

HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL MEETING  
August 22, 2019  
6:00 PM

TOWN COUNCIL SPECIAL MEETING

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

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:02 p.m. on August 22, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

**2. ROLL CALL**

**Town Council Members Present:**

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

**Excused:** Council Member Dean Heavrin

**Staff Present:** Town Administrator Jan McCosh  
Town Attorney Dan Dansie (by telephone)  
Deputy Town Clerk Allison Lutes

**Others Present:**

T. Matyszozyk, Susan Becker, Emily Means, Will Pratt, Mike Kosakowski, Rebecca Ward, Mary Mouthaan, Heather Ruse, Carol Haselton Bill Coleman, Paula Verstegen, Paul Verstegen, Bill Bartlett, Eric Bloomquist, Vytas Rupinkas, Trent Davis, Richard Catten, Bruce Woelfle, Bruce Erickson, John Hunter, Christopher F. Robinson, and others who did not sign in or whose names were illegible.

**3. APPROVAL OF COUNCIL MINUTES – March 19, 2019, May 9, 2019, May 23, 2019, and July 11, 2019**

*Council Member Johansson moved to approve the March 19, 2019 Minutes. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle, Johansson and Wahl. Voting Nay: None. The motion carried.*

1 Council Member Johansson commented he was not present for either the May 9 or May 23  
2 meetings and would not be voting on those minutes

3  
4 *Council Member Shadle moved to approve the May 9, 2019 Minutes. Council Member Baier*  
5 *made the second. Voting Aye: Council Members Baier, Shadle, and Wahl. Voting Nay: None.*  
6 *Council Member Johansson abstained. The motion carried.*

7  
8 *Council Member Shadle moved to approve the May 23, 2019 Minutes. Council Member Baier*  
9 *made the second. Voting Aye: Council Members Baier, Shadle, and Wahl. Voting Nay: None.*  
10 *Council Member Johansson abstained. The motion carried.*

11  
12 *Council Member Shadle moved to approve the July 11, 2019 Minutes. Council Member*  
13 *Johansson made the second. Voting Aye: Council Members Baier, Shadle, Johansson and Wahl.*  
14 *Voting Nay: None. The motion carried.*

15  
16 **4. STATEMENT BY THE MAYOR REGARDING PUBLIC AFFAIRS**

17  
18 Mayor Rubin announced Rocky Mountain Power (“RMP”) recently released a Wildfire  
19 Protection Plan and scheduled a public safety preparedness session on August 27 in Heber. This  
20 information is posted on the Town website. Residents should have also received letters notifying  
21 them of same. The August 27 meeting was intended to raise public awareness of new RMP  
22 procedures, largely in response to last year’s California wildfires, which were determined to have  
23 been caused by downed power lines. As a proactive measure, RMP now planned to cut power  
24 depending on fire risk, even if the area is not burning, due to the level of potential threat. An  
25 RMP app that will text residents concerning any power shutdowns for public safety will be  
26 available for download.

27  
28 Council Member Shadle commented that under the Mayor’s leadership, the Town had spent  
29 much time and had made significant progress on fire safety and ensuring the residents’ safety,  
30 from meeting with developers regarding ingress and egress, to working with the Planning  
31 Commission and adopting fire safety standards, and engaging the Wasatch County Fire  
32 Commissioner to review all plan submissions.

33  
34 Mayor Rubin noted “no open fires or fireworks” signs were recently posted around the Town.

35  
36 **5. WORKING SESSION – MIDA Financials Analysis**

37  
38 Mayor Rubin introduced Susie Becker and Heather Kruse of Zions Finance, along with Richard  
39 Cattam, representing MIDA, who were present at the Council’s request, to take a deeper look into  
40 understanding the financial details of the MIDA proposal.

41  
42 The Mayor presented a PowerPoint slide show to provide background on MIDA, its creation,  
43 purpose and projects. He referred to a map depicting the proposed project area near Hideout. The  
44 project area was expected to include mostly privately-owned land to develop a four-season,  
45 world class resort experience. Additionally, the project would include single family dwellings,  
46 townhomes and condominiums around the Jordanelle area. Further, the project area could expand

1 to non-military land, provided it was deemed to further the goals of the project. The Mayor noted  
2 the purple and orange areas on the map were referred to as Parts 1 and 2; he was unsure as to the  
3 status of Part 3. If the MIDA agreement was approved, Part 4 would include Hideout's  
4 participation.

