committee

Mayor create a resolution to establish the HPTCSC. Mayor asked about green space committee. Chris roll it into this. Kurt an agenda item in the General Plan. Hanz asked about original committee part of Wasatch Trails. Chris can still be affiliated with them. Funding will be handled by the Town. This committee is an advisory committee for the Planning Commission.

Jerry Dwinell from PC perspective to expand to the mandate. Continue to do what doing and create a plan.

Chris Baier for matter of record there will be no beach. The levels of reservoir is too fluctuating. Kurt does not mean there will be a beach. Further discussion of beaches. Kurt battling something that is a suggestion not a directive. Further discussion. Chris wants to put open and common spaces. Addition to trails non-motorized *until e-bikes, etc. are adopted.

Kurt should be thinking in terms of Teams for efficiency. This is providing for a TC member, PC member and mayor appointed member. When do we appoint member from Town Council.

Mayor talked about a committee that has been formed. Chris just an introductory meeting. Jerry chair has to be a council member or PC member. Decided by the committee.

Chris motion to adopt the resolution ext a committee for HPTetc. With a change in definition trails. Additional opportunities such as. Non-motorized until something else adopted. Hanz seconded the motion. Shadle, Baier and Johansson.

Mayor has to be membership. Jerry PC Sarah Town – Chris. Mayor Jan

Kurt motioned to appoint chris from the Council. Hanz seconded the motion. Shadle, Baier, Johansson.

10. INFORMATION ITEM – Review of Financial Report for Quarter ending 12/31/18

First page balance sheet. In good shape. Mayor some jump in third quarter. Brian second sheet Shows. In budget appropriating 108, from general fund reserves. So far dipped in 30,000 Sales tax will increase. Building permits fluctuates. Mayor working on revenue side. Team working on getting billing up to date. Brian We are in budget. Discussion of building permits and expenses. Vytas when is the revenue from property tax. Mayor lags as much as a year.

Brian – water fund. Assets and liabilities. Revenues and expenses. Nothing out of line.

Brian review a little closer aftr 3rd term and decide if need to amend.

Kurt reserves. Briaan in General fund .(See Tape)

11. CONSIDERATION AND POSSIBLE APPROVAL of a Franchise agreement with Allwest Communications for High Speed Internet Connections in the Rustler Subdivision

Mayor AllWest has come to the town as a public utility rights to install infrastructure through a franchise agreement (more detail). Attorney has been involved. Jerry and Kurt involved with TC and PC.

Kurt he and Jerry had a very productive meeting with Jack Walkenhorst (AllWest). Concerns. Shared design in the right of way. Pictures of an example of the boxes. One of the issues brought to his attention in the right of way and from row to building. Need to be coordinated with HOA. Incorporate into the franchise agreement. As part of the plan, When come into Town want to be in whole town. At a certain threshold fber with go to every residence.

Dan in his review of this issue approach from perspective different from Kurt's. Recognize countless hours given to town to access high speed fiber. Town owes a debt of gratitude. Their perspective what do we want. Dan's perspective what is legal framework of these issues presented by All West and to provide what the Town needs. Has talked about with AllWest's attorney about concerns. The draft that has been put together and recommended to the town for

recommendation does not specifically address issues Kurt addressed. Was not at meeting addressing these issues.

Kurt Jack very forthcoming utility box and right of way are not an issue. HOA could come after work is done and say they can't do it. Parts of communities that are not covered by high-speed internet and are screaming. Needs to part of franchise agreement.

Dan perspective on that legal framework utility providers provide a service intra commerce and regulated by federal law. Because of framework that exists state and local government are precluded from the type of regulation. This agreement provides a reasonable and fair for Allwest to do this (details). Specific point to provide service throughout the Town not a reason to deny the franchise. Allwest has a certificate of public necessity certain obligations that are imposed by PSC there certain circumstances that PSC regulates. If a resident feels not being adequately served, Take it up with the PSC. Not appropriate to include in this agreement. Kurt this is an agreement serve us and surrounded communities. Urge allwest to reconsider this and try to come up with a plan that will include the whole town. Dan have to consider role mandate and authority. Access limited by an agreement. Can't deny them an agreement for reasons that are not allowed by federal law. Great to try to get an agreement. But Allwest has a right to use right-of-ways.

Hanz they can only do Rustler. Dan yes. Hanz can we impose the type of boxes. Dan yes. Further opinion. Kurt agree with what is said. Suggest like to have a discussion on how beneficial to All West and us.

Jack Walkenhorst one clarification before start . Never at any time that they only want to serve Rustler. First came to Hideout before it was a town. Willing to come in at time but were not allowed. Came back several times trying to get something. Very difficult situation at this time. Reached out to mayoral candidates and asked to start discussion again. Have tried to be a good neighbor. Mayor several developers are putting in conduit. How can we ? and how we can go further faster. Jack reached out to KLAIM and with Solstice Homes. Every developer will bring conduit and put it in. Working also with Nate Brockbank. Kurt in beginning agreement talked about certain thresholds. Attorney struck it out. Jack can't have it in the franchise agreement. Could possibly be a side agreement. Allwest is self-funded. Financially stable but not flush with cash. Want to have a good relationship with the Town has to be win/win. Kurt what is win/win. Jack state of the art service and them staying financially viable.

