

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
November 10, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on November 10, 2021 at 6:30 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

I. Call to Order

1. No anchor site determination letter

Mayor Rubin called the meeting to order at 6:36 p.m. and reminded participants there was no anchor site location due to the ongoing COVID-19 pandemic.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Chris Baier
Council Member Carol Haselton
Council Member Sheri Jacobs (*appointed and sworn in during meeting, excused at 8:22 p.m.*)
Council Member Bob Nadelberg
Council Member Ralph Severini

Staff Present: Town Attorneys Polly McLean and Cameron Platt
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Director of Engineering and Public Works Timm Dixon
Public Works Director Daniel Allen
Town Engineer Dillon Bliler
Public Works Staff Kent Cuillard
Town Clerk Alicia Fairbourne
Deputy Town Clerk Kathleen Hopkins

Others Present: Kathleen Shepley, Murray Gardner, McKay Christensen, Todd Amberry, Rick Brough (KCPW), Harrison Littledike, Jonathan Gunn, Jessica Ramsey (Solstice Homes Representative), Patrick Todd, Chris Ensign and others who may have logged in using a partial name or using only a phone number.

III. Approval of Council Minutes

1. October 16, 2020 Meeting Minutes DRAFT

Council Member Severini stated he would like further detail to be captured in the minutes, and therefore, the October 16, 2020 approval of council minutes was deferred to the December 9, 2021 meeting.

2. May 13, 2021 Meeting Minutes DRAFT

Council Member Haselton suggested reordering the minutes to reflect the order in which the meeting was discussed. Therefore, the May 13, 2021 approval of council minutes was deferred to the December 9, 2021 meeting.

IV. Filling of Council Vacancy

1. Discussion and possible action regarding filling the Council vacancy

Mayor Rubin discussed the Council vacancy left by Jerry Dwinell and explained there were two candidates who had stepped forward to fill Mr. Dwinell's term. He introduced the first candidate, Jonathan Gunn, and asked Mr. Gunn to provide a statement of what he wanted for the future of the Town. Mr. Gunn thanked Mayor Rubin for the opportunity and stated his motive was to help Hideout be the kind of place that all would like to live. He wanted to make a contribution to the Town by bringing his skills, training and experience to make the Town a better place to live.

Council Member Nadelberg noted Mr. Gunn had a legal background which would be beneficial to the Council. He asked Mr. Gunn if he had done any type of community volunteer work specifically to city or government relations. Mr. Gunn replied he was the president of a Homeowner's Association (HOA) in Champaign, Illinois when the developer turned the development over to the residents.

Mr. Gunn pointed out his certifications in emergency preparedness, which was necessary to give government officials directive and advice on emergency management issues.

Council Member Baier asked if there was anything in particular which he had observed and was passionate about since he had become involved in the Town. Mr. Gunn stated he would like to preserve the character of the Town, noting its uniqueness was why he chose Hideout when moving from Chicago. He realized growth was inevitable, however, he would like to contribute to preserve the small-town feel. He would also like to preserve property values for residents, as well as make it an attractive place to those who value these types of things. Council Member Baier noted the time commitment involved in order to participate not only on Council but other committees as assigned. Mr. Gunn stated he was semi-retired, only working approximately three hours per week, and he did not have a secondary home elsewhere.

Mayor Rubin introduced the second candidate, Sheri Jacobs, and asked her to provide her background with the Town. Ms. Jacobs stated she moved to Hideout for many of the same reasons as Mr. Gunn and added her love of the residents. She stated she would like to be a part of the community and serve on the Council. She expressed her desire to grow the Town and be a part of the solution to become part of the greater community. She noted she was a graduate of Stanford University and she and her husband moved to Hideout from Florida where they owned

a large catering and event planning company. She is currently a realtor in the area and is familiar with development and property values.

Council Member Baier was excited to learn of Ms. Jacobs' background in business and real estate. She asked if Ms. Jacobs worked full time, to which Ms. Jacobs replied she was working full time although not as many hours as when she was running the catering business in Florida. She noted she was part of the beginnings of the Social Committee in Hideout, however, it was disbanded due to the COVID-19 pandemic. She hoped she could continue the Committee in the future.

Council Member Severini asked both candidates which issues were important to the Town. Ms. Jacobs responded stating Hideout needed to build a better reputation in the surrounding community. She would also like to make the roadways safer for residents by working with the developers to ensure the construction trucks slowed down on residential roads. Mr. Gunn replied his primary interest was the utility access easement road which ran behind his home. Secondly, as a bigger issue, he would like to be involved in finding the right balance between the commercial and residential development within the Town in order to bring some revenue to the Town.

