

Town Council Meeting Minutes

April 12, 2018

1. **Call to Order and Pledge of Allegiance**

Mayor Phil Rubin called to order the meeting of the Town Council of the Town of Hideout at 6:05 p.m. on April 12, 2018 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. **Roll Call**

Mayor Rubin conducted a roll call. The following Council Members were present:

Mayor: Phil Rubin
Council: Chris Baier
Doug Egerton – by phone
Dean Heavrin
Hanz Johansson
Jim Wahl

Also attending: Town Clerk - Lynette Hallam, Kent Cuillard – Public Works, Dan Dansie – Town Attorney, Bill Bartlett, Jerry Dwinell, Pam Flowers, Tyler Frisby, George Garvin, Will Pratt, Kurt Shadle, Brent Ventura and Jack Walkenhorst

Mayor Comments

Mayor Phil Rubin informed the attendees that the agenda did not get on public notice website in a timely manner.

The mayor introduced the Town Attorney, Dan Dansie and asked him to address the matter of the posting. Attorney Dansie advised on any business before the Council it is up to the Applicant if they want to proceed.

The mayor requested that anyone wanting to comment please come to the podium. Comments need to be captured and recorded.

3. **MINUTES - Approval of Minutes for Regular Meeting of March 8, 2018**

Mayor Phil Rubin mentioned a typo that has been corrected. Council Member Hanz Johansson requested a change be made to Section 6 pending “review” of Council.

Council Member Dean Heavrin made the motion to approve the minutes of March 8, 2018. Council Member Jim Wahl seconded the motion. The motion passed unanimously with affirmative votes from Councilors Johansson, Baier, Wahl, Heavrin, and Egerton.

4. **PUBLIC HEARING – Consider and Accept or Deny the Petition for Annexation of 98.13 acres located at 13500 North Jordanelle Parkway**

Bruce Baird, attorney for the Applicant, suggested holding a public hearing tonight, and then continue the public hearing to another date due to the posting snafu. He suggested getting as much input as possible at tonight’s meeting.

- a. Consideration and Possible Approval of a Master Development Agreement for Deer Springs subdivision which is proposed for annexation into Hideout Town.**
- b. Consideration for a special session to finalize contingent elements in support of the Annexation request**

Mr. Baird stated essentially 90 percent of the Master Development Agreement is the same as Deer Water's MDA; the boiler plate is the same. Those sections that are different are on pages 20, 21 and 22. The developer is giving the Town three choices of concessions: 1) a maintenance building on property which was already dedicated to the Town from the Deer Water annexation as well as \$300,000; 2) construction of the internet backbone to all existing lots including trenches & conduit or 3) \$600,000.00 in cash. These will be triggered when the first plat is recorded. Deer Springs has offered to maintain the public roads and the park. It will need to be worked out how this will work. Mr. Baird was confident they could present a plan at the next meeting. This is a typical development agreement; there is no difference with the process than what was done for Deer Water. Mr. Baird gave further details of the annexation process.

Bruce Baird stated they are trying to solve the problem with the master HOA on Deer Water. For Deer Springs they will attach the design guidelines to the MDA and are creating a process by which the HOA will certify compliance with said design guidelines before a building permit is submitted. The Town would have a chance to vet that to make sure they are actually meeting the guidelines. This is a standard way to do it in large municipalities.

Bruce Baird reported on a letter from Wasatch County Fire Department and the ensuing discussion. There were two concerns raised in the letter; one issue was how much money it would cost them and they would lose jurisdiction. After researching, Mr. Baird said they found the total taxes for the area being annexed was \$98.00, so cost is not an issue. The developer committed to the Fire Department to run their plans by them and agree to do what they want. Mr. Baird stated after this meeting, he thinks the Fire Department will not file a formal objection. Following a comment by the mayor, Mr. Baird said they would have a signature line for the fire department on their plats.

Nate Brockbank commented they are basically across from Todd Hollow Apartments and showed the location of the development on a map. Mr. Brockbank pointed out the town park includes the pickle ball court, playground, an amphitheater and a fenced dog park (large dogs, small dogs.) There is also a large open space area. The developer talked about trails which will be 10 feet wide asphalt trails; there will be 13,600 linear feet of trails. The trails will connect to Park City through the rail trail and Deer Valley through the Jordanelle Parkway Trail. A rendition of a prototype home was shown; there will be single and double story homes. Fifty-nine acres will be dedicated open space, which is sixty percent of the development. There will be a large estate lot and forty-two lots with larger lots on the north and smaller lots on the south and town homes in between.