Mayor Why do you need an open trench. Jack need to see what goes in. Kurt willing to work with developer with specs. Jack willing to work with them. Kurt forward requirements to them again. Hanz asked more detail about history. Jack back to 2005. This is a total different body. Want to be a good corporate partner. Attorneys have worked well together. Best agreement they can under federal guidelines. Would like to get started as soon as weather allows. Will not come to an area without doing due diligence and make sure there is revenue at the end of it.

Mayor question. Dan depends on a lot of factors – still negotiating, want a little more clarity. Standards court looks at are if illegal or unnecessarily long. If Allwest to meet burden that they are not being treated fairly, courts could make their own agreement.

Hanz a few more things to address. Get at least one more meeting. Jack when will next meeting be. Mayor April 11th. Chris point of order did not receive franchise agreement until 3:30 today and can't vote on it.

Jerry Dwinell talked with a few things about who pays engineers etc.

Mayor some content needs to be provided. At that point bring it to the Council franchise meeting. Next meeting April 11th. Possible special meeting. Jack cannot come on 11th out of town. Someone else could come or if meeting could be earlier. Dan gave opinion.

Jerry Clarification on start March 1st and engineering costs. Thresholds to get into other areas of Town. Matrix can do after the agreement signed.

Mayor going to table and get additional information and come back.

12. CONSIDERATION AND POSSIBLE APPROVAL of an Agreement Resolving the Timing for a Second Access Road for the Golden Eagle Subdivision

Mayor Second access road and timing been stuck for a while in discussion.

Dan Golden Eagle divided into three plats. First plat approved and signed last summer. Phases 2 and 3 were presented. For a number of reasons town could not approve. Secondary access or performance bond prior to time plat recorded. Mustang disagreed exceeds town authority unable to resolve at that time which led to litigation. Never any active litigation. In last week, Mustang came with an agreement that would resolve this. Mustang secondary road an easement quarter or half mile over an adjoining property owner's property. Will be built to the standards that will be able to emergency access by the time 30 building permits given. Before the 31st permit issued have to have road completed according to the national fire code. Mayor provided map showing where road would be located. And discussed secondary access. It is on the UDOT plan within the proposal to incorporate that road in the plan. Excited about it and a great step forward.

Kurt fully supported.

Dan reached out to Klint at the fire department. The Fire district not necessarily happy about the scope of Golden Eagle but that is unable to be changed. Sent Klint the plats to look at. Mayor recommend accept and move forward. Dan one question about engineering review. Phase 1 review completed by Steve Jackson. Also 2 and 3. Steve has not confirmed yet.

Chris section 4 under the term about 30 homesites. Dan developer must submit prior to the 31st permit and town withhold any further permits. Chris thinks this is great.

Chris approve the agreement and authorize the mayor to sign it. Hanz second. Shadle, Baier and Johansson.

13. DISCUSSION ITEM – Recycling for Hideout

Kurt shared presentation. GP look closely at recycling. Attach presentation.

Kurt get comments so can move forward. Hanz great should move forward. Suggest biweekly trash pickup and recycle on other weeks. Chris do nothing not the way to go. Town does not need to be in the recycling business.

Dan difference between trash pickup and recycling. Nuisance enforced on trash. Unless Wa county will not pick up so much trash. Kurt instead of requiring everyone to recycle town provides opportunity to recycle and charge annual fee. Kurt municipal employees in SLC look in blue can if you put trash in it get fine. Mayor publicize RSU and then go forward. Open to exploring further. Hanz trash pickup every other week. Chris any HOA rule that prevents recycling. Melissa not aware of any rule not allowing newspaper delivery. No HOA issue. Thanks to Kurt for the effort.

14. CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Consideration and Possible Approval of Payment of February bills

Council Member Kurt Shadle made the motion to pay the February bills Council Member Chris Baier seconded the motion. The motion passed unanimously with affirmative votes from Councilors Shadle, Baier and Johansson

15. PUBLIC INPUT – Floor opened for any attendee to speak.

Jerry Dwinell can UDOT upgrade the wildlife fencing in Hideout. Mayor will go after.

Vytas spacing between homes very tight. For internet cable. Snow will be bury boxes and will it work for maintenance. Mayor prepared to understand risk.

Chris request like to recommend a special meeting of TC and PC to talk about moratorium possibility while working on Town code. Without being bombarded by development requests.

Dan not ready to offer an opinion without doing some work on it. Happy to have meeting. But more time to have opinion. Mayor have to work on it. Chris will coordinate it.

11. ADJOURNMENT OF PUBLIC MEETING

Council Member Kurt Shadle motioned to adjourn the public meeting and go to executive session to discuss threatened legal actions. Council Member Baier seconded the motion..

The meeting adjourned at pm.

Lynette Hallam, Town Clerk

Approved: 4/11/19

