



HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING

March 11, 2021

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regular meeting electronically for the purposes and at the times as described below on Thursday, March 11, 2021.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's March 7, 2021 determination letter (attached).

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739> To join by telephone dial: US: +1 408 638 0986

Meeting ID: 435 659 4739

YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting
6:00 PM

- I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter
 1. No Anchor Site Determination Letter
- II. Roll Call
- III. Approval of Council Minutes
 1. October 13, 2020 Town Council Meeting Minutes DRAFT
 2. January 28, 2021 Town Council Meeting Minutes DRAFT
- IV. Public Input - Floor open for any attendee to speak on items not listed on the agenda
- V. Agenda Items
 1. Discussion and consideration of approval of Ordinance 2021-XX regarding dark skies
 2. Consideration of adopting Resolution 2021-XX amending the fee schedule to increase the charge for the installation of a single water meter to cover the cost of insulation and add a one-time retrofit charge to insulate the meters installed without insulation
 3. Discussion and update regarding Deer Springs
 4. Discussion and update regarding Deer Waters
- VI. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
- VII. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

HIDEOUT TOWN COUNCIL

10860 N. Hideout Trail

Hideout, UT 84036

435-659-4739

3/10/2021

File Attachments for Item:

1. No Anchor Site Determination Letter



March 7, 2021

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(4) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The percent and number of positive COVID-19 cases in Utah has been over 9.06% of those tested since March 2, 2021. The seven-day average of cases has been over 517 since March 7, 2021.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>

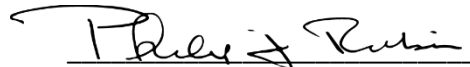
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

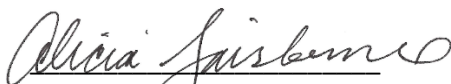
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

This determination will expire in 30 days on April 5, 2021.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



File Attachments for Item:

1. October 13, 2020 Town Council Meeting Minutes DRAFT

Minutes
Town of Hideout
Town Council - Work Session
October 13, 2020

The Town Council of Hideout, Wasatch County, Utah met in a Work Session on October 13, 2020 at 6:00 PM via Zoom electronic conference call due to the ongoing COVID-19 pandemic.

Work Session

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

1. No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:08 pm and read the No Anchor Site Determination Letter in its entirety. All attendees were present electronically.

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 Administrator Jan McCosh?
Town Planner Thomas Eddington
Town Clerk Alicia Fairbourne

Others Present: Bruce Baird, Nate Brockbank, Rob Mansfield, and others who may not have signed in using full or proper names when logging in via Zoom.

III. Agenda Items

1. Discussion and Consideration of Public Input from 10/12/2020 Public Hearing

Mayor Rubin stated the purpose for the meeting was to discuss and review the public input received regarding the proposed annexation and to discuss the draft Annexation Master Development Agreement (AMDA). He noted the Council would not make a determination regarding the proposed annexation at this meeting however a vote was scheduled to be conducted at the meeting on October 14, 2020. He noted the Council had been working to be transparent in all discussions regarding the proposed annexation and stressed the importance of including the right language in the AMDA in the event the proposed annexation was approved to move forward.

Mayor Rubin thanked the Council and town staff in managing the logistics of the session, as well as the public for bringing good, measured responses regarding the proposed annexation. He

1 thanked the town staff for the improvements to the technology which provided a smoother,
2 uninterrupted public hearing.

3 Mayor Rubin highlighted several items brought up at the public hearing which the Council might
4 also consider.

5 Mayor Rubin noted there were questions on the proposed gondola and its potential impact on
6 residents on the other side of the hill. He suggested this should be reviewed and felt it was a good
7 addition to the items under consideration.

8 Council Member Chris Baier shared feedback received regarding concerns with the gondola's
9 impact on the Parks Edge community. Mayor Rubin stated the assumption was to "cherry stem"
10 the gondola path up through public land under Utah Department of Transportation (UDOT)
11 administration which would not be expected to impact those properties.

12 Council Member Baier noted some surrounding community residents expressed concerns that in
13 the future Hideout would attempt to annex their communities without their consent, given the
14 community's inclusion in Hideout's Annexation Declaration Area (ADA) map.

15 Mayor Rubin noted under current law, the town could not annex any property without the consent
16 of the landowners as a starting point. Council Member Baier agreed and noted the importance of
17 better public messaging to educate the community.

18 Council Member Jerry Dwinell discussed the town's ADA map and noted discussions previously
19 held with surrounding Homeowners Associations (HOA's), which may have been the underlying
20 cause for concern. Council Member Baier noted the town's ADA map and policy plan for
21 annexations were required to be produced under state law, and further noted the amendment done
22 in 2019 was the first since the incorporation of Hideout. Council Member Dwinell noted many
23 properties were included in the ADA since 2010 but owners may not have realized it until the
24 current annexation discussions arose. He recognized these concerns arose because certain
25 surrounding properties were included in the map, although there could not be an annexation
26 without landowner approval.

27 Mayor Rubin suggested the discussion cover what was heard both in support and against the
28 proposed annexation, and if the annexation were approved, how to incorporate additional topics
29 of concern into the AMDA. He noted the draft AMDA included language on various studies to
30 be conducted, utility services required and zoning and building usage, and he asked the Council
31 what other topics they heard at the public hearing would also be important to include in the
32 document.

