

Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
April 08, 2021

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on April 08, 2021 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Regular Meeting and Public Hearing

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

1. Mayor Rubin's No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:03 pm and read the No Anchor Site Determination Letter in its entirety.

II. Roll Call

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

Staff Present: Town Attorney Polly McLean
Town Administrator Jan McCosh
Town Planner Thomas Eddington
Town Engineer Dillon Bliler
Director of Public Works Kent Culliard
Town Clerk Alicia Fairbourne
Deputy Town Clerk Kathleen Hopkins

Others Present: Abbi Kau (T-O Engineers), Jeffrey Schiff, Chris Tihansky, Kurt Shadle, Brian Cooper, Brian Amerige, Ann Blomquist, Nate Brockbank, Jeff Bawol, Jason Day, Lisa Christjans, Sheri Jacobs, Rachel Cooper, Martina Nelson, John Ray, Juan Lee and others who may not have logged into Zoom using their full or proper name, or who dialed in using only a phone number.

III. Approval of Council Minutes

- 1. November 12, 2020 Meeting Minutes DRAFT**
- 2. February 11, 2021 Town Council Meeting Minutes DRAFT**

There were no corrections or comments regarding minutes.

Motion: Council Member Haselton made the motion to approve the November 12, 2020 and February 11, 2021 Town Council meeting minutes. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion carried.

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

Mayor Rubin addressed an email which was sent by the Hideout HOA (Homeowners Association) to residents concerning the offer to sell the Outlaw Golf Course to the Town. Mayor Rubin was unsure what the Town's position would be on the potential transfer and opted not to take public comment on the matter.

At 6:10 pm, Mayor Rubin opened the floor to public comment.

Town resident Kurt Shadle expressed his concern regarding the purchase of the golf course and noted there was not enough information provided from the HOA to its members in order to make an informed vote. He urged Council and residents to vote no on the purchase without more information.

Town resident Jeffrey Schiff expressed his concern with the golf course being zoned as residential single family and wondered if the Town had jurisdiction over whether it could be kept as recreational property or open space. Mayor Rubin noted the Town's legal counsel was researching all aspects of the potential transfer of property.

There being no further public comments, Mayor Rubin closed the public comment portion of the meeting at 6:16 pm.

V. Public Hearing

- 1. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 3**
- 2. Hold a public hearing, discuss and possible action on the final subdivision plat application for the Deer Waters subdivision Phase 4**

Clerk's note: Public Hearing items 1 and 2 were discussed together as described below.

Mayor Rubin asked Town Planner Thomas Eddington to present the recommendation from the Planning Commission and provide input regarding the final subdivision plat application for the Deer Waters Phase 3 subdivision.

Mr. Eddington explained the application had been approved over a year ago, and based on the Town's municipal code, the approval had expired. The subdivision application was presented to the Hideout Planning Commission during the March 18, 2021 meeting and received a favorable recommendation. The application presented to the Planning Commission and Town Council during the meeting was consistent with the previous application, however, the developer reduced the density from 112 units to a total of 102 units. Developer Nate Brockbank stated he had worked with former Council Member Kurt Shadle to provide variation and depth between units, going from single story to two story structures and so on.

Council Member Jerry Dwinell noted the Town's current Municipal Code required roads be 26-foot-wide asphalt plus curb and gutter. Mr. Brockbank stated his approved MDA (Master Development Agreement) fell under the previous Municipal Code of 23-foot-wide asphalt; however, he was willing to make the change to road "D" to comply with current Municipal Code for lots 89 through 102.

Council Member Chris Baier inquired about the bike/jogging trail which connected from Ross Creek to the beginning of Deer Waters Phase 1 and wondered if it would continue through the rest of the phases of the subdivision. Mr. Brockbank replied it would be continued through Phase 2, 3, and 4, but because of the construction, it would be completed last. He noted Phases 1 and 2 were almost complete and the trail was scheduled to be constructed once the phases were completed. Mr. Brockbank also noted he would be moving the sewer lift station in Lakeview Estates and removing the sewer lift station in Deer Waters, which would require more construction on Shoreline Drive. He also stated the potholes on Shoreline Drive would be repaired in the near future, and, upon the completion of the phases, Shoreline Drive would be repaved with new asphalt.

