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Minutes
Town of Hideout
Town Council Regular Meeting and Continued Public Hearing
May 09, 2024

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The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearing on May 9, 2024 at 6:00 pm electronically via Zoom and in the City Council Chambers located at 10860 N. Hideout Trail, Hideout, Utah.

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Regular Meeting and Continued Public Hearing

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I. Call to Order and Pledge of Allegiance

Mayor Rubin called the meeting to order at 6:03 pm and explained the meeting was a hybrid meeting held both in person and electronically via Zoom.

Mayor Rubin 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 McClean
Town Planner Thomas Eddington
Financial Consultant Katie Shepley

Public Present: Joel Pieper.

Public Attending Remotely: Wasatch County Sheriff Jared Rigby, Ben Probst, Nate Brockbank, Rob Sant, and others who may have logged in using a partial name or using only a phone number.

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

Mayor Rubin opened the floor for public comments at 6:06 pm.

There being no comments, Mayor Rubin closed the floor at 6:07 pm.

1 **IV. Agenda Items**

2 **1. Presentation of the annual municipal audit performed by Ben Probst**

3 Ben Probst from the Certified Public Accountant firm Gilbert and Stewart presented the annual
4 municipal audit. Mr. Probst explained the audit process, which included gathering data,
5 confirming third-party information, and reviewing financial reports prepared by the Town's Staff.
6 The audit report indicated the Town's financial statements presented a fair view of its financial
7 position as of June 30, 2023.

8 Mr. Probst highlighted the Management Discussion and Analysis section, which provided a
9 summary of the Town's financial activities over the last two years. He also detailed various
10 financial statements, such as the statement of net positions and the statement of activities, which
11 included governmental and business-type activities.

12 Mr. Probst noted the Town had not submitted the required fraud risk assessment for Fiscal Year
13 (FY) 2023. This assessment, which needed to be reviewed by the Council and submitted annually
14 to the State Auditor's Office, was missed during FY23. However, he stated the Town had since
15 complied with this requirement. Mayor Rubin discussed the need to ensure timely completion and
16 submission of this assessment in future years.

17 Council Member Gunn sought clarification on whether the Town was in compliance after
18 addressing the fraud risk assessment. Mr. Probst confirmed that the Town was now in compliance.
19 Mr. Probst commended the Town's finance team for maintaining compliance with government
20 auditing standards.

21 Mayor Rubin expressed appreciation for the efforts of the Town's finance team and the auditor,
22 acknowledging the progress made in financial management and compliance.

23 **2. Presentation and discussion of the Town of Hideout budget restatement for Fiscal Year 2024**
24 **and presentation of Tentative Budget for Fiscal Year 2025**

25 Town Attorney Polly McLean suggested breaking the agenda item into two parts: Part 1 being
26 the FY24 proposed budget amendment and part 2 being the presentation of the Tentative Budget
27 for FY25. She noted the budget amendment for FY24 was not ready for approval during this
28 meeting.

29 Mayor Rubin discussed the budget restatement for FY24 and presented the tentative budget for
30 FY25. The FY24 budget, initially approved with a deficit, saw efforts to reduce this shortfall
31 through better management of spending. Legal expenses were below budget, some hiring was
32 delayed, and costs were reduced in various areas such as street expenses and outsourced
33 engineering following the Town Engineer's resignation. These efforts reduced the budgeted
34 overage by \$273,000, leaving a \$115,000 shortfall, which would be covered by transferring funds
35 from the Capital Fund. After this transfer, the Capital Fund was expected to be at or above
36 \$400,000.

37 Mayor Rubin highlighted that the FY24 budget remained preliminary until the end of June. Ms.
38 McLean confirmed that a public hearing would be held in June to amend the budget for FY24.
39 Council Member Severini sought clarification on the reliance on the Capital Fund for covering
40 shortfalls, emphasizing the need for a balanced budget in FY25 without further withdrawals from

1 this fund. Mayor Rubin noted the intention to propose a tax increase to close any revenue-
2 expenditure gap rather than dipping into the Capital Fund again.

3 The discussion then shifted to the FY25 budget, which included a total spend increase of
4 \$250,000, raising the annual budget to approximately \$2 million. The budget assumed no new
5 revenue sources beyond approved subdivision growth. Significant expenditures included
6 increased wages and salaries, professional services, additional staff costs due to infrastructure
7 growth, and \$75,000 for professional services related to the Ross Creek development. The budget
8 also allocated \$40,000 for improved communication capabilities and \$50,000 for supporting
9 matching grants, aimed at enhancing the Town's ability to secure funding.

