HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING
December 10, 2020
Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting and public hearing electronically for the purposes and at the times as described below on Thursday, December 10, 2020.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's December 7, 2020 determination letter (attached).

All public meetings are available via ZOOM conference call and YouTube Live.
Interested parties may join by dialing in as follows:

Zoom Meeting URL: https://zoom.us/j/4356594739 To join by telephone dial: US: +1 408 638 0986
Meeting ID: 435 659 4739
YouTube Live Channel: https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/

Regular Meeting
6:00 PM

I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter

1. Mayor Rubin's No Anchor Site Determination Letter

II. Roll Call

III. Approval of Council Minutes

1. August 14, 2020 Town Council Meeting Minutes
2. August 27, 2020 Town Council Meeting Minutes
3. September 4, 2020 Town Council Meeting Minutes

IV. Public Input - Floor open for any attendee to speak on items not listed on the agenda

V. PUBLIC HEARING

1. Budget Amendment *(Continued from November 26, 2020 Meeting)*

VI. Agenda Items

1. Discussion on municipal revenues
2. Discussion and possible approval of a Resolution Authorizing Application for the Renewal of the State-Sponsored Enterprise Zone
3. Proposed new Planning Commission members and possible consent from Council to appoint
4. Bills to be approved
5. Discussion and possible approval of an impact fee credit agreement with Western States Ventures
6. Consideration to adopt an ordinance requiring the use of bins for recycling and trash

7. Discussion and consideration to adopt an Ordinance amending Town Code Section 1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah

8. Discussion regarding a possible Town Hall meeting regarding the Silver Meadows annexation

9. On-street parking ordinance update

VII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed

VIII. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

HIDEOUT TOWN COUNCIL
10860 N. Hideout Trail
Hideout, UT 84036
Phone: 435-659-4739
Posted 12/08/2020

File Attachments for Item:

1. Mayor Rubin's No Anchor Site Determination Letter

December 7, 2020

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(4) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The percent and number of positive COVID-19 cases in Utah has been over 27.1% of those tested since November 2, 2020. The seven-day average of cases has been over 3,125 since November 30, 2020. COVID-19 patients in Utah hospitals has risen to 582 current cases as of the date of this letter.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/

Interested parties may join by dialing in as follows:

Meeting URL: https://zoom.us/j/4356594739
To join by telephone dial: US: +1 408-638-0986
Meeting ID: 4356594739

Additionally, comments may be emailed to hideututah@hideututah.gov. Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

This determination will expire in 30 days on January 6, 2021.

BY:

Phil Rubin, Mayor

ATTEST:

Alicia Fairbourne, Town Clerk

TOWN OF HIDEOUT CORPORATE Seal WASATCH COUNTY, UTAH

File Attachments for Item:

1. August 14, 2020 Town Council Meeting Minutes

Minutes
Town of Hideout
Town Council - Special Meeting
August 14, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 14, 2020 at 12:00 PM electronically via Zoom Meeting due to the ongoing COVID-19 pandemic.

Special Meeting

I. Call to Order and Pledge of Allegiance

Mayor Phil Rubin called the meeting to order at 12:00 pm.

II. Roll Call

Present: Mayor Philip Rubin
Council Member Chris Baier
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Kurt Shadle

Staff Present: Town Attorney Dan Dansie
Town Administrator Jan McCosh
Town Clerk Alicia Fairbourne

Others in attendance: Nate Brockbank, Wasatch County Council Member Kendall Crittenden, Dave Moore, Mark Boyle, Malena Stevens, Brooke Moss, Ivy Telles, Park City Mayor Andy Beerman and others who dialed in via telephone or otherwise did not use their full name when logging into the Zoom meeting.

III. Agenda Items

1. Consideration of Possible Repeal of Town of Hideout Resolution 2020-05

Mayor Rubin stated the meeting was called to discuss the potential repeal on Resolution 2020-05 – a Resolution of Intent regarding the annexation of Richardson Flats – due to the inability to hold a Public Hearing due to technical difficulties on August 12, 2020. The Public Hearing would not be able to be re-noticed and held prior to the Special Legislative Session held on August 20, 2020 and Utah Code § 10-2-418(3) being revised. He presented a draft Resolution and read it in its entirety. Council Member Jerry Dwinell inquired about adding language to state the Town could not re-notice the meeting in order to meet the statutory noticing requirement. Town Attorney Dan Dansie stated he would add language to include the provision.

Council Member Chris Baier asked if the Resolution would mean the Town would be required to restart the annexation process from the beginning. Mr. Dansie confirmed. Council Member Baier expressed her disappointment in the inability to hold the meeting.

Council Member Kurt Shadle stated there were two separate issues. The first issue was regarding repealing the Resolution. The second was to determine how to proceed with the annexation going forward. He expressed the need for commercial services around the Jordanelle area, but urged the Council to pause on the annexation in order to allow the Special Legislative Session to take place in order to get a better understanding of what the legislatures intended when the bill was passed. Council Member Baier expressed her desire to follow the Town's General Plan and pursue a lawful annexation.

Council Member Dwinell stated he felt the service needs of the Town were not being met. He stated the Town would continue to look at ways to resolve those issues, including reaching out to surrounding cities. Council Member Haselton agreed and expressed regional planning would benefit everyone in the area. Council Member Dwinell stated Hideout was located in an area that did not get the same attention from Wasatch County that other areas received. Council Member Baier hoped awareness was raised because of the growth in Hideout. She expressed the growth of the Town was something Council took very seriously. Council Member Shadle agreed and expressed his desire to take a regional approach to the issues.

Wasatch County Council Member Kendall Crittenden recognized Hideout may not have been previously included in regional planning in Wasatch County as it should have, but was willing to work to include the Town moving forward. Council Member Dwinell expressed his concern with the exclusion of Hideout, Parks Edge Retreat, Black Rock Ridge and Deer Mountain in the County's General Plan. He voiced his concern regarding the school-aged children being bussed to Heber or Midway and asked for the County to look for a resolution. Council Member Crittenden addressed Council Member Dwinell's concerns and reiterated his willingness to work with the Town.

Council Member Bob Nadelberg confirmed with Nate Brockbank the annexation was brought to Summit County and was rejected. Mr. Brockbank confirmed and stated he had approached Summit County and had complied with the legalities of annexing the land. Council Member Nadelberg expressed the Town had considered the needs of all parties involved, including Summit County, and felt that constituents wanted the development in Richardson Flats.

Mayor Rubin presented the Resolution as updated by Mr. Dansie to include the aforementioned changes. Mr. Dansie noted the meeting was not noticed as a Public Hearing, although Council Member Crittenden was allowed to speak, and therefore should allow other members of the public to comment. Mayor Rubin and Mr. Dansie agreed any comments should strictly address the matter before the Council, which was the repeal of Resolution 2020-05, and not allow comments regarding the annexation itself.

Council Member Nadelberg inquired if the Resolution were adopted, would the Town be able to adopt a similar resolution in the future. Mayor Rubin stated the process would be restarted as a new annexation.

Park City Mayor Andy Beerman stated he was in support of the repeal and would welcome a regional planning discussion with Hideout. Council Member Baier asked Mayor Beerman to make a better effort in protecting the reputation of Hideout. Council Member Shadle agreed with Mayor Beerman in a regional approach and would like the chance to work in conjunction to solve some of the issues.

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Town Resident Mark Boyle spoke to acknowledge the Council's work on the annexation, however he was concerned it was short-sided and the long term effects were not being discussed. He stated there was not a lot of consideration for the big business interest which were a factor. He expressed his concern for the properties that may lose value because of a flooded market, and it would be a bigger problem in the future.

Council Member Baier read a message from a resident of Park City, stating not everyone in Park City was opposed to the development, and felt it would help ease the traffic issues and crowding that is increasing in Park City.

There being no further comments, Mayor Rubin closed public input at 12:38 pm and asked for a motion.

Motion: Council Member Shadle moved to adopt Resolution 2020-08 repealing Resolution 2020-05 – a Resolution of Intent to initiate an annexation process under Utah Code § 10-2-418(3). Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Shadle. Voting Nay: Council Member Nadelberg. Motion carried four to one.

Mayor Rubin thanked Council and the public for their comments, as well as Mayor Beerman and Council Member Crittenden. He also thanked Wasatch County and Park City for the offer to join together in regional planning.

IV. Closed Executive Session – Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or real property as needed

There being no further public agenda items, Mayor Rubin closed the public meeting at 12:43 pm. He addressed the need to enter into a closed executive session and asked for a motion.

Motion: Council Member Dwinell moved to enter into closed executive session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or real property as needed. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Shadle.

Present:	Mayor Phil Rubin
	Council Member Chris Baier
	Council Member Jerry Dwinell
	Council Member Carol Haselton
	Council Member Bob Nadelberg
	Council Member Kurt Shadle
Staff Present:	Town Attorney Dan Dansie

At approximately 1:15 pm, the executive session adjourned to open meeting.

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V. Meeting Adjournment

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

The meeting adjourned at 1:15 p.m.

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Alicia Fairbourne, Town Clerk

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File Attachments for Item:

2. August 27, 2020 Town Council Meeting Minutes

Minutes
Town of Hideout
Town Council Regular Meeting
August 27, 2020

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 27, 2020 at 6:00 PM via electronic virtual meeting due to the ongoing COVID-19 pandemic.

Regular Meeting

I. CALL TO ORDER

Mayor Phil Rubin called the meeting to order at approximately 6:05 pm.

II. ROLL CALL

Present: Mayor Philip Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg

Staff Present: Town Attorney Dan Dansie
Town Administrator Jan McCosh
Town Clerk Alicia Fairbourne
Public Works Director Kent Cuillard
Town Engineer Ryan Taylor
Town Planner Thomas Eddington
Town Treasurer Wesley Bingham

Others Present: G. Crane, Bubba Brown, Mike Stokes, Jared Fields, Gwen Wetzel, Polly McLean, Hannah Tyler, Brent Ventura, Linda Smith, Scott DuBois, Dan Motov and others who may not have made their names known via Zoom or did not sign in otherwise.