Council Member Baier expressed she was delighted to have two highly qualified candidates with very different backgrounds. She reiterated Ms. Jacobs' desire to assist Hideout build a better reputation while having a local real estate background. Mr. Gunn's background was in legal, which was valuable to the Council because of the nature of the Council's role in passing laws pertaining to the Town. Council Member Baier stated she would like to see someone with a legal background on the Council.

Council Member Severini stated the candidates were both terrific and had excellent backgrounds. He encouraged the candidate who was not selected to consider serving on the Hideout Planning Commission or Economic Development Committee as a starting point. He thanked both candidates for being willing to serve.

Council Member Nadelberg expressed his thoughts of both candidates being good choices and noted how much of a time commitment serving on the Council was. He felt because Mr. Gunn was semi-retired, it may be a better fit.

Council Member Haselton thanked both candidates and noted the high turnover rate in the Council seats. She mentioned she had not made up her mind, however she suggested whoever was not selected could have a future opportunity in the event of another resignation.

Council Member Baier inquired how each candidate would interact with Town Staff when a dissonance between constituents and Staff arose. Mr. Gunn stated Council had a duty to the Town but would open conversations between Staff and Council to look at both perspectives and find solutions while doing what was best for the Town. Ms. Jacobs replied, stating enforcing the rules of the Town was part of Council's duties, but having open communication with the involved parties to ensure a complete understanding of those rules was equally important.

There being no further questions from Council, Mayor Rubin asked for a vote from Council.

Voting in favor of Mr. Gunn: Council Member Nadelberg and Council Member Baier. Voting in favor of Ms. Jacobs: Council Member Severini and Council Member Haselton. Due to a tie vote, Mayor Rubin executed his power and selected Ms. Jacobs.

Motion: Council Member Nadelberg moved to appoint Sheri Jacobs as a council member vacated by former Council Member Jerry Dwinell. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg and Severini. Motion passed.

Town Clerk Alicia Fairbourne read the Oath of Office to Ms. Jacobs and officiated her as a Council Member of the Town of Hideout.

V. PUBLIC HEARING

1. Continued discussion and possible approval of the Official Zoning Map of the Town of Hideout

Town Planner Thomas Eddington presented the proposed Official Zoning Map of the Town. He noted the Map was reflective of the zoning detailed in the Hideout General Plan, with four exceptions outlined in the Staff Report (included in the meeting materials).

- Deer Mountain Affordable Housing, which had either been zoned Mountain (M) or designated by its land use on prior maps. Mr. Eddington noted the existing apartments were multi-unit structures, which should have been zoned as Residential Medium Density (RMD).
- Lakeview Estates, which prior maps illustrated as Mountain (M), but was rezoned to Residential Medium Density (RMD) by Council in June 2019.
- Designation of the Town-owned land south of Deer Springs and at the Ross Creek entrance as Neighborhood Commercial (NC) zoning.
- Right-of-way designation clarification of what was a road along the west side of Shoreline, Lakeview, and Deer Waters subdivisions has now been clearly identified as an access (and utility) easement.

Mayor Rubin noted if the land located at the entrance to the State Park was zoned as Neighborhood Commercial (NC), the Tax Authority may make the Town pay property tax on that land although no commercial business was being conducted on it. Town Attorney Polly McLean stated she would work with Town Administrator Jan McCosh to determine if that were the case.

Mayor Rubin also noted Deer Springs was reflected on the Map as Mountain (M), however the subdivision was not approved at the Mountain (M) density. Mr. Eddington stated he found there was a Planned Performance Development (PPD) overlay pursuant to the Ordinance which granted them additional densities. Mayor Rubin agreed, recalling there was additional density granted because of amenities agreed on by the Master Developer. Mr. Eddington pointed out it was reflected in the map legend and noted the KLAIM development had a similar PPD overlay as well.

Mayor Rubin thanked Mr. Eddington, Town Attorney Polly McLean, Abby Kau from T-O Engineering, and Staff for the work performed on completing the Map. Ms. McLean noted she had received an email at 5:30 p.m. from Mustang Attorney Jared Fields on behalf of Mustang Development who stated he could not attend the meeting but gave Ms. McLean permission to

convey to Council that Mustang Development had no objection to the proposed Zoning Map, and thanked Council for considering the comments made during the approval process.

Council Member Baier inquired about the small triangle-shaped piece of property, identified as the Venturi property, and asked why it was excluded in the surrounding RSPA zoning. Mayor Rubin stated it was excluded in the Master Development Agreement (MDA) boundary and was not subject to the Homeowner's Association (HOA).

