

**Minutes**  
Town of Hideout  
Hideout Town Council Regular Meeting and Public Hearing (Rescheduled)  
August 11, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting on August 11, 2022 at 6:10 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 6:27 p.m. and reminded participants there was no physical anchor site 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  
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  
Director of Public Works Daniel Allen  
Recorder for Hideout Alicia Fairbourne

**Others Present:** Chris Ensign, Bret Rutter, Carol Tomas, Jonathan Gunn, Katie Shepley, Mark Koval, Tony Matyszczyk, Mary Freeman, Jonathan Gunn, and others who may have logged in using a partial name or using only a phone number.

**III. Public Hearing**

**1. Consideration and possible approval of the KLAIM Phase 4 final plat application**

Town Planner Thomas Eddington presented the staff report for the KLAIM Phase 4 final subdivision and explained the subdivision obtained preliminary approval in December of 2017. At that time, there was an understanding there would be between three (3) and five (5) phases for the subdivision and each would need approval from Planning Commission and Council. It was later determined that Phase 4 would be the final phase of the subdivision. The overall subdivision

was approved for eighty-eight (88) units, with Phase 4 having twenty-two (22) of those units. The total project area was approximately fifty-nine (59) acres, with nearly forty-three (43) of those acres preserved as open space, untouched land and/or part of a trail system which would be completed by the applicant.

An updated Zoning Ordinance was adopted in November, 2020, which required any subsequent phases to follow the revised Ordinance. Mr. Eddington stated Phase 4 met the Ordinance requirements with the exception of the of the monotony clause standards. He reminded Council Phases 1 and 2 and a portion of Phase 3 were completed, and the applicant would require a variance approval for Phase 4 in order to maintain a similar design aesthetic to the prior Phases. The Design Review Committee (DRC) had met with the applicant and discussed three variations for color palettes and recommended a height variation as well. He explained the KLAIM subdivision had a relatively standard height line which would be adjusted by four (4) feet on several units in Phase 4 in an effort to meet the monotony clause. The DRC would work with the applicant to ensure the sight line of other units would not be impeded with the height adjustments. The Planning Commission gave a favorable recommendation with the conditions outlined in the report.

Discussion regarding the stockpile of soil which had been dumped on the property to the northwest of the subdivision ensued. Council Member Baier inquired if the conditions had been met or if additional improvements would be made in order for the soil mound to blend in with the natural landscape. Mr. Eddington noted the Resolution specified the soil repository needed to meet specific conditions prior to issuing any building permits or certificates of occupancy for Phase 4.

Town Attorney Polly McLean pointed out to developer Chris Ensign the Resolution had been updated since it had a favorable recommendation from the Planning Commission. She noted several additional conditions of approval were included in the Resolution. *(Clerk's note: the additional items were numbered 27-34 in Resolution 2022-R-11.)* Mr. Ensign stated he had not received the updated Resolution and felt uncomfortable agreeing to conditions to which he had not had a chance to review. Ms. McLean suggested the agenda item be tabled briefly to give Mr. Ensign the opportunity to review the updated Resolution.

Mayor Rubin opened the floor public input at 6:47 p.m. and gave Mr. Ensign the opportunity to review the updates.

*Carol Tomas* – Ms. Tomas supported an articulation change for Phase 4. She expressed her support of additional landscape and open space in order for the project to blend into the existing topography as well.

There being no further public comments, Mayor Rubin closed public input at 6:50 p.m.

Council Member Baier inquired about the specifics of the height variance and monotony clause. Mr. Eddington presented a diagram of the seven units which would be elevated between four (4) and five (5) feet as well as the various color variations recommended by the DRC. Council Member Baier expressed concern that the additional height may be problematic by blocking the view for other units. Mr. Eddington explained the units were strategically chosen because there were no units behind them for the view to be blocked. He further noted it was the Council's decision to enforce the height variance in the monotony clause. Council Member Jacobs thought

the color variations would make enough of a difference and the height variations were not necessary.

Although Mr. Ensign did not have significant time to review the updates, he suggested moving forward with the Resolution and, if needed, would come back to Council at a later date if there were conditions which could not be met.