10 Mayor Rubin emphasized the goal of a balanced budget for FY25, noting a projected \$200,000
11 shortfall that could be addressed by a tax rate increase of approximately seventy five percent
12 (75%). He noted that while a seventy five percent (75%) tax increase sounded significant, it
13 represented a small portion of the overall tax bill due to other entities' shares. He emphasized this
14 was a preliminary number.

15 Council Member Baier asked for clarification on the \$75,000 budget for the Ross Creek
16 development, which was explained as covering necessary costs like topological surveys and
17 appraisals. Mayor Rubin reiterated the importance of these expenditures for attracting developers
18 and facilitating the project.

19 The discussion then moved to the Enterprise Fund, with income expected to increase and a
20 projected \$4,000 shortfall. Mayor Rubin discussed plans to balance this budget, including the
21 replacement of outdated water meters with new smart meters to improve water conservation and
22 reduce resident issues with water bills. The possibility of using the Military Installation
23 Development Authority (MIDA) funds to offset some budget expenses was mentioned, though
24 these funds were not currently applied in the FY25 budget projections.

25 There being no further questions from Council, Mayor Rubin asked for clarification on the
26 process for adopting the preliminary budget. Ms. McLean explained that the Council needed to
27 adopt the tentative budget and set a time and place for the public hearing for the final budget
28 adoption, suggesting a date in August due to truth in taxation requirements.

29 The discussion focused on scheduling the August meetings. Council Member Baier proposed
30 having the Truth in Taxation Hearing at a reasonable hour, such as 6:00 or 7:00 pm, and starting
31 the Regular Meeting earlier if needed. The Council agreed on setting the Truth in Taxation
32 Hearing for 7:00 pm on August 8th, with the Regular Meeting potentially starting at 4:30 or 5:00
33 pm, depending on the agenda. Council Members discussed their availability and confirmed the
34 plan, ensuring it would accommodate their schedules as well as public participation.

35 Mayor Rubin then asked for a motion to adopt the tentative budget for FY25 and set a date certain
36 of August 8, 2024 at 7:00 pm for the Truth in Taxation Public Hearing.

37 ***Motion: Council Member Nadelberg moved to adopt the tentative budget for FY25 and set a***
38 ***date certain of August 8, 2024 at 7:00 pm for the Truth in Taxation Public Hearing to be held***
39 ***in person at Hideout Town Hall and electronically via Zoom. Council Member Severini made***
40 ***the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member***
41 ***Haselton, Council Member Nadelberg, and Council Member Severini. There were none***
42 ***opposed. The motion carried.***

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2 **3. Discussion regarding designated code enforcement officers and procedure**

3 Mayor Rubin asked Ms. McLean to brief the Council on the current code enforcement procedure.
4 Ms. McLean explained that the Town utilized a Civil Code Enforcement Program, which was
5 more user-friendly compared to criminal programs. The process involved issuing a notice of
6 violation, describing the violation, listing fines, and providing a compliance deadline. Currently,
7 Public Works employees were responsible for issuing notices, but this could be expanded to other
8 town staff designated by the Mayor. The program's goal was to achieve at least eighty percent
9 (80%) compliance.

10 Mayor Rubin added that during snow events, Public Works employees were often unavailable for
11 code enforcement duties due to their primary responsibilities, such as plowing roads. He
12 mentioned the potential hiring of additional staff to fill this gap. Council Member Baier expressed
13 concern about unaddressed violations reported during the Jordanelle Cleanup Day and
14 emphasized the need for year-round enforcement. She also highlighted issues with fireworks
15 violations, noting that while these were civil matters, the Wasatch County Sheriff's Office could
16 be involved if necessary.

17 Sheriff Rigby offered the assistance of the Sheriff's Office in enforcing fireworks regulations, and
18 suggested coordination for specific high-risk periods. Council Member Severini proposed posting
19 contractor violations on the Town's website to increase transparency and deter repeat offenses.
20 However, Mayor Rubin and others voiced concerns about the potential negative impact on
21 contractors' reputations and suggested alternative methods for communicating violations.

22 Mayor Rubin mentioned the upcoming implementation of new software to streamline the citation
23 process, making it easier for Public Works employees to issue and track violations. The Council
24 discussed the possibility of training additional staff for code enforcement. Ms. McLean
25 emphasized the need for utilizing town staff or contracted employees to avoid legal issues.