Council Member Severini asked if it were possible to know who owned the land surrounding the Town. Mr. Eddington stated he could create a map with that information if Council Member Severini desired.

Mayor Rubin reiterated the Map reflected the conditions for which the Town was created with the exceptions noted above. He reminded Council additional research would be conducted regarding the Neighborhood Commercial zone and asked if Council would like to wait to adopt the Zoning Map until after that research was completed. Ms. McLean mentioned an internal document was presented to the Planning Commission regarding density pods, which were located within the RSPA area but were not part of the Official Zoning Map. She stated Mustang Development had some opposition to those density pods, however she had not been able to meet with Mr. Fields to discuss the opposition as of the date of this meeting.

At 7:48 p.m., Mayor Rubin opened the floor for public comment and reviewed the procedures for commenting via Zoom.

Jonathan Gunn noted the utility easement was now separated as a different color than public roads and offered his appreciation for taking his comments into consideration. Regarding the Map legend, he inquired if clarification could be made of what "Access Easement" included. Mr. Eddington stated it was an emergency access easement and utility access easement. Mr. Gunn thanked Mr. Eddington for the clarification.

There being no further public comments, Mayor Rubin closed public input at 7:51 p.m.

Council Member Nadelberg suggested deferring the approval of the Map until the next meeting. Council Member Baier agreed to defer the approval until the December 9, 2021 Regular Council Meeting.

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

At 7:53 p.m., Mayor Rubin opened the floor to public input for any issues not listed on the agenda.

Council Member Baier inquired about the Dark Skies Ordinance and inquired if any further progress had been made on the lighting study. Mr. Eddington stated a Request for Proposal (RFP) had been noticed, however the closing date was November 12, 2021. Mr. Eddington would provide an update once the RFP had closed.

Council Member Haselton wanted to recognize and thank KCPW reporter Rick Brough who was retiring on November 12, 2021. Mr. Brough was in attendance during this meeting and had provided news coverage for many meetings regarding Hideout. Mayor Rubin offered his congratulations.

Council Member Severini stated there were now three members of the Economic Development Committee – Craig Dupper, Scott Davis and Keith Marmer, who were highly qualified members of the Committee. He would like to introduce the members in the December Council meeting.

There being no further public comment, Mayor Rubin closed the public input portion of the meeting at 7:58 p.m.

VII. Agenda Items

1. Presentation regarding a planned community development project on the Salzman property

Ms. McCosh introduced McKay Christensen and Todd Amberry, who had been working on a concept plan development for property owned by Salzman Utah Generations LLC, located on the uphill side of the Town (known as the Salzman property).

Mayor Rubin and Ms. McLean made note a formal application had not been submitted and this concept plan was not binding at this time. It was only a presentation of a potential development and had not gone through the application process of a rezone, concept plan, or public hearing.

Mr. Christensen presented a concept plan and described the potential development, including converting the existing home into a bed and breakfast which would host approximately twenty (20) beds and a restaurant. A new one-hundred forty-four (144)-bed hotel would be constructed, along with six (6) new larger condo buildings which would host approximately one-hundred forty-four (144) additional units. The development would include townhomes, casitas, villas, lodges, and one-third to one-acre single-family homesites, all with structures varying in square footage size. A trail system would be implemented as well as a pavilion and amphitheater.

Council Member Nadelberg inquired if the townhomes and other units would be permanent residences. Mr. Christensen stated aside from the hotel and the bed and breakfast – which would be nightly rentals – the units would be considered primary or secondary residences. Council Member Nadelberg inquired if the amenities would be available to all residents of the town. Mr. Christensen explained the roads and trails would be made public, however an HOA would be created, in which members of the community would pay for the maintenance of the facilities. Mr. Christensen envisioned residents of Hideout could pay into the HOA or purchase a membership if they wanted to have access to the amenities.

Council Member Jacobs was excused at 8:22 p.m.

Council Member Severini stated by allowing the Town to use some of the property for commercial real estate would add economic value to the Town. He added the slopes were a concern due to the percentage of the grade in the area and would like an evaluation on them.

Council Member Haselton expressed she would like to see the property since she was unfamiliar with it. Discussion regarding a site visit was had.

There being no further comments from Council, Mayor Rubin thanked Messrs. Christensen and Amberry for the presentation.

2. Ratification of KLAIM Phases 1 and 2 Subdivision and plat amendment

Mr. Eddington explained the KLAIM subdivision received final subdivision approval in December 2017. There were many delays in the project due to the connectivity to SR-248 through the Utah Department of Transportation (UDOT), amongst other things. The applicant requested an extension for final subdivision approval through the Planning Commission, however, the extension was not brought forth to Council. Phase 1 and Phase 2 plats had since been recorded. The presented subdivision plats had not changed from recordation, but the proper procedures should have been followed. This was seeking ratification of what had been recorded.

