

HIDEOUT, UTAH
10860 N. Hideout Trail
Hideout, UT 84036
TOWN COUNCIL MEETING
October 10, 2019
6:00 p.m.

TOWN COUNCIL REGULAR MEETING

I. 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 October 10, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

II. ROLL CALL

Town Council Members Present:

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

Absent: Council Member Dean Heavrin

Staff Present: Town Clerk Allison Lutes
Public Works Kent Cuillard
Town Treasurer Wes Bingham

Others Present: Jerry Dwinell, Cameron Brown, Gino Venturi, Paul Watson, Phil Plumb, Melyssa Davidson, and others who did not sign in or whose names were illegible.

III. Approval of Council Minutes: June 27, 2019, September 5, 2019; and September 12, 2019

*Council Member Shadle moved to approve the of **June 27, 2019** Regular Meeting Minutes. Council Member Baier made the second. Voting Aye: Council Members Baier, Shadle and Wahl. Voting Nay: None. The motion carried.*

Mayor Rubin noted that prior to this evening's meeting, he instructed the Clerk to make the following edit to the September 5 minutes: page 5, lines 32 and 37, insert Nate Brockbank.

*Council Member Baier moved to approve the of **September 5, 2019** Regular Meeting Minutes. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle and Wahl. Voting Nay: None. The motion carried.*

With respect to the September 12 minutes, Mayor Rubin indicated he instructed the Clerk to insert the time for adjournment of the meeting, 10:52 p.m.

Council Member Shadle moved to approve the of **September 12, 2019** Regular Meeting Minutes. Council Member Baier made the second. Voting Aye: Council Members Baier, Shadle and Wahl. Voting Nay: None. The motion carried.

IV. AGENDA ITEMS

1. David Church, Utah League of Cities and Towns - Discussion on What Hideout Needs to do as a Municipality as it Moves from Town to City

Mayor Rubin introduced David Church, attorney with Utah League of Cities and Towns (ULCT) who would be discussing what changes the Town would expect as it transitions from town to city.

Mr. Church explained that Utah municipalities are classified into six different classes by population. Once the population of a town exceeds 1000, and the Lieutenant Governor becomes aware of it via census or biennial population estimate, then a certificate is sent to the municipality notifying of its designation as a city of the fifth class.

Mr. Church advised that moving up into classification would not provide the new city with more authority to do certain things, however it would change some of the financial regulations imposed by the state auditor. Towns and cities operate under different uniform fiscal procedures acts, and a city budget is longer and more complicated than that of a town. The other big difference Mr. Church highlighted involves the "rainy day" fund, by which a town can accumulate up to 75% of their total revenue of the general fund in an unallocated fund for the fiscal year. Cities, on the other hand can only accumulate 25% and must retain at least 5% in the "rainy day" fund. Most cities transfer those accumulated funds to a capital improvements fund.

Mr. Church explained that the form of government would not change when the town becomes a city. The clerk would become the recorder, however the duties would remain the same, and a treasurer would still be required in a city. It was noted that Hideout town currently has a six-member council, rather than the five-member council Mr. Church advised should have been formed, however once the town becomes a city, the council configuration will not change.

Other city requirements Mr. Church outlined included the following: a procurement policy; monthly financial summary and detailed quarterly reports (using required forms), and an annual report to be filed with the auditor's office. Further, with respect to building, cities require building inspections within 3 business days. Cities have a more stringent nepotism law. As part of their general plan, cities are required to adopt a moderate-income housing element.

Finally, Mr. Church stated the name of the town would not be required to change once Hideout becomes a city.

2. Approval of Bills to be Paid

Mayor Rubin lead a short discussion to identify some of the larger expenses on the report, including one-time annual payments. Mr. Rubin noted he was scheduled to meet on October

11 with Wes Bingham to discuss the budget and address the ongoing Town costs, which were anticipated to be lower than they had been due to certain one-time costs. Additionally, the Mayor would be leading a discussion on the agenda this evening concerning increasing Town fees and rates to reduce the burden on the Town's General Fund that had been used to absorb shortfalls. Further, the Mayor indicated they could move some funds from the Enterprise Fund to the General Fund if required.

Council Member Shadle moved to approve the payment of the bills as set out in this evening's report. Council Member Baier made the second. Voting Aye: Council Members Baier, Shadle and Wahl. Voting Nay: None. The motion carried.

3. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Venturi Subdivision, Located at Approximately 11378 N. Shoreline Dr., Hideout, UT

Planning Commission Chairman Jerry Dwinell explained that the Commission conditionally approved the application to create two lots from one parcel, on the condition the applicant provide the will-serve letters prior to submission of the final plan. The lots are located near Shoreline at the end of Phase 1. A short discussion with Mr. Venturi's realtor, Jeremy Wilson followed regarding real estate signs and what is allowed in Hideout. Mayor Rubin advised Mr. Wilson to check with Melyssa Davidson, counsel for the HOA, on allowed signs.

