

Minutes

Town of Hideout

Town Council Regular Meeting and Continued Public Hearings RESCHEDULED
March 06, 2024

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Continued Public Hearings on March 6, 2024 at 6:00 PM in the City Council Chambers located at 10860 N. Hideout Trail, Hideout, Utah, and virtually via Zoom.

Regular Meeting and Continued Public Hearings

I. Call to Order

Mayor Rubin called the meeting to order at 6:02 p.m. and reminded participants this meeting was being held as a hybrid meeting both electronically via Zoom and in person at Hideout Town Hall.

II. Roll Call

Present: Mayor Phil Rubin
Council Member Ralph Severini

Attending Remotely: Council Member Chris Baier
Council Member Jonathan Gunn
Council Member Bob Nadelberg

Excused: Council Member Carol Haselton

Staff Present: Recorder for Hideout Alicia Fairbourne

Staff Attending Remotely: Town Administrator Jan McCosh
Town Attorney Polly McClean
Town Planner Thomas Eddington
Financial Consultant Katie Shepley

Public Present: None.

Public Attending Remotely: Daniel Warner, Muriel Xochimitl, Edward Kim, Briana Warner, Nate Brockbank, Rob Sant, Bret Rutter, Laura Lothridge, and others who may have logged in using a partial name or using only a phone number.

Mayor Rubin reordered the posted agenda due to guest speakers' time constraints.

III. Agenda Items

1. Update from the Town Council and Planning Commission Retreat which was held on January 11, 2024

Mayor Rubin introduced the President and CEO of X-Factor Strategic Communications, Muriel Xochimitl, who facilitated the Council and Planning Commission retreat held on January 11, 2024.

Ms. Xochimitl presented the recommendations report, a key deliverable from the retreat aimed at providing actionable recommendations for the future development of the community. Ms. Xochimitl highlighted the objectives of the retreat, which included identifying short and long-term priorities for the Town and outlining actionable strategies to be incorporated into a strategic plan.

The SWOT analysis conducted during the retreat revealed various strengths, weaknesses, opportunities, and threats for the Town. Strengths included scenic views, access to outdoor activities, and proximity to urban areas while weaknesses encompassed insufficient commercial development, financial constraints, and limited land availability. Opportunities identified included commercial development, annexation of land, and strategic partnerships, whereas threats involved ongoing litigation and water availability issues.

Council members provided additional insights and feedback during the presentation. Council Member Baier emphasized the impact of developer-friendly regulations on the Town's sense of community and local control, highlighting the need for better oversight in development processes. Council Member Severini compared the Town's situation to that of a startup company, acknowledging both its blank slate and historical constraints. Mayor Rubin suggested adding the Town's status as an emerging community to the weaknesses list, recognizing its transition from a collection of homes to a unified community.

Ms. Xochimitl outlined six recommended strategies based on the retreat feedback. These included establishing guiding principles, streamlining internal processes, proactively engaging with the community, leveraging strategic partnerships, addressing infrastructure needs, and securing funding. She provided recommendations for each strategy, such as creating a Development Review Committee, implementing neighborhood chair programs, conducting surveys, and enhancing digital communications.

Council Members expressed interest in specific recommendations, such as engaging with the Utah Trail Network for infrastructure development and establishing partnerships with federal agencies for land use and economic development. They acknowledged the need to prioritize actions based on available resources and identified tasks for the upcoming budgeting season.

Overall, the retreat's recommendations provided a comprehensive roadmap for the Town's future development, emphasizing the importance of collaboration, strategic planning, and resource management. Council members expressed gratitude for the insights and Mayor Rubin pledged to discuss and work with the Town Administrator, Jan McCosh, towards implementing the recommendations in a phased approach aligned with the Town's capacity and goals.

Mayor Rubin brought up the upcoming budgeting season for Fiscal Year 25 and suggested finding time to work on some recommendations. Ms. McCosh was tasked with organizing this effort and getting Staff and Committee Members involved. Council Member Gunn agreed that worthwhile pursuits should be included in the budget.

2. Discussion and approval of a Request for Proposal (RFP) process for public relations

Ms. McCosh discussed the need for a Request for Proposal (RFP) for public relations. She explained that the current procurement policy required Council approval to issue an RFP, which was not typical. She proposed changing the ordinance so that Council approval was only needed for purchases over fifteen thousand dollars (\$15,000), which aligned with another existing

purchasing policy. Town Attorney Polly McLean supported this proposal and suggested discussing it further.

Ms. McCosh then provided updates on ongoing initiatives, such as a skills inventory initiated by Council Member Gunn and efforts to engage volunteers. She also mentioned Council Member Severini's suggestion of rebranding the city as "The Jewel of the Wasatch Back," emphasizing the importance of communicating the Town's opportunities and beauty. Ms. McCosh encouraged collaboration with the State Park and other regional partners to improve the Town's image.