33 Council Member Baier stated the public input included many "no" comments, public clamor on
34 why the annexation should not proceed and several attacks on the town and Council. She noted
35 the small population of the town, the volunteer status of Hideout's Town Council and relatively
36 limited resources of the town staff and she commended the professionalism and talent of the
37 team.

38 Council Member Baier also noted other comments, letters, and emails received were positive
39 and provided helpful input. She wished there had been more positivity shared during the public
40 input hearing. Council Member Baier added she was very grateful to the people who provided
41 the public input and wanted to ensure it was considered.

1 Council Member Dwinell stated he had read most of the emails. In addition to the negative and
2 positive supporters he noted there were some commenters who were not opposed to the
3 annexation but were opposed to the process. He noted a group who shared their concerns
4 regarding the proximity of the Environmental Protection Agency (EPA) site and potential risks
5 to the town. He also noted comments received regarding the need for better regional planning
6 with which he strongly agreed.

7 Council Member Carol Haselton discussed the comments and letters received from people
8 regarding the importance of regional planning. She shared her concerns if the annexation moved
9 forward, Hideout could lose the opportunity to work productively with the surrounding
10 communities on this planning. She also noted several comments received that supported the
11 development of this property but did not support the annexation and development by Hideout.

12 Council Member Dwinell responded to several comments he heard which suggested Hideout
13 should simply re-zone existing town land for commercial development. He noted the challenges
14 with the town's topography which did not have suitable flat land available, as well as the fact
15 that the town could not overrule landowner rights regarding intended use of their property. He
16 hoped the public could be more understanding of this dilemma.

17 Council Member Baier agreed and added the vast majority of Hideout land use was already
18 approved prior to many current town residents moving to the town and under a prior Town
19 Council and Planning Commission. She noted the Council was trying to do its best to move from
20 a bedroom community to a more vibrant small city per the town's policy goals. She noted the
21 concerns surrounding the EPA site which she recognized were common for communities with a
22 history of mining and stated the town would seek out and be grateful for help in addressing the
23 concerns. She also noted that this Richardson Flats property would be developed at some point
24 and was strategically situated to provide many services the broader community required.

25 Council Member Severini stated he believed the draft AMDA covered many critical points but
26 stressed the importance of addressing the EPA site concerns. He also noted every legislator who
27 commented at the hearing had a negative reaction to the 60-day window in the state law.

28 Mayor Rubin acknowledged the council members may have reservations regarding the proposed
29 annexation but stressed the need to use this time to focus on the draft AMDA which would be
30 necessary to successfully proceed in the event the annexation was approved at the future meeting.

31 Council Member Bob Nadelberg agreed with the comments already shared.

32 Council Member Haselton reminded the Council it represented the residents of Hideout, and she
33 heard overwhelming comments from town residents who did not support the annexation. Council
34 Member Baier agreed and stated if it could be done again, more communication with the
35 residents and surrounding communities early in process would be preferable. She noted there
36 had been some recent efforts at regional planning, and regardless of the annexation decision, she
37 expected this to be a start at better regional planning.

38 Council Member Dwinell clarified there were residents who were not opposed to the annexation,
39 but rather were disappointed with the process. Council Member Baier noted some feedback
40 received from non-Hideout residents who wanted to preserve open space and she commented on
41 the difficulty in balancing preservation with existing needs and future growth around Jordanelle
42 Reservoir.

1 Mayor Rubin noted the importance of this public process to provide members of the public the
2 opportunity to share input. He went on to remind members of the public the Town Council
3 members served as volunteers and worked hard to best serve the community. He cited ongoing
4 harassment received by the council members, town staff and members of his own family over
5 the proposed annexation and chastised those individuals who sought to intimidate the town
6 council and staff and to obstruct these public meetings in an effort to stop the process.

7 **2. Review and Possible Modification of AMDA and Concept Plan**

8 Mayor Rubin noted the Council had a lot to consider prior to making decisions at the next
9 meeting, including the potential approval of the AMDA for the Silver Meadows Master Planned
10 Community. He noted this document needed to address the important elements and necessary
11 considerations required to proceed if the annexation were approved.

12 Council Member Dwinell noted the draft AMDA was shared just prior to the meeting and he had
13 only browsed the document thus far. Mayor Rubin stated the document would not be finalized
14 at this session but wanted to review and discuss it in detail with the objective of being ready to
15 potentially approve it at a subsequent meeting. He asked the Council to focus on the key numbers
16 and the changes made since the last draft to determine whether it reflected the feedback provided
17 to the developer.

18 Council Member Dwinell requested an updated map that reflected the revised numbers. Bruce
19 Baird, attorney for the developer, responded they had been incorporating all the comments on
20 the document throughout the day and expected to have an updated map available shortly.

21 Mayor Rubin asked the Council to think of this as a future document which would be effective
22 should the annexation be approved. Mr. Baird reviewed the document and noted it represented
23 the previously shared draft marked to show acceptance of all the redline comments. He then
24 worked to address six major issues including the number of units, affordability of the units, the
25 timing of trails construction, and commercial construction, and finally incorporated as many of
26 the comments received from Town Attorney Polly McLean which he had time to address and
27 which he expected would be acceptable to the developer, Mr. Nate Brockbank.

28 Mayor Rubin stated this was an attempt at a consolidated, integrated document from all parties.
29 Discussion ensued regarding various sections of the document.

