

Minutes
Town of Hideout
Town Council Regular Meeting and Continued Public Hearing
July 11, 2024

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearing on July 11, 2024 at 6:00 pm electronically via Zoom and in the City Council Chambers located at 10860 N. Hideout Trail, Hideout, Utah.

Regular Meeting and Continued Public Hearing

I. Call to Order and Pledge of Allegiance

Mayor Rubin called the meeting to order at 6:05 pm and explained the meeting was a hybrid meeting held both in person and electronically via Zoom. He then led the Pledge of Allegiance.

II. Roll Call

Present: Mayor Phil Rubin

Attending Remotely: Council Member Chris Baier
Council Member Jonathan Gunn
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Present: Recorder for Hideout Alicia Fairbourne

Staff Attending Remotely: Town Administrator Jan McCosh
Town Attorney Polly McLean
Town Planner Thomas Eddington
Town Engineer Gordon Miner

Public Present: None.

Public Attending Remotely: Planning Commissioner Donna Turner, Damian Taitano, Robert Green, and others who may have logged in using a partial name or using only a phone number.

Prior to discussing the agenda, Mayor Rubin introduced Gordon Miner as the Town's new engineer, noting that he had been in the position for about a month and was already making a significant impact. Mayor Rubin expressed appreciation for Mr. Miner's expertise and dedication, highlighting the improvements he was bringing to the Town's engineering processes.

Mr. Miner then briefly shared his background, mentioning that he had over 20 years of experience working in both public and private sectors, including roles as a development engineer, senior engineer, and city engineer. After retiring from the state retirement system, he returned to his

former consulting firm and applied for the Hideout engineer position. He outlined his recent work, such as preparing a bid advertisement for street maintenance and drafting a Standard Specifications Manual.

After his introduction, Mayor Rubin encouraged Town Staff and residents to introduce themselves to Mr. Miner if they saw him around. There being no questions from Council, Mr. Miner was excused at 6:10 pm.

III. Approval of Council Minutes

1. May 9, 2024 Town Council Meeting Minutes DRAFT

There were no corrections to the minutes.

Motion: Council Member Nadelberg moved to approve the May 9, 2024 Town Council Meeting Minutes as presented. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. There were none opposed. The motion carried.

IV. Follow up of Items from Approved Minutes

Mayor Rubin introduced the discussion by asking if there were any follow-up items from the minutes, mentioning ongoing work with the developer of Deer Springs regarding a Master Development Agreement (MDA). Council Member Haselton questioned if the transfer of \$50,000 in funds and water rights had occurred. Town Attorney Polly McLean explained that while there were delays on the Town's side, the transfer would occur within 30 days of executing the agreement, which was imminent.

Council Member Haselton also inquired about the management companies overseeing nightly rentals and the implementation of the Good Neighbor brochure. Mayor Rubin and Ms. McLean clarified that the management companies had not yet been selected, and they would work with the chosen companies to ensure adherence to regulations. The Council discussed enforcement and the possibility of enhancing oversight for existing rentals. Ms. McLean proposed a future agenda item to review the nightly rental ordinances.

Council Member Severini brought up a prior discussion about effective communication and enforcement, specifically regarding training staff in code enforcement. Mayor Rubin responded that the Public Works staff, responsible for code enforcement, was testing new software and awaiting approval to enhance coverage. They hoped to improve enforcement effectiveness once the software and staffing were in place.

The Council also discussed fireworks displays. There was a general consensus that enforcement efforts had been effective during the Independence Day holiday, though Council Member Severini reported a disruptive fireworks incident in the area. It was noted that some fireworks displays took place outside the Town's jurisdiction. There was a discussion about improving communication with neighboring areas, including better notification of future fireworks displays. The discussion concluded with the acknowledgment that further investigation into fireworks regulations, including fire safety requirements, might be necessary for future events.

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

At 6:33 pm, Mayor Rubin opened the floor for any members of the public wishing to speak on items not listed on the agenda.