Mr. Brockbank said the HOA will maintain all the roads in the development, maintain the trails and the two trails.

Nate Brockbank talked about the design guidelines.

Councilor Chris Baier asked about the materials which would be used for garage doors. Mr. Brockbank said they would be wood doors or metal if approved by the Design Review Committee. Concerning windows, white vinyl will not be allowed; Paul Linford reported they will be the same as Rustler. Mr. Brockbank said cedar siding will be used, no brick, all rock or stucco. The guidelines are basically the same as the Master HOA using their wording but will hit all the points in the Town's guidelines. The developer stated they are going for mountain traditional, mountain modern and contemporary. Mountain contemporary and mountain modern can have flat roofs.

Council Member Hanz Johansson asked what areas will be the contemporary and modern. Nate Brockbank said he did not have a specific area. The plat is not broke up into phases yet; and he prefers mixing them around. Mayor Phil Rubin offered there is a mix in his neighborhood.

Council Member Baier stated she is still going to look into trail design guidelines and get specifications. She said it may be a challenge to put asphalt in some areas. Nate Brockbank stated Dave Erichsen was wondering how to get 10 foot wide trails in some places; there are a few switchbacks that may have to use road base. Bruce Baird offered that a note can be put in the MDA concerning the trails. Mr. Brockbank said in Deer Water they were planning a six-foot trail and he did not feel it was wide enough. Councilor Johansson asked how wide the trails are in Parks Edge. Mr. Brockbank thought they were 10 feet.

Councilor Chris Baier stated she had a conversation with Fire Marshal Ernie Giles subsequent to their meeting. Nate Brockbank said Mr. Giles wants to be involved in the approval process and some of the inspection processes. Mr. Brockbank added they would love to have the Fire Department sign the mylar. They had involved the fire chief in the Deer Water subdivision and were instructed the change the width of their roads from 17 feet to 22 feet wide of asphalt. They also talked about fire sprinklers, and the developer is not opposed to putting in the sprinklers. If the ground gets annexed, the development will have four accesses; the fire was chief happy with that. Developments have to have two accesses. Mr. Brockbank added they will probably build Shoreline Drive clear through.

Council Member Doug Egerton commented concerning density, he understands how the math calculation works but he thinks it is a lot of density. Councilor Egerton would like to look at any way to reduce that even if it means reducing the amount of trails. Councilor Hanz Johansson stated if we don't annex, currently Wasatch is zoned for 1.5 erus. Hideout is going to allow 2.5 erus (with bonuses, etc.) which will allow 100 more units. While we appreciate the compensation offers, if you look at a possible profit of \$50,000 per unit for one hundred units, that is a five million dollar profit. The Council Member felt it was not too much to ask to get option A and B, not option A or B and also reduce density if possible.

Council Member Baier stated the Town Code does specify 1.5 is base density; the developer gets the increase for dedication of land, internet installation, trails bonus and construction of roads. There is a positive recommendation of 249 units. Councilor Baier would like to make sure they are not just cramming everything in here. The Town does benefit with the parks and trails. What is the right number for density; if we drop to a density of 2.25, what would the Town have to give up. It is up to the Town to decide if they want the annexation. Nate Brockbank reported in Wasatch County, up the street, there are 8 erus per acre. The developer has not been to Wasatch County for a rezone; but they would probably try to get a rezone if they stay in the County.

Nate Brockbank stated regarding density, for every 500 feet of trails that are taken out the developer would lose one unit. Council Member Baier offered she was open to putting in less trails if the Town could get an easement to building back country trails. Councilor Johansson added that would be in trade for slightly lower density. Nate Brockbank countered he is bringing a lot to the Town; they went from 278 units to 248 units. Councilor Bair agreed they have really worked to try to incorporate what the residents want; and gave more open space than required. Mr. Brockbank stated the overall density is one duplex per acre. Mr. Brockbank stated they are open to giving the building and the \$600,000. The park will cost about 1.2 million dollars; they are not using the full bonus.

Mayor Rubin opened the hearing for public comment.

George Garvin asked if MDA specified the project will be trenched. Nate Brockbank replied Deer Water and Deer Springs will have high speed internet and they will bring it across the street regardless of the option chosen.

Kurt Shadle commented if the \$600,000 option is chosen, the Council needs to look carefully at how that money is spent. There are going to be expenses coming up, including legal expenses.