Jerry Dwinell advised this is a preliminary plan, so the drawing requirements are not fully detailed at this stage; building envelopes would still be required on the final plan. Further, Mr. Dwinell commented the lots could not be listed for sale until the final plat is recorded, and until the final plan is approved, the final plat cannot be recorded. Council Member Baier noted it would require two more meetings once the final application is submitted: one with the Planning Commission, the other with the Town Council. Mr. Dwinell confirmed there were several additional engineering requirements to be satisfied before finalizing the plat. He stated the fire department provided their report and no issues were found. Application for final details all the requirements. Mr. Dwinell stated the final application lays out all of the requirements for the applicant and could be obtained through the Town office. He also advised Mr. Venturi that the earliest the Planning Commission could hear his final application would be the November meeting, followed by the December Town Council meeting.

At 7:52 p.m., Mayor Rubin opened the public hearing. With no comments forthcoming, the Mayor closed the hearing.

Council Member Shadle moved to approve the Venturi Subdivision Preliminary Application. Council Member Baier made the second. Voting Aye: Council Members Baier, Wahl and Shadle. Voting Nay: None. The motion carried.

4. Public Hearing - Consideration and Possible Approval of an Application for a Preliminary Plan Approval for the Plumb Subdivision, Consisting of Approximately 3.79 Acres Located on Longview Dr., Hideout, UT.

Jerry Dwinell explained that the subject property, consisting of four lots, sits adjacent to

Silver Sky at the dead end of Longview. The Planning Commission approved a rezone in March, and in September the commission heard and approved the preliminary plan with the following first group of conditions: 1) concerning their designated detention pond, the Commission wanted to ensure it included a landscape plan, specifying who would be charged with its maintenance, e.g. the Master HOA, a sub-HOA, the landowners, the lot owner or the Town; 2) the plan needed to depict a dedicated snow storage allocation [Mr. Dwinell confirmed the plan submitted on October 9 does include that] and 3) a statement from the Town Engineer stating there were no water runoff issues from the upslope developments, and the snow runoff would not be problematic as the snow melts from the designated snow storage area.

Mr. Dwinell then recounted the Planning Commission's next condition relating to the emergency access road extending to the north. The fire district requested it be paved, while Plumb's drawings indicated it would be gravel. The Planning Commission felt it would not be necessary to pave it at this time, however if it becomes a through road, then it would be necessary to pave, gutter and curb it. Discussion arose regarding the Council's opposition to Longview becoming a paved through road. Mr. Dwinell stated the decision regarding what the street becomes could be deferred until the road connects to something.

Mayor Rubin shared input he received from Town Attorney Dan Dansie, who was not present this evening: 1) the agreed upon deed restriction has not been recorded yet; 2) the Town will need an agreement that once it's in, Plumb will title the roads and the right-of-way to the Town; and 3) Plumb will need to determine whether its development is situated in the master development area and therefore subject to the HOA oversight, or if not, then the Town will need a Master Development Agreement that addresses building heights, materials, etc. Phil Plumb commented they would go with the HOA. He further indicated he was working on the will-serve letters.

A short discussion ensued with Paul Watson, Project Engineer for Plumb concerning setbacks. T-O Engineers had indicated a 60-foot setback was required. Jerry Dwinell didn't know where that requirement originated, as he believed it was a 25-foot requirement, consistent with other homes in the area. Council Member Shadle and Mayor Rubin agreed the setback for homes in the Plumb development should look like others in the neighborhood, with a 25-foot set back. Mr. Watson confirmed the proposed pond was a detention pond and they would landscape it.

Jerry Dwinell clarified that the proposed plan included two different building envelopes. One or the other would be used in the final, and not both on those four lots.

At 7:13 p.m., Mayor Rubin opened the meeting for public input. Melyssa Davidson, attorney for the master association, requested a plat note be inserted concerning the two building envelopes and the "either or" status mentioned earlier, to make it easier on the design review committee. Also, she asked that the detention area be marked as subject to the drainage easement and nothing could be built there. Mr. Watson agreed to do so.

With no further comments, Mayor Rubin closed the public hearing.

A short discussion ensued regarding the status of Shoreline Phase 3 (to date, nothing had been submitted), and trail access.

Mr. Plumb acknowledged their plan to develop the lots as improved, ready to build parcels. Regarding the snow storage area, it was indicated the Town Engineer would need to determine whether natural vegetation would suffice, or whether a hard gravel surface would be necessary. Melyssa Davidson felt it best if the gravel was a requirement so the HOA would not be subject to a covenant to maintain the natural vegetation.