III. APPROVAL OF COUNCIL MINUTES

1. Approval of June 11, 2020 Meeting Minutes
2. Approval of June 25, 2020 Meeting Minutes
3. Approval of July 9, 2020 Meeting Minutes
4. Approval of July 23, 2020 Meeting Minutes

There was no feedback from Council as it pertained to all minutes. Council consented to approve all sets of minutes.

Motion: Council Member Dwinell moved to approve minutes from June 11, June 25, July 9, and July 23, 2020 meetings. Council Member Baier made the second. Voting aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. The motion passed.

IV. PUBLIC INPUT - FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS NOT LISTED ON THE AGENDA

At 6:13 pm, Mayor Phil Rubin opened the floor to public comment.

Council Member Chris Baier reported she had received multiple reports of water running down the trail in the State Park. The water was a result of the construction in Shoreline Phase Two, which pushed water down the trail and caused flooding at the bottom. She stated the trails were State owned and managed through the Federal Government. Studies had been done prior to constructing the trails which were designed to protect the environment. She noted a natural spring in the area was disrupted by the developments and the State Park was aware of the disruption. She asked what the possible remediation would be. Mayor Rubin addressed the issue and stated the Town would look into remediation.

Town resident Gwen Wetzel asked for a status update on the contract with Wasatch County Sheriff's Office and when additional patrol from them could be expected. Mayor Rubin stated it was still in negotiation and would be discussed during a future council meeting.

There being no further public comment, Mayor Rubin closed the public comment portion at 6:19 pm.

V. AGENDA ITEMS

1. Resignation of Council Member Kurt Shadle and Public Notice of Open Vacancy

Mayor Rubin announced the resignation of Town Council Member Kurt Shadle and discussed the requirements required of any persons interested to fill the vacancy.

2. Introducing Polly McLean - Hideout Town Attorney

Mayor Rubin acknowledged the outstanding service the Town Attorney Dan Dansie had provided for the Town, and stated Mr. Dansie was also working for a law firm in the Salt Lake Valley. He would be taking on more responsibilities at the firm and would not be able to manage the added responsibilities at the firm and provide the service the Town needed, and therefore had informed Mayor Rubin of his resignation from the Town. Mayor Rubin thanked Mr. Dansie for his service to the Town. He introduced Polly McLean as the new Town Attorney and provided Ms. McLean's qualifications. Mr. Dansie and Ms. McLean would work together to ensure a smooth transition.

3. Public Hearing - Consideration and possible adoption of an Impact Fees Facilities Plan Establishing Service Areas Within the Town of Hideout

Mr. Dansie presented information regarding the Impact Fees Facilities Plan (IFFP) and addressed why the Town should adopt an ordinance establishing the fees. The IFFP was a plan which identified public infrastructure within the Town which constituted system improvements. It established the cost of the infrastructure and a pro rata share for contributing to the cost of that infrastructure which landowners pay in connection with the development activity.

Mr. Dansie noted the Town did not concede any build to perform any obligations it had to Mustang Development, but Mustang Development had asserted claims and had threatened litigation if those claims were not addressed. He noted the reimbursement agreement (found later in the agenda) was for the purpose of collecting fees that would be used for the reimbursement to Mustang Development.

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Mr. Dansie introduced Brent Ventura, a professional engineer who had prepared the IFFP document. Mr. Ventura reviewed the purpose of the IFFP document, which was a collection of two documents – an impact fee facilities plan and an impact fee analysis. He reiterated the purpose of an IFFP and stated it was for future planning of water line, sewer line and roads were needed with the growth of the Town.

Mr. Ventura noted Chapters 1 through 6 in the IFFP study defined each of the impact fees that existed in the Town. He provided history of the Town's current facility plans, however, when prior administration provided the plans, they were not complete. He noted he and his team were able to complete those records to the best of their ability and were reflected in Chapters 3 through 6. He explained the public infrastructure and system improvements were identified within those chapters and all residents should have been responsible for paying for those fees during construction of their homes. He explained the developer typically paid the fees and passed those fees through in lot costs. He stated the fees in the Plan would be for future development and not charged to residents who's homes were already built.

Mr. Ventura stated there were several factors in which costs were determined. Many of them were based on engineering calculations, however there were some calculations which could be discussed and fees negotiated, which could change some of the intent behind it. He emphasized lawsuits could be avoided by discussion and gathering different points of view.

Council Member Jerry Dwinell asked Mr. Ventura to explain the difference between a system improvement and project improvement. Mr. Ventura explained a system improvement was when a development being established was looped with other existing infrastructure which would affect other residents in the city, versus a project improvement was typically a stand-alone infrastructure which was development on a dead-end street that did not loop into other infrastructure and did not affect other residents.

Mr. Ventura provided information on the variances of the rates provided in the Executive Summary of the IFFP dependent upon each subdivision. He explained each subdivision had a different amount of system and project improvements that had been applied for different reasons. Each of the subdivisions was split up as to what impact each of the lots had on the overall system.

Mr. Ventura provided a background of differences between the draft presented to Council previously and the current draft. He presented the maps of the roads and explained the brown lines illustrated the system improvements which were intended to service the entire community. He also noted the interest rate that was used to calculate the impact fee cost. He explained the previous version was originally analyzed with a 6 percent interest rate, which was an average rate, but discovered it should be raised to 7.5 percent.

Council Member Baier added she had worked closely with Mr. Dansie and Mr. Ventura in providing what she felt was a reasonable plan. Mayor Rubin added impact fees were not unusual for developing communities. Council Member Dwinell reiterated existing homes were not affected by these impact fees and it was for new development going forward. Council Member Baier inquired when the impact fees would be paid, to which Mayor Rubin replied they would be paid at the same time the permit was being paid.

Council Member Dwinell inquired if the impact fees would apply to residents who wanted to add an addition or remodel to their home. Mr. Dansie stated they would not. Further discussion continued regarding what the fees would cover.

There being no further discussion or questions from Council, Mayor Rubin opened the floor to public comment at 6:56 pm.

Scott DuBois spoke on behalf of Mustang Development. He stated he had been involved in the process for approximately three years. After many discussions, he believed the IFFP was fair and reasonable. He thanked everybody who was involved in the process and recognized the work involved. He noted Mustang Development had paid 12 percent interest, which was higher than the proposed 7.5 percent. He felt 7.5 percent interest rate was low, but it had been discussed and an agreement was made.

Dan Motov, a Hideout resident, introduced himself and stated he owned a lot and was building a new residence on Lasso Trail. His building plans were currently in the Design Review Committee (DRC) process which could take approximately three months to a year to complete. He inquired if he was subject to the fees or if he would be grandfathered in since he was already in the approval process. Mr. Dansie provided an explanation of vested rights and explained the date the building permit was complete would be the date in which the fees would be imposed. He also noted the ordinance would not take effect until 90 days after the date it was approved. Mr. Motov asked for Council to take into consideration a grandfather clause for those who were currently in the process of building. Discussion regarding the request continued. A possible work-around would be if the current fees were paid within the 90-day window, the impact fees could be bypassed although the design had not been issued. Legal counsel would research the proposal to ensure the proceedings would be permitted.

Jared Fields expressed his gratitude to Mr. Dansie and Mr. Ventura for the amount of work that went into the Plan. He emphasized Mr. DuBois' statement regarding the mutual negotiations and exchanges between developers and the Town. He addressed Mr. Motov's concerns and stated it should be negotiated with on a case-by-case basis with each owner or builder.

Town resident Mike Stokes spoke and asked for clarification regarding the impact fees for the storm drain pertaining to the Forevermore development. He stated the map did not show the storm drain in Forevermore, and questioned why the development would be subject to the storm drain impact fee. Mr. Ventura explained the water would run down the curb and gutters of the street and be collected at the end of Forevermore. That water would then be transported to the storm drain facilities, which warranted the fees.

There being no further comment from the public, Mayor Rubin closed public comment at 7:19 pm and asked Mr. Dansie to address the next steps. Mr. Dansie reiterated the Plan had been discussed and negotiated on by several parties, including a mediator for both the Town and developers. He stated the Plan was reasonable and was defensible under the Impact Fee Act. Mayor Rubin expressed his gratitude for all the work which had been done to make the Plan reasonable and accurate. Council Member Dwinell reiterated the vast majority of developers in the town had contributed to the Plan. Mr. Dansie confirmed Council Member Dwinell's statement.

There being no further comment, Mayor Rubin asked for a motion to adopt the Impact Fee Facilities Plan as presented and dated August, 2020.

Motion: Council Member Dwinell moved to adopt the Impact Fee Facilities Plan as presented and dated August, 2020. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton. None opposed. Abstaining: Council Member Nadelberg. The motion passed 3-1.

4. Public Hearing - Consideration and possible adoption of Ordinance 2020-09 regarding Impact Fees

Mayor Rubin read Ordinance 2020-09 in its entirety and asked for any questions from Council. Council Member Dwinell inquired about Section 9 and asked what would make a developer eligible for credits. Mr. Dansie explained what criteria would need to be met in order to be eligible for the credits, which was determined in the IFFP.

Council Member Dwinell inquired how the credit would be calculated. Mr. Dansie explained the cost of construction of the road is included in the IFFP. It was explained when the developer pulls the permit and the Town collected the impact fee, the developer could choose to pay the impact fee or apply any credit to offset the impact fee cost. The developer would earn credit by the cost of the number of linear feet of roadway multiplied by 178 dollars *(number of linear feet of roadway x $178)*.

There being no further questions from Council, Mayor Rubin opened the floor to the public at 7:42 pm. There was no public input. At 7:44 pm, Mayor Rubin closed public input and asked Council for a motion to adopt Ordinance 2020-09 *(Clerk's correction: Should be numbered 2020-08)*.

Motion: Council Member Haselton moved to adopt Ordinance 2020-08 adopting an Impact Fee Facilities Plan, establish service areas within the Town of Hideout and enacting impact fees. Seconded by Council Member Dwinell. Voting Yea: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. The motion passed.

Mayor Rubin thanked the public for their comments and thanked those who worked on the Plan.