26 Ultimately, the Council agreed on the importance of effective communication and enforcement
27 without creating neighborhood conflicts. They concluded by discussing the progress of training
28 staff members in code enforcement tasks.

29 **4. Presentation of a Thank You Letter offered from The Peace House of Park City**

30 Mayor Rubin presented a thank you letter from The Peace House of Park City. The letter
31 expressed gratitude for the Town's donation of one hundred (100) blankets on December 6, 2023,
32 emphasizing the significant impact this contribution had on their programs and services for
33 survivors of domestic violence and abuse. The Peace House highlighted their comprehensive care
34 for survivors, including emergency shelter, safe housing, medical therapy, legal advocacy, case
35 management, safety planning, and more. The organization provided over thirteen thousand
36 (13,000) nights of emergency shelter and supported four hundred seventy (470) adults and
37 children with various services, as well as one hundred twenty (120) individuals with sexual assault
38 recovery services in 2023. The letter underscored that such support would not be possible without
39 contributions like those from the Town and its residents.

40 Town Administrator Jan McCosh thanked the Community Engagement Committee for their
41 excellent work on the blanket drive, which Mayor Rubin echoed. Mayor Rubin reflected on the
42 sobering statistics shared by The Peace House regarding incidents of violence in the community,
43 highlighting the critical and often unrecognized work of public responders and organizations like

1 The Peace House. He encouraged continued support and awareness of these efforts to help those
2 in need within the community.

3 **5. Update of the fundraising efforts for Station 56**

4 Council Member Baier highlighted a barbeque fundraiser event held, noting the presence of local
5 media and a good turnout from the community. Council Member Baier, Council Member Gunn,
6 and Wasatch Fire District Chief Eric Hales participated in a live interview on KPCW NewsHour
7 the day before the barbeque to promote the event. During the barbeque, Chief Hales presented a
8 concept study for the permanent station, which was well-received by the community and provided
9 a tangible vision for the future. Council Member Haselton noted having the fire engine present
10 was exciting and engaging for the residents. The barbecue was seen as a successful kickoff,
11 contributing to the momentum of the fundraising efforts.

12 Council Member Gunn continued the update and outlined the fundraising goal of \$200,000 to
13 offset the costs incurred by the Town in establishing the temporary fire station. He emphasized
14 the importance of the new station, which would significantly reduce response times for emergency
15 services in the area, potentially saving lives. Thus far, \$13,000 had been raised from about sixty
16 (60) individual donors. The next steps involved reaching out to regional businesses, hosting
17 additional public events, and engaging with the Homeowners Associations (HOAs) and
18 developers to further the fundraising efforts. Council Member Severini added that showcasing the
19 fire engine and engaging children and their parents in the community may be beneficial.

20 Council Member Nadelberg requested clarification on the rationale behind Hideout's fundraising
21 efforts for a temporary fire station, given the recent approval by Wasatch County voters of a sales
22 tax increase to fund emergency services. Council Member Baier explained that the recently
23 implemented Emergency Medical Services (EMS) tax would not provide immediate funding for
24 the fire station, which was why the Town's efforts were essential. The permanent station, to be
25 funded by the EMS tax, was projected to be ready in three (3) years, thereby necessitating the
26 establishment of a temporary station as an interim solution.

27 **6. Consideration of approving Ordinance 2024-O-XX amending Hideout Municipal Code** 28 **1.16.060 Exemptions to Competitive Bidding Requirements**

29 This agenda item was not discussed and would be deferred to the June 2024 meeting.

30 **V. Continued Public Hearing**

31 **1. Consideration of an amendment of the Master Development Agreement (MDA) for Deer** 32 **Springs allowing short-term rentals in Phases 2B, 4, and 8**

33 Mayor Rubin introduced a discussion regarding the amendment of the Master Development
34 Agreement (MDA) for Deer Springs to allow short-term rentals in Phases 2B, 4, and 8. He invited
35 Rob Sant, an Economic Development Consultant, to present the financial implications and
36 potential impacts of this amendment.

37 Mr. Sant explained that he had developed an interactive financial model to analyze the benefits
38 and revenues of permitting nightly rentals in specified phases of Deer Springs. The model allowed
39 for the adjustment of assumptions and the examination of different revenue scenarios. He
40 emphasized the importance of understanding how the resort community tax, sales tax, and
41 transient room tax (TRT) would be affected.