Mr. Brockbank discussed the presented concept map and noted the two pickleball courts, a playground, four benches, a drinking fountain, additional parking stalls, a drip system to the trees. He pointed out the trail system which would continue to the park. Council Member Dwinell inquired if the trail met up with the future Lakeview Trail, to which Mr. Brockbank replied it would.

Council Member Dwinell asked about the specifics of the fencing around the pickleball courts. The specifications called for a three- to six-foot high fence. Council Member Dwinell was concerned the fence would be obstructive to the views if it were too high, but understood it needed to be high enough to keep the ball on the court. Mr. Brockbank stated a three- to four-foot fence would be sufficient, with the four-foot height on the downhill slope and three-foot height on the uphill slope. Discussion regarding the proper fencing materials continued.

Council Member Ralph Severini inquired if the lighting of the park and pickleball courts would comply with the Dark Skies Ordinance which was being considered by Council. Mr. Brockbank ensured Council he would make it compliant.

Town Planner Thomas Eddington presented Ordinance 2021-02 which described the findings of fact, conclusions of law, and conditions of approval for Deer Springs Phase 3 and Phase 4 and explained he had been noting the recommended changes which were agreed upon during the discussion. Mr. Eddington pointed out notations made from Engineering, which were incorporated into the Ordinance, regarding retaining walls and permitting.

There being no further questions from Council, at 6:49 pm, Mayor Rubin opened the floor to the public for input.

There were no comments from the public, and therefore, Mayor Rubin closed the public comment portion at 6:50 pm.

Motion: Council Member Dwinell made the motion to approve Ordinance 2021-02, approving the Deer Waters Phase 3 and Phase 4 subdivisions with the modifications as described on the road width and the fencing around the pickleball court. Council Member Severini made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion carried.

VI. Agenda Items

1. **Consideration to grant a 30-day extension for the Plumb Subdivision beyond the one-year timeline to record with Wasatch County**

Mayor Rubin presented a letter from Mr. Jason Day, the builder for the property, asking for a 30-day extension of the approval given by Council in April 2020, in order to meet the terms and conditions of approval and record the plat with the Wasatch County Recorder's Office.

Town Engineer Dillon Bliler stated Mr. Day had completed the subdivision application and submitted the cash warranty bond, inspection fee and application fee. A pre-construction meeting had been held, however, in order to record the plat, a letter of credit needed to be obtained. Town Attorney Polly McLean stated she had received an email from Mr. Day's bank stating the letter of credit had been submitted.

Motion: Council Member Nadelberg made the motion to grant a third extension for the Plumb Subdivision, which expired on April 9, 2021, to expire on May 9, 2021. Council Member Haselton made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion carried.

2. **Presentation from the Community Enhancement Committee regarding new town sign**

Mayor Rubin turned the time to Council Member Dwinell to introduce the Community Enhancement Committee and present the concept design of the new town signage.

Council Member Dwinell introduced town resident Gwen Wetzel, Town Administrator Jan McCosh, Town Building Administrator Carol Kusterle, Town Planner Thomas Eddington, and Council Member Chris Baier as members of the Community Enhancement Committee and thanked them for their input on the design of the new town signage.

Council Member Dwinell presented images of other signs within the Town and explained the signage in the town was outdated and inadequate. He provided a history of the Town and explained the Committee's desire to construct signs consistent with the Town's theme. He stated when the Deer Springs annexation was approved, it included a developer-funded monument sign for the Town, located at a T-connection at the Ross Creek entrance. Because conditions required an altered configuration of the roadway, the original placement of the monument was impractical and not built. Mr. Brockbank, the developer for Deer Springs, had agreed to fund the design and installation of a new Town monument sign along State Road 248.