30 Council Member Dwinell asked about Section 1.2.2 regarding an administrator and asked who
31 that would be. Mr. Baird responded typically this would be someone appointed by the Mayor to
32 oversee and coordinate the day-to-day operations. In response to a question from Council
33 Member Dwinell, Mayor Rubin stated this would be decided in the future, could be a specially
34 appointed project manager, and could morph over time as work progressed. Council Member
35 Dwinell noted that person was granted some authority later in the document, so he wanted to
36 understand who that might be. Mayor Rubin noted this administration would likely change over
37 time given the length of time the project would be underway and added there might be a steering
38 team to oversee the administration, as was done with other ongoing developments. Mr. Baird
39 noted this was common in other similar agreements he had written.

40 Council Member Dwinell asked about Section 1.2.10 Commercial Projects Estimated Size and
41 asked how this number was derived. Thomas Eddington, Town Planner, noted these numbers
42 were proposed by the Planning Commission but could be revised at the Town Council's

1 direction. Discussion ensued regarding specific net or gross numbers which may change with
2 the final concept plan.

3 Mr. Baird noted the comments he received did not note whether these figures were net or gross,
4 and he included the figures as place holders to be reviewed.

5 Regarding Section 1.2.25 Maximum Residential Units, Council Member Severini asked for
6 clarification of this definition. Discussion ensued regarding changes in the makeup of the types
7 and numbers of units in the proposal which Mr. Baird responded were driven in part by the
8 financial impact of donations of land the developer was prepared to make for various town
9 facilities.

10 Discussion ensued regarding Section 3.2.1 Table of Types of Uses and Affordability, including
11 the calculations for the proposed affordable housing units as well as the locations and numbers
12 of apartments and condominiums in the updated proposal.

13 Mr. Brockbank stated he was amenable to revising the plan to address the concerns shared by
14 Council Member Severini and the Planning Commission regarding the mix of home types and
15 number of townhomes. Mr. Brockbank noted the plan would be revised to include duplex style
16 units rather than four- or six-plex buildings.

17 Mr. Baird discussed Section 2, Conditions, and noted the changes were included to address the
18 comments received from the council members and Town Attorney to the extent possible. He
19 noted there were details still to be worked out.

20 Regarding the indemnification section, Council Member Dwinell asked what would happen if
21 the indemnifier were to go bankrupt. Mr. Baird responded this was always an issue that could
22 not really be solved. He noted Mr. Brockbank had the most exposure as the buyer, had made all
23 appropriate environmental inquiries and would follow extensive procedures throughout the
24 construction process to identify and remedy any potential environmental problems. He added
25 Mr. Brockbank had engaged experienced environmental legal representation to help assess these
26 matters.

27 Council Member Dwinell asked about the four-year term of the on-site environmental consultant.
28 Mr. Baird clarified this was the indemnification period, which was standard for these types of
29 contracts. He added the environmental consultant would be on-site throughout the development
30 process. Regarding Section 2.2.4 Environmental Conditions, Council Member Severini asked if
31 a longer period was possible. Mr. Baird responded this clause was drafted by the environmental
32 attorney who would need to explain whether the term could be extended.

33 Council Member Dwinell noted the EPA OU1 site was still an active site and asked if it could
34 be expanded over time as more materials were moved to the location. Mr. Baird noted this land
35 had been designated as OU1 for more than a decade, and the language included in the document
36 was standard and was drafted by the environmental lawyer. Mayor Rubin stated the final
37 agreement would detail the procedures for baseline soil sampling and continuous environmental
38 monitoring.

39 Council Member Dwinell discussed Section 3.3 Correlation Between Timing of Residential
40 Units and Commercial Projects. He noted the proposed plan would include 120 houses to be
41 built in the first 20% of the project, which he noted was more than the entire Rustler development
42 of 88 units. He stated he was uncomfortable with this much residential construction being

1 completed prior to any commercial development which was already needed. He requested a
2 better balance and asked if the initial phase could include residential and commercial
3 development of the Town Center. Mr. Brockbank responded he understood this concern and
4 would work with the planning team to revise this proposal. He stated he did not intend to delay
5 the commercial component which he hoped to start as soon as tenants were committed.

6 Discussion ensued regarding sizing of a grocery store, definition of chain stores and inserting
7 language to provide the administrator flexibility to set terms for commercial tenants.

8 Council Member Dwinell asked about items within Section 3.9 Parking which Mr. Baird agreed
9 to revise. Mr. Eddington recalled it had been included in the first draft to give the town flexibility
10 to minimize asphalt and on-street parking in the Town Center. Council Member Dwinell noted
11 the goal was to avoid the types of traffic and parking issues as was on Main Street in Park City.
12 Council Member Baier requested the plan have adequate parking for residents while maintaining
13 flexibility for parking in the Town Center.

14 Council Member Severini asked about the references to dark skies ordinances in the document.
15 Mr. Baird clarified the language was included to apply to any future dark skies policies the town
16 might adopt. Council Member Baier noted the Council was working on adoption of such a town-
17 wide ordinance.

18 Mr. Baird discussed Section 7.3.2 which covered the timing for the developer to complete trails.

19 Council Member Dwinell shared his concerns with potential HOA expense burdens for the
20 affordable and attainable units and requested a larger portion of HOA fees be carried by the
21 commercial tenants to ensure these homes remain as affordable as possible. He also shared
22 concerns that HOA fees would increase dramatically and be an excessive burden for these units.
23 Mr. Baird suggested including a disclosure clause for all such home sales contracts to remind
24 buyers of these fees. Mr. Eddington suggested there could be a sliding scale on HOA fees for
25 workforce/affordable housing units.