5. Discussion and possible approval of a Reimbursement Agreement with Mustang Development, LLC, related to public infrastructure within the Town of Hideout

Mr. Dansie presented a reimbursement agreement made between the Town and Mustang Development, LLC regarding the impact fees. The document was intended to resolve claims from Mustang Development and remove the threat of litigation from the developer. It would also provide a mechanism for the developer to receive a portion of the cost of constructing the infrastructure identified in the IFFP. He noted the document had been negotiated between various lawyers as well as a mediator who represented both parties. He addressed a question which was asked earlier by Council Member Nadelberg regarding any warranties on the infrastructure and noted a provision which stated this was a representation and warranty from the developer which, when constructed, was done so by licensed contractors and was free of defects upon construction. He also stated the document addressed the mechanism for reimbursement, noting the newly adopted Ordinance (2020-08) would be the driver for the impact fees to be collected. Mr. Dansie continued to review the document and gave a brief summary of each section.

Mayor Rubin asked Council if there were any questions. Council Member Dwinell inquired about Section 3 and asked if any public infrastructure had not yet been transferred. Mr. Dansie stated the purpose of the provision was to ensure any infrastructure which may not have been dedicated already, was dedicated as public infrastructure, although he was not aware of any not yet transferred.

Council Member Dwinell asked about Section 5 and how it was determined if a road tied into the infrastructure in the event of annexation. Mr. Dansie provided an example of when a new portion

of land were to require the use of the infrastructure being tied into the public infrastructure. He stated it would be included within the terms of the agreement.

Council Member Dwinell stated in Section 6.2, certain landowners were eligible to receive compensation and asked who would be eligible and why. Mr. Dansie stated it would be landowners in connection with construction of a certain portion of a future Shoreline Road, as identified in the IFFP.

He then asked about Section 6.3 and asked what would constitute "default" under the clause. Mr. Dansie stated the obligations under the agreement were on the part of the Town; however, the developer was now included in terms of collecting and reversing any agreements. There were certain obligations the developer had – some of which were with respect to the indemnification provisions under Section 8, and some of which were the agreement to not dispute the impact fees. He stated if a developer breached any of the obligations under the agreement, it would constitute the breach which was referred to in that Section. Council Member Dwinell pointed out the term would end after forty years or once everything was built out. Mr. Dansie confirmed and noted if the Town were to ever pay the impact fees in their entirety, the agreement would terminate and the reimbursement obligation would be terminated as well. He also noted once the forty year obligation was met, the agreement would be terminated.

Council Member Dwinell inquired why, in Section 6.5, a developer would elect to forego the payment of impact fees. Mr. Dansie stated the developer had the right to opt for credit rather than reimbursement in order to reduce administrative costs.

There were no further questions from the Council. Council Member Baier thanked Council Member Dwinell for providing such a thorough review and asking such detailed questions.

Gary Crane, the mediator between the Town and Mustang Development, LLC, spoke and expressed his appreciation for the amount of work put forth by Mayor Rubin, Mr. Dansie and the Council. He noted there were two signed agreements for licensing, which were funded by the developer, in which he had possession of both. He stated once the agreement and other actions were adopted tonight, it would invoke the license.

Mayor Rubin asked for a motion to approve the Reimbursement Agreement and authorize the Mayor to sign it on behalf of the Town.

Motion: Council Member Dwinell moved to approve the Reimbursement Agreement and authorize Mayor Rubin to sign on behalf of the Town. Council Member Baier made the Second. Voting Yea: Council Members Baier, Dwinell and Haselton. Abstaining: Council Member Nadelberg. Motion passed 3-1.

6. Discussion and possible approval of two public access and use license agreements with Mustang Development, LLC

Mr. Dansie spoke of ways the Town could provide benefits to the community and one thing which was determined was to provide additional public access for the community, particularly on the Longview corridor. He presented two documents regarding public access. The first document proposed a walking path and sitting area adjacent to the pond on the south side. It was noted there would be a number of provisions for pedestrian access only, which included no dogs, bikes, scooters, motor use, et cetera. The Town would agree to install signs indicating it was for pedestrian use only and only by residents of the Town.

Council Member Dwinell indicated there were two license agreements, one of which indicated time-of-year usage restrictions. Discussion ensued regarding the reasons for the restrictions, including the safety of sharing the path with golf carts and other users of the path during the time the golf course was open.

Mayor Rubin presented a diagram of the path while Mr. Dansie provided an overview of the path and sitting area. He stated it would be a 9-foot path within the storm drainage easement, which was a 40-foot wide area. He noted the rest of the 40-foot wide area would not be used for this purpose.

Council Member Baier inquired what the base of the path would be (for example, pavement, gravel, et cetera). Mr. Dansie indicated it would be road base, but no other materials would be used unless the guarantor provided written permission.

Mayor Rubin presented the diagram of the golf cart path and showed how it would extend from Longview on the east to the connection with Lasso on the west. He reiterated the terms of use would be limited to usage being permissible only when the golf course was closed for the season. Mayor Rubin expressed concern of the difficulty in contacting the golf course entity. He asked for a mechanism in the document addressing the golf course must communicate to the residents and Town on when the opening and closing dates were projected. It was agreed to add a provision to provide dates of opening and closing as well as a way to contact the golf course entity.

Mr. Dansie discussed a conversation with the developers' counsel on an agreement for the developer to meet with the Town on a quarterly basis.

Council Member Dwinell stated there had been a lot of public comments received over the last year regarding the golf course. He wondered when those issues could be legally addressed. Mr. Dansie provided clarification the issues were related to the status of the pond, to which he noted the walking path and golf cart path agreements would allow residents to take advantage of that amenity. He stated the discussions with the developer had been positive, and there was a commitment from everyone involved to rectify the pond situation. He expressed his appreciation to Mr. DuBois for engaging Mustang Engineer and facilitating dialogue and substantive engagement between Mustang's Engineer and the Town's Engineer. He addressed Council Member Dwinell's question and stated the Town would want to raise those issues in the ongoing discussions with Mustang Development. Council Member Dwinell highlighted the status of the pond was of the utmost importance with the Council on finding a resolution. Town Engineer Ryan Taylor provided a status update on the issue with the well, and stated they would be working on it early next week.

There being no further questions from Council, Mayor Rubin asked for a motion to approve the two public access agreements.

Motion: Council Member Chris Baier made the motion to approve the two public access and use license agreements with Mustang Development, LLC subject to a correction of the legal description in the recital to be consistent with the graphics presented during the meeting on a pedestrian walkway, and to insert into the Golf Path Agreement a commitment to communicate opening and closing of the golf course season. Council Member Haselton made the second. Voting Yea: Council Members Baer, Dwinell, Haselton and Nadelberg. None opposed. The motion passed.

Mayor Rubin called for a recess at 8:51 pm.

At 8:58 pm, Mayor Rubin announced the meeting was in session and asked for a roll call.

Present: Mayor Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg

7. Discussion and possible approval of Cooperative Emergency Access Agreement Between UDOT and the Town of Hideout; MP 7.42, SR-248

8. Discussion and possible approval of Cooperative Maintenance Agreement Between UDOT and the Town of Hideout; SR-248 Access Improvements at MP 7.33 and 7.42

(Clerk's note: Items seven and eight were discussed and voted on together.)

Mayor Rubin presented information regarding the Emergency Access Agreement between the Town of Hideout and Utah Department of Transportation (UDOT). He stated the development known as KLAIM had been working with the Town and UDOT to provide an entrance to the development. The agreement had taken approximately a year to get to the point it was currently at. In order to progress further, two documents would need to be signed by the Town. Mayor Rubin provided a brief overview of the agreements and noted one agreement described the need for a second entrance for emergency purposes. It also described what portions were managed by UDOT versus the Town. Mr. Dansie added SR-248 was a limited access highway, which meant any entrances had to be approved through UDOT, and as part of their approval process, these agreements were necessary to establish maintenance agreements.

Council Member Baier asked what was being built in relation to these agreements. Mr. Dansie stated there was a lot of information in the design package submitted to UDOT, which included what the Town's obligations were going forward as well as plans for a deceleration and acceleration lane. He noted those things were already submitted to UDOT for review and were not subject to Council approval. He also noted anything constructed would be pursuant to approved UDOT safety standards.

The two agreements were discussed and Mayor Rubin and Mr. Dansie provided clarification on the agreements. The first agreement ensured a gate was to be installed by the developer, and an emergency access road was to be constructed which would result in improvements made to the road. The second agreement stated the developers would improve the entrance to meet UDOT standards. Mr. Dansie provided content regarding the entrances to the development.

Council Member Dwinell observed a potentially dangerous situation regarding the turn-in from SR-248 to the Soaring Hawk Development. He highlighted there was no turn lane for drivers going eastbound on SR-248 to turn into the development. He asked if there were plans to have a left-turn lane leading into both KLAIM and Soaring Hawk. Mr. Dansie stated the specifications would come from UDOT.

Council Member Dwinell asked if there were design plans for trees or lights for the entryway to the development. Mayor Rubin stated it was determined by the Home Owner's Association (HOA). He added there was a small parcel that may be the Town's responsibility, but the final design had not been reviewed.

There being no further questions from Council, Mayor Rubin asked for a motion to authorize the Mayor to execute the agreements.

Motion: Council Member Dwinell made a motion to authorize the Mayor to execute the Cooperative Emergency Access Agreement between UDOT and the Town of Hideout: Mile Post 7.42, SR-248, and the Cooperative Maintenance Agreement between UDOT and the Town of Hideout; SR-248 Access Improvements at Mile Post 7.33 and 7.42. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. The motion passed.

9. Continued discussion regarding Todd Hollow eviction notices

Council Member Chris Baier did not have any new information regarding the Todd Hollow eviction notices. Council Member Haselton stated she had received emails from the Christian Center stating residents had received phone calls and were concerned it was an eviction notice. However, she had contacted the apartment manager who stated no eviction notices had been issued and she would do further research to find out where these phone calls came from.

Mayor Rubin asked to continue to the next Council Meeting in order to provide more information. Council Member Dwinell asked if there were Federal funds available for residents who were facing eviction during the COVID-19 pandemic. Town Administrator Jan McCosh stated there were no funds allocated for this to which she was aware of. Discussion regarding potential non-profit organizations who may be able to offer assistance ensued. Mayor Rubin stated it would be revisited at the next Town Council meeting.