Mayor Rubin summarized the progress made and emphasized the need to prioritize recommendations from the X-Factor report. He promised to work with Ms. McCosh to develop a plan and involve the Council in prioritizing and budgeting for these recommendations.

The meeting then returned to public input after thanking the X-Factor team for their contributions.

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

At 6:55 pm, Mayor Rubin opened the floor for attendees to speak on items not listed on the agenda. He explained that attendees could use the raise hand functionality in Zoom or dial star six on their phones to participate.

Council Member Baier raised concerns about the trash situation at the Deer Springs development, particularly in Phase 2A, describing it as appalling. She requested an update on the current status of the situation and how the Town planned to prevent such occurrences in the future.

Mayor Rubin acknowledged the seriousness of the situation, stating that such incidents should never happen and that all trash should be contained as per Town ordinances. He explained that the primary team responsible for inspections also handled other duties like snow plowing, which, given the recent snowfall, might have caused the oversight. The developer, Holmes Homes, was fined five hundred dollars (\$500) for the violation, and Mayor Rubin assured that measures were being taken to rectify the situation and prevent it from happening again.

Council Member Severini requested an update on a separate issue concerning construction cranes being operated without permits and obstructing roads in the area. Mayor Rubin confirmed that the developers were cited and that agreements for repairs were underway. He mentioned that as part of the building process, staff members, the developer, and sub-contractors held a pre-construction meeting to discuss expectations, Hideout Code, and enforcement. As part of that meeting, crane operations and the permitting process were discussed, and all contractors should have been knowledgeable of Town Code.

Hideout Resident Bret Rutter raised concerns about a crane that had been obstructing roads and shared observations of a Public Works vehicle driving past the obstruction without addressing it. He suggested reiterating to Staff the need for permits for road blockages.

Mayor Rubin acknowledged the need for improved monitoring and reinforcement of Town rules, especially by Public Works staff. He agreed to reinforce the message and explore options for additional code enforcement officers.

Council Member Baier recognized the small number of Hideout Staff, especially in the Public Works Department and suggested delegating citation delivery to other designated personnel to alleviate the burden on Public Works staff during busy periods.

Mayor Rubin agreed to review the staffing situation for code enforcement officers and explore alternative citation delivery methods.

After addressing these concerns, Mayor Rubin closed the public input session at 7:07 pm and thanked everyone for their comments.

3. Update of the funding needs for the temporary Hideout Fire Station

Mayor Rubin provided an update on the funding needs for the temporary Hideout Fire Station. He announced that the site layout drawings were received that day and that the Fire Chief was finalizing the details of the plan. With Finance Director Keri Wilson's assistance, a comprehensive list of costs had been compiled, totaling approximately one-hundred fifty thousand dollars (\$150,000). This list would be shared with the Council to finalize the details.

Mayor Rubin expressed his intention to launch a fundraising effort to cover the costs, aiming to reach out not only to Hideout residents but also to the wider SR-248 corridor community. He mentioned that there were individuals willing to contribute financially, and Ms. McCosh had secured a third-party fundraising firm to assist with the effort.

Originally planned for March 1, Mayor Rubin mentioned that the fundraising kickoff might be delayed to March 15 due to some delays with the building guide identified by the Fire District. Despite this, efforts would continue to move forward with the plan to secure funding for the temporary fire station.

4. Consideration of approving Ordinance 2024-O-XX to repeal sections of the Hideout Municipal Code to match state requirements and to incorporate fees in the Hideout Fee Schedule

Mayor Rubin presented Ordinance 2024-O-03, which aimed to repeal sections of the Hideout Municipal Code to align with state requirements and incorporate fees into the Hideout Fee Schedule.

Ms. McLean explained that there were various aspects that needed adjustment, such as standardizing different items, correcting typos, and incorporating changes made by previous ordinances into the Code. The first change proposed in the ordinance was the removal of a section that required ordinances to be posted in the newspaper. Ms. McLean suggested repealing this section because it was outdated and mirrored the state code, which had been updated to repeal the newspaper noticing requirement. She clarified that by removing this section, the Town would default to follow state law, ensuring compliance even if state laws changed in the future.

Council Member Gunn raised a concern about potentially weakening the Town's authority by removing this section. However, Ms. McLean explained that the Town was already obligated to follow state law, and explicitly stating it in the ordinance wasn't necessary.

The second change involved removing references to specific fees from the code and directing individuals to the current Hideout Fee Schedule instead. This change was aimed at simplifying the process and ensuring consistency with the actual fees charged.