5  
6 Mayor Rubin explained MIDA funding would be based on county and city property and sales  
7 taxes funding the Development (75%) and Municipal Services Funds (25%) as below:

8  
9 Development Fund: MIDA would take 10% for overhead and administrative fees from  
10 the total; the remaining 90% would be allocate to the landowner and Hideout, of which  
11 the landowner would be receive 30% for infrastructure, and Hideout would split 50/50 of  
12 the remaining 70% with MIDA. Referring to the slide including an allocation to  
13 Hideout/Utopia Mayor Rubin explained that at one point it was discussed Hideout's  
14 portion could be used to backstop the Utopia project if it was decided to go that way,  
15 however, it appeared the Town may not have to use those funds for that purpose should  
16 the decision be made to proceed with Utopia.

17  
18 Municipal Services Fund: MIDA would also take 10% for overhead and administrative  
19 fees and the remaining 90% would flow directly to municipal services within the project  
20 area.

21  
22 The Mayor clarified that the 75% tax revenue figure would be based a property tax increment,  
23 meaning the additional property tax collected from any new development after the date of entry  
24 into the MIDA agreement. The taxes the County and Town were receiving prior to signing the  
25 agreement would remain, but any new development associated with these new facilities proposed  
26 by MIDA would reflect the property tax increment. The assumptions to be reviewed this  
27 evening were based on a 2019 contract start. It was indicated the resort and point of sale revenue  
28 was not a part of this evening's analysis since the resort had not yet been built.

29  
30 Richard Catten, MIDA's attorney, clarified MIDA's portion of the funds must be spent on  
31 amenities inside the project area, for instance roads and trails, however a decision had not yet  
32 been made on the specifics of the targeted amenities and locations; those decisions were made by  
33 the MIDA Board. He added that Hideout's 50% would also be allocated to similar projects:  
34 public infrastructure supportive of the MIDA goal, e.g. public trails and parks.

35  
36 Mayor Rubin continued, explaining the 25-year financial impact on Hideout, using Ms. Becker's  
37 assumptions. If not in MIDA, the Town's General Fund would see approximately \$6.5 million  
38 based on property tax, energy tax and B and C road funds. With MIDA, the General Fund  
39 numbers would drop. With MIDA, the Town would have the Development and Municipal  
40 Services funds as well as the General Fund. The General Fund numbers would decrease,  
41 but the Town would gain approximately \$21 million over 25 years, after the 50/50 Development  
42 Fund split with MIDA. The overall net/net impact analysis indicated the Town would come out  
43 ahead by approximately \$14 million.

44  
45 The projects contemplated within the project area would be Deer Springs, Deer Water and  
46 Vanden Aker, consisting of approximately 462 units. It was indicated Vanden Aker was

1 overstated, but the final total, when including roughly 88 KLAIM units, would be approximately  
2 462.

3  
4 Council Member Shadle commented the developer under this scenario would derive a significant  
5 amount of taxpayer revenue, and he felt those numbers should be included in the impact analysis.  
6 He noted all the current Town development projects had been previously designed and approved  
7 without any MIDA funding component, whereby each developer estimated all their infrastructure  
8 costs including their profit, included as a component of the pricing on the sale of their land and  
9 lots. He felt the developers were already deriving a profit, and to then allocate 50% of the  
10 Development Fund to these developers, it would be a windfall. Mr. Shadle felt the Town should  
11 enter into agreements with the developers to address the allocation and use of the funds.

12  
13 Ms. Becker stated she was present as an independent third-party consultant not associated with  
14 MIDA. Using detailed Excel spreadsheets, she presented a comprehensive review of the various  
15 assumptions upon which the 25-year impact analysis was based. *(Clerk's note: copies of the*  
16 *Excel spreadsheets are available for review in the Town's administrative offices.)*

17  
18 It was indicated that due to the MIDA Development Fund monies, it was possible developers  
19 would be incentivized to build more quickly, with a potential for more rapid development within  
20 the project area.

21  
22 Ms. Becker walked through property tax revenue assumptions provided by the developer  
23 concerning number of units, which would drive the final numbers, because the number of units x  
24 unit price = value; value x tax rate = property tax revenue, the main revenue source. The  
25 developer assumptions also included an estimate of how many units would be primary vs.  
26 secondary homes, since tax rates differ, as well as the market value of the dwellings.

