



HIDEOUT, UTAH TOWN COUNCIL - SPECIAL MEETING

March 25, 2021

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold a Special Meeting electronically for the purposes and at the times as described below on Thursday, March 25, 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/>

Special Meeting
6:00 PM

- I. Call to Order and Reading of Mayor Rubin's No Anchor Site Determination Letter
 1. March 7, 2021 No Anchor Site Determination Letter
- II. Roll Call
- III. Approval of Council Minutes
 1. October 14, 2020 Town Council Minutes DRAFT
- IV. Agenda Items
 1. Review and consider authorizing the Mayor to enter into Agreements for four technical studies associated with the Silver Meadows Annexation specifically for financial feasibility, traffic, environmental and chair lift feasibility
 - a. Financial
 - b. Traffic
 - c. Environmental
 - d. Chair Lift
- V. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed
- VI. 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
Phone: 435-659-4739
Posted 3/22/2021

File Attachments for Item:

1. March 7, 2021 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>

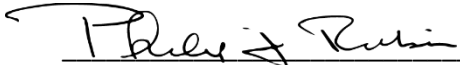
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

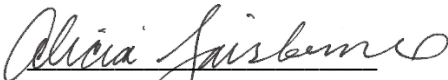
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be read during the public comment portion and entered into public record.

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 14, 2020 Town Council Minutes DRAFT

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Minutes
Town of Hideout
Town Council - Special Meeting
October 14, 2020

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The Town Council of Hideout, Wasatch County, Utah met in Special Meeting on October 14, 2020 at 6:00 pm electronically via Zoom meeting due to the ongoing COVID-19 pandemic.

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Special Meeting

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I. Call to Order and Reading of Mayor Rubin's September 24th No Anchor Site Determination Letter

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1. Mayor Rubin's No Anchor Site Determination Letter

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Mayor Rubin called the meeting to order at 6:01 pm and read the No Anchor Site Determination Letter in its entirety.

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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 Clerk Alicia Fairbourne

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

III. Agenda Items

1. Discussion and Possible Action on Ordinance 20-XX AN ORDINANCE ANNEXING the Silver Meadows annexation the land which is described in Exhibit A.

Mayor Rubin provided an overview of the session and noted there would be no discussion of, or action taken on the first agenda item regarding an ordinance annexing the Silver Meadows annexation. He noted this topic was tabled until the following meeting.

1 **2. Discussion and Possible Action on authorizing the mayor to enter into an Annexation**
2 **and Master Development Agreement pertaining to the Silver Meadows Annexation.**

3 Mayor Rubin stated the Council would discuss the content and revisions made to the draft
4 Annexation and Master Development Agreement (AMDA) but there would be no action taken on
5 this item until the next meeting. He asked the Council members for input on any additional items
6 for inclusion in the agreement.

7 Eric Langvardt, planner for the developer, discussed the updated proposed development map. He
8 noted the revised proposal represented an overall reduction in density with fewer single-family
9 homes on larger lots, fewer cottage homes, and townhouse units reduced from 95 to 40 and to
10 consist of duplex structures. He noted the addition of another community park, a site for a 17,000
11 square foot city hall and community center building, and stated the commercial component had
12 been increased to 120,000 square feet. He also noted the location of the nearby EPA
13 (Environmental Protection Agency) OU-1 site on the map. Regarding the updated zoning map,
14 Thomas Eddington, Town Planner, noted there could be a few small changes made before
15 submission of the final proposal. Nate Brockbank, developer, discussed options under
16 consideration for an assisted living/senior center.

17 In response to a question from Council Member Jerry Dwinell regarding inclusion of a gas station
18 in the plan, Mr. Langvardt noted such a business was not compatible with the proposed design of
19 the Town Center. He also noted the design did not envision drive-through restaurants. He discussed
20 the proposed commercial parking plans which would include on-street parking along Richardson
21 Flats Road and parking lots in the Town Center. Residential parking within the Town Center would
22 be below the buildings. Mr. Langvardt added some of the commercial parking could be reallocated
23 to residential depending on the businesses, and noted the commercial area was accessible from the
24 trail system.

25 Mayor Rubin noted Richardson Flats Road was currently a county road and asked about the
26 process to obtain approvals for its widening and addition of on-street parking if the proposed
27 annexation moved forward. Town Attorney Polly McLean responded it would remain a county
28 road and would research the process for making changes to the road. In response to a question
29 from Council Member Ralph Severini regarding potential electric vehicle charging stations, Mr.
30 Langvardt stated they could be included. Council Member Chris Baier asked about the adequacy
31 of handicapped parking in the plan to which Mr. Langvardt responded it was included. Mr.
32 Langvardt responded to several additional questions and comments from Council Members
33 regarding a church site, school site, chair lift, and rail trail road crossings.