10. July 2020 budget review

Mayor Rubin presented the June 2020 financial document while Town Treasurer Wes Bingham provided a recap of the budget. Mr. Bingham stated the total revenues for the Town's year-to-date were $764,000, and the annual budget with the use of surplus was $884,000. He stated although the building permits fell short, there was a substantial increase in July. He noted the expenditures indicated $732,000, which gave the town a net increase of unrestricted equity of $31,000.

Mr. Bingham had created a document of projected revenue and expenditures. He provided a forecast of fund allocation during different times of the year and provided the document for Council review. The objective was to look at the budget, and project what should be expected for the upcoming year in order to determine when to expect an influx of revenue and an increase in expenditures.

He noted he had allocated funds for the public safety officer, but it could be reallocated elsewhere if needed.

Council Member Dwinell noted there were months to which shortfalls were projected. Mr. Bingham stated there was $25,000 in debt service which had a significant impact on the financials. There were no projected road fund revenues that month, which impacts it as well. Mr. Bingham informed Council Member Dwinell there was an unrestricted net position in the General Fund.

Mr. Bingham presented the July 2020 financial statements and noted there was a fund balance. He stated there were $355,000 in unrestricted funds that could be used at the Town's discretion. He stated 25 percent was recommended, and would provide the Town a 90-day cash flow for the typical city or town's operations.

DRAFT

Mr. Bingham proposed a quarterly budget update, which he would provide for review. He discussed the enterprise fund, which was generating a significant amount of cash flow. He suggested in looking to invest some of that money in infrastructure of some point. Mayor Rubin stated it was intended to contract with JSSD (Jordanelle Special Services District). Mr. Bingham asked Council if they had any questions.

There being no questions from Council and no further public business, Mayor Rubin asked for a motion to close the public portion of the meeting and enter into closed executive session.

At 9:39 pm. Mayor Rubin closed the Regular Meeting of the Hideout Town Council and asked for a motion to proceed to executive session.

Motion: Council Member Dwinell moved to go into executive session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale of acquisition of real property as needed. Council Member Haselton made the second. None opposed.

Whereupon, the closed executive session convened.

VI. CLOSED EXECUTIVE SESSION - DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION, PERSONNEL MATTERS, AND/OR SALE OR ACQUISITION OF REAL PROPERTY AS NEEDED

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg

Staff Present: Town Attorney Dan Dansie

At approximately 10:25 pm, the executive session adjourned to open meeting.

VII. MEETING ADJOURNMENT

Council Member Dwinell moved to adjourn the meeting. Council Member Nadelberg made the second. Voting Aye: Council Members Baier, Dwinell, Haselton and Nadelberg. None opposed. The motion carried.

The meeting adjourned at 10:25 pm.

_____
Alicia Fairbourne, Town Clerk

DRAFT

File Attachments for Item:

3. September 4, 2020 Town Council Meeting Minutes

Minutes
Town of Hideout
Town Council - Special Session Work Meeting
September 4, 2020

The Town Council of Hideout, Wasatch County, Utah met in a Special Session Work Meeting on September 4, 2020 at 6:30 PM. Due to the ongoing COVID-19 pandemic, the meeting was held electronically via Zoom online conferencing.

Special Session Work Meeting

I. Call to Order

Mayor Phil Rubin called the meeting to order at 6:34 pm and provided a brief overview of the work meeting.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Jerry Dwinell
Council Member Carol Haselton
Council Member Bob Nadelberg

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Clerk Alicia Fairbourne

Others Present: Park City Mayor Andy Beerman, Becca Gerber, Bonnie Park, Kim Carson, Lindsay Payeur, P. Frechette, Sean Higgins, Thea Leonard, Dave Rockwood, Mary Mouthaan, Scott Bigger, Celia Peterson, Kent Culliard, Stewart Gross, Susan Richer, Kurt Shadle, David Bennett, Jack Walkenhorst, Linda George, Margaret Plane, Sally Elliott, Sean Morgan, Rob Mansfield, Ellen Moore, Robert Hughes, Ralph Severini, Alex Butwinski, Amy Donaldson-Brass, Brad Cahoon, Jack Walkenhorst, Jim Gray, Emma Prysunka, Linda Kottler and others who may not have signed in using their proper name or full name via Zoom net meeting.

III. Agenda Items

1. **Work Session to discuss Judge Brown's September 3, 2020 Ruling and options related to the possibility of an annexation across county lines and the possible boundaries of such annexation. The potential annexation area includes areas in Summit County in the vicinity of Richardson Flat. The work session will also address the advisability of rescinding the Pre-Annexation, Development, and Reimbursement Agreement entered into between the Town of Hideout and N Brockbank Investments, LLC on July 14, 2020 and material terms that may be included within any new pre-annexation agreement relating to the potential annexation that is the subject of this work session.**

DRAFT

Mayor Phil Rubin asked legal counsel to provide an update regarding Judge Brown's September 3, 2020 ruling and the status of the legislative repeal related to annexation. Town Attorney Polly McLean reported she attended the court hearing wherein the court ruled Hideout could go forward with the annexation and Judge Brown would not enjoin the Town from proceeding while the law remained in effect until mid-October.

Ms. McLean noted the ruling was on the injunction and was not a ruling on possible Open Public Meetings Act violations. The court allowed Hideout to move forward on an annexation during the sixty-day window. The pre-annexation agreement was on hold based on the injunction. The judge stated this would not be an advisory opinion and she had not found any express violations of the Open Public Meetings Act.

Based on state law, Hideout may consider moving forward based on the fact that the legislature did not make the law effective for 60 days. Ms. McLean added if the decision were made to proceed, this would be a new annexation consideration to be conducted with full public transparency. The outstanding items for discussion included whether to enter into an indemnification agreement based on the pre-annexation agreement which is on hold, as well as the next steps the Town Council should consider.

Mr. Rob Mansfield added it was important that everyone understood this was a new annexation agreement under consideration.

Council Member Jerry Dwinell asked why the legislature did not make the law's repeal effective immediately. Mr. Mansfield said there were differing opinions on this, and it was not clear. Mayor Rubin asked if the Council members had any other questions regarding the legal matters.

Council Member Chris Baier asked what date the 60-day timeline started. Mayor Rubin responded August 20th, 2020 with a deadline of October 19th. Council Member Baier also asked if the previously approved pre-annexation agreement was now null and void given the injunction; Mr. Mansfield confirmed it was. Council Member Baier asked if the entire agreement was null and void. Mr. Mansfield said in order to be conservative, the Town should not proceed on any portion of that agreement without further order from the court.

Council Member Dwinell referenced a recent publication of the Utah League of Cities and Towns which reported on the Land Use Task Force's current discussion of cross-county annexations, and asked if the topic remained an open issue with the State Legislature. Mr. Mansfield responded the State Legislature had expressed possible interest in revisiting this in a future session.

Mayor Rubin reiterated the purpose for this meeting was to consider the potential for starting anew on the annexation process, and noted several open topics for discussion.

Deed Restricted Parcels: Regarding the enforcement of potential deed restrictions on any properties under consideration for the annexation, Ms. McLean explained the Town would not be a party to such deed restrictions or be responsible for their enforcement. Such deed restrictions would not necessarily preclude the property from annexation, would remain with the land under a potential annexation, and it would be between the deed holder and the property owner to ensure the property was being used in accordance with the restrictions. Mr. Mansfield and Ms. McLean agreed.

Council Member Baier asked to see the map of any parcels that were possibly deed restricted. The map of the deed restricted property was displayed and reviewed. Mr. Nate Brockbank confirmed the status of the land he owned, and noted the pieces which were under discussion with Park City regarding deed restrictions. Mr. Brockbank also noted the deed holders for the properties under consideration were entities he owned or had under contract (with either Jordanelle Special Services District or Mayflower). The deed restrictions for these properties were held by either Park City Municipal or United Park City Mines/Wells Fargo.

Regarding parcel SS-86 which included two acres owned by Summit County and subject to pending litigation, Mr. Brockbank reported the parcel had been removed from the proposed annexation. Mr. Brockbank also noted Parcel PP-28-A (also under litigation with Summit County) was also removed from the proposed annexation and development plan.

Mayor Rubin reiterated no actions or decisions were being made during this session, and the purpose of this meeting was to provide the council members with information to consider as they contemplate whether or not to proceed with the proposed annexation.

Access to Services: Mayor Rubin noted access to services was not required as part of the annexation process, however would be required for future development. It was confirmed part of any development process would require the developer to provide the necessary Will-Serve Letters from various utility providers.

Environmental Concerns: Mayor Rubin noted a significant amount of soil testing had been conducted to better understand existing ground conditions. He further noted the area for proposed annexation had been reduced due to concerns over these results. Documents regarding these test results were provided in the meeting materials for the council members' review, and an environmental expert could be invited to attend a future meeting to discuss in more detail. Mayor Rubin stated the council members should think through these potential issues, and any such issues would have to be mitigated prior to development.

Revisions to the Proposed Land Use Plan: Mayor Rubin asked Mr. Brockbank to review revisions to the proposed development plan. Mr. Brockbank presented the potential land use map and noted it would consist of approximately 500 homes on 626 acres, and with 272 workforce housing units. He highlighted various park and open space areas including 20 acres of bike trails; city town center (26 areas) to be planned in conjunction with the Hideout town planner; and residential development to consist of single-family and town homes. He also noted a site for a school (five acres). The development would leave approximately 60 percent of the property as open space. In response to a question from Ms. McLean, Mr. Brockbank confirmed the specific numbers of homes and commercial units would be applied for later in the planning process.

Mr. Brockbank discussed a potential indoor surf facility and noted retailers had already begun reaching out to him prior to the launch of any marketing for the project. Council Member Baier asked if there would be sufficient space for a large grocery store, to which Mr. Brockbank responded yes.