26 Council Member Baier asked how any future town-wide assessments such as special services
27 districts would impact HOA's which were being required to cover such expenses in the
28 agreement. Mr. Baird noted amendments could be made in the future to address and reassess
29 such matters.

30 Council Member Baier noted amenities, such as bike trails, should be created early on to better
31 promote and market the development and asked for a commitment to have a main trail
32 constructed early in the project. Mr. Brockbank agreed to include main trails within the first
33 phase and to provide details for scheduling construction of the remaining trails. Mr. Baird noted
34 the implementation of all the changes discussed would take at least a day to finalize and would
35 most likely postpone any vote until Thursday October 15, 2021. Mayor Rubin acknowledged
36 this would fit within the schedule.

37 It was discussed that any construction of a chair lift would happen at a later phase of the
38 development.

39 Discussion ensued regarding road access from SR 248 and the required approvals, traffic study
40 requests, and expected increased traffic from Jordanelle Parkway. Council Member Dwinell
41 requested any traffic generated from the new development be adequately serviced from new
42 access points and not rely on the existing neighborhood roads such as Browns Canyon. Mr. Baird

1 noted it was not within the developer's ability to control the road connections from property
2 outside the scope of the proposed annexation. Council Member Dwinell shared concerns
3 regarding increased traffic. Mr. Baird noted the developer had agreed to build the planned roads
4 but was subject to the approval of Summit County and UDOT (Utah Department of
5 Transportation).

6 Regarding road construction, Council Member Baier asked what would happen if the fire
7 marshal determined an existing road was not wide enough. Mr. Brockbank stated he would then
8 widen the road as necessary. Mr. Baird stated all construction would be dependent on fire
9 marshal approval and subject to the international fire code standards.

10 Regarding Section 7.7 Land for Public Service Facilities and Town Hall, discussion ensued
11 regarding the developer's agreement to donate the properties, but with stipulation the town could
12 not later sell the property to another developer. It was also discussed that the developer would
13 not build those buildings for the town.

14 Mr. Baird reviewed Section 12.2 School Site Set Aside and noted the acreage was adjusted from
15 seven to 8.5 acres. Council Member Dwinell asked if the town could trade the value of the land
16 for building costs of the town hall if the school district did not want the land. Mayor Rubin
17 clarified the land would be donated, not sold, to the school district to attract a school.

18 Mr. Baird discussed Section 12.3 Economic Feasibility Study and noted he had not yet
19 incorporated comments received from the town attorney but with which he did not have any
20 issues.

21 Council Member Dwinell asked for clarification on the expectation the development would be
22 self-funded and not reliant on economic support from the town or county. Mr. Baird noted
23 economic feasibility studies could not drive the effectiveness of the development agreement but
24 could allow both parties, after the development agreement was signed, to later amend the
25 agreement as appropriate. The intent of the economic feasibility study was to set a baseline for
26 minimum requirements of the development which could be adjusted in the future.

27 Council Member Severini commented the current wording regarding the economic feasibility
28 study did not seem adequate, and requested Mr. Baird reword the language to be more specific
29 and less ambiguous.

30 Council Member Severini asked for clarification on change of control and assignment provisions
31 in the document. Mr. Baird agreed to provide an updated redlined version of the agreement by
32 the following day.

33 Mayor Rubin summarized several open issues and priorities for further discussion and asked
34 Council Members to provide any additional comments in advance of the next session.

35 Council Member Baier asked about the senior/assisted living center and noted she had received
36 a lot of positive support from the community for it. Mr. Baird responded he did not reference
37 this in the agreement because it was not included in the current plan but would discuss with Mr.
38 Brockbank. Mr. Brockbank stated he would be interested in building such a facility and it was
39 agreed language would be added to the agreement.
40

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

3 There being no further public business, at 9:04 pm, Mayor Rubin asked for a motion to close the
4 public portion of the meeting in order to hold a brief executive session.

5
6 ***Motion: Council Member Dwinell made the motion to enter into executive session to discuss***
7 ***pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition or***
8 ***real property as needed. Council Member Nadelberg made the second. Voting Yea: Council***
9 ***Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.***

10 Whereupon, the closed executive session convened at approximately 9:13 pm.

11
12 **Present:**

13 Mayor Phil Rubin
14 Council Member Chris Baier
15 Council Member Jerry Dwinell
16 Council Member Carol Haselton
17 Council Member Bob Nadelberg
18 Council Member Ralph Severini

19 **Staff and Others Present:**

20 Town Attorney Polly McLean
21 Summit County Litigation Attorney Rob Mansfield
22 Town Planner Thomas Eddington

23 **V. Meeting Adjournment**

24 At approximately 9:50 pm, the Executive Session adjourned, and the meeting moved into public
25 session.

26 ***Motion: Council Member Nadelberg moved to adjourn the meeting. Council Member***
27 ***Haselton made the second. Voting Aye: Council Members Baier, Dwinell, Haselton, and***
28 ***Nadelberg. None opposed.***

29 The meeting adjourned at 9:50 pm.

30
31
32
33 _____
34 Alicia Fairbourne, Town Clerk

File Attachments for Item:

2. January 28, 2021 Town Council Meeting Minutes DRAFT

Minutes
Town of Hideout
Town Council Work Session
January 28, 2021

The Town Council of Hideout, Wasatch County, Utah met in a Work Session on January 28, 2021 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

Work Session

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 6:01 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 Ralph Severini

Excused:

Council Member Bob Nadelberg

Staff Present:

Town Attorney Polly McLean
 Town Administrator Jan McCosh
 Town Engineer Ryan Taylor
 Public Works Director Kent Cuillard
 Town Planner Thomas Eddington
 Town Clerk Alicia Fairbourne
 Deputy Town Clerk Kathleen Hopkins

Others Present: There were no members of the public present electronically via Zoom.