Council Member Dwinell presented three locations for the new signage:

1. Proposed Western Boundary Town Monument Sign (adjacent to the Deer Springs Park)
2. Proposed Town Bulletin Sign (adjacent to a future Bus Stop)
3. Proposed Eastern Boundary Town Monument Sign (near Golden Eagle entrance)

Council Member Dwinell continued to present the theme of the proposed signs and discussed the details of each sign. He presented the concept drawings of the signs and gave background on the thought process of the design. He noted some signs would have backlighting which would comply with the proposed Dark Skies Ordinance.

Although the developer would fund the removal of the existing bulletin signage board located at the Ross Creek entrance and replace that sign to the Bus Stop along Jordanelle Parkway, as well as the removal of the small Town sign along SR-248 and replacement of that sign to a monumental sign at the western boundary, the Town would need to appropriate funds for the monumental sign on the eastern boundary. Council agreed funds should be set aside for the new monument signs and bulletin boards.

3. Discussion and consideration of approval of Ordinance 2021-XX regarding dark skies

Mayor Rubin stated he would like to continue the Dark Skies Ordinance in order for the Town to communicate the proposed Ordinance with residents. During the March Town Council Meeting, changes to the Ordinance had been discussed, and Mr. Eddington reviewed those changes with Council, including the addition of the protection of the natural environment, clarification and background with regard to the educational sessions needed for the certification, adding definitions, and clarification with regard to holiday lighting. Also noted was the year-round lighting in the trees at the Hideout Canyon turn off from SR-248, and the lighting in the roundabout was exempt from the holiday lighting clause for the reason that it provided safety lighting for the road markers.

Mr. Eddington stated he had spoken with Daniel Mendoza at the University of Utah, who had background in planning, atmospheric science, and medical. Mr. Mendoza was teaching a capstone studio session during the Fall, 2021 semester in Park City. He suggested sending students to the Town in order to conduct a lighting inventory on an annual or biannual schedule.

Discussion regarding the use of shielded bulbs, the total amount of lumens, and compliance with the HOA ensued. Ms. McCosh noted Heber City had recently adopted a Dark Skies Ordinance, and Wasatch County was in the process of adopting one as well. She suggested collaborating with them in order to establish regional development. Mr. Eddington noted Mr. Mendoza had assisted Heber City and Wasatch County on their Ordinances.

Council agreed residents should have input before the Ordinance was adopted. They also wanted to ensure it was in line with the HOA's rules before adopting the Ordinance. Mayor Rubin continued the item until the next meeting.

4. Discussion and consideration of approval of Ordinance 2021-XX amending the nuisance ordinance to account for changes to noxious weed control

Mayor Rubin continued the Ordinance until the meeting to be held in May in order for Town Attorney Polly McLean to review the language.

5. Discussion regarding nightly rentals

Mr. Eddington provided an update regarding nightly rentals in Deer Springs Phase 1. The initial subdivision plat had been signed and the CC&Rs (Covenants, Conditions & Restrictions) indicated nightly rentals were allowed. During the review process of the Deer Springs Phase 1 Amended plat, Ms. McLean and Town Engineer Ryan Taylor noticed the discrepancy, and noted the Town's Zoning Ordinance did not allow nightly rentals. Negotiations were made with Nate Brockbank, the developer, and it was agreed to allow nightly rentals for Phase 1 lots only, which included the first 45 out of 248 units. Nightly rentals would not be allowed in the other phases. As a result of the discussion, Mr. Eddington inquired if Council would like to keep the zoning ordinance in place as to prohibit nightly rentals in residential zones. He also noted the current

language allowed short-term rentals in commercial zones, which were defined as rentals of thirty (30) days or less, and inquired if the Ordinance should be more specific to add language prohibiting nightly rentals.

