

# TOWN COUNCIL MEETING MINUTES

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June 22, 2017

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

Mayor Pro Temp Dean Heavrin called to order the meeting of the Town Council of the Town of Hideout at 6:05 p.m. on June 22, 2017 at 10860 North Hideout Trail, Hideout, Utah and led the Pledge of Allegiance.

2. **Roll Call**

The mayor pro-temp conducted a roll call. The following Council Members were present:

Dean Heavrin  
Doug Egerton  
Hanz Johansson  
Jim Wahl – by phone

Absent: Mayor Martino  
Cyndie Neel

Also attending: Town Clerk - Lynette Hallam, Kent Cuillard – Public Works, Chris Baier, Bruce Baird, Ken Block, Melyssa Davidson, Natalie Dean, Scott Dubois, Chris Ensign, George Garvin, Brett LaBar, Scott Larsen, Tony Matyszczyk, Dan Mouthaan, Mary Mouthaan, Rory Murphy, Will Pratt, Lynn Register, Phil Rubin and Jack Walkenhorst

3. **MINUTES - Consideration and Approval of Minutes for Regular Meeting of May 11, 2017**

*Council Member Doug Egerton made the motion to approve the minutes of the regular meeting of May 11, 2017 with the change on page 4 of “save” to “safe”. Council Member Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Egerton, Heavrin, Wahl and Johansson.*

4. **PUBLIC HEARING – Discussion and Possible Approval for Amendment to the Previously Approved Golden Eagle Subdivision**

Will Pratt stated the developer is requesting a revised final plan approval for the Golden Eagle Subdivision which was approved a little over one year ago with a few over 100 lots as a gated community. The current market conditions and market demands have caused the developer to request this change to meet the current demand. The amended plan has 323 lots, and the roads will be dedicated to the Town. There are over 300 acres in the development with 31,000 linear feet of paved roads. The development will have three pocket parks and 30,000 linear feet of trails. The developer has worked with Trail Planner, Centa Baier on the design of the trails and connectivity. The trails will connect to Soaring Hawk Loop and will provide opportunities for hiking and walking. Mr. Pratt discussed the configuration of the trails. Mr. Pratt reported they

have discussed the development with the fire marshal, Richard Lyman, and made changes he recommended. Mr. Pratt pointed out the primary and secondary accesses. The development will probably be 50% primary residents and 50% secondary residents. The Planning Commission has given a positive recommendation and the developer is asking approval for this amendment.

Council Member Hanz Johansson asked about the grade in the subdivision. Dave Erichsen replied the grade was 6 percent to 10 percent.

Councilor Johansson remarked this plan was totally different than the one previously approved. The Council Member felt it should go through the regular process of preliminary then final. There was discussion about the percentage of increase in density. Council Member Hanz Johansson countered the original plan had 90-100 units and two twenty-acre lots. Scott Larsen opined that preliminary approval is not required for final approval.

Council Member Doug Egerton voiced concern for the process used on this item. The Planning Commission approves; and then 48 hours later, it comes to the Town Council for approval. It is a completely different plan, and the roads are changed from private to public. Councilor Egerton had concerns about maintaining the roads for low density; the Town shouldn't have to take the roads before the density requires it. The income for the Town won't meet the costs.

Council Member Hanz Johansson asked if the trails will be put off until close to the end of the installation of the infrastructure.

Scott Larsen stated there is nothing about this subdivision which doesn't meet the requirements. Council Member Egerton declared the Town cannot afford to maintain the roads and felt the development should be phased. Councilor Egerton again expressed it should be done in phases. Scott Larsen stated it would not make sense to pave all of the roads at once. This development will have bigger lots than Soaring Hawk and will be more appealing.

Council Member Hanz Johansson reiterated this is a totally different product; it should have to go to preliminary first. Councilor Egerton added this is not fiscally prudent.

*Council Member Doug Egerton made the motion to not approve this amendment. Hanz Johansson seconded the motion. The motion was postponed until after the public hearing.*

The public hearing was opened.

Melyssa Davidson, counsel for the developer, asked the Council to remember the rights granted by the Master Development Agreement (MDA) Section 7.6 and by the vested laws. This application meets all those requirements. Failure to approve the amendment is a breach of the MDA. The Planning Commission was reminded the preliminary was a planning tool for the developer. Any delay is costing the Master Developer a lot of money.