Longview resident Robert Green raised concerns about the state of the parking lot near Town Hall, where residents accessed their mailboxes. He described the area as riddled with potholes and disintegrating pavement, posing a hazard, especially in winter when the issues would be less visible. Mr. Green asked if the Town could address this issue.

Mayor Rubin responded and explained that the parking lot and mailboxes were located on HOA-owned land, not public property. As a result, the Town could not intervene without permission from the HOA. He suggested Mr. Green contact the HOA to request improvements.

Mr. Green inquired about moving the mailboxes, to which Mayor Rubin reiterated that the responsibility lies with the HOA. Council Member Baier then commented, empathizing with Mr. Green's frustration and acknowledging the difficulties in working with the Community Preservation HOA. She shared her own challenges with the HOA and explained that while the Town would assist if it could, the issue ultimately rested with the HOA. Mr. Green agreed to pursue the matter with the HOA.

Golden Eagle lot owner Damian Taitano expressed disappointment regarding his difficulty contacting Mr. Miner, who was previously introduced but lacked contact information. Mr. Taitano sought clarification on how best to communicate with Mr. Miner and asked whether he was a staff member or a consultant. Mayor Rubin clarified that Mr. Miner was a consultant who visited once or twice a week and was available for key inspections. Mayor Rubin also assured Mr. Taitano that Mr. Miner's contact information would be shared on the website.

Mr. Taitano also inquired about any updates regarding improvements in the Golden Eagle situation. Ms. McLean responded that the former and new engineers had met, progressing the matter, and that Certificates of Occupancy (COs) would be issued based on standards outlined in the Master Development Agreement (MDA). The engineers appeared to be aligned on the forthcoming projects, and the Town awaited formal documentation. Mayor Rubin confirmed that the document, once agreed upon, would be made public.

Council Member Baier asked for further clarification on the agreement between the engineers regarding substantial completion. Ms. McLean affirmed that more details would be provided once the agreement was formalized.

Later, Mayor Rubin provided Mr. Miner's phone number and email address. Mr. Taitano asked if Mr. Miner could be reached through the Town, to which Mayor Rubin clarified that while Mr. Miner's phone number was linked to the Town, his email was through his consulting firm.

Council Member Baier added a comment regarding email addresses, and explained that town employees, elected officials, and planning commission members used hideoututah.gov addresses, while contractors like Mr. Miner used their business email addresses. Mayor Rubin thanked Baier for the clarification.

There being no further questions, Mayor Rubin closed public input at 6:44 pm.

VI. Continued Public Hearing

1. Discussion and possible approval for amendments to Hideout Municipal Code Chapter 10.08, including, but not limited to, placement of hot tubs as in 10.08.08.15

Town Planner Thomas Eddington presented the proposed amendments to Hideout Municipal Code Chapter 10.08, specifically focusing on regulations regarding the placement of hot tubs. Mr. Eddington explained that prior revisions had aimed to clarify that hot tubs were allowed on front decks, but not in front yards. Further adjustments were made to ensure clear language regarding setbacks and the structural integrity of the decks holding the hot tubs. The updated language stipulated that building permits would be required for hot tubs, swim spas, and pools, emphasizing electrical and plumbing safety standards.

Mr. Eddington also recommended adding language addressing hot tubs in limited common areas or zero-lot-line properties. The proposal clarified that hot tubs in these areas should maintain a minimum 10-foot setback from adjacent and distinct freestanding structures, ensuring they were not placed too close to neighboring units. This language was intended to avoid confusion, particularly in cases where homeowners share walls in zero-lot-line units.

Council Member Gunn sought clarification regarding twin homes and the placement of hot tubs in limited common areas. Mr. Eddington confirmed that hot tubs could be placed within 10 feet of a neighbor's unit if they shared a wall, aligning with the intent of the revised recommended language. The Council acknowledged that space limitations in twin homes warranted this clarification.