34 Council Member Baier asked for clarification on residential parking and whether there would be
35 sufficient guest parking. Mr. Langvardt detailed the plan for each home's garage and guest parking
36 and noted spaces available for additional parking could be created as the plan was finalized. He
37 noted the proposed twin homes would have space for two car garages and guest parking. After
38 answering several more questions, at approximately 6:45 pm, Mr. Langvardt was excused from
39 the meeting.

40 As follow up to feedback he had received from several constituents, Council Member Bob
41 Nadelberg requested clarification that these discussions regarding the draft AMDA did not imply
42 the certainty of approval of the annexation. Mayor Rubin stated these matters were somewhat
43 linked, as the terms of the AMDA needed to be acceptable before a potential annexation approval.
44 Ms. McLean agreed the AMDA must be ready in the event the annexation was adopted but did not
45 imply the annexation would be approved.

1 Mayor Rubin presented the updated draft agreement which reflected the comments discussed
2 during the previous Town Council's Work Session, and hoped any remaining items could be
3 discussed at this session in order to be ready to vote on the document at the next meeting.

4 Mr. Bruce Baird, attorney for the developer, explained various definitions and changes within the
5 agreement.

6 Mayor Rubin noted Ms. McLean had assisted in identifying an environmental lawyer who had
7 agreed to represent the Town and review the agreement's environmental language. Mr. Baird
8 stated he would also have his environmental counsel review these sections.

9 Mr. Baird agreed to review Section 1.2.12 to ensure the net and gross lease figures were correct.
10 Mayor Rubin requested reciprocal language regarding potential OU1 site runoff mitigation.

11 Mr. Baird detailed the proposed changes to Section 3.3 regarding the phasing schedule for the
12 commercial development relative to residential development to prioritize the building of the Town
13 Center. Discussion ensued, which clarified the assisted living/senior center facility would not be
14 considered either residential or commercial for purposes of computing this phasing schedule.

15 Council Member Severini asked if an anchor location would be needed upfront to attract other
16 businesses. Mr. Brockbank responded it would be optimal to secure as much commercial
17 commitment as possible early on, and he would seek to bring on a grocery store tenant as soon as
18 the annexation was approved. Discussion ensued regarding the square footage for a grocery store.
19 Council Member Baier requested this language not be overly restrictive in order to attract an
20 appropriate store for the community.

21 Mr. Eddington suggested including language to ensure the affordable housing units would be built
22 in the same proportion as other types of housing.

23 Mr. Eddington suggested amending Section 7.3.2. to require parks and trails to be constructed in
24 proportion to the overall development. Mr. Brockbank noted he had agreed to include construction
25 of the major open spaces and back bone trails in Phase I (the first 10 percent) of the project.

26 Discussion ensued regarding Section 7.3.3. and Homeowners Association (HOA) fees for the
27 affordable/workforce housing units. Mr. Eddington suggested setting the terms for calculating
28 these fees based on specific income levels to ensure affordability. It was noted these details could
29 be changed to address future conditions.

30 Discussion ensued regarding the language surrounding access to SR-248 and it was noted the
31 development would not be held up waiting for all state and county approvals prior to starting the
32 project. Mayor Rubin cited the example of the KLAIM development's drawn-out process for
33 obtaining final approvals from the state for its access road to SR-248.

34 Council Member Dwinell asked at what point applications and approvals would occur, and as
35 conditions changed over time, would this agreement be amended to address those changes. Mr.
36 Baird responded all development project applications would need to be processed through the
37 Town's Planning Commission and Town Council processes. It was agreed to require a full project
38 phasing plan upon submission of the first building application, consistent with other multi-phase
39 projects in the town.

1 In response to questions from Council Members, Ms. McLean was asked if a feasibility study
2 which matched with the state code's requirements for an annexation should be included. She
3 agreed to provide an overview of these requirements to help Council evaluate whether to reference
4 them in the agreement in advance of the next meeting.

5 Ms. McLean requested Mr. Baird provide a letter explaining the relationships of all the developer-
6 related entities party to the indemnification agreement.

7 Council Member Baier asked about the indemnifications and protection options in the event of
8 insolvency of one of LLC entities party to the indemnification agreement. Mr. Baird stated this
9 had been discussed at the last meeting and these risks would always exist. He discussed the
10 bankruptcy process and noted the Town would be in the position to work with another developer
11 to continue the project under such a scenario. Council Member Dwinell asked about the Town's
12 exposure under a scenario where a problem developed with the adjacent superfund site and noted
13 another developer would be less likely to step in to take on the project. Mr. Baird noted another
14 Utah area development with similar indemnification terms and detailed the low likelihood of the
15 Town having exposure to an environmental problem given the reviews conducted.