Chris Baier reported Council Member Jim Wahl had asked her to start a trails committee which was done. Ms. Baier commended Will Pratt for implementing trails; the pocket parks are a start. Ms. Baier felt this amendment was an abuse of process. Two days ago the Planning Commission heard about it. Ms. Baier cited 11.7.153 of the Town Code concerning RSPA. Ms. Baier contended Centa Baier had not walked the property; this is just a concept line on a map. Will Pratt declared a topographical map was used. Chris Baier continued the Planning Commission

needed to focus more on amenities. Ms. Baier spoke about private trails being maintained by the HOA; she commented she did not trust the HOA. The weed problems in the common area are not being taken care of properly. Ms. Baier opined the amenities offered are of questionable value. Chris Baier asked the Council to send the application back to the Planning Commission to get more detail and focus on the amenities.

Council Member Dean Heavrin asked if this would be a separate HOA. Will Pratt said it was and discussed getting maintenance vendors to do upkeep. UDOT decides if the trails can cross SR248. Councilor Doug Egerton commented if the bill for maintenance was paid by the umbrella HOA all the members in that HOA would be paying for it.

Phil Rubin commented on the infrastructure costs and felt the plan was well thought out. There may need to be different solutions in order to be able to maintain the roads. Possibilities would be to increase the tax base rate and change building permit fees.

Mary Mouthaan asked if the pocket parks were for the entire Town and where the parking would be. Will Pratt said there would be parking along the road and commented about the walking distance to that development. Mary Mouthaan inquired about the cost of maintaining the trails. Mr. Pratt replied he will have the figures in the next couple week.

Councilor Doug Egerton commented even though he preferred the former plan, he understood if it is not viable from a marketing standpoint. Councilor Egerton understood this plan meets the requirements; what he objected to the infrastructure being turned over to the Town which cannot sustain the costs. The councilor urged the developer to work with the Town to figure out how to get this done. Councilor Egerton stated he ultimately didn't object to what the developer is doing, but it is an onus on the Town and not fair.

Scott Dubois introduced himself as an attorney for the Master Developer. Mr. Dubois spoke to the issue of trails. David Church has said there is no trails requirement in the Code. If it is not required, the Town cannot enforce. Laws cannot be made up as you go. Trails with this development are voluntary.

David Erichsen explained he did not sit with the Planning Commission at their meeting; the reasoning behind this is he had done extensive work on all three projects. Mr. Erichsen reported he did design elements, i.e. as on Jordanelle Ranches.

Concerning preliminary plan, David Erichsen stated in Wasatch County before Hideout was incorporated, they said the developer could go to final if they dare. The clustering in Jordanelle Ranches did come to preliminary to discuss clustering for bonus density. Resort amenities are in high density areas such as Shoreline. Concerning the roads, Council Member Egerton opined the issue is not just plowing but also maintaining. Phasing can get tricky; the developer takes out loans and gets financing for a whole plan. David Erichsen said the tax base percentage has been kept low, maybe too low.

Councilor Doug Egerton clarified he is not objecting to development; he is just objecting to the process. There is no proposal or consideration for how the Town can take on the burden. Councilor Egerton opined the developer should be asked to come up with a solution. There was further discussion along these lines. Council Member Egerton commented he would reconsider

his vote if the infrastructure and maintenance and other Town issues could be worked out. There was continued discussion.

Phil Rubin considered Dave Erichsen's comment concerning liking space and push back against high density. Mr. Rubin did not have the answer how to find the middle for the Town. The residents will have to ante up or there will be a different look.

Council Member Hanz Johansson felt it was realistic to ask for phases. Councilor Doug Egerton opined the most desirable lots will be the higher ones, requiring more roads. David Erichsen summed up the desire is not open up the higher units until the lower units are sold. The marketers try to do that. There are built in reasons to not do the entire road system.

Council Member Doug Egerton opined the developer has two choices: sue the Town or work with the Town to try to reach a solution.

Mayor pro-tem Heavrin closed the public hearing.