Council Member Nadelberg raised a question about whether there should be a fee associated with these permits. Mr. Eddington clarified that while a fee had not been previously discussed, the intent of requiring a building permit was to ensure safety and compliance with zoning regulations, not to burden residents with costs. Both Mayor Rubin and Mr. Eddington agreed that, for personal use, waiving the fee might encourage residents to follow the proper process.

Council Member Baier inquired about the potential costs the Town would incur if the fees were waived, expressing concern about fiscal responsibility. Mr. Eddington explained that the process was largely administrative and, in most cases, would not require a site visit unless there were specific concerns. Mayor Rubin suggested the creation of a special permit specifically for hot tubs and pools, with clear guidelines for homeowners to follow, as many would not be familiar with the process.

Mr. Eddington agreed to create a simple instructional sheet to guide homeowners through the process. Town Administrator Jan McCosh noted that once the process was outlined, they could estimate the labor involved and set a reasonable fee accordingly. Mayor Rubin emphasized the importance of keeping the process straightforward and affordable to avoid discouraging compliance. The conversation concluded with agreement to review the fee once the guidelines were established, ensuring it wouldn't act as a barrier.

There being no further questions from Council, Mayor Rubin opened the floor for public input at 7:01 pm.

There being no comments, Mayor Rubin closed the floor at 7:02 pm and asked for a motion to adopt the ordinance.

Motion: Council Member Gunn moved to adopt Ordinance 2024-O-07 amending Hideout Municipal Code Chapter 10.08, setbacks related to hot tubs, incorporating the recommended language in Subsection B(2)(a) and (b) to include "... a minimum 10'-0" setback from any adjacent and distinct freestanding (e.g. not connected) residential unit or structure." Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. There were none opposed. The motion carried.

VII. Agenda Items

1. Discussion and consideration of adopting Ordinance 2024-O-XX amending sections of the Hideout code updating sections in Chapter 1.16 Purchasing

Mayor Rubin introduced the agenda item, noting there were prior discussions and revisions made to the ordinance in previous council meetings. Ms. McLean provided an overview, explaining that the current ordinance had only one suggestion for language modification, and that the proposed changes, particularly related to purchase limits, were still under consideration.

Mayor Rubin highlighted concerns regarding the Mayor's purchasing authorization limit, noting that a proposed limit of 2% of the annual budget, or \$40,000, had been previously suggested. Mayor Rubin framed the issue in terms of the Town's budget and efficiency, emphasizing the need to simplify the approval process, especially for budgeted items.

Council Member Gunn expressed support for raising the limits, proposing that the limits be doubled but also suggesting that the Town Administrator should have oversight on larger purchases. He emphasized the need for some checks on higher-value contracts, though he supported increased flexibility for smaller purchases. Council Member Severini also expressed general support but questioned whether percentage-based limits should be reconsidered, favoring fixed numbers for clarity.

Council Member Baier raised concerns about whether there was a clear problem with the current purchasing limits, pointing out that, based on a comparative analysis with other towns like Alta, the current limits might already be appropriate. Council Member Baier also questioned whether there had been any significant delays or inefficiencies under the current system that would necessitate raising the limits. Mayor Rubin responded, citing examples where delays in purchasing could hinder operations but ultimately proposed keeping the Mayor's limit at \$15,000 while raising the limits for the Town Administrator and Clerk/Recorder to \$10,000 and \$5,000, respectively.

Council Member Baier questioned the reasoning behind the proposed budgetary changes to increase spending limits for town staff, specifically the Town Administrator. Council Member Baier sought clarification from Ms. McCosh about how raising her spending authority would improve efficiency. Ms. McCosh explained that higher limits would reduce delays caused by constantly returning to Council for approvals, particularly on projects that required timely decisions. She cited past experiences, such as the temporary fire station project, where the lack of budget flexibility hampered progress.

Council Member Baier acknowledged the need for balance between oversight and giving the administration freedom to make spending decisions but expressed hesitation due to the significant increases in the proposed limits. Mayor Rubin responded by expressing confidence in the budget

management of the Town over the past six years, emphasizing that decisions made together, such as not raising taxes during COVID, had contributed to current budget constraints.