1 Mr. Sant outlined four potential revenue streams in the model. The far-right column depicted the
2 current scenario where Hideout received one hundred percent (100%) of the TRT after MIDA's
3 ten percent (10%) administration fee. The first column showed the revenue Hideout would receive
4 over a forty (40)-year period under the existing MIDA Interlocal Agreement. The second column
5 included the property owner's offer to give the town thirty percent (30%) of the sales tax and
6 resort community tax, while the third column reflected a proposal where the property owner
7 would give their portion of thirty percent (30%) and MIDA would allocate their portion of thirty
8 five percent (35%) to the Town. The last scenario demonstrated a significant increase in potential
9 revenue if these amendments were approved.

10 To provide a clearer picture, Mr. Sant updated the daily rates and occupancy rates for different
11 unit types in each phase. For example, townhomes were set at \$150 per day, single-family homes
12 at \$400 per day, and a mix of both at \$350 per day. He also adjusted the model to show that about
13 50% of the units in each phase would be used for nightly rentals.

14 Based on these assumptions, Sant presented the projected average annual revenues over a forty
15 (40)-year period: approximately \$95,000 per year under the current agreement, \$123,000 if the
16 property owner's percentage was included, and \$140,000 if both the property owner's and MIDA's
17 percentages were added.

18 Mr. Sant also addressed the potential costs and impacts of allowing nightly rentals. Quantitative
19 data suggested slight increases in public safety and garbage services, which could be mitigated
20 by adopting management standards. However, the more significant impacts were qualitative,
21 affecting community cohesion and availability of long-term rental housing. He noted that other
22 communities, like Park City, had experienced similar challenges, such as loss of seasonal housing
23 and increased long-term rental prices.

24 Mr. Sant offered several recommendations to mitigate these impacts, which included adopting
25 management standards for nightly rentals, requiring all such rentals to maintain business licenses,
26 and considering a disproportionate cost of service license fee to address the higher costs
27 associated with nightly rentals. This fee, implemented by communities like Brian Head, could
28 help offset additional public safety and service expenses.

29 Council Member Gunn questioned the assumptions in Mr. Sant's financial model, specifically the
30 projection that fifty percent (50%) of units would be rented thirty-five percent (35%) of the time.
31 He expressed concern that these numbers seemed higher than current experiences in Klaim and
32 Deer Springs Phase 1 and sought a benchmark or rationale for them.

33 Mayor Rubin clarified that the figures were starting points and emphasized the model's flexibility,
34 allowing adjustments to see different impacts on revenue. Mr. Sant confirmed the model could
35 be adjusted for occupancy rates and nightly rental percentages and mentioned Park City's higher
36 occupancy rates as a benchmark.

37 Council Member Severini asked about the benefits of including all phases in the model. Mr. Sant
38 confirmed the data included all phases, noting Phase 1 was already approved for nightly rentals.
39 The proposal focused on Phases 2B, 4, and 8, but there was consideration of all phases.

40 Mayor Rubin suggested Thomas Eddington should present more details before the Council
41 decided which phases to include, allowing for a more informed discussion.

42 Mr. Eddington recounted the series of meetings and decisions dating back to February 14, 2024
43 where the Hideout Planning Commission initially recommended only Phase 8 for short-term

1 rentals. During the Planning Commission meeting, the developer, Nate Brockbank, excluded
2 Phase 2A from the request because several buyers of homes in Phase 2A stated they were not
3 informed the homes would be considered for short-term rental use. Subsequent meetings had been
4 held with the Town Council reviewing Phases 2B, 4, and 8, with additional financial analysis and
5 public input requested.

6 Mr. Eddington highlighted the current proposal for all phases except Phase 2A, emphasizing a
7 significant offer from the developer to dedicate water rights and \$50,000 in funds which could be
8 put towards the fire station.

9 Council Member Haselton inquired about the actual use of nightly rentals in Deer Springs Phase
10 1, leading to the revelation that eleven (11) out of forty-five (45) units had business licenses for
11 such use. Mr. Brockbank explained the proposal to mandate the use of one of two specific
12 management companies for future rentals to ensure compliance and proper management. The
13 discussion emphasized the need for mechanisms to enforce regulations on current and future
14 nightly rentals.

15 Mayor Rubin expressed support for nightly rentals to generate revenue for the Town,
16 acknowledging the rising costs of Town operations. He urged the Council to make a decision to
17 provide clarity for the developer and future residents. He noted the ongoing concerns about the
18 impact of nightly rentals on the community and the need for robust management and enforcement.

19 Council Member Gunn asked for clarification that none of the areas under consideration had been
20 sold or were under contract, which was a critical point for moving forward. Mr. Brockbank stated
21 there were contracts in place only in Phase 2A, which was excluded from the proposal.