*Council Member Doug Egerton motioned to table the approval of the Golden Eagle amendment and work with the developer and have the plan circle back through the Planning Commission. Council Member Hanz Johansson seconded the motion. The vote went as follows: Councilor Doug Egerton – aye; Councilor Dean Heavrin – nay; Councilor Hanz Johansson – aye; Councilor Jim Wahl - aye. The motion passed.*

5. **PUBLIC HEARING – Discussion and Possible Approval for Final Plan Approval for the Perch Condominium/Resort Center Project and Modifications for the Final Plan Approval for the Hideout Canyon Commercial Phase**

Will Pratt stated this is the final plan on 4.8 acres in residential high density. It calls for 150 condominiums in three four-level buildings. The average unit size will be 1000 square feet. The hill will be taken back, but not the entire hill. The commercial building foundation next to the Town office would have a café/restaurant with outdoor seating; work out room on the lower level, mail service for HOA members; and a golf pro shop. The concept is a town center feel. This area is already platted commercial. There will be some lot line adjustments to clean things up including the property donated by the developer to the Town for the Town office. All the uses that are listed are permitted and encouraged in this zone; the density is below what could be done on this site. The fire chief wanted some changes. The Planning Commission was concerned about parking; the parking was reconfigured to 120 underground and 108 surface parking spots. The surface parking will possibly be covered; every condominium will have covered parking. There will be a sub condo association will manage these units including snow removal in the parking lot.

Rory Murphy, potential purchaser, stated he will still have to come through with preliminary on other details. The final plan determines the number of units and the uses for the whole site. Up to 388 equivalent units could be built on this site; what is being proposed is 113, and a total of 150 units vs. the maximum of 510 units. Mr. Murphy said if he purchased the project, he would modify some of what was shown on the plans shown tonight; including working on the parking. He mentioned a pool area. The office area will be in the commercial building where the

foundation already exists; the uses will vary. The underlying zone supports a much higher density and units.

Council Member Hanz Johansson voiced his concern that the project is here to go to final. Will Pratt advised individual buildings will come back to the Planning Council for approval. Dave Erichsen added under State Code it is easy to amend lot lines when all the property has one owner.

Council Member Doug Egerton stated he liked the concept, but was worried about overkill in the number of units. The councilor felt there should be some kind of traffic study. There would be high traffic on a small street and on a blind corner; traffic congestion is a concern. Councilor Egerton felt a good idea was being rushed. This is being pushed under the MDA and the master developer is not developing. Council Member Egerton asked if the hill was going to be scraped off and said he would be in favor if there were fewer units. Councilor Hanz Johansson commented the Mayflower units were not selling; this is overkill for this area.

Dave Erichsen stated the Planning Commission approved using the specific language 11.07. When the Town set up the RSPA it provided certainty for the developer to do things; it is not certain anymore. What has been attempted is to attract someone like Rory Murphy to come in. The Town has gotten away from RSPA and not providing certainty; the Town needs to give the developer certainty. If the certainty is not there, Mr. Murphy will not do the development. The developer has missed the market three times – first the economy; second Wasatch County and then if he can't go now. The Planning Commission approved 150 units, but the developer is not being given carte blanche.

Councilor Doug Egerton declared he didn't want to discourage Mr. Murphy. Rory Murphy commented this is a concept; the master developer is just trying to put some pieces in place.

Will Pratt stated the Planning Commission recommended final plan approval for 150 units.

Rory Murphy stated he could tweak the plan and come back for approval. There will be input on each individual plan. Mr. Murphy said what he needed to know is if this pod is approved for 150 units. There will need to be a restaurant and amenities to attract buyers for the condominiums. Tonight, Mr. Murphy said they are just asking approval for the concept.

Council Member Doug Egerton reiterated his concern for the significant traffic problems.

Mayor pro tem Dean Heavrin opined the Council has to abide by the Code and the Agreement. Melyssa Davidson stated this area had been zoned as it is since the inception of the Town.

Councilor Egerton said the MDA is not easy to find. The Council is hamstrung by the development agreement. To alleviate the traffic problem, the rock at the entrance would have to be cut through.

George Garvin commented safety should trump agreements.

Rory Murphy brought up adjusting lot lines; it would be better to have a good product than stay with present lot lines.

The mayor pro tem opened the public comment portion of the hearing.

George Garvin opined the traffic problem is caused by what the present zoning allows, the Town has to fix the problem. Councilor Egerton commented the Master Developer is also the Town. Mr. Garvin stated if the Town is the inheritor of a self-serving MDA, the Town public safety issue is a municipal problem. Councilor Hanz Johansson commented UDOT will only allow so many entrances.

Chris Baier commented there is no rendering of the development. How much of the hillside will be excavated for three buildings. There are three homes in Forevermore. This development was never discussed; the information was purposely hidden. The development is out of character for the area. Ms. Baier voiced displeasure about overnight rentals and felt there were too many units.