Discussion continued about the appropriate limit increases for different roles. Council Member Baier questioned whether similar increases should apply to Public Works, as their current limit was \$5,000. It was clarified that there would be no change for Public Works.

Council Member Gunn advocated for doubling the current limits, ensuring oversight responsibility for the Town Administrator, and introducing "not-to-exceed" prices on contracts to prevent overruns. Mayor Rubin addressed Council Member Gunn's suggestion to include a "not to exceed" clause in contracts, arguing that certain key service contracts, such as legal, engineering, and planning, are often driven by external factors like legal challenges or development proposals. These unpredictable circumstances made it difficult to impose a strict spending limit, as the Town must respond to issues as they arise. Mayor Rubin proposed that the budgeted amount itself acted as a form of a "not to exceed" limit, and any deviations were reported during regular budget reviews. In cases where unanticipated costs arise, the Town might delay other projects to maintain budgetary control.

Council Member Gunn maintained the importance of setting contract limits to prevent unexpected financial overruns. He proposed that Council be informed and approve contract amendments if costs exceeded the initial amount. This way, Council would remain aware of significant expenses and could authorize additional funds if necessary. Ms. McLean supported this idea, noting that while many contracts were reactive in nature, they could be adjusted in collaboration with staff and finance teams as new expenses emerge.

Mayor Rubin eventually agreed with Council Member Gunn's proposal, emphasizing that if the Town encountered legal or engineering challenges, Council should be updated, and contracts could be amended without causing delays. Both parties agreed that the Council would not oppose such amendments if necessary to address critical issues.

Council Member Severini expressed his support for increasing the financial limits on contracts, relying on the recommendations from the Mayor and Town Administrator. He acknowledged the lack of data on past exceptions but emphasized confidence in the current administration's management of Town affairs, noting that there had been no major issues under their leadership. Council Member Severini raised a concern about the potential impact of future changes in administration, advocating for a careful approach to ensure ongoing efficiency.

Council Member Baier echoed this sentiment, highlighting the upcoming elections that could result in new leadership. While she recognized the need for flexibility in the budget—specifically supporting Mayor Rubin's request to raise limits to \$50,000—she expressed caution about exceeding norms compared to other municipalities, given the Town's approximately \$2 million budget. Council Member Baier emphasized the importance of remaining fiscally responsible and mentioned that while the Council could always amend limits in the future if necessary, they should proceed thoughtfully in light of their current lack of comprehensive data.

Council Member Haselton agreed that the Council should double the current authorized amounts for financial limits, suggesting that this would provide sufficient leeway for operational needs. Mayor Rubin responded by recommending a more moderate adjustment: raising the Mayor's limit to \$30,000, the Town Administrator's to \$20,000, and the Town Clerk's to \$5,000. This proposal

received support from Council Member Gunn, who emphasized the need for the administrator to have oversight authority.

Council Member Severini agreed with the proposed amounts and suggested a review of these limits in one year to gather data on their effectiveness. He highlighted the importance of tracking spending to inform future adjustments.

Council Member Gunn then brought up the topic of emergency purchasing authority, advocating for the inclusion of the term "imminent threat" in the language defining when the Mayor could act without prior Council approval. He clarified that this term would ensure that emergency actions were reserved for actual crises rather than potential risks. Council Member Baier supported this distinction, emphasizing the difference between risks and immediate issues.

Ms. McLean suggested setting the purchasing limit for competitive bids to \$5,000 with no competitive price quotations required, adjusting informal quotations to a minimum of three for amounts up to \$20,000, and implementing formal sealed bids for purchases over \$30,000. Additionally, she recommended changing the threshold for professional services contracts from \$50,000 back to \$30,000 for consistency.