The Town needs to figure out how we hold on to it and not spend it because there are things coming down the road the Town will need to spend money on. Nate Brockbank indicated he would rather give the building and \$600,000, but the density would need to stay at 248 units. There are too many unknowns on the internet. But they are willing to do the internet if that is what the Council wants.

Bill Bartlett questioned what Hideout will look like when it is all built out; what happens to the landscape. The Settlement development is eradicating a mountain. SR248 may become an over-saturated area. Appreciation for the traffic mirror by the mail boxes was expressed by Mr. Bartlett. Mayor Rubin said the overall look of the Town is one of the concerns of Council. The Town is having a University of Utah Hinckley Institute student coming in for twelve weeks to put together a big picture for us, trying to bring it more into a contiguous piece of property. This annexation brings a lot to the Town. The difference between this development and Deer Mountain is night and day.

Council Member Doug Egerton stated he does think Mr. Bartlett's comment is important. All development seen to date is based on a Master Plan for this Town. Now the Town has the opportunity to get a different level of control on how we want the new areas to look.

Councilor Jim Wahl agreed everything so far has been approved by the original city. The percentage which has been built will probably be only a fraction of what has been approved. Council Member Johansson referenced a spread sheet from the mayor showing the number of doors already built and what is to come. There are 417 doors now and 2100 doors at build out. Council Member Chris Baier commented the Austin property is going to get development; with annexation, we have control. The councilor said she would rather Hideout has the say on what happens. The Mayor asked Councilor Wahl how we control it. Council Member Dean Heavrin opined this annexation takes away an island and allows annexation to spread all around. Councilor Baier stated this gives good trail connections and parks. Councilor Heavrin felt if the developer takes away density they will take the houses.

Council Member Hanz Johansson stated Klaim will be a different product. Council Member Heavrin pointed out it will still be town homes. Bill Bartlett felt Councilor Baier's point was valid. Councilor Heavrin reiterated the island will be gone. Council Member Chris Baier felt the annexation policy plan is pretty narrow and provides control. The Town could use more commercial. This development does afford connections into Park City that have been wanted for a long time. **Former** Mayor Martino wanted connecting trails. That was part of the original vision of Hideout when it was incorporated in 2008.

Nate Brockbank stated some of the developments with high density were bought out of bankruptcy. The density in Wasatch County could be double, triple or even quadruple.

Pam Flowers commented she lives right across the street. If this property is not annexed, somebody will develop it in the County. Ms. Flowers added she didn't want increased density. Council Member Jim Wahl asked why Wasatch County would want to develop a higher density. Nate Brockbank reported Jordanelle Parkway at the top of his proposed project is being put in now. Around the corner about a quarter mile away has 503 single family lots, a golf course and riding stables that are open to the public.

Mayor Phil Rubin closed the public hearing.

Bruce Baird suggested a straw poll be taken so Dan Dansie and he could work together to draft up things. He believed the maintenance building and the \$600,000 were the desired option.

Attorney Dan Dansie asked for building specifications on the offered building. Mr. Baird said the specs would be provided between now and the next meeting. Nate Brockbank said it will have a concrete floor and heat. There will be a small office on the inside. Mr. Dansie also requested specs on components of parks. Bruce Baird stated they normally do that later in the process. Nate Brockbank detailed the building will be insulated, have bathrooms and 6" concrete floors.

Councilor Egerton was not sure how it works if the Town accepts the cash or the building. Dan Dansie stated in this case it is a voluntary contribution the developer is willing to make as a concession for the annexation. It will need to be documented in the Master Development Agreement. Bruce Baird offered it is in the MDA as additional consideration to the Town for the annexation which is not required. This practice is quite common and doesn't violate State Law. Mr. Dansie reiterated it is voluntary.

Kurt Shadle asked how State Law treats encumbering for special purposes. Mr. Shadle didn't want the Town to have to waste it. Bruce Baird stated the Town is limited to the amount of reserves it can hold over time, but there are ways to deal with by encumbering it for special purposes.

Mayor Rubin suggested the matter be continued due to the noticing mistake. Bruce Baird stated they have guidance on what needs to be changed but they will need a couple days to go over it. Dan Dansie stated it will need to be continued longer than one week to allow for noticing.

Council Member Chris Baier motioned to continue the acceptance or denial of the petition for annexation of 98.13 acres located at 13500 North Jordanelle Parkway be moved to Wednesday, April 25 at 6:00 pm. Council Member Dean Heavrin seconded the motion. Councilors Johansson, Baier, Egerton, Wahl and Heavrin voted in favor. The motion passed unanimously.