Council Member Baier referred to the general plan created with Brigham Young University's Planning Department which addressed the town's needs for various commercial services, a better school solution for students currently being bussed 16 miles to Heber City, and the fiduciary need for tax revenues to support the growing population of Hideout and surrounding HOAs. She added much of the public does not understand since the town's 2008 incorporation, and well before the current elected administration, most of the land in Hideout was already approved for development. The neighborhoods were already pre-defined and planned and the town was not left with many options for the needed commercial, community, and school development. Council Member Baier stated she was pleased with the amount of planned bike trails, and noted their importance as an alternative to HWY 248 for pedestrians and bikers and to provide connectivity to Park City. She also noted the proposed annexation and development would be important for older members of the community who require closer access to services in order to age in place.

Council Member Bob Nadelberg stated the population growth was coming; the infrastructure was needed and he hoped that Hideout could work with Park City and Summit County to address the needs of the broader community.

Council Member Dwinell noted Wasatch and Summit Counties were responsible for the vast majority of the development of the Jordanelle corridor, but did not take into account the services these communities required. He noted the Wasatch County Development Plan was not current, and excluded Hideout from the General Plan. He also noted within Mayflower, there were just five small parcels zoned for neighborhood commercial development, and there was a school parcel zoned, but no plans to build a school.

Council Member Dwinell reported on a recent conversation with Park City Mayor Andy Beerman who shared plans for the Silver Creek development, near Home Depot. These plans included a school, stores, restaurants and affordable housing. Summit County did not respond to a request to share its development plans which could help inform the decisions that Hideout was considering.

Council Member Dwinell added he was struggling with the needs of the Town and the surrounding area, as well as with the Legislature's action and intent, given the 60-day window provision. He did not understand whether the legislative intent was to provide a window in order for Hideout to annex, or not, and added these were difficult concepts to consider.

Council Member Baier noted that counties should not be responsible for urban planning, which may be why the requested development plans were not provided. Urban planning should be done by cities and towns. She noted Wasatch and Summit Counties have very different agendas which had left Hideout in a challenging position of being ignored by Wasatch County and despised (at least currently) by Summit County. She added that while Hideout did not want to be in this situation, the Town Council must think ahead to anticipate the needs of the community. She stated that as elected officials, the Town Council was true local representation and must live with any decisions made. Council Member Dwinell noted the frustrations of Hideout residents who conduct most of their business in Summit County while paying property taxes to Wasatch County, which had not provided adequate services.

Mayor Rubin asked the Council to consider starting the annexation process anew, and noted additional legal challenges would be faced if the decision was made to move forward with the proposed annexation. He added the need to provide complete transparency in the process. Mayor Rubin asked the council members to think about the information discussed at this session, and proposed Council meet again next Tuesday to speak further on whether or not to move forward with a new annexation process.

Council Member Dwinell asked to add a discussion of the traffic study to the list of issues for further consideration. Ms. McLean stated this may more appropriate to discuss later in the process; however Council Member Dwinell noted that Summit County had expressed concerns over the increased traffic and therefore he would like to address this early on in the process. Mr. Brockbank stated he would provide an updated traffic study based on the revised development proposal. Ms. McLean noted as this would be a new potential annexation process, an updated traffic study would be more relevant.

Mayor Rubin asked the Town Council to meet again at 5:00 pm on Tuesday, September 8th, 2020 to discuss next steps regarding an annexation decision. Mayor Rubin confirmed it would be a public meeting, as opposed to a public hearing.

Council Member Baier stated she was still concerned about the indemnification portion of the pre-annexation agreement and what the judge ruled in its regard. As public servants, she noted the need to make the best decisions possible for the Town. Mayor Rubin stated if it is decided to move forward, the Town Council would be asked to agree on a new pre-annexation agreement. He stated a draft agreement would be provided for Council's review at that time.

Council Member Carol Haselton stated she moved to Hideout because of the sense of community and neighborhood, and it was not until after she moved in that she understood the poor planning of the previous administration and original developer. She noted she too was torn about the annexation decision

and wanted to do what was right for Hideout and the surrounding community. She noted her desire for a community center and gathering places for the Town in additional to commercial development. She added her desire for better communication and more regional planning to address the needs of Hideout and the surrounding Jordanelle area.

IV. Meeting Adjournment

There being no further business and no Executive Meeting needed, Mayor Rubin asked for a motion to adjourn.

Motion: Council Member Nadelberg made a motion to adjourn the meeting. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, and Nadelberg. None opposed. Motion passed.

The meeting adjourned at 8:12 pm.

_____

Alicia Fairbourne, Town Clerk

DRAFT

File Attachments for Item:

1. Budget Amendment *(Continued from November 26, 2020 Meeting)*

Hideout Town Council Staff Report

MEETING DATE: 12/3/2020
SUBJECT: Budget Amendment for FY 2020-2021 Annual Budget Resolution 2020-____
RESPONSIBLE: Wesley Bingham
DEPARTMENT: Administration
STRATEGIC RELEVANCE: Necessary Administrative Action

SUMMARY

Staff has determined that an amendment to Fiscal Year 2020-2021 budget is required to address unanticipated expenditures.

RECOMMENDATION

Hold a Public Hearing on December 10th, 2020 to consider an amendment to the FY 2020-21 annual budget and adopt resolution 2020-06 amending the FY 2020-2021 annual budget.

BACKGROUND

Staff has determined that there are expenditure items that need to be addressed in a budget amendment. The proposed amendment will affect the following funds: 10-General Fund, 22-Covid 19 Special Revenue Fund, Capital Projects – Street Impact Fund (Fund 46), Class C Road Fund (Fund 48), Water Impact Fund (Fund 56), Waste Water Impact Fund (Fund 57) and Storm Drain Fund (Fund 58). The purpose of this amendment is to ensure expenditures do not exceed budgeted resources. It is to also create the impact fee funds and Class C Road Fund to better separate the restricted revenues. Provided below is a brief summary of budget changes staff is recommending. Resolution 2020-06 contains specific details on the amendment impacts to each fund.

10-General Fund

Engineering
When the Original budget was set it was a bare bones budget. An additional $75,000 is being requested to cover engineering expenses in the current budget year. Hideout Town has had substantial building and development activity. It is anticipated that these expenditures will be recouped through fees associated with building.

Building Inspection
Increases in the number of buildings inspections anticipated has caused an increase in expenditures. We are estimating $50,000 in higher than budgeted costs. We are also anticipating significantly higher building permits fees as we have already exceeded budget for building activity.

Debt Service
The amount of principal paid to date has been $1,000 more than the budgeted amount. An amendment of $1,000 is needed to cover this difference.

22-Covid 19 Fund

COVID-19 Transfer

The Town has received $58,778 in Federal CARES Act Grant funding from the 2nd and 3rd tranche of funds for Covid-19 costs related to pandemic relief. COVID Federal dollars are granted on a limited basis to the Town via the State of Utah. The Town must have a strict accounting for COVID related expenditures and must demonstrate the specific expenditures meet a strict set of requirements. The Town is required to return unspent Federal dollars by December 30th. As we intend to use any remaining unspent funds for the public safety contract all remaining funds are anticipated to be spent. Therefore, no remaining funds will be returned. We are in compliance with the regulation provided by the State in the expenditure of these funds.

46-Capital Projects Street Impact Fund

The collection of Impact Fees for Streets and Transportation has brought in revenue that was not originally budgeted for but is being restricted for future use for impacts on the towns streets as a result of growth. To account for these collections and expenditures, Staff has established an account and recommends a budget amendment of $100,000 in revenue along with $50,000 in expenditures to cover potential projects to be identified.

48-Class C Road Fund

The collection of Class C Roads Funds Allotment should be separated into a separate fund. This will be used when the town looks to provide a town wide road improvement project. If the town sets these funds aside for the next few years, they should have a good nest egg of funds when needed to provide slurry sill in order to maintain the roads. To account for these collections and expenditures, Staff has established a fund and recommends a budget amendment of $72,500 to cover the flow of monies. This is the same amount that was originally budgeted in the general fund. Staff anticipates moving any revenues to fund 48 and decreasing the budgeted revenue in the general fund.

56-Culinary Water Impact Fund

The establishment of Impact Fees for Culinary Water should bring in some revenue that was not originally budgeted for. To account for these collections and potential expenditures, Staff has established an account and recommends a budget amendment of $50,000 in revenue and $50,000 in expenditures. This is being setup to separate the Culinary Water Impact Fee funds from other funds to properly account for and restrict these funds for ordinary uses.

57-Waste Water Impact Fund

The establishment of Impact Fees for Waste Water should bring in some revenue that was not originally budgeted for. To account for these collections and potential expenditures, Staff has established an account and recommends a budget amendment of $50,000 in revenue and $50,000 in expenditures. This is being setup to separate the Waste Water Impact Fee funds from other funds to properly account for and restrict these funds for ordinary uses.

58-Storm Water Impact Fund

The collection of Impact Fees for Storm Drains has brought in revenue that was not originally budgeted for but is now being used on the development of the drains in the Town. To account for these collections and expenditures, Staff has established an account and recommends a budget amendment of $50,000 to establish a revenue budget for street impact.

DISCUSSION

Utah Code Section 10-6-128 requires that municipalities hold a public hearing if the city intends to amend the budget by resolution or ordinance.

FISCAL IMPACT

The fiscal impact is specified in resolution 2020-___.

CONCLUSION

Hold the Public Hearing regarding the proposed amendment to the budget and adopt resolution 2020-___.

ALTERNATIVES

No alternatives considered at this time.

POTENTIAL MOTIONS

Staff Recommended Option - Approval

I move to **approve** resolution 2020- as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 – Continuance

I move to **continue** 2020-____ to a special meeting on December 17th, 2020 with direction to the applicant and/or Staff on information and/or changes needed to render a decision, as follows:

_____

_____

Alternative 3 – DENIAL

I move to **deny** 2020- ____with the following findings.