III. Agenda Items

1. Discussion and collaboration regarding 2021 Town priorities

Mayor Rubin presented a list of priorities identified by council members, town staff, and members of the Planning Commission. The purpose of this meeting was to compile a list which would be sent to Council to rank into priority level and discuss at a future meeting. The following were priorities identified and listed by the submitter:

Jan McCosh, Town Administrator

1. Community engagement: volunteers were lost from the various committees during the annexation process and due to the COVID-19 pandemic and lockdown.

Council Member Jerry Dwinell

1. **Replace/update Town signage:** in particular, the brown Hideout sign near the Ross Creek entrance from SR 248.
2. **Wildlife fencing along SR 248:** Work with UDOT (Utah Department of Transportation) to replace the wildlife fence through the Town. It was suggested to contact the committee which constructed the fencing along Jeremy Ranch in Summit County.
3. **Paving of the road between Hideout and Tuhaye:** The unpaved road presented a fire safety concern.
4. **Town usage of State Park**
5. **POST (Parks, Open Space and Trails) Plan:** Council Member Baier stated she had been working with Town Planner Thomas Eddington in order to finalize and adopt a POST Committee.
6. **Understand how unincorporated areas around the Town get service:** Council Member Dwinell inquired what the benefit of having “Town” status was as opposed to being a part of unincorporated Wasatch County, and if the services provided by the town were adequate. Town Attorney Polly McClean explained residents of unincorporated counties pay a municipal services tax for services rendered. Ms. Jan McCosh stated a comparison of cost vs. benefit would be beneficial and agreed to conduct an analysis and provide feedback to Council.
7. **Finance model for annexation to include projected impact on property values**

Council Member Carol Haselton

1. **Community information/Town Hall meetings to discuss the pros and cons of the annexation referendum vote on June 22nd:** Council Member Baier emphasized anything related to the annexation should be top priority, including improved communication to residents. Council Member Haselton reiterated Town Hall meetings were important prior to the referendum election in June in order to educate constituents on the future of the town.
2. **Town Center/Community Center vision:** Council Member Dwinell expressed he wanted to add this to his list but thought otherwise until he knew the outcome of the referendum vote in June. Mayor Rubin suggested it could sell the annexation to show the potential Town Center and Community Center.
3. **Regional Planning to include regional transport:** Ms. McCosh informed Council that Summit County and Wasatch County have agreed on an MOU (Memorandum of Understanding) on regional transportation issues and she and Mr. Eddington were involved in the discussion. Council Member Haselton volunteered to assist with regional planning.
4. **JSSD (Jordanelle Special Service District) water rights**
5. **Budget Committee:** Ms. McCosh and Town Treasurer Wes Bingham were working on a budget to present to the town, however, Ms. McCosh stated community engagement was needed for representation from the citizenry.
6. **Weed abatement**
7. **Pond and golf storage area clean up enforcement**

1 **8. Dark Sky Ordinance**

2 **9. Revenue sources:** Forecast revenue growth due to population growth, MIDA, annexation,
3 etc.

4 **Mayor Phil Rubin**

5 **1. Sales tax reclaim:** Mayor Rubin stated the town should be tax exempt, yet taxes were being
6 paid. Ms. McCosh was investigating how to obtain tax exempt status.

7 **2. Get overdues paid by delinquent accounts:** Council Member Severini inquired what
8 percentage of the town's expected revenue was in delinquent accounts, to which Mayor
9 Rubin stated it was 20 percent of the annual budget. He was working with Ms. McLean to
10 collect on a large portion of the delinquency.

11 **3. Finalize water rights and usage with JSSD:** Mayor Rubin explained the relationship
12 between the town and JSSD, and stated approvals were made through prior administration
13 for builds without any relationships to the water rights.

14 **4. Increase cooperation with JSSD for infrastructure maintenance:** Mayor Rubin
15 explained he and the Infrastructure Committee had been working with the Town Engineer
16 to close loops within the infrastructure to create a more uniform water pressure throughout
17 the town.

18 **5. Emergency alert system replacement**

19 **6. Noxious weed control – new proposal**

20 **7. Dark Sky Town Lighting Ordinance – Planning Commission**

21 **8. Street Parking Ordinance – new road width analysis delivered by engineering**

22 **9. Mustang/Hideout quarterly meeting:** as of the date of this meeting, contact between the
23 town and Mustang Development had been made but no changes which were agreed upon
24 were implemented.

25 **10. Speed sign installation:** Two solar-based, radar detector signs were purchased which would
26 be installed in the town. Mayor Rubin would work with the Wasatch County Sheriff's Office
27 to implement them.

28 **11. Leverage MIDA funding for Town improvements which would benefit the MIDA**
29 **project area**

30 **12. Finalize signage around pond "trail" and communicate to community**

31 **Council Member Chris Baier**

32 **1. Improved communication on Annexation and progress on knowledge gaps**

33 **2. Improved social media presence – need a marketing/communications person:** It was
34 discussed to provide official social media posts in order to give residents accurate Town
35 information.