5. CONTINUED ITEM – Vacation of public access easement across parcels 21-2486, Sugarplum Homes LC and 20-8161 Western States Ventures LLC, continued from 2/8/18 Council meeting

Dan Dansie stated this vacation was looking at three different parcels where the Town has right of way easements over them. The request from the Applicant is they be vacated and in its place there would be a public road constructed to Town standards. The attorney's recommendation to the Council is it would be vacated upon the occurrence of two conditions: 1) The road be constructed and accepted by the Town. 2) The Subdivision plat is recorded for all affected parcels which shows the location of the road as a dedicated public right of way. Mr. Dansie assumed the consideration for this item is continued as well. Bruce Baird agree. Mr. Dansie further clarified that Mr. Brockbank owns two of the parcels and the VandenAkkers own the third parcel and they are in support of the vacation. (In attendance at the previous meeting where this was discussed and agreed and have supplied written verification.) Mr. Baird contended this matter could be voted on tonight and again at the next meeting. The mayor agreed there needs to be a motion tonight. Mr. Dansie said there could be a motion in two weeks on the Ordinance for the action. The mayor stated a motion was made at a previous meeting okaying the vacation subject to review by the attorney and wondered if another motion was needed. Mr. Dansie felt due to the conditions he has added, it should be motioned again and a final vote on the ordinance. Due to the issue related to the title company, Bruce Baird asked for a new motion to be made stating the easement can be vacated with Mr. Dansie's conditions and a proviso of the plat being recorded or a bond posted for the public road. Mr. Dansie restated his concern that the two components, finishing of the road and recordation of the plat, remain important and the road will be public.

Mayor Rubin opened the public hearing. The being no public input the public hearing was closed.

Councilor Chris Baier motioned to approve the petition to vacate easements across parcels 21-2486, Sugarplum Homes LC and 20-8161 Western States Ventures LLC conditional on a road completed to Town standards and accepted by Town, or if the construction is bonded for, and a plat recorded with a dedicated public right of way shown. Councilor Hanz Johansson seconded the motion. Motion passed with "aye" votes from Council Members Heavrin, Wahl, Baier and Johansson.

6. PUBLIC HEARING – Consideration and Possible Approval of Ordinance #18-02 to remove a portion of an existing utility easement on Reflection Lane that is no longer needed.

Mayor Rubin felt they had not had the information long enough and need more time to review it. The item will be put off until next month.

Council Member Hanz Johansson made the motion to continue Item 6 to next month. Council Member Chris Baier seconded the motion. Motion was approved unanimously by Councilors Heavrin, Wahl, Baier, Egerton and Johansson.

7. DISCUSSION ITEM – Status of Plat amendments and Lot Line Adjustments from 3/8/18 Council meeting.

The Town Attorney said these amendments appear to be appropriate under applicable statutes. One is to combine two lots and the other is shift the boundaries on two lots. Both involve recording a new subdivision plat and vacating a portion of public easements which are not being used. No member of the public will be harmed. Mr. Dansie saw no reason to object.

8. UPDATE – Internet Committee

This item was continued to the following month.

9. DISCUSSION ITEM – Proposal by a council member to have the council consider and possibly approve an amendment to Hideout code Title 1A, Chapter 5: Mayor and Town Council. The proposal is to change 1A.05.105 Section “B. Special Meetings” wording from “three (3)” to “two (2)” as follows:

“If at any time the business of the town requires a special meeting of the governing body, such meeting may be ordered by the mayor or any ~~two (2)~~ ~~three (3)~~ members of the governing body.”

This item was deferred to following month.

10. DISCUSSION ITEM – Next steps regarding fire agreement and sprinkler requirements This item was deferred to following month.

11. CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of payment of March bills

Council Member Hanz Johansson made the motion to approve the bills with the condition that the two bills that are not on the list (Honnen Equipment and Brian Blazzard) combined are less than one thousand dollars. Council Member Jim Wahl seconded the motion. Councilors Johansson, Baier, Egerton, Wahl and Heavrin voted unanimously to approve.

12. PUBLIC INPUT

There was no public input.

13. ADJOURNMENT OF PUBLIC MEETING

Council Member Hanz Johansson motioned to adjourn the public meeting and move into executive session because of threatened litigation. Council Member Chris Baier seconded the motion. Voting in favor Councilors Johansson, Baier, Wahl, Heavrin and Egerton.

Meeting adjourned 9:10 PM.

Lynette Hallam, Town Clerk

Approved: 5/10/18