Ms. McLean noted the Master HOA rules did not currently allow nightly rentals. However, those rules could change which would then allow them throughout the Town unless the Town adopted an ordinance explicitly stating nightly rentals were prohibited.

Ms. McLean also noted nightly rentals which fell outside of the HOA were in MIDA (Military Installation Development Authority), and although the Town would benefit from any tax revenue, it would be reduced because of the administrative fee collected from MIDA.

The pros and cons of allowing nightly rentals were discussed. It was determined a public hearing would be beneficial in order to allow residents to provide input.

6. Discussion and consideration of adopting Resolution 2021-02 amending the Fee and Rate Schedule to account for a sewer rate increase from JSSD

Ms. McCosh stated the water obtained through JSSD (Jordanelle Special Service District) was pre-paid, and Mustang Development had negotiated a certain number of water units on Parcel 1 (west side of SR-248) and Parcel 2 (east side of SR-248), which had been exhausted. Mayor Rubin further explained when new subdivisions were developed, the impact fees would need to be paid by the developer in order to connect to the sewer system. Since the Town had moved past the first tranche of sewer connections, the rate had risen from \$5,000 to \$7,200 which required the Fee and Rate Schedule to be adjusted to reflect the cost.

Mayor Rubin asked for a motion to adopt Resolution 2021-02.

Motion: Council Member Dwinell moved to adopt Resolution 2021-02 amending the Fee and Rate Schedule to account for a sewer rate increase from JSSD as discussed. Council Member Baier made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed. Motion carried.

7. Mask mandate update

Mayor Rubin discussed the requirements set forth by the State of Utah regarding the relaxation of the mask mandate. He stated it did not require in-person Council meetings be held if the COVID-19 pandemic was still considered to present a hazard. He expressed his concern of the variant strains of the virus and recommended council meetings be held electronically, and the Town Hall building remain closed unless an appointment was made. Ms. McCosh stated she was meeting with the Public Health Department on a weekly basis, and the mask mandate could not be enforced unless more than fifty (50) patrons attended the meeting. Ms. McLean noted a provision in the bill stating if an in-person meeting were held and it was determined to be unsafe, the meeting could be stopped and re-grouped electronically. Council agreed meetings should continue to be held electronically.

Council Member Dwinell inquired how the day-to-day operations at Town Hall would be addressed. He supported the safety of the staff but wanted the public to safely have access to Town Hall. Mayor Rubin suggested patrons would need to make an appointment with a staff member, and if that person were unable to, or did not want to wear a mask, the appointment would need to be an electronic meeting or could be held outside in order to adhere to social distancing

practices. Council Member Dwinell agreed it would be an appropriate balance. Ms. McLean noted, due to an order issued by the Governor, masks could be enforced within the building if desired.

Mayor Rubin stated he would have a Determination Letter available and standardized governing language stating the Town considers in-person appointments and meetings to be a health risk.

VII. 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, Mayor Rubin asked for a motion to close the public portion of the meeting in order to hold a closed Executive Session.

Motion: Council Member Haselton made the motion to close the public meeting and proceed to a Closed Executive Session to discuss pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed. Council Member Nadelberg made the second. Voting Yea: Council Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.

At 8:49 pm, the public session moved into Closed Executive Session.

After a short recess, the closed Executive Session convened at 8:55 pm.

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

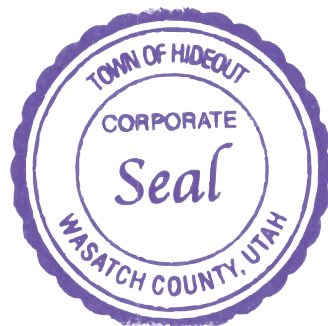
Staff Present: Town Attorney Polly McLean

VIII. Meeting Adjournment

At 9:15 pm, Mayor Rubin asked for a motion to move into public session and adjourn the meeting.

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

The meeting adjourned at 9:15 pm.



Alicia Fairborne
Alicia Fairborne, Town Clerk