Mayor Rubin agreed to these revisions but noted that the finalized changes would be brought back for approval in the following month, allowing for additional adjustments based on input. Council Member Baier requested information on contracts awarded at the new thresholds to provide context and support for the proposed changes. Mayor Rubin mentioned that while some purchases had exceeded the Town Administrator's and Clerk's limits, they were approved under his authority.

The Council emphasized the importance of understanding the implications of the proposed changes and suggested that having real-world examples would facilitate better decision-making. They agreed that a month's delay to gather this data was acceptable, ensuring that the upcoming meeting would focus on informed discussions.

The Council affirmed their support for the proposed changes while highlighting the importance of data and clarity in decision-making moving forward. The matter was tabled for further review and would be revisited in the August meeting, where additional information and examples would be presented.

VIII. Committee Updates

1. Planning Commission – *Planning Commissioner Donna Turner*

Planning Commissioner Donna Turner reported on recent developments. The Planning Commission had a brief meeting on June 18, where they discussed a new concept plan for a potential development at the two-acre site known as Hideout Pointe/Wildhorse. This plan included a restaurant with a brew pub and 15,000 square feet of commercial space, necessitating a rezoning of the area. The Planning Commissioners expressed support for the proposal, although no official vote was taken during the meeting.

Additionally, Commissioner Turner mentioned the Salzman property/Elk Horn Springs development, which would feature 61 townhomes and approximately 103 single-family lots, also incorporating some commercial elements. This project was on a timeline due to contractual

obligations, and the Planning Commission was scheduled to address it in their next meeting on July 18.

Council Member Baier inquired about the urgency surrounding the Salzman property/Elk Horn Springs and confirmed that it was the same land as previously discussed for the Boulders and Bloom project. Commissioner Turner confirmed it was the same property.

Commissioner Turner provided context about a proposed Maverik station planned at the intersection of Frontage Road and Highway 248, noting that it would help with traffic safety concerns in the area. The conversation highlighted the importance of considering broader developmental impacts on existing properties and infrastructure, particularly regarding the new developments and the need for cohesive planning.

2. Economic Development Committee - *Council Member Severini*

Council Member Severini discussed recent conversations with representatives from the Tim Schoen Group regarding the potential development of a brew pub (Wildhorse), noting that there was consideration to increase the building height to three stories, pending further discussions. The Committee expressed a focus on the economic viability of such developments within the larger economic framework of the Town.

Council Member Severini also reported on a meeting with Nate Brockbank regarding the Elk Horn Springs development, where issues related to water availability and potential modifications to the property were explored. The Committee was awaiting preliminary development numbers from Mr. Brockbank, who was coordinating with a financial analyst, Rob Sant. There was a general sentiment of constructive dialogue and positive feedback regarding these developments.

Additionally, Council Member Severini highlighted a recent discussion about a property across from Jordanelle, led by Steve Coleman and Henry Sigg, emphasizing ongoing efforts to clarify economic feasibility for their proposed projects. The Committee also heard from their grant writer, Nancy O'Toole, during previous meetings.

Council Member McCosh proposed revisiting practices from a successful fundraising mission in Park City to enhance regional cooperation and development strategies.

The discussion then shifted to the need for improved entryway signs for the Town along the SR-248 corridor. Council Member Baier noted that past commitments were made regarding sign replacements, emphasizing their importance for community perception. Mr. Eddington confirmed that sign considerations were included in the upcoming Planning Commission discussions.

3. Design Review Committee - *Thomas Eddington*

Mr. Eddington reported that there were no updates from the Design Review Committee.

4. Parks, Open Space and Trails (POST) Committee - *Council Member Baier*

Council Member Baier provided an update on the POST Committee's recent activities. She recapped that the Committee was awarded a Utah Outdoor Recreation grant of \$17,000 on May 2, which was facilitated by Nancy O'Toole. This grant aimed to fund a new trail at Ross Creek in partnership with Jordanelle State Park, along with trail maintenance and erosion control efforts. On June 20, the Committee received further support with a \$17,000 TAP tax grant, written by Deputy Recorder Kathleen Hopkins, securing additional funding for the project.