Council Member Nadelberg expressed concern of other developers getting a variance for their developments if the KLAIM variance was granted. Ms. McLean stated variances were meant to be handled for specific issues and felt this was a unique situation. She further noted the variance would be heard before an Administrative Law Judge (ALJ) to ensure the conditions would be met. Council Member Nadelberg expressed support of removing the height variance condition if it would not cause issues in the future with other developers.

Council Member Haselton and Council Member Severini agreed the height variation should be removed from the recommendation and the color variance would be heard before the ALJ.

Mayor Rubin asked for a motion with a modification to the Resolution to remove the height variation in Conditions of Approval: item 11.

*Motion: Council Member Jacobs moved to approve Resolution 2022-R-11 with the modification to remove the height variation requirement. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.*

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

Mayor Rubin opened the floor for public input at 7:19 p.m.

*Carol Tomas:* Ms. Tomas discussed a future bike path which was planned to be constructed in front of her home. She was concerned that if a house were to be built where the road crossed, it could pose a safety issue. Mayor Rubin asked Mr. Eddington to research if the lot could be left as open space and provide Council with an update during a future meeting.

*Council Member Baier* stated she had received complaints from residents regarding the leftover construction materials left by Rocky Mountain Power on Longview Drive near the Rustler subdivision. Mayor Rubin asked for Director of Engineering and Public Works Timm Dixon to follow up with Rocky Mountain Power to ensure the materials are removed.

There being no further public input, Mayor Rubin closed public input at 7:25 p.m.

#### **V. Committee Updates**

##### **1. Planning Commission - Tony**

Mayor Rubin thanked Planning Commission Chair Tony Matyszczyk and the other Planning Commissioners for the efforts put forth on the Boulders development project. He stated the Committee Updates portion of the agenda was a discussion he would like to keep as a regular agenda section in order to keep the Council and public informed.

Planning Chair Tony Matyszczyk provided information regarding upcoming items for the Planning Commission, which included the Deer Springs Cottages, and a driveway amendment for lots 38 and 39 in the Overlook Village subdivision.

## **2. Community Engagement Committee - Sheri**

Council Member Jacobs reviewed the success of the first Hideout Summer Concert held in June. She stated almost two hundred (200) residents and guests were in attendance. The next concert was on August 12, 2022, with over two hundred (200) tickets sold. She anticipated at least twenty (20) additional tickets would be sold on the day of the concert. There would be one additional event in September, which would be a movie night / food drive.

Approximately one thousand dollars (\$1000) worth of merchandise was sold during the June concert, with additional merchandise available for sale during the August concert. She would have any additional merchandise available for sale at Town Hall after the concerts. Mayor Rubin suggested the merchandise be advertised on the website and town app.

Council Member Jacobs noted Rocky Mountain Power sponsored the concerts by providing a twenty-five-hundred-dollar (\$2500) donation. She stated with the combination of the donation, ticket sales, and merchandise, the June concert cost just over one thousand dollars (\$1000) for the event. She anticipated future events would eventually be self-funded and would not need a budget item for the events.

## **3. Economic Development Committee (EDC) - Ralph**

Council Member Severini introduced the members of the Committee as himself, Town Administrator Jan McCosh, Scott Davis, Craig Dupper, and Katie Shepley, and noted the Committee had been meeting weekly on Mondays. During the meetings, the members discussed potential economics on the Salzman property and other areas of Hideout where other commercial developments could be created. The Committee was also working with Rob Sant regarding projections on the use of the Military Installation Development Authority (MIDA) as a possible funding mechanism for future development.

## **4. Parks, Open Space and Trails (POST) Committee - Chris**

Council Member Baier introduced the POST Committee members as herself, Deputy Recorder Kathleen Hopkins as Chairperson, Town Administrator Jan McCosh, Planning Commissioner Rachel Cooper, Town Planner Thomas Eddington, John Hopkins, and Mary Freeman and noted the Committee was meeting on the third Tuesday each month.