KLAIM developer Chris Ensign verified eighty-eight (88) overall units had been approved. The subdivision and Phase 1 and Phase 2 plat maps were presented and discussed. Mr. Ensign thanked the Town Staff for working with Solstice Homes and UDOT on the completion of the acceleration and deceleration lane connecting SR-248 to the subdivision, and asked Council if they had any questions.

Council Member Baier inquired of the trails which were offered as a condition of approval. She would like to see the trails in the details of future phases. Mr. Ensign stated the trails were planned for but not created since construction was still taking place. He offered to discuss privately with Council Member Baier where those trails would be located.

Mayor Rubin asked if there were any further questions from Council or if the public had any comments.

Mr. Ensign asked for clarification regarding if this was an extension or a ratification. Ms. McLean explained the Phase 1 and Phase 2 plats were recorded without going through the proper procedures according to state law, and therefore, this was a ratification. Future phases would go through proper procedures.

Jessica Ramsey, a real estate attorney representing Mr. Ensign and Solstice Homes, asked if the final approval on the overall KLAIM subdivision was still valid. Ms. McLean explained what was approved in December 2017 was not a plat approval, but rather, an approval on a preliminary plat or concept plan which did not have the level of detail needed according to town code and state law. Ms. McLean stated the concept plan was still valid, however each phase of the subdivision required approval through both Planning Commission and Town Council.

There being no further comments, Mayor Rubin asked for a motion to ratify the KLAIM Phase 1 and 2 subdivision and plat amendments.

Motion: Council Member Severini moved to ratify KLAIM Phases 1 and 2 subdivision and plat amendment. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

3. Discussion and possible approval of an extension beyond the six-month timeline noted in Ordinance 2021-O-03 to record Deer Springs Phases 2A and 2B plat maps

Mr. Eddington explained Deer Springs Phases 2A and 2B had not been recorded within the six (6)-month timeline pursuant to Hideout Town Code. The Developer was seeking an additional six (6)-month extension to record the plats. He noted there were no changes to the subdivisions.

There were no questions from Council, and therefore, Mayor Rubin asked for a motion to grant a six (6)-month extension to record the plats.

Motion: Council Member Baier moved to approve an extension beyond the six (6)-month timeline noted in Ordinance 2021-O-03 to record Deer Springs Phases 2A and 2B plat maps. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

4. Presentation of fiscal first quarter financials

The fiscal first quarter financials presentation was continued to the December Regular Town Council meeting.

5. Set a date and time for the Board of Canvassers Meeting to certify the 2021 municipal election results

Mayor Rubin explained a Board of Canvassers Meeting must be held to certify the election results of the 2021 Municipal General Election. He asked Council which date they would like to hold the Meeting. Council agreed on Monday, November 15, 2021 at 6:00 p.m.

6. Discussion and direction regarding the Park City annexation attempt of area within Hideout's Annexation Declaration Area

Mayor Rubin explained Park City had announced an annexation plan which overlapped with Hideout's Expansion Plan. Ms. McLean further explained the annexation area did not overlap the proposed Silver Meadows Annexation and felt the Town had reason to protest Park City's annexation considering a Referendum Election had taken place and Hideout residents were in support of the annexation.

Mayor Rubin noted if the landowners in Park City's annexation area would be willing to work with Hideout as opposed to Park City, the Town would be willing to consider that.

Council Member Baier recalled the General Plan process, which was very deliberate to identify the annexation extension area. The same reasons for the Town to want the annexation area existed, and therefore, she was in favor of filing the protest.

Council Member Severini asked if discussions could be had with the newly elected officials set to take office in January 2022. Ms. McLean explained due to the thirty (30)-day timeline established by statute, there would not be adequate time to file a protest since Park City certified the annexation on October 28, 2021. Council Member Severini expressed he did not want to protest for fear it would create a conflict between the newly elected administration and Hideout. Mayor Rubin agreed but felt the protest could be drafted in such a way that would open dialogue between Hideout and Park City administration. He explained the protest needed to be legally documented prior to the deadline.

Discussion regarding the pros and cons of filing a legal protest were heard. Ms. McLean explained the annexation process, which was initiated by Park City. By Hideout filing a legal protest, Summit County would establish a County Boundary Commission and follow the legal process. If a protest was not filed, it would waive Hideout's rights and allow Park City to move forward with their Annexation Plan.