Council Member Ralph Severini

1. **Regional Planning**
2. **Financial view to our future based on various “what ifs”**
 - a. **No annexation**
 - b. **If annexation: what would the town’s financial picture look like and where would the money be best allocated**
 - c. **Tax implications of various scenarios**
 - d. **What services can the town develop regionally in a shared model**
3. **Recreation**
 - a. **Trail infrastructure connectivity and improvements. Ways to fund by the town and regionally.**
 - b. **Park or other meeting areas for Town residents**
4. **Traffic safety:** Several residents commented to Council Member Severini about the difficulty to turn left onto SR 248 from Hideout Trail. It was discussed to possibly engage State Representatives to bring pressure to UDOT from a legislative standpoint.
5. **Improve bi-lateral communications with residents and incoming residents**
 - a. **“Get acquainted with Hideout” program**
 - b. **More interactions via Town Hall discussion sessions**
 - c. **“Newcomers” group/quarterly new residents sessions:** Council Member Severini presented an idea to hold quarterly “new residents” events in order to introduce the council and mayor and for residents to get to know the workings of the town. Council Member Haselton suggested setting up stations representing each committee at these events to inform residents and possibly recruit interested persons.

Town Engineer Ryan Taylor

1. **JSSD agreement should be high on the priority list**
2. **Implement water and sewer master plan recommendations**
3. **Complete storm water/drainage master plan**
4. **Finalize last year’s chip seal clean up and plan 2021 maintenance:** final payment from the town had not been made due to unresolved items by the contractor.
5. **Formalize bonding/tracking/acceptance process**
6. **Increase inspections and formalize change requests**
7. **Implement sewer management plan, more cleaning etc.**
8. **Improve or replace City Inspect and add subdivision tracking**
9. **Additional layers and accuracy to GIS (Geographic Information System)**
10. **Repairs to sink spots on roads/paint speed bumps**
11. **Better identification of pedestrian crossings**

Planning Commissioner Glynnis Tihansky

1. **Parks and Rec Board:** this was covered in the previous discussion for the POST Committee.
2. **Cross-country skiing on Outlaw Golf Course during winter months:** Mayor Rubin explained this could not be done at the golf course, however, it was being discussed to allow it at the State Park.
3. **Consider a right-turn lane into the Ross Creek Park from SR 248**
4. **Consider working with UDOT to lower speed limit on SR 248**

Town Building Administrator Carol Kusterle

1. **Door Count GIS map to include the mapping of each lot to ensure members are correct**
2. **Collect fines and enforcement of weed control**
3. **Improve photography on website; have Town purchase a high-quality digital camera:** Council Member Dwinell suggested budgeting for a professional photographer in order to showcase and promote the town.
4. **Consistent signage throughout Hideout:** includes building permit signs, logos, letterhead, email signatures, forms, etc. It was discussed the town needed to brand the logo and have good visual representation.

Other Suggestions

1. **Special hike/bike access from Hideout public trails to Jordanelle State Park from Deer Springs and Deer Waters Subdivisions:** Council Member Dwinell inquired which would need to be implemented first – the agreement between the State Park as mentioned in his suggestion listed above (item number 4) or would the access points need to be finalized prior to getting the agreement. Mayor Rubin stated the agreement would need to be in place prior to finalizing the access points.
2. **Historical signage project in Jordanelle State Park commemorating the Japanese settlement at Keetley Farms (through UORG grant)**

Mayor Rubin presented the list of priorities from 2020. Council Members Dwinell and Baier pointed out several items that were not accomplished during 2020, including:

- **Local school for residents:** this could be rectified if the annexation passes.
- **Special District 1:** Per request, Mayor Rubin explained the background of the Special District 1 charge. Each resident of Hideout pays a “Hideout District” charge on property taxes. Residents of Golden Eagle, Soaring Hawk and Reflection Lane/Ridge pay additional charges to Special District 1. Because those residents pay the additional charge, they were excluded from paying the recently imposed impact fees. Mayor Rubin explained residents could work together to dispute the fee, however, the town could not legally pursue the challenge.

- Determine whether we can/should challenge prior agreements in the MDA (Master Development Agreement)
- Determine if an impact fee ordinance needed to be passed for future maintenance needs
- Research grants: determine how State and Federal funds could be obtained
- Establish a HOA liaison to address community-related issues
- Develop a plan for use of the land that was deeded to the town

Mayor Rubin stated he would consolidate and combine the priority list. He would send the list to the council for input and to prioritize/rank the items. Council Member Baier suggested dividing the list between the first half and the second half of the year, especially because of the upcoming referendum vote in June. Council Member Dwinell noted it was an election year as well. Discussion regarding the council member's terms ensued.

IV. Meeting Adjournment

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

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

Whereupon, the meeting adjourned at 7:41 pm.

Alicia Fairbourne, Town Clerk

File Attachments for Item:

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

10.16 DARK SKIES LIGHTING

10.16.02 PURPOSE

It is the purpose and intent of this code to balance the goals of Hideout, to maintain its small-town character with the need to limit glare and light trespass, reduce night sky glow, conserve energy, provide safe lighting practices, and promote Dark Skies initiatives, while protecting individual property rights.

1. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principal among these concerns are:
 - a. The degradation of the nighttime visual environment by production of unsightly and dangerous glare.
 - b. Lighting practices that interfere with the health and safety of Hideout's citizens and visitors.
 - c. Unnecessary waste of energy and resources in the production of too much light or wasted light.
 - d. Interference in the use or enjoyment of property which is not intended to be illuminated at night, and the loss of the scenic view of the night sky due to increased urban sky glow.
2. The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.
3. Accordingly, it is the intent of this code to require lighting practices and systems which will minimize or eliminate light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.
4. In support of dark skies, events will be held 2 times per year to educate our community both about the value of this effort as well as about the sky itself. These events will be coordinated by the town of Hideout and may include visiting speakers and the creation of a dark skies community club or committee.
5. Enforcement of this effort will be conducted by the enforcement officer under the direction of the mayor.

10.16.04 DEFINITIONS

Correlated color temperature (CCT): the temperature at which a blackbody emits radiant energy competent to evoke a color the same as that evoked by radiant energy from a given source (such as a lamp).

Dark sky fixture or fully shielded: any light fixture that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture are projected below a horizontal plane running through the lowest point of the shield.



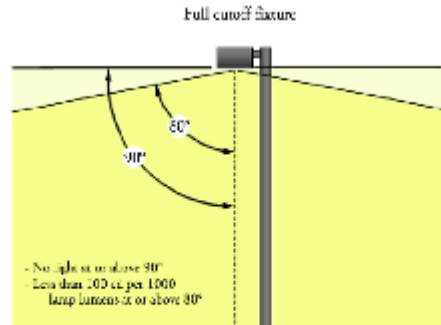
The lights on the left are non-conforming. Those on the right can be used in most cases. Depending on the mounting height and proximity to the property line, additional shielding may be necessary to prevent the luminous elements from being visible from any other property.

Dark sky shield: anything that is used to shield a light fixture so that it behaves as a fully shielded fixture. These include but are not limited to, for example, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

Electronic messenger system (EMS): electronic messenger system with scrolling messages.

Emergency lighting: lighting as required by civil officers, agents, utilities and officials to perform their duties to maintain the public health, safety and welfare.

Full Cut-off Fixtures: fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.



Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture controls glare by limiting the light output at 10 degrees below the horizontal.

Holiday lighting: temporary lighting for a specific celebration which may be one of the following types:

- Festoon type low-output lamps, limited to small individual bulbs on a string.
- Low-output lamps used to internally illuminate yard art.
- Flood or spotlights producing less than 2000 lumens each whose light source is not visible from any other property.

Kelvin: relating to, conforming to, or having a thermometric scale on which the unit of measurement equals the Celsius degree and according to which absolute zero is equal to -273 degrees Celsius.

Light fixture: any device intended to produce outdoor illumination.

Light trespass: light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle driver's eyes, or upwards toward the sky.

Lumen: a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Major addition: enlargement of 25% or more of the buildings gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of 25% or more of installed outdoor lighting.

Minor addition: enlargement of less than 25% of the buildings gross floor area, seating capacity or parking spaces, either with a single construction project or cumulative series of construction projects after the enactment of this ordinance. The term also includes replacement of less than 25% of installed outdoor lighting.

Motion sensor: any device that turns a light fixture on when it detects motion and off when motion stops or very shortly thereafter (5-10 minutes).

Nits (candela): the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation.

Switch: any device that can be manually controlled by a person to turn a light fixture on and off. For the purpose of this chapter, switches include motion sensors, but switches do not include light sensors or timers.

Temporary: refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting, and seasonal decorations, but in no case for more than a period of 60 days without an exemption granted by the town of Hideout.

10.16.06 APPLICABILITY AND EXEMPTIONS

All exterior outdoor lighting installed after the effective date hereof in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.

1. Exemptions.
 - a. Temporary lighting for decoration/seasonal, theatrical, television, performance areas, and construction sites, except as allowed by permit at the discretion of the town council.
 - b. Underwater lighting in swimming pools and other water features.
 - c. Lighting that is only used under emergency conditions.
 - d. Lighting required by federal, state, county or city ordinances and regulations.
 - e. Outdoor recreational facilities are exempt from lumen cap and shielding but must comply with 3,000 degrees Kelvin temperature requirement. Lights must be extinguished promptly after a sponsored event.

10.16.08 OUTDOOR LIGHTING STANDARDS.

1. Temperature of Lamps. Lamps shall not exceed a maximum correlated color temperature (CCT) of 3,000 degrees Kelvin.
2. Lamp and Shielding. All light fixtures over 1,500 lumens are required to be fully shielded and installed so that the shielding complies with the definition of a fully shielded light fixture.
3. Light Trespass Standard. All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.
4. Signs:
 - a. Front Lit: Any light with the intention to illuminate a sign must be oriented from the top and shine down.
 - b. Back Lit:
 - I. The sign design may not contain any more than 10 percent white, including lettering.
 - II. Transparent or clear materials are not allowed.
 - III. Nonface portions of the sign (e.g., background and sides) shall be made of completely opaque material.
 - IV. Internal lights must not exceed 3,000 degrees Kelvin if greater than or equal to 1,500 lumens.