She stated one of the goals of the Committee was to be included in the Mountainland Association of Governments (MAG) Regional Implementation Plan to establish regional connections and increase potential sources of funding and grant opportunities. Progress had been made in that a Geographic Information System (GIS) map had been created and provided to Ivan Spencer with Wasatch County, and Eunjung Yang with the Institute of Outdoor Recreation and Tourism (IORT) to be included in the Wasatch County Trails Master Plan.

Future projects included establishing a Trails Plan with KLAIM developer Chris Ensign, as well as discussing a plan with the Department of Wildlife Resources for potential underpasses for

wildlife in order to be better prepared in the event of a future development proposal such as the Boulders.

#### **5. Transportation Committee - Carol**

Council Member Haselton discussed a transportation meeting she and Ms. McCosh attended which was presented by MAG. She stated the Utah Department of Transportation (UDOT) requested the Committee provide a list of items which were important to Hideout as it related to transit, highways, and roads.

The Committee met with Carolyn Rodriguez, a representative of High Valley Transit, and learned Hideout was not in the service area for the company. Ms. Rodriguez informed the Committee that Park City had launched an on-demand microtransit pilot program and suggested Hideout contract with Park City to provide the service to residents. She noted Hideout would be required to provide funding to UDOT in order for the microtransit to service Hideout.

Council Member Haselton stated the Park City Council was to discuss and possibly approve parking and bus service from Park City Transit to the Richardson Flat parking area at the next Park City Council Meeting. She noted the Council would not vote in favor of the service unless financial support from the resorts was received.

Future projects for the Committee included adding additional stoplights on Highway 248, specifically at the Ross Creek turn-off, and adding additional turn lanes. She stated wildlife bridges and an underpass or overpass for pedestrians were discussed, as well as possibly working with the POST Committee to establish a pedestrian walkway along Highway 248 to tie in with the trails. Council Member Baier suggested holding a joint POST and Transportation Committee Meeting to discuss the walkway. Mayor Rubin noted a Corridor Agreement with UDOT was established and he would provide that agreement to the Transportation Committee.

Council Member Haselton mentioned the Transportation Committee was fairly new and invited any interested members of the community to join the Committee.

#### **6. Hideout Design Review Committee - Thomas**

Mr. Eddington stated the Design Review Committee (DRC) continued to work with developers Nate Brockbank on the Deer Springs subdivisions and Chris Ensign on the KLAIM subdivision.

#### **7. Infrastructure - Timm**

Mr. Dixon stated discussions of the Infrastructure Committee included the Storm Drain Master Plan and the Master Transportation Plan, as well as the raveling issues in the Shoreline development.

Future projects included the infrastructure for the sewer tie-in on Highway 248 for the eastern portion of the Town.

## VI. Agenda Items

### 1. Discussion and possible approval of Ordinance 2022-O-XX regarding Dark Skies

Mr. Eddington provided an overview of updates made to the Dark Skies Ordinance after the July 14, 2022 Council Meeting. He noted resident Glen Seymore expressed concern of bistro lighting during the meeting, which was addressed and included as an allowance with conditions. Language was added to the Ordinance which allowed bistro lighting on patios, et cetera, however the lights were prohibited to be illuminated between midnight and 6:00 a.m.

He noted Council Member Baier had asked if 3000 kelvin temperature was adequate for sport courts. After conducting research regarding sport court lighting, he stated most recreational courts were between 2000 and 3000 kelvins.

Mr. Eddington recommended the Ordinance allow a five (5)-year compliance clause as opposed to the previously discussed three (3)-year compliance clause. Council Member Baier added the Homeowners Associations (HOA)'s and other residents would require budget adjustments in order to change or retrofit existing lighting and felt Hideout should allow adequate time for those adjustments.

Council Member Haselton expressed concern about lighting particularly in the Deer Waters subdivision, noting the lights were excessively bright and were non-compliant. Mr. Eddington stated he would reach out to the developer as soon as possible to provide options to adjust the lighting.

Council Member Severini stated he was not comfortable voting on the Ordinance until additional documentation was provided to the HOA areas which were out of compliance. Mr. Eddington stated he would work with Mr. Dixon and Public Works Director Daniel Allen to create additional information which would be distributed to the HOA's and the public prior to the next Council Meeting.

Mayor Rubin asked for a motion to continue the consideration of adopting the Dark Skies Ordinance to the September 8, 2022 Council Meeting.