27  
28 Next, Ms. Becker discussed in more detail the Development and Municipal Services Funds and  
29 how they were funded and distributed by year. She also highlighted the Town's General Fund,  
30 and what additional revenue would flow to that via sales tax, distributed in Utah both on  
31 population and point of sale, approximately \$100 per person per year in Hideout. Further, public  
32 paved roads derive additional revenue based on per capita (\$28.04) and weighted road mile  
33 distribution (nearly \$695).

34  
35 Discussion followed concerning the Utopia agreement (should it pass) and whether MIDA funds  
36 would be designated as a backstop if there was a shortfall. Dan Dansie clarified it was only  
37 discussed as an option to include with the MIDA agreement, and at the end of the day, it was the  
38 Town's money to use as it determined within the parameters of the MIDA agreement and statute.  
39 Mr. Dansie stated the current draft of the proposed agreement gave a fair amount of discretion to  
40 the Town as to how the funds were to be used long as it would benefit the project area.

41  
42 Council Member Baier wanted to understand the specifics regarding how the funds allocated to  
43 Hideout via MIDA could be used. Mayor Rubin commented everything the Town wanted in  
44 connection with parks, trails and other amenities in support of the General Plan were also things  
45 contemplated by the project area to support recreation. Council Member Baier wanted to learn

1 whether the funds were limited to certain projects, e.g. Deer Springs, Deer Water, Vanden Aker  
2 or KLAIM, and what were the constraints, if any; she wanted to discuss further on another date.

3  
4 Mayor Rubin thanked Ms. Becker for her presentation. He commented the MIDA funds could be  
5 used for maintenance facilities for parks and trails. He also pointed out that if the Town chose to  
6 go forward with financing for certain projects, the MIDA funds could provide a backstop thereby  
7 reducing the risk to lenders.

8  
9 **6. CONTINUATION OF PUBLIC HEARING – Consideration by the Town Council**  
10 **to approve a resolution allowing the Mayor to sign the MIDA inter-local agreement**  
11 **as proposed by the Planning Commission**

12  
13 Mayor Rubin announced the Planning Commission was still working on the MIDA agreement  
14 with Dan Dansie, and the public hearing was continued to August 27. Accordingly, he  
15 recommended the Council’s public hearing on this matter be continued to September 5, provided  
16 the Planning Commission recommended approval following the August 27 meeting. Mayor  
17 Rubin noted he would arrange to have Ms. Becker present at the Planning Commission hearing,  
18 as requested by Vytas Rupinkas.

19  
20 *Council Member Johansson moved to continue the public hearing on the MIDA agreement to*  
21 *September 5. Council Member Shadle made the second. Voting Aye: Council Members*  
22 *Johansson, Baier, Shadle and Wahl. The motion carried.*

23  
24 **7. CONTINUATION OF PUBLIC HEARING – Consideration by the Town Council**  
25 **to approve the Annexation Policy Plan as proposed by the Planning Commission**

26  
27 Mayor Rubin summarized progress on recent modifications to the Annexation Policy Plan (the  
28 “Plan”) after the public hearings on the matter. The language of the Plan had not changed much;  
29 the major change involved the map. He believed all comments received from various parties had  
30 been incorporated into the Plan, and he commended the Planning Commission for its diligent  
31 work on this project.

32  
33 The Mayor reported a joint meeting was held on Monday, August 16 that was attended by some  
34 council members and administrative staff from Summit County and Park City. Ron Phillips with  
35 Jordanelle Special Service District was also in attendance. Due to scheduling conflicts, Wasatch  
36 County was not represented, however a separate meeting would be scheduled with them later.

37  
38 Mayor Rubin recounted that during the meeting, Hideout expressed its primary driver for the  
39 Plan: the belief that it would be best for the Town to have a voice in what would come into the  
40 space in the future, and its desire that the area look more like Hideout and less like the higher  
41 density areas outside. Secondly, landowners, particularly those in Hideout’s outer extremities,  
42 indicated they would be open to considering one single land use authority to help them move  
43 forward with their plats, currently sitting in multiple jurisdictions, i.e. Summit, Wasatch and  
44 Hideout. Therefore, at their behest, Hideout proposed the inclusion of some of those areas into  
45 the annexation area to consider what they would bring to offer parks, trails, and other amenities  
46 to help move Hideout closer to achieving its goals.