22 Council Member Baier expressed appreciation for Mr. Sant's model, noting it met her
23 expectations and assumptions. She summarized the financial impact of the proposed phases,
24 excluding Phase 2A, which would yield approximately \$123,000 annually over forty (40) years.
25 Mr. Sant clarified that without Phase 2A, the revenue would be between \$84,000 and \$140,000,
26 depending on an amended MIDA agreement.

27 Council Member Baier highlighted the strategic position of the subdivision, located between the
28 Jordanelle Parkway and the State Park, which was appealing for both winter and summer
29 activities. With the ongoing expansion of Ross Creek, Mayflower, and Deer Valley, Council
30 Member Baier saw this as a significant opportunity for Hideout, which was constrained by its
31 geographic limitations, and voiced strong support for the proposal.

32 Council Member Nadelberg expressed opposition to nightly rentals, stating that no full-time
33 constituents he had spoken to supported more of them. He mentioned that if such rentals were
34 necessary, he would only support placing them in Phase 8 due to its separation by Jordanelle
35 Parkway from the main community. Council Member Baier inquired why Phase 8 was singled
36 out, to which Council Member Nadelberg explained that the road serves as a clear dividing line,
37 isolating it from the existing Town.

38 Council Member Baier countered by suggesting that other roads, like the one leading to Ross
39 Creek, also functioned as dividing lines and could similarly contain nightly rentals without
40 affecting the main community. Council Member Nadelberg, however, remained firm that
41 constituents did not want nightly rentals anywhere in the Town.

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1 Mayor Rubin raised a point about potential commercial development, including hotels, near the
2 Ross Creek entrance. Mayor Rubin questioned if the opposition to nightly rentals would extend
3 to hotels, which might offer better economic value while still involving nightly stays. Council
4 Member Nadelberg argued that hotels were different as they contain activities and disturbances
5 within a small area. He remained skeptical about the Ross Creek location's appeal for hoteliers.
6 He reiterated that constituents preferred higher property taxes over the disruption of nightly
7 rentals, valuing community integrity over potential financial gains.

8 Council Member Severini echoed the sentiments of opposition to nightly rentals shared by
9 Council Member Nadelberg. Council Member Severini noted that surveys indicated a majority of
10 residents opposed nightly rentals, with many constituents expressing they did not want such
11 developments in their neighborhoods. He emphasized that the Town branded itself as a
12 community without nightly rentals and raised concerns about changing MDA's and zoning
13 regulations in response to slow sales, viewing it as a poor foundation for Town planning.

14 Council Member Severini acknowledged the potential for increased revenue but criticized the
15 long-term economic projections as insufficient, likening them to trickle-down economics with
16 minimal immediate financial benefits. He suggested that efforts would be better focused on
17 planned developments like Ross Creek and the Salzman property, which could generate more
18 substantial capital in a structured environment. However, he expressed a willingness to support
19 the proposal if the water provision was increased to forty (40) acre-feet, indicating that addressing
20 the Town's water issues could sway his vote in favor of the proposal.

21 Council Member Baier reminded the council of the \$75,000 allocated for the development of
22 Ross Creek and highlighted the contributions of Mr. Brockbank, who donated the Ross Creek
23 area and a fire station site to the Town.

24 Council Member Haselton expressed concerns about the Town's ordinances and MDA's, noting
25 that exceptions were starting to be made. Despite these concerns, Council Member Haselton
26 emphasized the critical need for water rights, which was a pressing issue for the Town. Regarding
27 the issue of nightly rentals, she acknowledged hearing from residents who opposed them but
28 suggested that certain areas might be more suitable than others. She was concerned about existing
29 homeowners and potential impacts on them. She indicated a desire to hear more before making a
30 final decision but confirmed readiness to vote during this meeting.

31 Mr. Brockbank emphasized his commitment to Hideout and argued in favor of allowing nightly
32 rentals to support local economic growth. He highlighted his efforts in developing Deer Springs
33 and his willingness to contribute significant resources, including water rights valued at
34 approximately \$1.5 million and various tax benefits. Mr. Brockbank acknowledged the
35 community's concerns but stressed the economic benefits of nightly rentals in attracting visitors
36 who would spend money locally. He expressed frustration that some residents opposed the idea
37 of nightly rentals while acknowledging potential compromise in areas like the Salzman property.
38 Mr. Brockbank concluded by affirming his dedication to the Town's development and his
39 willingness to make substantial concessions to support its growth.