16 Ms. McLean asked about a scenario where the developer became insolvent midway through the
17 project and asked how the Town would ensure the successors would be obligated to complete the
18 requirements of the projects. Mr. Baird responded the development agreement would cease and a
19 bankruptcy process would most likely induce the project's financing entity to take on the project
20 in order to protect its interests. Mayor Rubin noted these types of risks already existed for other
21 projects under development in the Town, and the Town would rely on advice from its legal counsel
22 to confirm the terms of the development agreement were normal and customary.

23 Mr. Brockbank stated he paid cash for the land, and like the projects he built in Deer Waters and
24 Deer Springs, he did not anticipate financing this project. He added he could not fathom a situation
25 that would lead him to walk away from the project prior to completion. Mayor Rubin stated there
26 was always some level of risk, which the Council would need to be comfortable accepting.

27 Council Member Baier asked if Hideout should consider enacting a soil ordinance similar to one
28 enacted by Park City. Ms. McLean and Mr. Baird noted the language included in the agreement
29 which had been added by the Town's environmental attorney regarding a soil plan. Mr. Baird also
30 discussed Section 4.3.7 Other Planning and Zoning Modifications and suggested inserting
31 language to subject the developer to compliance with a future soils ordinance the Town may adopt.

32 Council Member Severini asked how the Town would be protected if the developer could not
33 withstand an economic downturn. He noted as with any type of business deal, the time component
34 of risk which would encourage Mr. Brockbank to complete the project while the market was strong
35 and money cheap.

36 Council Member Bob Nadelberg had no further questions.

37 Council Member Carol Haselton shared her concerns with a potential economic slowdown and
38 future over-building in the area. She stated she felt this decision was being rushed. Mayor Rubin
39 noted this was not a three-year project and it was important to think about it over a longer time
40 frame. If the annexation advanced, there were still a number of legal matters to be resolved and
41 studies to be conducted before breaking ground. He added this was probably an eight to ten-year
42 project.

1 Council Member Dwinell suggested a provision to ensure remediation and restoration to any land
2 if excavation was started but development did not proceed as scheduled. Mr. Baird referred to
3 existing state law which addressed this concern. Ms. McLean suggested inclusion of completion
4 bonds or remediation bonds for each building permit. Mr. Baird respectfully disagreed with this
5 suggestion and noted these types of bonds were currently difficult to acquire and prohibitively
6 expensive. He suggested instead to consider strengthening the default clauses in the agreement
7 which could put the entire development agreement at risk should the developer fail to complete
8 required items.

9 Council Member Baier asked about the cost of the proposed chair lift and alternate uses for those
10 funds. Mr. Brockbank discussed two options under consideration which would cost approximately
11 \$400,000 to purchase and noted the town could utilize those funds for another purpose. Discussion
12 ensued regarding what the total costs would be to purchase equipment, install, and operate the lift
13 and how to compute its complete value within the AMDA. It was also noted the forthcoming
14 feasibility study would provide additional information to aid the Council in deciding whether to
15 proceed with the chair lift or consider directing those funds to another community project. Mr.
16 Brockbank agreed to provide an alternative estimate on this subject in advance of the next meeting.

17 Mr. Baird agreed to send a new draft to the Council by noon the following day.

18 Council Member Baier asked for Section 4.3.7 Other Planning and Zoning Modifications to also
19 include adherence with the Town's weed ordinance.

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

22 There being no further public business, Mayor Rubin asked for a motion to close the public portion
23 of the meeting at 8:31 pm and move into Executive Session.

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25 *Motion: Council Member Dwinell made the motion to enter into executive session to discuss*
26 *pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of*
27 *real property as needed. Council Member Nadelberg made the second. Voting Aye: Council*
28 *Members Baier, Dwinell, Haselton, Nadelberg and Severini. None opposed.*

29 Whereupon the closed executive session convened at 8:40 pm.

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31 **Present:**

32 Mayor Phil Rubin
33 Council Member Chris Baier
34 Council Member Jerry Dwinell
35 Council Member Carol Haselton
36 Council Member Bob Nadelberg
37 Council Member Ralph Severini

38 **Staff and Others Present:**

39 Town Attorney Polly McLean
40 Summit County Litigation Attorney Rob Mansfield
41 Town Planner Thomas Eddington
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1 **V. Meeting Adjournment**

2 At approximately 9:15 pm, the Executive Session adjourned and the meeting moved into public
3 session.

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5 ***Motion: Council Member Baier moved to close the Executive Session and adjourn the***
6 ***meeting. Council Member Haselton made the second. Voting Aye: Council Members Baier,***
7 ***Dwinell, Haselton, Nadelberg and Severini. None opposed.***

8 The meeting adjourned at 9:15 pm.

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14 Alicia Fairbourne, Town Clerk

DRAFT