1 Council Member Shadle described another beneficial discussion during the joint meeting  
2 concerned Hideout's participation in the planning process, both in Summit and Wasatch, on  
3 issues such as transportation or traffic on SR 248. It was noted many of the issues affected all  
4 and he felt the Town would start to be involved in discussions with Wasatch and Summit  
5 counties.  
6

7 Mayor Rubin noted the comments during the meeting did not differ from those already expressed  
8 in writing and he felt everyone left feeling more comfortable that Hideout was not trying to be a  
9 detriment to the County's vision for land development partnered with green space. He didn't  
10 derive anything from that meeting that would suggest further modification to the Plan.  
11

12 Concerning transportation, it was suggested during the joint meeting the Mayor write a letter to  
13 the transportation oversight group for Park City, Wasatch and Summit to ask to be a part of it.  
14

15 The Mayor explained that Town Attorney Dan Dansie's version of the Plan did not amend any of  
16 the Plan language, but only captured all the comments received in the appendix. He noted it was  
17 legally within the Council's authority to adopt that change without having to go back before the  
18 Planning Commission.  
19

20 Council Member Shadle felt it was important people understood the Plan was just a plan, for the  
21 next 25 years, and would not happen without the input of the people in the surrounding areas. If  
22 they were not supportive of it, it would not be done.  
23

24 Mayor Rubin projected the revised map and explained the colored sections as follows: green:  
25 the existing Hideout area; yellow: the proposed Amended Plan, of which approximately 85% is  
26 within our current Annexation Plan; pink: Park City; purple: MIDA. The Mayor noted the  
27 Richardson Flat area was in a prior version and was no longer in the Plan.  
28

29 The Mayor commented the version of the Plan without Mr. Dansie's comments was on the Town  
30 website, and if passed this evening, the version incorporating his comments would be posted. It  
31 was noted a few parcels on the top and lower left and right sides of the map were within Summit  
32 County. He felt the map should detail the existing Summit County line.  
33

34 The Mayor then opened the discussion for any questions from the Council or Mr. Rupinkas of  
35 the Planning Commission. Council Member Baier commended the Planning Commission and its  
36 hard work on the Plan.  
37

38 Mr. Rupinkas noted several people were very anxious about being included in the Plan, and  
39 some asked to be removed from it, however they only represented 1 or 2 neighbors out of an  
40 entire neighborhood. An entire neighborhood could not be removed on the request of only 1 or 2  
41 neighbors. He emphasized the Plan projected over 15-20 years and did not necessarily indicate  
42 Hideout would pursue annexation, it only suggested potential areas if Hideout were to consider  
43 annexation.  
44

45 With no further questions from the Council, Mayor Rubin opened the meeting for public  
46 comments at 7:33 p.m.

1 Bruce Erickson, Park City Planning Director, expressed appreciation for all of the efforts. He  
2 clarified the Richardson Flat area was operating Unit 1, which was the mine site reclamation  
3 with the EPA. The other 500 acres of deed restricted property under the Flagstaff Development  
4 Agreement were still included in the Annexation Policy area. Clark Ranch was now out, and they  
5 appreciated that.

6  
7 Christopher Robinson, Summit County Council stated he thought the Mayor declared the  
8 comments had been considered in creating the new map, and that no new comments were given  
9 during the joint meeting. However, he believed Summit County's government, its counsel and  
10 Manager emphatically stated it did not want Summit County lands included in the annexation  
11 area, and he wanted to know if those areas were still in the map and whether Hideout would  
12 draw a map excluding those areas. Secondly, he wanted to better understand what the MIDA  
13 agreement meant as to the existing Town area or if the MIDA project area would be expanded to  
14 be included in the green existing Hideout Town area.

15  
16 Mayor Rubin responded that Summit County's protestations concerning Summit County land  
17 were clearly recognized. He explained the Town had also been contacted by landowners in those  
18 areas who were willing to consider a potential participation with Hideout, and the Plan was  
19 reflective of that. The Mayor added Hideout recognized it was not planning to take any land  
20 owned and controlled by Summit County, and if there were areas as such, Hideout would modify  
21 the Plan. However, third party lands located within Summit County would be included.