David Erichsen addressing the self-serving comment. The master developer did not make money on self-serving. The original vision was twin homes all through this area. When the area was in the County, Wasatch would not approve the cut for Hideout Trail and wanted Longview to serve as the only ingress and egress all the way through here. The Town followed the County's zone system and had to bring in elements to build the community. In some cases maybe the developer should have been more self-serving.

Melyssa Davidson spoke to dispel the myth that facts were hidden from view; they appeared on the title reports. The Master Development Agreement is public record and has always been available since 2010. This application would remove individual boundaries and make it better. Ms. Davidson advised the Council to approve the plat with 150 units.

The public hearing was closed.

Councilor Doug Egerton opined it would be nice if the developer would take into consideration the possible traffic problems.

Council Member Doug Egerton motioned to table the Perch project until a study of the traffic impact and checking with David Church about the Council's options. Council Member Hanz Johansson seconded the motion. Councilor Johansson "aye"; Councilor Wahl "nay"; Councilor Heavrin "nay"; Councilor Egerton "aye". The motion died.

Council Member Jim Wahl motioned to approve the Perch project with the condition of a traffic study by the Applicant before it moves on. Council Member Dean Heavrin seconded the motion. Councilor Johansson "nay"; Councilor Wahl "aye"; Councilor Heavrin "aye"; Councilor Egerton "nay. Motion died.

Council Member Doug Egerton made the motion to table the Perches project until the Council is able to talk to attorney David Church. Council Member Johansson seconded the motion. "Ayes" – Councilors Johansson and Egerton; "nays" – Councilors Heavrin and Wahl.

Attorney Scott Dubois asked who pays for the traffic study and said it should be governed by the Code and the MDA.

Council Member Hanz Johansson motioned to table this item until David Church can be consulted and then have a special meeting with David Church in attendance.

Mayor pro tem Heavrin opined it is illegal to postpone approval.

Will Pratt objected to the motions. The project meets the requirements. Mr. Dubois stated the developer is vested by the MDA; the project should be approved because it meets vested laws and agreements. Mr. Pratt commented the Town could request the developer help with a solution for the traffic problems.

The Town Clerk stepped out to call the Town attorney concerning possible solutions.

Dave Erichsen gave some comments on what he saw on the issue. The Planning Commission's responsibilities were discussed. The mayor pro tem opined if Mr. Murphy pulls out, the developer has the option of suing the Town.

Clerk Lynette Hallam advised David Church had opined that if the project meets the Code and the MDA, the developer is entitled to approval. However, Mr. Church is of the opinion a preliminary plan is needed before the final plan but he did not have a copy of the Town Code in front of him. If it is tabled, he can be at the meeting next Thursday.

*Council Member Jim Wahl motioned to approve the Perch project contingent on a favorable outcome of a traffic study. Council Member Dean Heavrin seconded the motion. Voting in favor: Councilors Egerton, Wahl, and Heavrin. Councilor Johansson voted against. Motion passed.*

**6. PUBLIC HEARING – Discussion and Possible Approval for Preliminary Plat Approval for The View at Hideout (Ranches at Jordanelle) Subdivision**

Chris Ensign stated this project is north of Soaring Hawk. There are 60 acres in the property. They are asking for ninety or less units. There are plans for guest parking throughout the subdivision. Mr. Ensign asked for setback variation to create dimension and relief. This project will be built in phases. There will be soft trails which could connect to Soaring Hawk. The units will be High Desert Contemporary; they will be rustic and raw material will be used, no fake stone. There will be uphill and downhill units, and they will be four-plexes. The developer is hoping to make it difficult to determine one unit from another. Mr. Ensign commented they are hoping to have grass roofs, using native grasses. Councilor Doug Egerton asked if they had done that before. Chris Ensign said they would be very careful and use experts to complete. Brett LaBar said they would have nano walls and retractable windows.

Council Member asked about the size of the units. They will be approximately 2500 square feet and 2-3 bedrooms. The cost will be \$250 per square foot, about \$625,000. Mr. Ensign said acceleration and deceleration lanes are required by UDOT. Councilor Egerton asked the developer to leave room for snow storage. Mayor Pro-tem Heavrin asked if there would be an HOA, Mr. Ensign said there would be. The HOA should take care of removal of stored snow. The mayor pro-tem voiced concern about the weight of snow on roofs.