Discussion then ensued with Melyssa Davidson regarding the natural vegetation and the HOA's oversight and enforcement of the rules. Ms. Davidson asked that she or Will Pratt be notified of any issues regarding unsightly vegetation, because they wanted the area to look attractive and they would address those issues.

Council Member Shadle moved to approve the Preliminary Application of Plumb, with the condition that the emergency fire access road remain a gated, gravel road, and the Planning Commission provides final guidance on the setbacks and the requirements concerning the detention pond. Council Member Baier made the second. Voting Aye: Council Members Baier, Wahl and Shadle. Voting Nay: None. The motion carried.

5. Continued Public Hearing - Discussion Regarding the Snow Removal Ordinance Due to Additional Suggested Revisions to the Ordinance

Discussion focused on the 16-hour window of time within which to clear snow stated in the current draft of the ordinance, and the Council's opinion that it was excessive. The Council made the decision to defer this agenda item until the next meeting so they could further review the draft and consult with Town Attorney Dan Dansie.

6. Continued Public Hearing - Possible Adoption of an Impact Facilities Plan

Mayor Rubin explained this item would be deferred until the next meeting, because although the plan had been sent to the developers, there was not enough time to receive feedback. He also stated he would send the plan to the Council in the interim.

Council Member Baier moved to continue this agenda item to the November 14 meeting. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle and Wahl. Voting Nay: None. The motion carried.

7. Discussion Regarding a Proposal to Increase Building Permit Fees as well as Reconfirming Civil Fees

Mayor Rubin explained the fee schedule had not been revised since 2016 and it was now necessary to increase them, due to increases in materials, labor and support staff expenses.

The Mayor then walked through the proposed resolution and summarized increases as follows:

- Building permit fees (residential and commercial): 50% increase
- Frontage security deposit: \$30 per square foot
- Development fees: double prior fees plus costs
- General Plan amendment: \$7,000 plus costs

- Annexation: \$5,000 (petitions in excess of 40 acres); \$3,000 (petitions less than 40 acres) [Jerry Dwinell inquired whether those fees would apply if the Town were to solicit an entity to annex. Mayor Rubin believed it was addressed in the document, but he would confirm.]
- Sign review fee: \$150 plus costs
- Special meeting fee: \$500.00 (includes both Planning Commission and Town Council special meetings)
- Permit to work in Town public right-of-way: \$2,000 for crossing the street and \$5,000 for every 100 feet of parallel work.
- Business licenses: will be based on an average of fees charged by Summit and Wasatch Counties.
- Town Hall rental fees: \$100 (resident) \$150 (non-resident)
- GRAMA fees for copies: will be based on an average of fees charged by Summit and Wasatch Counties.
- Penalties and fees – code violations daily fee: \$200
- Fees for major infractions, e.g. water theft, open fires will be per the published fee schedule for named infractions
- Water fees: will be updated to reflect the new rates passed in July 2019. (Council Member Shadle queried regarding the irrigation fees and the fact that they were not in line with fees assessed to others. He offered to work on the issue with Vytas Rupinskas.)
- Sewer impact fees: will be amended to reflect current JSSD fees
- Sewer connection and inspection fees: \$400; \$40 administrative fee
- Sewer monthly fee: \$28.60
- Storm drain fee: \$6

A short discussion followed concerning the methodology and assumptions used in calculating the new fees.

Council Member Shadle moved to authorize the Mayor to adjust the fee and rate schedule as outlined in this evening's presentation and to use his best judgment on those areas where additional research is required and to sign the finalized resolution. Council Member Baier made the second. Voting Aye: Council Members Wahl, Baier and Shadle. Voting Nay: None. The motion carried.

Following the vote, Mayor Rubin advised the Council of a uniform fee and bail schedule that applies to the State of Utah from which he extracted certain fees that may be applicable to the Town. Discussion followed concerning enforcement of infractions. Kent Cuillard commented it was every resident's obligation to keep everyone safe, and recommended calling Wasatch County to lodge a complaint if one witnesses a violation. It was agreed the Council would need to address law enforcement coverage in the Town, when the budget permits.

8. **Presentation of the Master Plan from P.O.S.T. (Parks, Open Space and Trails Committee)**

This item will be heard at the next meeting.

9. **Public Input - Floor Open for Any Attendee to Speak**

Mayor Rubin opened the floor for public input. With no comments forthcoming, the Mayor closed the public input portion of the meeting.

IX. MEETING ADJOURNMENT

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

The meeting was adjourned at 8:17 p.m.

Allison Lutes, Town Clerk