22  
23 As to MIDA, Mayor Rubin explained there were three developments in the north corner of  
24 Hideout that were being considered for inclusion in the project area because they tied into the tail  
25 end of Jordanelle Parkway; estimating the area totaled approximately 20% of Hideout, all of  
26 which was located within Town boundaries. In further response to Mr. Robinson, Dan Dansie  
27 affirmed there was Summit County land included in the Plan. Secondly as to MIDA, pursuant to  
28 State statute, only land that can be included within a MIDA project area would be land subject to  
29 the consent of the applicable municipal body and the underlying landowner.

30  
31 Mr. Rupinkas noted the Planning Commission asked he convey to the Council that if it were to  
32 adopt the Plan, the Council would need to focus on a communication strategy regarding how the  
33 Plan would be disseminated to the general public; the Planning Commission felt it was important  
34 to provide the general public with the reasoning behind the Plan.

35  
36 7:42, with no further comments, Mayor Rubin closed the public hearing.

37  
38 Council Member Baier asked to see the Plan with Mr. Dansie's comments. Mr. Dansie  
39 commented that while there was no state requirement that all comments be added, he felt it was  
40 important to include the feedback in the document for a fuller explanation of the affected  
41 entities' concerns. After review, Ms. Baier felt the comments further enhanced the Plan.

42  
43 With no further comments, Mayor Rubin called for a vote after reading the text of the proposed  
44 Resolution.

1 Council Member Shadle moved to adopt the Resolution Adopting a Revised Annexation Policy  
2 Plan, subject to a change in the map to include the County boundaries on the map. Council  
3 Member Johansson made the second. Voting Aye: Council Members Shadle, Baier, Johansson  
4 and Wahl. The motion carried.

5  
6 **8. DISCUSSION and possible authorization for the Mayor to approve the UIA**  
7 **(Utopia) high speed internet service agreement – Internet Committee**  
8

9 Council Member Shadle prepared a presentation as a continuation of the last public meeting on  
10 Utopia. He summarized the project would be a financing with UIA for just under \$1.1 million to  
11 connect high-speed fiber with speeds of either 250 mps or 1 gig at highly competitive prices. He  
12 added this evening's continuation of the prior discussion was intended to further discuss the  
13 economics, what the anticipated subscriber cost would be, and how to fund the project to  
14 minimize risk to the Town.

15  
16 Referring to a slide concerning subscriber projections, Mr. Shadle reviewed that the Internet  
17 Committee considered both current and future developments to determine whether the demand  
18 would meet the financing requirement of 160 subscribers over the next three years. Currently,  
19 approximately 560 doors were projected in Hideout, all of which represented potential  
20 subscribers. The Committee analyzed the various developments from current to future state to  
21 determine near term and total build outs. Over the near term (approximately three years), the  
22 Committee estimated approximately 441 doors. Further, the Committee projected that in three  
23 years, Deer Springs, Deer Waters and Lake View (fka Vanden Aker) would all have Utopia-  
24 installed conduit. Those developers were highly interested in high-speed internet for their buyers,  
25 in fact they installed conduit within their infrastructure to be utilized for Utopia. Additionally,  
26 those developers put up the reserve fund to backstop the financing for one year (\$82,000). The  
27 Committee felt it was highly likely the vast majority of Shoreline, Deer Springs, Deer Waters  
28 and Lake View residents would sign up with Utopia. Further, DCD (Shoreline), donated the land  
29 for the fiber hut to house the mechanicals for Utopia.

30  
31 Dan Dansie clarified the developers had not yet put up the reserve fund and the agreement  
32 relating thereto had not been finalized. Council Member Shadle agreed, but affirmed the  
33 developers for Deer Waters, Deer Springs, Lake View and KLAIM publicly stated during a  
34 meeting they would fund the reserve and had shown their willingness to support the project by  
35 installing conduit.

36  
37 Next, Mr. Shadle compared All West and Utopia pricing. All West required a subscriber to add a  
38 phone line, thus the data he was displaying for reference this evening show All West prices with  
39 the up charge one would pay to opt out of a phone line. Based on his analysis, All West pricing  
40 would be as follows: 50 mps: \$81.95; 100 mps: \$111.95; 500 mps: \$154.95; and slightly higher  
41 than 1 gig: \$179.95. Council Member Baier felt it would be important to compare both with a  
42 phone line. She added it was important for consumers to have competition. Mr. Shadle noted  
43 both Utopia and All West could supply phone service and if interested, he could provide the  
44 comparison with the phone line.