40 Council Member Gunn expressed the complexity of his decision regarding nightly rentals in
41 Hideout. He acknowledged the survey which indicated strong opposition to nightly rentals among
42 residents but noted that individual conversations revealed a nuanced perspective, particularly
43 concerning potential tax increases. He highlighted the absence of specific data on residents'
44 willingness to accept tax hikes versus allowing nightly rentals, which complicated the decision-

1 making process. Expressing readiness to vote on the matter if a motion was proposed, he
2 emphasized the importance of public input before reaching a final decision.

3 Mayor Rubin expressed personal support for nightly rentals based on positive personal
4 experiences as a user, highlighting economic benefits to local businesses and community
5 turnover. He emphasized the potential for generating revenue at the State Park through increased
6 visitor activity facilitated by nightly rentals.

7 Council Member Baier advocated for considering the deal as advantageous for Hideout. Stressing
8 the rarity of such opportunities and the potential benefits for the community's future, she urged
9 the Council to view the proposal as a solid offer that could positively impact Hideout's
10 development.

11 With these perspectives shared, at 9:01 pm Mayor Rubin opened the floor for public comment,
12 encouraging further input before a decision would be made.

13 *Joel Pieper, a resident of the Rustler community*, voiced his support for allowing nightly rentals
14 in the Deer Springs area. He clarified that while he initially opposed nightly rentals in his
15 immediate community, he viewed Deer Springs as sufficiently distant from his residence to be
16 suitable for such use. Mr. Pieper acknowledged the concerns surrounding Phase 2A and
17 appreciated Mr. Brockbank's decision to withdraw it due to notification issues to buyers. He
18 emphasized that had buyers been informed earlier, he believed the entire Deer Springs area would
19 easily support nightly rentals. As a resident, Mr. Pieper expressed his approval for allowing
20 nightly rentals in Deer Springs, contrary to some community sentiments against them.

21 Mayor Rubin noted that he had spoken with residents who viewed nightly rentals in Deer Springs
22 as a logical addition to the community, seeing potential benefits rather than drawbacks. These
23 residents believed that allowing nightly rentals could be a smart move that aligned with efforts to
24 enhance revenue generation, not only from rentals but also from other commercial ventures. They
25 saw opportunities for synergy and utilization of local spaces that could benefit both residents and
26 visitors alike. Mayor Rubin emphasized that success in this endeavor could lead to broader
27 community benefits and increased usage of local amenities by both residents and visitors.

28 There being no further comments from the public, Mayor Rubin closed public comment at 9:10
29 pm.

30 Council Member Gunn expressed conditional support for the proposal, outlining specific
31 clarifications he would like to see in the MDA before voting. Firstly, he emphasized the need for
32 clarity that the assignment of TRT and sales taxes continues indefinitely, even beyond the
33 expiration of the amendment. Secondly, he proposed that the \$50,000 allocation be flexible for
34 use in any public safety or similar facility within Hideout, potentially including Temporary
35 Station 56. Thirdly, he suggested that the areas authorized for nightly rentals should be subject to
36 all town ordinances, ensuring that any future regulations would apply comprehensively. Council
37 Member Gunn stressed that his intent was not to reserve the right to outlaw nightly rentals but to
38 ensure that reasonable regulations could be applied if needed in the future. He requested feedback
39 from Mr. Brockbank on whether these principles aligned with his understanding and agreement.

40 Ms. McLean brought up several points regarding the MDA. She noted that there were still some
41 typos present in the document despite previous revisions. While acknowledging that these were
42 non-substantive issues, she emphasized the importance of correcting them. Additionally, she

1 pointed out a change in the expiration date of the MDA, which she felt was an important detail
2 for the Council to consider and discuss.

3 Ms. McLean raised a point about the timing of transferring water rights, which had been
4 previously discussed. Mr. Brockbank responded by referencing the MDA, noting that it currently
5 stipulated the transfer of \$50,000 and water rights within sixty (60) days of execution. He offered
6 to deliver the funds and water within thirty (30) days of execution indicating his preference for
7 the shorter timeframe. Ms. McLean then suggested striking paragraph six from the agreement.
8 Council Member Gunn confirmed this detail was satisfactory.

9 Mr. Eddington provided updates on the Third Amendment to the MDA, highlighting changes
10 made in collaboration with Mr. Brockbank and reviewed by Ms. McLean.