- c. Neon: Any sign consisting of more than three feet of neon must be extinguished no more than four hours after sundown during daylight savings and six hours during regular mountain time.
- d. Electronic:
 - I. EMS signs are for public safety purposes only and prohibited for private or commercial use.
 - II. Luminance levels for operation after sundown and until sunrise shall not exceed 100 nits (candela per square meter) as measured under conditions of a full white display.
 - III. Messages appearing on Electronic Messenger Systems (EMS) shall not be displayed for less than 30 seconds and require no longer than 0.25 seconds to transition from one message to another. Moving text is prohibited.
 - IV. The luminous surface area of an individual EMS shall not exceed 50 square feet.
 - V. EMSs shall not be placed within 1,500 feet (300 meters) of other off-premises changeable electronic variable message sign on the same side of the highway, regardless of face orientation.
 - VI. EMSs shall not be placed within 1,500 feet (300 meters) of residential areas.
 - VII. The device owner or the permit holder shall continuously monitor signs 24 hours per day, including monitoring the reliability of hardware, software, network and other support infrastructure.
 - VIII. Signs shall contain a default mechanism so that in the event 10 percent or more of an EMS's LED emitters have failed, the sign will immediately revert to an unlit black screen and remain in such condition until the malfunction is corrected.
- 5. Parking Lots:
 - a. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed 20 feet. All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
 - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed 16 feet.
 - d. The lighting in commercial parking lots must be turned down by at least 75% of all light fixtures (or 75% of total light emitted) two (2) hours after closing time in the evening or from 10pm to 6am, whichever is the most restrictive.
 - e. All parking lot lighting shall use full cutoff fixtures.
- 6. Gas Station Canopies. Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
- 7. Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses.

- a. Total outdoor light output shall not exceed 15,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site. Of the 15,000 lumens, 10,000 lumens minimum must be fully shielded with 5,000 maximum unshielded.
 - b. Seasonal decorations are not counted toward this limit.
- 8. Total Outdoor Light Output Standards – Single-Family Residential Uses:
 - a. Outdoor lighting for single-family residential uses is subject to a lumen per net acre cap of 10,000 lumens net.
 - b. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
- 9. Roadway/Streetlights. Streetlights are allowable as recommended by the public works administrator or town council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
- 10. New Public Lighting – Streetlights/Public Property and Rights-of-Way:
 - a. All new streetlights are allowed as recommended by public works administrator and town council. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. They shall not exceed 10,000 lumens per net acre. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - b. Public Property. Properties owned by Hideout such as parks and other community gathering spaces will adhere to all standards as indicated. They will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - c. Rights-of-Way. All rights-of-way will adhere to all standards as indicated including energy efficient lighting which minimizes sky glow. Lighting shall meet safety concerns with a goal of using the lowest levels of lumens necessary.
 - d. All new public lighting will be part of the planning and zoning process in which public buildings, public property and rights-of-way lighting is determined. This will be incorporated as part of the zoning process moving forward to ensure compliance with this chapter.
- 11. Prohibited Lighting:
 - a. Up lighting to illuminate buildings, other structures or vegetation.
 - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including temporary holiday lighting.
 - c. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
 - d. Searchlights, laser source lights or any similar high intensity light.
 - e. Except when used in window signage pursuant to subsection (10.16.06 (4.C) of this section, neon or luminous tube lighting, either when outdoor mounted or indoor mounted, if visible beyond the property boundaries.

10.16.10 LIGHTING CONTROL.

1. Light fixtures with motion sensors and/or timers are required to minimize the duration of nighttime lighting from midnight to 6 a.m.
2. Fully shielded fixtures are required where any lights, even those below 1,500 lumens, are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection, and reduce light scatter beyond the property line.
3. Statuary and flags shall be lit from above to minimize sky glow.

10.16.12 IMPLEMENTATION.

1. New Uses, Buildings and Major Additions or Modifications: All building permit applications must include an outdoor lighting plan which includes the following information:
 - a. The location of all existing and proposed light fixtures (may be included on site plan).
 - b. Specification sheets for all existing and proposed light fixtures.
 - c. Acknowledgement that the Applicant has received notification of this Article.
 - d. Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this code section shall occur during the final electrical inspection done by the towns designated building inspector.
2. Minor Additions or modifications: If the work requires a permit than the procedures shall be the same as for a Major addition.
3. New Lighting. Any new lighting on the site shall meet the requirements of this code with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.
4. Resumption of Use after Abandonment. If a property or use with nonconforming lighting is abandoned, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.
5. Existing Lighting: On or before three years, all outdoor lighting shall comply with this code. This may be done through replacement or retrofitting.
6. Public Roadways:
 - a. In general, this code does not apply to county and state rights-of-way. However, all new streetlights on such roadways or rights-of-ways must be fully shielded.

10.16.14 ENFORCEMENT AND PENALTIES.

All code, including lighting code, requires enforcement. Lighting code enforcement is essential to achieving a sustained reduction of light pollution and conservation of the night sky.

1. The penalty for violation of any portion of this chapter shall be:
 - a. First Notice. A notice to the property owner requesting compliance within three months.
 - b. Second Notice. If after three months the violation exists a notice will be given to appear before the Hideout town council to discuss options to come into compliance.
 - c. Third Notice. If after six months a violation of the provisions of this chapter shall be an infraction punishable by penalties up to \$2,000 per residential/commercial unit.

2. Violations regarding 10.16.10 lighting control (not withstanding 10.16.14.1) :
 - a. First notice. A notice to the property owner requesting compliance within 72 hours.
 - b. Second notice. If after 72 hours a violation of this light control shall be an infraction punishable by penalties up to \$50 per day until compliance.

10.16.16 CONFLICTS.

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law. If any provision of the Hideout Town Code should conflict with the provisions of this chapter, this chapter shall supersede and be the controlling and enforceable provision.