45  
46 Mr. Shadle explained Utopia did not have the 50 mps or 100 mps options available, but at 250

1 mps, their pricing would be \$77.19 and five times as fast. 1 gig would be \$93.58. Further, Utopia  
2 subscribers would not incur a connection fee and they could cancel at any time. All West was  
3 currently offering a no connection fee special through August 23, after which they would charge  
4 \$150 for the infrastructure and \$50 for the connection. It was indicated All West only required a  
5 one-month subscription, after which there would be no long-term commitment. It was also noted  
6 that Utah Broadband charged \$89 per month for 60 mps.

7  
8 Continuing, Council Member Shadle shared an analysis of the projected annual subscriber  
9 savings scenarios. It assumed 164 subscribers for 100 mips for All West, versus 250 mips for  
10 Utopia. The estimated savings for Utopia subscribers totaled just under \$69,000. According to  
11 Utopia, approximately 50% of their subscribers opted for 250 mips, while the other 50% chose 1  
12 gig. If applying the same assumption to All West's subscribers; 50/50 split opting for either 100  
13 mips or 1 gig, the cost for 164 subscribers would total nearly \$120,000 per year, which was  
14 approximately what the Town received annually in property tax revenue.

15  
16 Mr. Shadle felt Utopia would be a plus for the town. On average, Utopia subscribers would save  
17 over \$700/year, and those numbers were projected to improve with growth: monthly charges  
18 would decline from \$42 to \$30 per user. He strongly recommended engaging Utopia and added  
19 the internet speeds were unrivaled in the area. In conclusion, Mr. Shadle advised it was the  
20 Committee's belief that this financing structure, given the predominance of developer support,  
21 and the cost structure provided by Utopia, most subscribers in the Town would select Utopia.

22  
23 Discussion ensued wherein it was indicated All West was currently installing conduit at no cost  
24 to the Town and would be signing up its first installations in September. Council Member Baier  
25 commented All West was willing to bear the cost of installing the infrastructure and gambling on  
26 the prospect of signing new subscribers in the Town. She thanked the Mayor and the Town  
27 Engineer for helping make it cost effective for more people in Town to be offered the  
28 opportunity to get fiber with All West.

29  
30 Council Member Baier voiced concern that the Utopia agreement was potentially costing the  
31 Town \$82,000 for two years and would obligate the Town for 25 years. It was possible the Town  
32 may not reach the subscriber threshold provided in the agreement, and during its 25-year  
33 obligation, technology could change, and the Town would still be obligated to Utopia. Ms. Baier  
34 was also concerned with the project phasing concerning Soaring Hawk and she wanted to ensure  
35 they would be part of Phase 1.

36  
37 Council Member Shadle responded they could discuss the potential of running the conduit  
38 through the backside of KLAIM and perhaps include them at some point soon.

39  
40 Council Member Johansson agreed with Council Member Baier concerning the 25-year  
41 commitment. However, he believed that given the risks, the benefits outweighed the risks by far,  
42 and he felt the residents should be given the opportunity to obtain this product at a reduced price;  
43 it would put Hideout on the map.

44  
45 Council Member Wahl commented he couldn't understand, given how fast tech was changing,  
46 the Town could enter into a 25-year commitment with a fiber optic company, and the risk

1 seemed too great. If Utopia could guarantee service for the whole Town, he would feel  
2 differently. He felt a better deal could be made in a couple more years, and he thought this  
3 proposal was premature.

4  
5 Council Member Baier asked what it would take to bring Soaring Hawk into Phase 1. Utopia's  
6 Roger Timmerman (Utopia) stated Utopia was confident it could be built, but they could not  
7 commit today, because it would add a lot of cost for the few homes and could harm the  
8 economics of the agreement. He didn't feel it was worth holding up the project to answer that  
9 question because it could be a long-term process. He was unable to definitively answer the  
10 question, because there was a lot of work to be done. He added the area was planned to be built,  
11 however certain criteria would need to be met before proceeding. When pressed for a specific  
12 number of homes that would need to be built before servicing Soaring Hawk, Timmerman stated  
13 roughly 35 additional homes, plus or minus 10.