Council Member Baier noted a discrepancy in the enacting ordinance language regarding the whereas clause for RFPs, which Ms. McLean acknowledged and agreed to remove.

There being no further questions from Council, Mayor Rubin asked for a motion to approve the ordinance.

Motion: Council Member Baier moved to approve Ordinance 2024-O-03, repealing sections of the Hideout Municipal Code to match state requirements and to incorporate fees in the Hideout Fee Schedule, with the correction to remove the final whereas clause regarding RFP's. Council Member Nadelberg made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

5. Consideration of approving Ordinance 2024-O-XX amending Chapter 1.16 Purchasing so that Requests for Proposals are not approved by the Hideout Town Council

Mayor Rubin presented Ordinance 2024-O-04, which intended to amend Hideout Municipal Code 1.16 Purchasing. The proposed amendment sought to remove the requirement for the Hideout Town Council to approve RFPs. Ms. McLean explained that the proposed change aimed to align the RFP approval process with existing Town Codes, particularly Chapter 1.16.040, which set limits on purchase approval requirements.

Ms. McLean explained the proposal to raise the award of contracts for professional services approval limit outlined in Chapter 1.16.050 from ten thousand dollars (\$10,000) to fifteen thousand dollars (\$15,000) in order to keep consistent with the purchase approval requirements in Chapter 1.16.040. Mayor Rubin pointed out that the increase in Chapter 1.16.040 had been previously discussed and implemented for various purchases and inflationary factors.

Council Member Gunn expressed agreement with removing the Council's approval requirement for RFPs and emphasized the value of streamlining the process and empowering Staff to handle RFPs without unnecessary delays caused by waiting for Council approval.

However, Council Member Gunn raised specific concerns about Sections 1.16.060(A) and (C). He believed that the competitive bidding process was crucial for ensuring fair prices and preventing potential price gouging. He pointed out that competitive bidding helped hold costs down and ensured transparency in the procurement process.

In Section A, Council Member Gunn disagreed with the premise that certain contracts, such as those for additions, repairs, and maintenance of town-owned equipment, were not suited for competitive bidding. He contended that there were often multiple vendors capable of providing such services, and competitive bidding should be the norm to ensure the best value for the Town.

Moving on to Section C, Council Member Gunn expressed confusion and discomfort with the language regarding emergency purchases. He highlighted concerns about the broad language allowing the head of any department to make purchases without limit in cases of perceived delay, which could impact the health, safety, or convenience of town employees or citizens.

Council Member Gunn stressed the importance of clarifying what constituted a genuine emergency, advocating for a stricter definition to prevent abuse of emergency purchasing privileges. He emphasized that emergency purchases should only be made when there is a real threat to health, safety, or the Town's infrastructure, rather than for mere convenience.

Ms. McLean acknowledged these concerns and proposed focusing on the adoption of Ordinance 2024-O-04 as presented and revisiting the entire purchasing chapter in a future meeting to address each section comprehensively.

Mayor Rubin highlighted the state's comprehensive competitive bidding process and the existence of approved vendors, explaining that using these state-approved vendors essentially fulfilled the bidding process requirements.

In response, Ms. McLean acknowledged this exemption and agreed to ensure that it was included in the ordinance. She clarified that auctions and state procurement were exceptions to sealed bidding and emphasized the importance of incorporating these exceptions into the ordinance.

Mayor Rubin mentioned ongoing efforts to create a policy manual, which included a purchasing policy. He emphasized the need to avoid conflicts between any new ordinances and existing policies.

After further discussion, Council agreed to proceed with amending the section regarding RFP approval and raising the approval limit to fifteen thousand dollars (\$15,000) and decided to address other concerns and clarify language in a future meeting.

Motion: Council Member Severini moved to approve Ordinance 2024-O-04, an Ordinance amending Hideout Municipal Code Section 1.16.060 to remove Council approval for an RFP request and to raise the limit of award of contracts to fifteen thousand dollars (\$15,000). Council Member Gunn made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

V. Continued Public Hearing Items

1. Discuss and possibly approve an amendment of the Official Town of Hideout Zoning Map to rezone parcels 00-0020-8182 and 00-0020-8184 (the “Bloom in Hideout” Development) from Mountain (M) zone to Neighborhood Mixed Use (NMU), Residential 3 (R3), Residential 6 (R6), Mountain Residential (MR), and Natural Preservation (NP)
2. Discuss and possibly approve a Master Development Agreement (MDA) for the Bloom in Hideout Development, which would include nightly rentals in zoning districts that do not currently allow for nightly rentals. Additionally, allowances for certain uses or conditional uses and architecture and/or roof designs that are not currently allowed per the Town’s current zoning ordinances may be included.