_____

_____

ACCOUNTABILITY

Department: Administration
Staff Member: Wesley Bingham, Treasurer

EXHIBITS

1. Exhibit 1: Resolution 2020-_____ with accompanying resolution.

HIDEOUT TOWN, UTAH
RESOLUTION NO. 2020-

A RESOLUTION AMENDING THE HIDEOUT TOWN OPERATING BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2021 (FY 2020-2021), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Utah Uniform Fiscal Procedures Act provides for the governing body an opportunity, at any time during the budget period, to review the individual budgets of the funds, for the purpose of determining if the total of them should be increased (UCA ‘ 10-6-127); and

WHEREAS, Hideout Town’s town treasurer has determined that a budget amendment impacting the Town’s General Fund (Fund 10), Covid 19 Fund (Fund 22), Capital Projects – Street Impact Fund (Fund 46), Class C Road Fund (Fund 48), Culinary Water Impact Fund (Fund 56), Waste Water Impact Fund (Fund 57) and Storm Drain Impact Fund (Fund 58) is required due to unforeseen circumstances; and

WHEREAS, the Town properly advertised, as prescribed by state las (UCA ‘ 10-6-113) and held a Public Hearing on December 10th, 2020, to garner input from the general public on the proposed FY 2020-2021 budget amendment; and

NOW, THEREFORE, BE IT RESOLVED by the Hideout Town Council, of Hideout, Utah, as follows:

The Hideout Town Operating Budget for fiscal year ending June 30, 2021, is hereby amended as set forth in the attached “Exhibit A,” which is hereby incorporated into and made a part of this Resolution by reference.

ADOPTED AND PASSED by the Town Council of Hideout, Utah this _____ day of December, 2020, by the following vote:

	AYE	NAY
Council Member Chris Baier	_____	_____
Council Member Ralph Severini	_____	_____
Council Member Carol Haselton	_____	_____
Council Member Jerry Dwinell	_____	_____
Council Member Robert Nadelberg	_____	_____

APPROVED:

_____
Mayor Philip Rubin

ATTEST:

_____ Date:_____
RECORDER

EXHIBIT "A"

General Fund (Fund 10)

Source:

Account Number	Account Name	Amount

103221	General Fund- Building Permit Revenue	($186,269)
Total		($186,269)

Use:

Account Number	Account Name	Amount
105002.3	General Fund – Engineering	$75,000
105002.4	General Fund – Building Inspection	$50,000
105800	General Fund- Debt Service	$1,000
106022	General Fund- Transfer to Covid Fund	$60,269
Total		$186,269

To budget for increased engineering, building inspection transfer and debt service principal payment.

Covid 19 Fund (Fund 22)

Source:

Account Number	Account Name	Amount
223310	Covid 19 Fund- Federal Grant	($58,778)
223810	Covid 19 Fund- Transfer from General Fund	($60,269)
Total		$119,047

Use:

Account Number	Account Name	Amount
225105	Covid 19 Fund- Safety Police Department	$70,000
225231	Covid 19 Fund- Fire District Services	$5,000
224011	Covid 19 Fund- Salaries & Wages	$11,560
225010	Covid 19 Fund- Admin Information Technology	$23,099
224031	Covid 19 Fund- Professional Services	$2,771
225205	Covid 19 Fund- Repairs & Maintenance	$6,617
Total		$119,047

To amend budget to address Covid funding and budget.

Street Impact Fee Fund (Fund 46)

Source:

Account Number	Account Name	Amount
463000	Street Impact Fee Fund	($100,000)

Total	($100,000)

Use:

Account Number	Account Name	Amount
464073	Improvements other than buildings	$50,000
463890	Surplus	$50,000
Total		$100,000

To amend budget to create Street Impact Fee Fund and set budget.

Class C Revenue Fund (Fund 48)

Source:

Account Number	Account Name	Amount
483356	Class C Road Fund Allotment	($72,500)
Total		($72,500)

Use:

Account Number	Account Name	Amount
483870	Contributions - Surplus	$72,500
Total		$72,500

Restrict the collection of class c road funds and add to surplus.

Culinary Water Impact Fee Fund (Fund 56)

Source:

Account Number	Account Name	Amount
563000	Culinary Water Impact Fee	($50,000)

Total	($50,000)

Use:

Account Number	Account Name	Amount
564073	Improvements other than buildings	$50,000
Total		
	$50,000	

Amend budget for culinary water impact fees.

Wastewater Impact Fee Fund (Fund 57)

Source:

Account Number	Account Name	Amount
573000	Waste Water Impact Fee	($50,000)
Total		($50,000)

Use:

Account Number	Account Name	Amount
574073	Improvements other than buildings	$50,000
Total		
	$50,000	

Amend budget for waste water impact fees.

Storm Water Impact Fee Fund (Fund 58)

Source:

Account Number	Account Name	Amount
583000	Storm Water Impact Fee	($50,000)
Total		($50,000)

Use:

Account Number	Account Name	Amount
584073	Improvements other than buildings	$50,000
Total		
	$50,000	

Amend budget for storm water impact fees.

File Attachments for Item:

2. Discussion and possible approval of a Resolution Authorizing Application for the Renewal of the State-Sponsored Enterprise Zone

RESOLUTION 2020 – _____

A Resolution Authorizing Application to Enter Into the State-Sponsored Enterprise Zone

WHEREAS, the Town of Hideout, Wasatch County, Utah desires to encourage and promote the creation of jobs and sustainable wages within the Town; and

WHEREAS, The State of Utah, by and through the Governor's Office of Economic Development empowers and authorizes Rural Counties to create an Enterprise Zone; and

WHEREAS, Said Zones are established to encourage community investment in the industrial and commercial districts of Cities and Towns to stimulate and strengthen economic development, individual job growth and competitive wages; and

WHEREAS, The Town of Hideout deems such involvement as an investment in its future and important to the continued growth, wellbeing, and economic strength of the Town, and as an integral component to create employment and living wage opportunities in the Town,

NOW THEREFORE, it is hereby resolved by the Town Council of the Town of Hideout, Utah, that the Town of Hideout intends to seek approval from the Governor's Office of Economic Development to enter into said Enterprise Zone by adopting by Resolution said application, and hereby approves the same, as attached as Exhibit A.

PASSED AND ADOPTED by the Hideout Town Council on the _____ day of _____, in the year 20_____.

TOWN OF HIDEOUT:

_____
Phil Rubin, Mayor

ATTEST:

_____
Alicia Fairbourne, Town Clerk

State of Utah Governor's Office of Economic Development

Item # 2.

Enterprise Zone Area Designation Application

Save my progress and resume later | Resume a previously saved form

Page 2

Utah Governor's Office of Economic Development

BUSINESS • TOURISM • FILM

GENERAL INFORMATION

Applicant Entity

Please select...

Applying Entity Name *

Local Enterprise Zone Coordinator *

Street Address *

City * State * Zip Code *

County *

Please select...

If your county is not on this list it is not eligible for designation as an Enterprise Zone.

Email * Phone *

EVIDENCE OF NEED FOR DEVELOPMENT

According to Section 63N-2-204 1(b), 2(c) of the Enterprise Zone statute, a county applicant or municipal applicant seeking designation as an Enterprise Zone shall provide clear evidence of the need for development. In accordance with this requirement, and based on the GOED Office of Rural Development criteria for evaluating applications, Sections 63N-2-206, please provide clear evidence of the need for development by answering the following questions:

Is there a pervasiveness of poverty, unemployment, and general distress in the proposed zone? Please explain. *

Is there chronic abandonment, deterioration, or reduction in value of commercial, industrial, or residential structures, or property tax arrearages in the proposed zone? Please explain. *

Explain the potential for new investment and economic development in the proposed zone. *

Explain the proposed use of other state and federal development funds or programs to increase the probability of new investment and development occurring. *

Please explain the extent to which the projected development in the zone will provide employment to residents, and particularly, to individuals who are unemployed or who are economically disadvantaged. *

Please explain how innovative solutions to economic development problems will be promoted, and how local economic development initiatives will be demonstrated. *

DEVELOPMENT PLAN

According to Section 63N-2-204 3(b) of the Enterprise Zone statute, a county applicant or municipal applicant seeking designation as an Enterprise Zone shall provide a development plan. Please answer the following questions that outline the development plan:

What types of investment and development within the zone are expected to take place if the enterprise zone incentives are provided? *

Please describe the specific investment or development reasonably expected to take place in the proposed zone. *

Explain any commitments that have been obtained from businesses who are or who might be established within the proposed zone. *

What are the projected number of jobs that will be created and the anticipated wage level of those jobs? *

Please explain any proposed emphasis on the type of jobs to be created, including any affirmative action plans. *

What are the proposed means of assessing the effectiveness of the development plan or other programs within the zone once they have been implemented within the zone? *

Please give any additional information considered to be relevant to the designation of an enterprise zone. *

LOCAL CONTRIBUTIONS

According to Section 63N-2-205 of the Enterprise Zone statute, an area may be designated as an Enterprise Zone only if the county applicant or the municipal applicant agrees to make a qualifying local contribution. Qualifying contributions may include, but are not limited to those listed below. Please choose all local contributions the county or municipal applicant will offer. If there will be other contributions please select Other Local Contributions and list them in the field provided.

Select Local Contributions *

- ☐ Simplified procedures for obtaining permits
- ☐ Dedication of available government grants
- ☐ Dedication of training funds
- ☐ Waiver of business license fees
- ☐ Infrastructure improvements
- ☐ Private contributions
- ☐ Utility rate concessions
- ☐ Small business incubator programs
- ☐ Management assistance programs

- ☐ Other Local Contributions

SUPPORTING DOCUMENTATION

The applicant must submit the following documentation to complete the application:

Item # 2.