14  
15 Bill Bartlett raised a discussion concerning the Google ratings and online comments concerning  
16 All West. Dan Dansie asked that the meeting attendees focus on the merits of the Contract and  
17 advised it was not helpful to discuss anecdotal reviews concerning All West's performance.

18  
19 Council Member Baier felt the proposal would be more palatable to the community if all were  
20 offered service.

21  
22 No further comments from the Council were forthcoming.

23  
24 Dan Dansie wanted the community to be aware that one of the advantages of a small town like  
25 Hideout was the opportunity to be somewhat informal, however he advised that this evening's  
26 presentation by Council Member Shadle was prepared as a service to the community and was not  
27 necessarily an official position or statement of the Town toward various providers, nor was it an  
28 official analysis. Further, when opinions or characterizations were expressed, they were the  
29 opinions and characterizations of the individuals and not of the Town.

30  
31 At 8:42 p.m., Mayor Rubin opened the hearing for public comments.

32  
33 Paul Versteegen was excited to be getting fiber. He liked that All West was coming to area, but  
34 their prices were terrible and not competitive. If All West was more realistic on pricing, he  
35 would sign up. He believed signing up 164 subscribers within three years would be easily  
36 achievable and felt the Mayor should press the whole Council. He commented a Committee was  
37 formed, it researched and recommended the best. He wanted to go with Utopia and get it done.

38  
39 Regarding Council Member Baier's question regarding what it would take to bring in Soaring  
40 Hawk, Mr. Timmerman informed the Council they calculated an additional 46 subscribers would  
41 be required, raising the reserve fund to \$105,684.

42  
43 Eric Bloomquist – inquired regarding the timeline and migration for the infrastructure. Mr.  
44 Timmerman responded the contract provided for 9 months upon execution. Winter work would  
45 be possible, however Utopia preferred not to.

1 If the Council agreed to the Utopia proposal this evening, it would then go before Utopia's  
2 Board, scheduled to meet on Monday, August 26.

3  
4 Mr. Timmerman indicated the engineering for the Quinn's junction pull was completed, but the  
5 actual construction would not start until Utopia confirmed the status of the proposed agreement.  
6 He added Utopia had obtained UDOT's approval. Mr. Timmerman went on to recount the  
7 various other uses for fiber: traffic sensors, camera, air quality sensors (1 or 2 will be installed in  
8 the Town), smart city applications, thermal imaging. He commented the reason for bringing this  
9 technology was not just for the internet, but it was for connectivity and for applications the Town  
10 would need today and in the future.

11  
12 Discussion with Mr. Timmerman continued regarding the potential for business subscriptions,  
13 which would differ from residential in that the potential revenue would not be tied to the number  
14 of businesses, but rather the revenue from those businesses. 50% of the wholesale revenue  
15 Utopia charged to those business accounts would offset the Town's obligation. If other areas  
16 along the highway were to install, the Town would benefit so long as those areas were located  
17 within the Town limits.

18  
19 John Hunter Shoreline: commented he had probably hired and fired nearly every cable and  
20 internet provider. He liked this model because it was based on a partnership model, and he  
21 intended to sign up. He urged the Town to get commitments now.

22  
23 With no further comments, the Mayor closed the public hearing at 8:59 p.m.

24  
25 Mayor Rubin declared the parties were very close to finalizing the contract language. He asked  
26 whether the Council was ready to resolve and move on, recognizing Council Member Baier's  
27 concerns with the Soaring Hawk inclusion. He asked Ms. Baier if she was willing to move  
28 forward with the resolution, and language could be added to the resolution to include Soaring  
29 Hawk. Council Member Johansson stated he was ready to make a motion to include Soaring  
30 Hawk, making the threshold subscriber number 210 instead of 164 to give everyone in Hideout  
31 equal opportunity to utilize the service.

32  
33 Council Member Baier was not yet ready to move forward and needed more time to analyze the  
34 risk issue concerning the \$105,000 reserve based on 210 subscribers.

35  
36 Council Member Shadle thought it would make sense to authorize the Mayor to negotiate with  
37 Utopia on the Town's behalf to finalize the contract, then the Council would provide its input.  
38 Council Member Baier recommended the Council work more on the contract before giving the  
39 Mayor the authority to negotiate it.