11 These updates included:

- 12 1. Striking paragraph 6 Term of Agreement.
- 13 2. Adding the legal description as Exhibit A.
- 14 3. Clarifying language related to property management companies for homeowners,
15 specifying that all individual homeowners except for those in Phase 1 would be required
16 to use one of the two designated property management companies.
- 17 4. The dedication of the \$50,000 would go towards the construction of a fire station or
18 other public facility or amenity located within the town boundaries.
- 19 5. The assignment of the resort community and sales tax revenue is in perpetuity and shall
20 survive the termination of the MDA.
- 21 6. No Accessory Dwelling Units (ADUs) may have a nightly rental allowance.
- 22 7. All nightly rentals must be for a minimum period of two (2) consecutive days.
- 23 8. No more than six (6) unrelated persons may stay overnight in a single unit at any one time.
- 24 9. No more than two (2) automobiles are allowed to park on the property at any time.
- 25 10. All nightly rental contracts must include a copy of Hideout's trash, parking and noise
26 ordinances and a "Good Neighbor Brochure" that summarized these requirements and
27 what is expected of the renter. These documents must be clearly posted in the rental unit
28 at all times.
- 29 11. The owner of the nightly rental unit agreed to allow the Wasatch County Health
30 Department's designee and the Wasatch Fire Department's designee to conduct an annual
31 walk-through inspection of each rental unit to ensure compliance with all Town health,
32 safety and welfare requirements. This review will also include an assessment of local
33 government and/or local service district responses to the property. If three (3)
34 substantiated complaints (e.g. police, fire, or similar emergency management services)
35 relative to a property within a 24-month period are confirmed, the nightly rental may be
36 revoked for a period of up to one (1) year.

37 Mr. Eddington then presented an updated phasing plan and unit count for Phase 8, which had
38 been approved by the Planning Commission. Proposed changes included:

- 39 1. A change from the originally proposed duplex/townhouse units to cottage units

2. Include a commercial pad with vertical buildout for tenant(s)
3. Include a clubhouse/community center with a swimming pool
4. Include two (2) affordable/workforce housing units

There was discussion about the minimum square footage for the commercial space, which was left unresolved pending further review. Mr. Brockbank expressed concerns about the feasibility of including workforce housing versus additional commercial space on the second floor. Council Members deliberated on the necessity of specifying these details in the MDA versus leaving them to future approvals. Ultimately, it was decided to focus on including essential uses like the commercial pad and clubhouse in the MDA, with specifics to be finalized at a later time.

There was a brief discussion regarding the process to amend the MIDA Interlocal Agreement. Mr. Sant clarified that Mr. Brockbank must draft a letter endorsing the proposed changes. This letter would then be submitted to MIDA Staff, requesting inclusion on the upcoming agenda for consideration.

There being no further comments or questions from Council, Mayor Rubin asked for a motion.

Motion: Council Member Baier made a motion to amend the Master Development Agreement for the Deer Springs Subdivision allowing short-term/nightly rentals in all phases except Phase 2A with the changes to the MDA as described. Council Member Gunn made the second. Voting Yes: Council Member Baier, Council Member Gunn, and Council Member Haselton. Voting No: Council Member Nadelberg and Council Member Severini. The motion carried 3-2.

Council Member Haselton expressed gratitude to Mr. Brockbank for his support as a developer in Hideout. Council Member Severini followed, emphasizing Mr. Brockbank's positive impact while suggesting room for improvement in future approaches. Mr. Brockbank responded, expressing appreciation for the collaborative governance process and committed to continuing his dedicated work in Hideout. Mayor Rubin concluded by thanking everyone involved, particularly recognizing the efforts of Mr. Sant throughout the deliberations.

VI. Committee Updates

1. Planning Commission - *Planning Commissioner Joel Pieper*

Planning Commissioner Joel Pieper provided a brief report. He noted that no new projects were on the agenda last month, so no meeting took place. The next scheduled meeting was set for Thursday, May 16th, at 6:00 pm. On the agenda for the upcoming meeting were discussions about relocating a driveway in Reflection Ridge and possibly addressing zoning ordinances related to hot tubs, spas, and swimming pools. Mayor Rubin thanked Commissioner Pieper for his update and expressed appreciation for his presence at the meeting.

2. Economic Development Committee - *Council Member Severini*

Council Member Severini highlighted several recent activities. He noted the addition of Tim Dora, a new member of the EDC who was a hotel owner and developer actively involved in efforts to attract hotels to the Town. Mr. Dora had agreed to sign the non-disclosure and sensitive

1 information forms, indicating his commitment to contributing ideas and insights for hotel
2 development.