Ms. McLean explained during Hideout's General Plan process, an Expansion Plan Area was established, which meant if Hideout were to expand, it would have to fall within that area (indicated by the purple line on the map included in the meeting materials). After Hideout had adopted the Expansion Plan Area, Park City modified their General Plan to extend the Park City Expansion Area over what Hideout had established (indicated by the red line on the map included in the meeting materials). She noted the reasons for filing the protest, which included:

- An island would be created within the annexation for Park City
- Pursuant to state statute, a letter should have been mailed to Hideout due to the Silver Meadows Annexation Ordinance, the Certification of Annexation by the Lieutenant Governor's Office, and the Referendum Election, effectively establishing the Silver Meadows property as part of the Town's Annexation Plan

Council Member Baier expressed she felt it was in the Town's best interest to file an official protest. Council Member Severini agreed but would like to use this as an opportunity to have dialogue with the newly elected administration. Mayor Rubin agreed and stated he would contact the new administration to have those discussions.

After further discussion from Council, it was determined to approve the Mayor to utilize Town resources to file the appropriate documentation against Park City's annexation attempt.

Motion: Council Member Nadelberg moved to allow the Mayor to file a protest against Park City's Annexation petition. Council Member Baier made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

7. Discussion and possible adoption of an Emergency Operations Plan

Mayor Rubin had made contact with the leader of the Wasatch County Emergency Operations Plan (EOP). Details regarding how the Town and Wasatch County would work together were still being discussed, however, the Town could establish an EOP.

Town Attorney Cameron Platt explained there were three items which would need to be resolved for the EOP to be established:

1. Wasatch County would need to be willing to operate as the Town's EOP organization
2. A written plan would need to be established
3. An order of succession would need to be designated

Resolution 2021-R-09 was presented and discussed. Mr. Platt explained the Emergency Manager's role was to organize the resources with the Town, County, State or Nation to handle the emergency. Although the Emergency Manager was designated as a single person, the Town's Administration would be required to approve what resources were needed.

There being no further comments or questions from Council, Mayor Rubin asked for a motion to adopt an EOP and emergency interim successors for Town officers.

Motion: Council Member Haselton moved to support Resolution 2021-R-09 adopting an Emergency Operations Plan and emergency interim successors for Town officers. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

8. Discussion and possible adopting of a winter parking ordinance

Director of Engineering and Public Works Timm Dixon presented the Winter Parking Ordinance and explained the changes made since the previous discussion.

Council Member Baier asked how the dates in Section 7.18.020 were determined. Mr. Dixon explained those dates were established by most other cities in the state, and the Ordinance was copied from other cities and modified for the Town. He noted the date could be changed if Council desired. Council Member Baier noted the existing signs stated October 30. Mr. Dixon would change those signs.

Mayor Rubin suggested defining “residential street” in Section 7.18.060. Mr. Dixon agreed to add that definition.

Council Member Severini asked how this Ordinance would be socialized to the residents. He suggested forwarding the Ordinance to the Town’s HOAs to notify residents as well as posting on the Town website. Mayor Rubin and Mr. Dixon agreed.

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

Motion: Council Member Nadelberg moved to enact an Ordinance for winter parking for vehicles and snow removal from streets with the correction to define residential streets in Section 7.18.060. Council Member Severini made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

9. Discussion and possible amendment of Hideout Municipal Code 1.16 PURCHASING

Mayor Rubin presented an Ordinance which amended Hideout Municipal Code 1.16 PURCHASING and explained Mayor and Staff had been operating under the understanding that only purchases over ten-thousand dollars (\$10,000) needed Council approval. Upon further review of the Code, the purchase amount was much lower. Mayor Rubin was seeking to modify the purchase approval requirements for Staff.

Council Member Baier inquired if the purchasing requirement amounts presented were consistent with other towns of similar size. Ms. McLean explained she had done purchasing policies for other towns, and these were lower than what she had seen elsewhere. The amounts could be amended in the future if needed. She further noted Town Code had a provision for emergency purchases in place.

There being no further questions from Council, Mayor Rubin asked for a motion to support the amendment of the purchase approval requirements as discussed.

Motion: Council Member Nadelberg moved to approve the purchase approval requirements as presented in Ordinance 2021-O-16, amending Hideout Municipal Code 1.16 PURCHASING. Council Member Baier made the second. Voting Yea: Council Members Baier, Haselton, Nadelberg, and Severini. None opposed. Motion passed.

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

There being no further public business and no need for an executive session, Mayor Rubin asked for a motion to adjourn the meeting at 9:55 p.m.

IX. Meeting Adjournment

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

The meeting adjourned at 9:55 p.m.



Alicia Fairbourne
Alicia Fairbourne, Town Clerk

APPROVED