Required Documentation

Please upload the Resolution from the governing body of the applying city or county *

Choose File No file chosen

Please upload a copy of Minutes from the meeting wherein the resolution was approved *

Choose File No file chosen

Please upload a copy of the county or municipal Economic Development Plan to demonstrate coordination between the enterprise zone and overall county or municipal goals *

Choose File No file chosen

Please upload a PDF version of the map of the area designated by the governing body as an Enterprise Zone *

Choose File No file chosen

Please upload Shape Files of the map of designated Enterprise Zone area. For assistance in creating shape files please see your county's GIS specialist. Please create a zip file of the shape files and send them all at once. You may also select "add another response" until all files are uploaded. *

Choose File No file chosen

Add another response

Terms: Enterprise Zones are established on 5-Year terms. Approved applications will be effective from January 1 of the year an application is approved through December 31 of the fifth year (example: January 1, 2018 through December 31, 2022). On or after January 1, 2021, no new Enterprise Zones shall be designated. A county or municipality with a designated Enterprise Zone is required to give an annual report to the GOED Office of Rural Development regarding economic activities that have occurred within the zone following the designation. Enterprise Zones maps will be published on locate.utah.gov. *

○ **Agree**

Previous Page cancel submit

Save my progress and resume later | Resume a previously saved form

Contact Information

File Attachments for Item:

4. Bills to be approved

12/10/2020

	General Town Expenses		
Ace Signs & Designs	Plan Prints/Signs	-	
All West	Monthly service	221.47	
Alpine Business Products	Supplies	70.43	
Associated Business Tech	Office printer supplies	58.00	
Associated Business Tech	Office printer lease	136.87	
Chemtech-Ford	Disinfection byproducts	-	
Dominion	Utilities	71.88	
Fuelman	Fuel roads	475.29	
Heber City Carquest	Streets/auto supplies		
Hideout	Utilities	215.20	
Home Depot	Road maintenance materials	493.72	
Integrated Planning & Design	Planning services	1,950.00	
Municode	Subscription renewals	-	
Peak Law	Legal representation - town charges	-	
Pelorus Methods	Quarterly service/maintenance financial software	-	
Professional Alarm, Inc.	Alarm monitoring	80.00	
PEHP	Health insurance	1,996.68	
Rocky Mountain Power	Utilities	438.53	
Safety Supply & Sign	Streets materials, signs	-	
SaltWorx Inc	Salt	2,017.48	
Solano, Laura	Cleaning services	150.00	
T-O Engineers	Engineering -- town expenses	19,618.10	
Tech Logic	Monthly service, Office 365, backup	2,742.00	
Thyssenkrupp Elevator	Maintenance	471.33	
Utah Local Gov't Trust	Property endorsement	91.49	
Verizon Wireless	Equipment and monthly service	370.45	
Wasatch Co Solid Waste	Utilities	-	
York Howell & Guymon	Legal representation - town charges	3,737.00	
	Total General Town Expenses		35,405.92
	Expenses Passed Through		
Dakody Gines	Inspections	240.00	
Rick Gines	Inspections	-	
Integrated Planning & Design	Plan review	2,093.75	
Park Record	Public noticing	-	
Peak Law	Legal representation	-	
T-O Engineers	Inspections	48,624.70	
T-O Engineers	Pass through expenses billed	39,113.75	
York Howell & Guymon	Legal representation - pass through charges billed	3,790.55	
	Total Expenses Passed Through		93,622.75
	TOTAL GENERAL FUND EXPENSES FOR APPROVAL	129,268.67	129,028.67
	Expenses from Enterprise Funds		
Clyde Snow	Water matters	420.00	

Dakody Gines	Sewer/water maintenance & repair	1,250.00	
Rick Gines	Water maintenance & repair	910.00	
Jordanelle SSD	Sewer	3,079.91	
Jordanelle SSD	Water	21,937.50	
Mountainland Supply Co	Valves/meters	-	
Precision Power	Repairs/maintenance lift station	230.00	
Summit Co Health Dept	Water testing	60.00	
T-O engineers	Engineering	2,215.00	
Twin D Inc	Emergency repair sewer	-	
USA BlueBook	Water testing supplies	-	
	TOTAL ENTERPRISE EXPENSES FOR APPROVAL		30,102.41

File Attachments for Item:

5. Discussion and possible approval of an impact fee credit agreement with Western States Ventures

DEVELOPMENT AND PUBLIC IMPROVEMENTS CONSTRUCTION AND IMPACT FEE CREDIT AGREEMENT

(Deer Springs Project – Public Street)

THIS DEVELOPMENT AND PUBLIC IMPROVEMENTS CONSTRUCTION AND IMPACT FEE CREDIT AGREEMENT ("**Agreement**") is made and entered into as of the dated signed by all parties, as evidenced on the signature page(s) below ("**Effective Date**"), by and between the TOWN OF HIDEOUT, a political subdivision of the State of Utah ("**Town**") and Deer Waters, LLC, a Utah limited liability company ("**Developer**").

RECITALS

A. Developer is developing a residential subdivision ("**Project**") known as *Deer Waters* located within the municipal boundaries of the Town.

B. The Project will consist of multiple phases developed pursuant to approvals ("**Project Approvals**") which have been, or will be, provided by the Town if Developer satisfies the requirements for the same.

C. In connection with development of the Project, Developer has constructed, or will construct, a portion of a public street within the Town known as Shoreline Drive (the portion constructed by Developer being the "**Public Street**").

D. The Town recognizes that the Public Street is a "system improvement" within the meaning of Utah Code 11-36a-102(21).

E. The Public Street has been identified as a system improvement in that certain *Hideout Town Capital Improvements Plan Including Impact Fees Facilities Plan and Impact Fee Analysis* ("**IFFP**") dated August 2020 and adopted by the Hideout Town Council on August 27, 2020, pursuant to Town of Hideout Ordinance 2020-08 ("**Impact Fee Enactment**").

F. The Impact Fee Enactment imposes a requirement to pay impact fees in connection with development within the Town. Specifically, the Impact Fee Enactment adopts the calculation of impact fees identified in the IFFP and provides for collection of those fees pursuant to Utah Code § 11-36a-101 et seq. ("**Impact Fee Act**").

G. Pursuant to the Impact Fee Enactment, development within the Project – and other real property being developed by Developer – will be subject to the imposition of impact fees.

H. Section 9.2 of the Impact Fee Enactment states that a party may receive credit against impact fees if that party constructs system improvements.

I. The Town and Developer wish to memorialize the conditions for the Town to provide impact fee credits to Developer in connection with Developer's construction of the Public Street.

The parties also wish to memorialize the manner in which Developer will receive impact fee credits if such conditions are satisfied.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Recitals Incorporated. The foregoing Recitals are hereby incorporated and made part of the parties' Agreement.

2. Public Improvements. Developer agrees that, as and when Developer develops the Project, according to the Project Approvals, Developer will install the Public Street, as described below. Construction of the Public Street will be at Developer's sole cost and expense. Specifically, and without limitation, Developer shall bear the costs of engineering, planning, surveying, design, materials, labor, construction, installation, and interest expenses associated with construction of the Public Street. However, Developer's obligations to pay for the cost of construction of the Public Street are subject to the impact fee credit provisions of this Agreement. Other than the Public Street, Developer acknowledges and agrees that the infrastructure constructed within, or associated with, the Project, including public infrastructure, will be "project improvements" as defined in Utah Code § 11-36a-102(14). Developer agrees that no impact fee credits are available in connection with the construction of the project improvements and that the project improvements are not otherwise reimbursable expenses. Developer acknowledges and agrees that infrastructure, including project improvements, required by Town ordinances to meet the needs of the Project may provide capacity beyond what is required for the needs of the Project. However, Developer agrees that the only infrastructure for which Developer will receive impact fee credits for the Project is the Public Street identified herein.

3. Project Coordination. Developer will coordinate with the Town Engineer and with other applicable governmental agencies to establish timing and scope for construction and dedication of the Public Street. The Developer and Town have agreed on the specific engineering details for the Public Street.

4. Connection to Other Improvements. Developer will install the Public Street in a manner such that the Public Street connects with other portions of Shoreline Drive in a manner approved by the Town Engineer. The design of the Public Street also accommodates other public infrastructure such as water lines, sewer liens, storm drain facilities, phone and data lines, etc., in a manner approved by the Town Engineer.

5. Cost of Public Street and Impact Fee Credit Amount. The parties agree that the length of the Public Street constructed by Developer is, or will be, **4435.5 feet**. The IFFP identifies a construction cost for the Public Street of **$178.00** per linear foot constructed. Thus, the parties agree that Developer is entitled to impact fee credits in the amount **$789,519.00** ("**Impact Fee Credit Amount**")

6. System Approval and Inspection. Developer shall install the Public Street described above in accordance with the Project Approvals and applicable Town ordinances in force

at the time of construction. Upon completion, the Town will conduct inspections of the Public Street to ensure that the Public Street is constructed per applicable Town standards. The Town may charge fees associated with its design review, building/grading/other permit issuance, or inspections in accordance with the Town's adopted fee schedule. The Town shall approve all portions of the Public Street which is constructed per Town standards after review and inspection, acceptance in writing, and Developer's posting of applicable warranty bonds.

7. **Warranty and Dedication**. Upon completion of the Public Street, Developer shall deliver a certified set of as-built plans (in both paper and electronic format). Upon successful completion of the Public Street and acceptance in writing by the Town, Developer shall also provide any bond or surety ("**Warranty Bond**") required under the laws of the State of Utah and applicable Town ordinances to ensure that the Public Improvements remain in good condition and free from defects for a period of one (1) year (the Warranty Bond may be on the same form as any bond or surety which the Town requires under applicable Town ordinances for completion of other public infrastructure). When the Public Street is complete and approved by the Town and the Developer has posted the required Warranty Bond, Developer shall dedicate to the Town the portion of the Public Street which is intended for public use together with all facilities, easements, property, and other rights necessary to operate and maintain the Public Street and the Town shall accept, own, operate, and maintain such portion of the Public Street in perpetuity.