3 Council Member Severini also mentioned meetings with David and Daniel Salzman to discuss
4 the evolution of their property post-Bloom, emphasizing their goals which mirrored previous
5 development ambitions. He praised the Salzman's for their constructive engagement and
6 discussed ongoing discussions with Dave Cummings regarding development in the Jordanelle
7 area near Heber.

8 Looking ahead, Council Member Severini identified Ross Creek and the Salzman property as key
9 focus areas for commercial and mixed-use development efforts. Ms. McCosh confirmed the
10 summary and acknowledged the ongoing work ahead for the Committee.

11 Mayor Rubin clarified that the Bloom project was no longer viable and emphasized the need to
12 refer to the Salzman property accurately moving forward.

13 **3. Design Review Committee - Town Planner Thomas Eddington**

14 Mr. Eddington reported that while there were no significant new projects to review over the past
15 month, the Committee was beginning to engage with developers on landscaping matters.
16 Specifically, they were addressing concerns regarding native grasses and exploring ways to
17 supplement and enhance landscaping efforts. This proactive approach reflected the Committee's
18 focus on ensuring aesthetic and environmental considerations aligned with community
19 expectations and project requirements.

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

21 Council Member Baier shared exciting news that the Utah Outdoor Recreation Grant had been
22 approved for the Ross Creek project, securing approximately \$35,000 towards a total project cost
23 estimated at \$150,000. The project, which included significant in-kind contributions from the
24 State Park, would involve constructing a new one-mile trail connecting a parking lot to the
25 perimeter trail. This trail aimed to redirect pedestrian traffic away from roadways within the State
26 Park, which would enhance safety and accessibility. Additionally, the project addressed
27 environmental concerns such as water flow disruptions caused by previous construction activities
28 from Shoreline to Lakeview. The Committee expressed gratitude for the collaborative effort and
29 highlighted ongoing efforts to secure additional funding through grants to offset the Town's
30 financial commitment.

31 **5. Transportation Committee - Council Member Haselton**

32 Council Member Haselton provided details on the spring, summer, and fall schedule for the
33 Richardson Flat bus service. The service, now running with the original silver bus, operated every
34 40 minutes starting at 6:45 am from Richardson Flat. The last bus departed at 7:45 pm from both
35 Richardson Flat and Old Town Transit Center. It included three (3) mid-route stops and was not
36 an express service. Council Member Haselton noted that there were currently no updates available
37 from High Valley Transit.

1 **VII. Approval of Council Minutes**

2 **1. March 6, 2024 Town Council Meeting Minutes DRAFT**

3 Council Member Haselton noted a typo on page 2, line 40, changing “and” to “an”.

4 *Motion: Council Member Haselton moved to approve the March 6, 2024 Town Council*
5 *Meeting Minutes with the aforementioned correction. Council Member Gunn made the*
6 *second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member*
7 *Nadelberg, and Council Member Severini. Abstaining from voting: Council Member*
8 *Haselton. There were none opposed. The motion carried.*

9 **VIII. Follow up of Items from Approved Minutes**

10 There were no follow up items from the approved minutes.

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

13 Council Member Baier indicated she would like to discuss pending litigation. Therefore, Mayor
14 Rubin asked for a motion to adjourn the public meeting and move into a closed Executive Session.

15 *Motion: Council Member Gunn moved to adjourn the public meeting and reconvene in a*
16 *closed Executive Session to discuss pending litigation. Council Member Severini made the*
17 *second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member*
18 *Haselton, Council Member Nadelberg, and Council Member Severini. There were none*
19 *opposed. The motion carried.*

20 The Regular Meeting adjourned at 10:01 pm.

21
22 Mayor Rubin called the Executive Session to order at 10:10 pm.

23 **Present:** Mayor Phil Rubin

24 **Attending Remotely:** Council Member Chris Baier
25 Council Member Jonathan Gunn
26 Council Member Carol Haselton
27 Council Member Bob Nadelberg
28 Council Member Ralph Severini

29
30 **Staff Attending Remotely:** Town Attorney Polly McLean

31
32 **X. Meeting Adjournment**

33 *Motion: Council Member Gunn moved to adjourn the Executive Session. Council Member*
34 *Baier made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council*
35 *Member Haselton, Council Member Nadelberg, and Council Member Severini. There were*
36 *none opposed. The motion carried.*

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The meeting adjourned at 10:57 pm.

Alicia Fairbourne, Recorder for Hideout

DRAFT