40  
41 *Council Member Johansson moved to adopt the resolution allowing the mayor to negotiate the*  
42 *contract, to consider the feedback from this evening's meeting, and hopefully including Soaring*  
43 *Hawk in Phase 1. Council Member Shadle made the second.*

44  
45 An unidentified speaker suggested contacting Soaring Hawk residents and polling to see how  
46 many would be interested in Utopia. Council Member Shadle indicated eight Soaring Hawk

1 residents responded to the survey, taken one year prior. Council Member Baier commented the  
2 survey was taken before All West came into the Town, so Utopia was the only viable option at  
3 that time. Mr. Shadle felt the issues concerning adding Soaring Hawk to the Utopia early phase  
4 was something the Council should allow the Mayor to address with Utopia, negotiate the  
5 contract, and then poll the Council members separately for their decision.  
6

7 Mayor Rubin called for a vote. *Council Member Johansson restated his motion as follows: to*  
8 *adopt the resolution and add the language to include the possibility of including Soaring Hawk*  
9 *in Phase 1. Council Member Shadle made the second. Voting Aye: Council Members Shadle and*  
10 *Johansson. Voting Nay: Council Member Baier. Council Member Wahl had left the meeting and*  
11 *was unavailable for a vote, thus the motion failed for a lack of the requisite votes.*  
12

13 *Council Member Baier moved to continue the hearing on this item to the September 5 meeting.*  
14 *Council Member Shadle made the second. Voting Aye: Council Members Shadle, Baier and*  
15 *Johansson. Council Member Wahl had left the meeting. The Motion carried.*  
16

17 **9. PUBLIC INPUT – Floor Open for Any Attendee to Speak**

18  
19 Eric Bloomquist: inquired about the installation currently underway and whether a bond was in  
20 place. Mayor Rubin responded affirmatively; the Town would ensure all repairs were done  
21 properly and all cracks were sealed.  
22

23 Council Member Shadle asked whether the whole town was being resurfaced. Mayor Rubin  
24 stated it was not. Mr. Shadle commented that Utopia alerted the Internet Committee to how All  
25 West was handling its installation project, and that other towns had sued providers for doing  
26 what All West was currently doing. Further, Mr. Shadle had asked the Town Engineer to contact  
27 Utopia concerning this issue and Utopia confirmed he hadn't done so. Consequently, Mr. Shadle  
28 felt the Town needed to retain the bond money longer than one year, due to the potential for  
29 damage to snowplows and roads from potential road heaving. Mayor Rubin responded the bond  
30 was in place for one year sufficient to cover the winter. He believed Town Code provided the  
31 Town would return 90% of the funds after one year and retain 10%, but he stated he would  
32 review the matter.  
33

34 It was indicated All West could not proceed up the road to Soaring Hawk, since the road had not  
35 yet been accepted by the Town and was not a public right-of-way. The same was true with  
36 Reflection. Mayor Rubin noted Kent Cuillard met with the Engineer on this day to review the  
37 repair work and identify where it was suitable and where it was not; they were keeping on top of  
38 it. He added there was currently some additional paving going on that was not under All West's  
39 purview, but they allowed the Town to piggy-back needed road repairs on to their project.  
40

41 It was indicated the Rustler paving would start in mid-September.  
42

43 Mr. Timmerman was asked how Utopia planned to install their infrastructure. He responded they  
44 were not planning to cut roads and would not disturb much of the surface of the roads. However  
45 there may be an occasional need to excavate a hole to cross other utilities, or if there were a

1 couple of segments where there was insufficient space on the side of the road, such as rock, etc.  
2 Mr. Timmerman commented for most part their installation would not be in road space.

3  
4 With no further comments, Mayor Rubin closed the public comment period at 9:19 p.m.

5  
6 **10. ADJOURNMENT**

7  
8 *Council Member Johansson moved to adjourn the meeting. Council Member Baier made the*  
9 *motion. Voting Aye: Council Members Baier, Shadle and Johansson. Council Member Wahl was*  
10 *excused. The motion carried.*

11  
12 The meeting was adjourned at 9:19 p.m.

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16 \_\_\_\_\_  
17 Allison Lutes, Deputy Town Clerk  
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