8. **Use of Impact Fee Credits**. Developer will be entitled to use the Impact Fee Credit Amount to offset Developer's future obligations to pay transportation impact fees in connection with future development undertaken by Developer. The following terms will apply to the parties' obligations under this Agreement.

a. When the Developer has completed any portion of the Public Street, Developer must, as a condition to using the Impact Fee Credit Amount: (i) submit a written notice to the Town that such improvements are complete; (ii) post with the Town the Warranty Bond or surety required by the Town's ordinances as provided above; (iii) obtain from the Town the Town's approval and acceptance of the Public Street if the Public Street meets the Town's standards; and (iv) deliver to the Town a certified set of "as-built" drawings for the completed portion of the Public Street.

b. When the foregoing conditions have been satisfied, Developer may use the Impact Fee Credit Amount, or any portion thereof, as a credit to offset against any of the transportation impact fees required to be paid in connection with such development pursuant to the IFFP and the Impact Fee Enactment. Developer will **NOT** be entitled to use the Impact Fee Credit Amount as an offset against any impact fees imposed for anything other than transportation impact fees. Without limiting the foregoing, but for the sake of clarity, the Impact Fee Credit Amount will not be available as a credit to offset impact fees assessed for stormwater, sewer, culinary water, or other purposes.

c. Following the Effective Date, the Town will maintain a ledger identifying the portion of the Impact Fee Credit Amount which remains unused or unassigned and which is available for use by Developer in connection with future development within the Town.

d. Developer may assign all or any portion of the Impact Fee Credit Amount to another builder or developer for such builder or developer's use in connection with development activities within the Town. However, any assignment of all or any portion of the Impact Fee Credit Amount will be subject to the terms and conditions of this Agreement. Further, any such assignment must be in writing, signed by both Developer (as assignor) and the assignee, and approved in writing by the Town, with such approval not to be unreasonably withheld.

9. **Full Compensation**. The Developer hereby agrees that the Impact Fee Credit Amount described above constitutes the full and entire amount of the Town's reimbursement obligations in connection with Developer's construction of the Public Street, whether such obligations arise under the Impact Fee Act, the Impact Fee Enactment, the IFFP, any contract with Developer, or any other source. Developer shall not be entitled to any additional credit, reimbursement, compensation, incentive, or other payment related to the Public Street

10. **Cooperation and Noninterference**. In consideration for the Town entering into this Agreement, Developer agrees that the terms of the IFFP and the Impact Fees Enactment are fair and reasonable. Developer, on behalf of itself and any successor in interest or assign, hereby waives any challenge to the validity of the IFFP or the Impact Fee Enactment. Developer will cooperate with the Town in collection of impact fees required under the Impact Fee Enactment, the IFFP, or other applicable law, which pertain to properties identified in the IFFP and Impact Fee Enactment which are owned by Developer. Notwithstanding anything to the contrary in this Section 10, or otherwise in this Agreement, the parties acknowledge that impact fees pertaining to future system improvements have not yet been determined. Developer does not waive any right to challenge any future impact fees proposed by the Town which are not currently included in the IFFP or the Impact Fee Enactment, including, without limitation, impact fees related to system improvements constructed in areas annexed into the Town after the date the Impact Fee was adopted. Further, notwithstanding anything to the contrary in this Section 10, or otherwise in this Agreement, Developer does not waive any challenges to any future modifications to the IFFP or the Impact Fee Enactment.

11. **Ownership and Improvements**. Following dedication of the portion of the Public Improvements intended for public use to the Town, the Town shall own and maintain such Public Improvements. Nothing in this Agreement shall be construed to alter or affect in any way Developer's obligations under the Project Approvals or any other agreement with the Town relating to the installation of Public Improvements or reimbursement for the same.

12. **Interest**. The parties expressly agree that beginning on December 31, 2021, and at the end of each year thereafter, the outstanding balance of the Impact Fee Credit Amount will accrue simple, non-compounding interest at the rate of seven and one-half percent (7.5%) annually. This is the same interest rate that is applied in the IFFP.

13. **Developer's Remedies**. Developer acknowledges and agrees that Developer's sole and exclusive remedy under this Agreement shall be an action for specific performance of the Town's obligations hereunder. **In no event shall the Town or Developer be liable for, and the**

parties expressly waives claims for, any actual, indirect, special, consequential, punitive, or other damages (including, without limitation, lost profits, cost of delay, or liabilities to third-parties).

14. **Notices**. All notices, requests, demands, and other communications required under this Agreement, except for normal, daily business communications, shall be in writing. Such written communication shall be effective upon personal delivery to any party or upon being sent by personal delivery (through a licensed constable or process server, by overnight delivery service (UPS, FedEx, etc.), or by certified mail, return receipt requested, postage prepaid, and addressed to the respective parties at the addresses below. Notices may be sent by email, however, no notice of default under this Agreement may be served by email.

If to the Developer: Deer Waters, LLC
_____
_____
_____
Email: _____

If to the Town: Town of Hideout
Attn: Town Clerk
10860 N. Hideout Trail
Hideout, Utah 84036
Email: hideoututah@hideoututah.gov

15. **Term of Agreement**. This Agreement shall remain in effect until the earlier of: (a) the date on which Developer has, or Developer's assigns have, exhausted the entire Impact Fee Credit Amount, or (b) seven (7) years after the Effective Date.

16. **Validity and Severability**. If any section, clause, or portion of this Agreement is declared invalid by a court of competent jurisdiction for any reason, the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

17. **Governing Law and Governmental Immunity**. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Utah. Nothing herein shall be construed to waive, alter, amend, or modify the protections available to the Town under the Governmental Immunity Act of Utah, Utah Code § 63G-7-101 *et seq*. (as the same may be amended, the "**Act**"). The Town expressly reserves all rights, remedies, and protections of the Act.

18. **Entire Agreement and Amendments**. This Agreement constitutes the entire agreement between the parties as to the subject matter hereof. This Agreement supersedes any prior agreement or understanding, written or oral, regarding the subject matter of this Agreement. This Agreement may be amended only in writing signed by the parties hereto.

19. **Execution in Counterparts**. This Agreement may be signed in counterpart and all such counterparts, taken together, will constitute one and the same Agreement.

20. **Town Council Approval**. The Town will not be obligated to execute this Agreement unless and until this Agreement has been approved by the Hideout Town Council at a duly noticed public meeting.

21. **No Joint Venture**. This Agreement does not create, and shall not be construed to create, a joint venture by the parties and no separate government entity is established by this Agreement.

22. **Incorporation of Recitals**. The recitals above are incorporated herein by this reference as a part of this Agreement.

23. **Effect**. Except as specifically set forth herein, nothing in this Agreement shall be deemed to modify, affect, or supersede the terms or provisions of the Project Approvals. This Agreement is intended to effectuate and implement the reimbursement obligations of the Town and shall be construed and performed accordingly.

[*End of Agreement. Signature Page Follows.*]

IN WITNESS WHEREOF, the parties hereto have executed this **DEVELOPMENT AND PUBLIC IMPROVEMENTS CONSTRUCTION AND IMPACT FEE CREDIT AGREEMENT** by and through their respective, duly authorized representatives as of the day and year last written below.

ATTEST:

By:_____
Town Clerk

TOWN OF HIDEOUT

_____
Phil Rubin, Mayor

Date: _____

DEVELOPER
DEER WATERS, LLC

By: _____

Name: _____

Title: _____

Date: _____

State of Utah)
:ss
County of _____)

The forgoing instrument was acknowledged before me this _____ day of _____, 2020, by _____ as _____ of Deer Waters, LLC__.

_____
Notary Public

File Attachments for Item:

6. Consideration to adopt an ordinance requiring the use of bins for recycling and trash

ORDINANCE #2020 - _____

AN ORDINANCE REQUIRING THE USE OF CONTAINERS FOR GARBAGE AND RECYCLING

WHEREAS, the Town of Hideout has wildlife and snow which creates a need for enclosed containers for garbage and recycling; and

WHEREAS, the Hideout Town Council has determined it is advisable to adopt an ordinance to require all garbage and recycling to be in enclosed containers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Adoption. Chapter 5.03 and Section 5.03.010 of the Hideout Town Code is hereby adopted as follows:

Chapter 5.03 GARBAGE AND REFUSE

5.03.010 CONTAINERS

A. Receptacles Required. All garbage, refuse and recycling shall be placed in suitable and sufficient garbage receptacles with tightfitting lids.

B. Closing Of Garbage Containers Required: All garbage, recycling and waste must be placed in approved containers and the container shall be closed

SECTION II: Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this _____ day of _____ in the year _____.

TOWN OF HIDEOUT

_____

Phil Rubin, Mayor

ATTEST:

_____

Alicia Fairbourne, Town Clerk

File Attachments for Item:

7. Discussion and consideration to adopt an Ordinance amending Town Code Section 1.10.050(A) and Establishing a 2021 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah

ORDINANCE #2020 - _____

AN ORDINANCE AMENDING TOWN CODE SECTION 1.10.050(A) AND ESTABLISHING A 2021 REGULAR MEETING SCHEDULE FOR THE MEETINGS OF THE TOWN COUNCIL OF HIDEOUT, UTAH

WHEREAS, pursuant to State law, each municipality shall, by ordinance, prescribe the time and location of its regular meetings; and

WHEREAS, Hideout has determined to meet on the second Thursday of each month, with the fourth Thursday of each month reserved for any unfinished pertinent business remaining from the regular meeting.

NOW, THEREFORE, BE IT ORDANIED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, that Section 1.10.050 (A) of the Hideout Town Code is hereby amended to incorporate the following changes:

1.10.050 MEETINGS; PROCEDURE AND CONDUCT

1. Regular Meetings: The governing body shall conduct regular meetings, which shall be held on the second Thursday of each month at the Town Hall, which meetings shall begin promptly at six (6:00) P.M., provided that:
    a. The governing body will reserve the fourth Thursday of each month for any unfinished pertinent business remaining from the regular meeting.
        i. The town clerk will provide notice of such meeting in accordance with the Utah Open and Public Meetings Act.
    b. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.
    c. .

SECTION I: Repealer. If any provisions of the Town's Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION II: Enactment. The Town of Hideout, Utah, hereby prescribes the following as its regular meeting schedule for the year 2021:

January 14, 2021	May 13, 2021
February 11, 2021	June 10, 2021
March 11, 2021	
April 8, 2021	

July 8, 2021

August 12, 2021

September 9, 2021

October 14, 2021

November 11, 2021

December 9, 2021

All meetings will be held at Hideout Town Hall, located at 10860 North Hideout Trail, Hideout, Utah, 84036 unless otherwise noticed.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This ordinance shall become effective immediately upon adoption by the Hideout Town Council and execution by the Town Mayor.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this _____ day of _____ in the year _____.

TOWN OF HIDEOUT

_____

Phil Rubin, Mayor

ATTEST:

_____

Alicia Fairbourne, Town Clerk