A site visit to Ross Creek was conducted on June 26, attended by key members, to flag the proposed trail route. However, a challenge arose with the announcement that Jason Whitaker, the park manager at Jordanelle State Park, would be leaving his position for a promotion. The Committee planned to collaborate with the assistant park manager and other designated individuals to ensure the project progressed despite this change. Council Member Baier emphasized the urgency to complete the project in order to utilize the grant funds within the designated timeframe.

The POST Committee aimed to focus primarily on this project over the summer and into the fall, while also expressing intentions to explore the development of a trail network in the future, which was linked to a commitment from a separate entity. Council Member Baier noted that pursuing a more extensive spine trail has been challenging due to the need for coordination with UDOT, indicating limited progress in that area.

Ms. McCosh congratulated Council Member Baier for the collaborative effort that led to securing the funding, acknowledging the importance of teamwork in achieving such results. Council Member Baier credited the collective efforts of the team and emphasized the dedication of individuals involved in the project. Mayor Rubin recognized the progress made and commended the team's ability to effectively utilize resources and secure funding, highlighting the advancements since the Committee's inception.

5. Transportation Committee - *Council Member Haselton*

Council Member Haselton reported that there was an increase in frequency in the number of busses that ran on the Fourth of July. Communication about these changes was disseminated to residents, and Council Member Haselton noted that Park City officials expressed satisfaction with the rising usage of the Richardson Flat bus service, indicating the potential for further enhancements.

Council Member Baier raised concerns regarding the implications of the recent Utah Supreme Court ruling favoring Hideout in the Richardson Flat Annexation case. Council Member Baier emphasized that this could significantly affect transportation and transit options for the community, particularly as it becomes adjacent to a transit hub. This proximity could potentially increase transit usage among residents who currently rely on personal vehicles.

Council Member Haselton acknowledged that while the actual parking lot would not be annexed, the incorporated area of Hideout was in close proximity to the transit hub. Council Member Baier further discussed the anticipated increase in transit needs due to upcoming expansions, specifically mentioning the Deer Valley expansion and its impact on local traffic along Jordanelle Parkway.

Council Member Baier also inquired about transit plans related to a new parking garage being constructed at the Canyons Resort, as it may reduce available parking for skiers and necessitate enhanced transit options to the area. Council Member Haselton confirmed that while there was existing transit around the area, there were currently no direct services connecting Richardson Flat to the Canyons base area. Council Member Haselton agreed to further investigate the transit needs to address these concerns and enhance accessibility for both residents and visitors.

IX. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, deployment of security personnel, devices or systems, and/or sale or acquisition of real property as needed

There being no further public business and a need for an Executive Session, Mayor Rubin asked for a motion to adjourn the regular meeting and move into Executive Session.

Motion: Council Member Nadelberg moved to adjourn the public meeting and reconvene in Executive Session. Council Member Gunn made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. There were none opposed. The motion carried.

The Regular Meeting adjourned at 8:54 pm and reconvened in Executive Session at 9:00 pm.

Present: Mayor Phil Rubin

Attending Remotely: Council Member Chris Baier
Council Member Jonathan Gunn
Council Member Carol Haselton
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Attending Remotely: Town Attorney Polly McLean

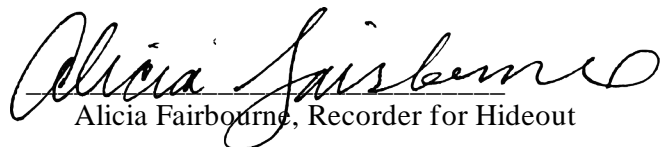
X. Meeting Adjournment

Upon conclusion of the Executive Session, Mayor Rubin asked for a motion to adjourn.

Motion: Council Member Gunn moved to adjourn the meeting. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Haselton, Council Member Nadelberg, and Council Member Severini. There were none opposed. The motion carried.

The meeting adjourned at 10:20 pm.




Alicia Fairbourne, Recorder for Hideout