Dave Erichsen said the project will need approval for .5 eru bonus for Planned Unit Development (PUD). There are bonuses for open space beyond the 20% requirement. The Council needs to determine if they will grant the bonus. Councilor Hanz Johansson said a gazebo along the trail would be a good addition.

Council Member Egerton said he liked the architecture. David Erichsen said the developer showed twin homes, but it did not work well. By staying lower on the hill, the development can

use the water already provided. The developer will have to get the water transferred before final plan.

The mayor pro tem opened the hearing for public comment.

Chris Baier asked if the developer would be willing to work with the trails committee to connect the trails to Garff Ranches. Chris Ensign stated the trails would be public and they would be willing to provide access to Garff Ranches trails.

Phil Rubin commented he liked the project.

The public hearing was closed.

Extra parking was discussed. Mr. Ensign stated on the short driveways, parking would be provided on the street. No junk will be allowed in the garages. It will be written in the CC&Rs that if the garage is not full (of cars), do not park on the driveway.

Chris Baier commented on trails. Dave Erichsen hard for a trailhead.

Councilor Doug Egerton made the motion to approve the preliminary plan for The View at Hideout with a maximum of 90 units of four-plexes with varying setbacks. Councilor Dean Heavrin seconded the motion. The motion passed unanimously with affirmative votes from Council Members Wahl, Egerton, Heavrin and Johansson.

**7. PUBLIC HEARING - PUBLIC HEARING – Discussion and Possible Approval of Changes to the Town Code including Annexation Zoning, Clean Up Numbering and Delete Redundant Sections**

Council Member Doug Egerton made the motion to move this item to the next meeting. Council Member seconded the motion. Motion pass with unanimous “aye” votes from Councilors Johansson, Wahl, Heavrin and Egerton.

**8. PUBLIC HEARING – Discussion and Possible Approval of 2017-2018 FY Budget**

Mayor pro tem Heavrin opened the meeting for public comment.

Chris Baier mentioned employee benefits or payment in lieu of benefits. Ms. Baier also asked about weed management. The mayor pro tem commented the County, HOA, etc. should participate in weed control. Ms. Baier opined the Town would be well served by having someone from Hideout on the weed board.

Phil Rubin asked where the money to supplement the budget would come from. The Clerk discussed changes to the budget that reduced the budget.

Public comment portion was closed.

Council Member Doug Egerton motioned to approve the 2017-2018 FY Budget. Hanz Johansson seconded the motion. The motion passed unanimously with affirmative votes from Councilors Wahl, Egerton, Heavrin and Johansson.



9. **PUBLIC HEARING – Discussion and Possible Approval of Opening and Amending 2016-2017 FY Budget**

Mayor pro tem Heavrin opened the public comment portion of the public hearing. There being no public comment, it was closed.

*Council Member Doug Egerton made the motion to approve opening and amending 2016-2017 FY budget. Council Member Dean Heavrin seconded the motion. The motion unanimously passed with “aye” votes from Councilors Egerton, Heavrin, Wahl and Johansson.*

10. **RESOLUTION #2017-01 - A Resolution Adopting a Final Budget**

*Council Member Hanz Johansson motioned to adopt Resolution #2017-01 – A Resolution Adopting a Final Budget. Council Member Doug Egerton seconded the motion. The motion passed unanimously with Councilors Johansson, Wahl, Egerton and Heavrin voting affirmatively.*

11. **CONSIDERATION & APPROVAL OF BILLS TO BE PAID – Approval of Payment of June, 2017 Bills**

*Councilor Hanz Johansson made the motion to approve payment of the June, 2017 bills. Councilor Jim Wahl seconded the motion. The motion passed unanimously with affirmative votes from Council Members Johansson, Heavrin, Wahl and Egerton.*

12. **REVIEW FINANCIAL STATEMENTS, IF NEEDED**

No discussion.

13. **PUBLIC INPUT**

Chris Baier showed pictures of the weed problem in Town. Phil Rubin joined the discussion. Ms. Baier opined it would be good to have an enforcement officer to enforce Town ordinances.

Phil Rubin asked about the impact fee study. Mr. Rubin was informed it had been started. Mr. Rubin asked about the survey of Town roads. Mayor pro tem Heavrin answered Kent Cuillard is working through what needs to be done.

9. **ADJOURNMENT**

*Council Member Doug Egerton made the motion to adjourn the Hideout Town Council Meeting.*

The meeting adjourned at 10 p.m.

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Lynette Hallam, Town Clerk

Approved: 7/13/17