***Motion: Council Member Nadelberg moved to continue the consideration of adopting the Dark Skies Ordinance to the September 8, 2022 Council Meeting. Council Member Haselton made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.***

### 2. Consideration and possible approval of adopting Ordinance 2022-O-XX regarding Water Conservation

Mayor Rubin presented an Ordinance regarding water conservation and addressed a public comment received prior to the meeting which suggested water rates be adjusted in order to encourage residents to be more conservative with water usage. Council Member Jacobs stated she supported the idea of adjusting water rates during a drought because, as discussed in the previous Council Meeting, not all residents had control over what days their landscape was watered as it was the responsibility of the HOA. Mayor Rubin noted the number of gallons in the first tier of charges could potentially be lowered, however, the cost for the lower tier would remain the same

in order to offset the cost of water from Jordanelle Special Service District (JSSD). He would review the contract with JSSD and investigate the possibility of lowering the number of allowed gallons in the first tier and present his findings at a future Council Meeting.

Council Member Baier expressed support of taking action on the Ordinance and did not feel it presented residents with drastic measures. She inquired how the golf course would be affected by the Ordinance. Mayor Rubin explained the golf course was on a separate watering system which had its own meter.

Council Member Severini requested for additional data to be researched and presented regarding the average household water usage in gallons prior to adopting the Ordinance. He wanted to compare the history of Hideout's residents' water usage to other municipalities' standard water usage. Mayor Rubin noted the State had statewide data of water usage which could be referenced.

There being no further comments from Council, Mayor Rubin asked for a motion to continue the discussion and possible adoption of the Ordinance to the September 8, 2022 Council Meeting.

***Motion: Council Member Haselton moved to continue the discussion and possible adoption of the Ordinance to the September 8, 2022 Council Meeting. Council Member Severini made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.***

### **3. Discussion and consideration of name change from "Town" to "City"**

Mayor Rubin informed Council the Lieutenant Governor's Office had confirmed Hideout had reached the residency requirement of over one thousand (1000) residents and was constituted as a city of the fifth class effective August 4, 2022. He presented the discussion topic of referring to Hideout as a City or continuing to refer to it as a Town. He noted just because the classification had changed, Hideout was not legally required to change the name from Town to City.

Council Member Baier expressed her desire to refer to Hideout as neither City nor Town.

Council Member Jacobs expressed her desire to keep the legal name as Town of Hideout. She felt as if referring to it as City meant there was more development and it was a larger area. She felt it lost the hometown feel. Council Member Severini agreed and added he did not feel Hideout had achieved a City status at this time.

Mayor Rubin stated Hideout would continue to be referred to as Town of Hideout until further notice. He also asked any Council Members who might have additional thoughts to email them to Ms. McCosh and they would be brought to a future discussion.

### **4. Discussion regarding Animal Control funding**

Mayor Rubin presented the updated budget for Animal Control. He noted the costs for the services were shared between all cities in Wasatch County and were based on population. Hideout accounted for 2.85 percent of Animal Control's budget, which was approximately ten thousand dollars (\$10,000).

Council Member Baier and Council Member Severini agreed it was a necessary service and the contract should be renewed for 2023.

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

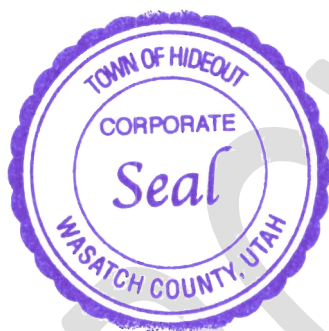
There was no need for an Executive Session.

**VIII. Meeting Adjournment**

There being no further business, Mayor Rubin asked for a motion to adjourn the meeting.

*Motion: Council Member Severini moved to adjourn the meeting. Council Member Jacobs made the second. Voting Yes: Council Member Baier, Council Member Haselton, Council Member Jacobs, Council Member Nadelberg, and Council Member Severini. None opposed. Motion carried.*

The meeting adjourned at 8:32 p.m.



*Alicia Fairbourne*  
Alicia Fairbourne, Recorder for Hideout