At the request of the applicants, Mayor Rubin asked for a motion to continue the two Public Hearing items to April 11, 2024.

Motion: Council Member Severini moved to continue the two Public Hearing items regarding the Bloom in Hideout Development to a date certain of April 11 at 6:00 pm. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

3. Consideration of an amendment of the Master Development Agreement (MDA) for Deer Springs allowing short-term rentals in Phases 2B, 4, and 8

Town Planner, Thomas Eddington, provided an overview of the proposal for the third amendment to the MDA, which was initially signed in August 2018, with subsequent amendments in 2020 and 2022. The proposed third amendment aimed to permit nightly rentals in Phases 2B, 4, and 8,

with the exclusion of 2A. Mr. Eddington clarified that the Planning Commission had initially heard proposals for Phases 2A, 2B, 4, and 8, but the verbal commitment by the developer was made to exclude 2A.

The discussion moved to the existing regulations on nightly rentals, highlighting that while there was some basic ordinance language, there was no specific overlay for short-term rentals. State law changes had allowed for such requests to be made as part of an MDA, serving as the zoning for the area. Klaim and Deer Springs Phase 1 already allowed nightly rentals, with a plat note included in Deer Springs Phase 1 to that effect. However, subsequent phases did not permit nightly rentals, hence the current request.

Mr. Eddington explained that Phases 2A and 2B were already platted, with no changes proposed to lot configurations. Phases 4 and 8 had not yet received final subdivision approval, and their configurations would be determined at a later date. Phase 8 was initially proposed as a testing opportunity for nightly rentals and included commitments to workforce housing, a commercial pad, a clubhouse, and affordable units.

The discussion then turned to an economic analysis prepared by Lewis Young Robertson in Birmingham and reviewed by financial advisor Rob Sant. The analysis focused on the potential revenues from nightly rentals, including sales tax, resort community tax, and Transient Room Tax (TRT). Mr. Sant explained the revenue split between the Military Installation Development Authority (MIDA), Hideout, and the developer, based on different occupancy rates and scenarios. He explained that the Excel model used for analysis focused on the sales tax generated from nightly rentals, which included general sales tax, resort community tax (due to being in a MIDA area), and a one percent (1%) TRT charged by Hideout. He clarified that property tax and franchise tax were not included because they would remain largely the same regardless of nightly rentals.

Mr. Sant emphasized that the revenue projections were based on the assumption of the approval of nightly rentals. He presented three scenarios based on different occupancy rates: fifty percent (50%), seventy percent (70%), and eighty percent (80%). He suggested that initially, with the Mayflower and other tourist attractions not fully operational, occupancy might be around fifty percent (50%), but it could increase to seventy percent (70%) over time.

Explaining the current MIDA agreement, Mr. Sant detailed how the revenue generated would be distributed. He highlighted that thirty percent (30%) would go to the developer, thirty five percent (35%) to Hideout, and thirty five percent (35%) to MIDA. However, MIDA had indicated that they did not need the funds to pay for the Mayflower bonds, so they might be willing to forego their share, allowing Hideout to receive a larger portion.

Council Member Gunn inquired about the forty (40)-year bond repayment period mentioned by Mr. Sant. Mr. Sant explained that the State, in charge of MIDA, allowed a twenty-five (25)-year period, extendable by an additional fifteen (15) years. MIDA planned to take the full forty (40) years due to bond obligations related to the Mayflower development.

Mr. Sant went on to discuss the TRT revenue, which, regardless of MIDA's involvement, would go entirely to Hideout for municipal services. He presented revenue projections for different scenarios, highlighting the potential benefit to Hideout if nightly rentals were approved.

Council Member Severini raised questions about the process of amending the agreement with MIDA. Mr. Sant explained that it would involve discussions with MIDA and potentially a vote

by their board, and suggested securing the amendment should precede any final decisions. Mayor Rubin confirmed MIDA's support for the amendment and stated that written language would be included in the development agreement.

Council Member Gunn raised concerns about the percentage of units dedicated to nightly rentals and the need to adjust revenue projections accordingly. Mayor Rubin agreed, noting that adjustments would be necessary based on the actual number of nightly rental units.

Mr. Sant summarized the financial benefits at different occupancy rates, clarifying that the projections were based on assumptions and didn't necessarily reflect one hundred percent (100%) occupancy. Mr. Eddington added clarification about the number of units assumed in the analysis.

Council Member Baier expressed concerns about the assumptions made regarding the percentage of units that would be used for nightly rentals and their occupancy rates, suggesting that the numbers might be inflated. She urged for a more conservative estimate. Additionally, she questioned how the revenues from these rentals could be used for the Town's benefit and suggested renegotiating the agreement with MIDA to allocate the funds differently.

Mr. Sant updated the numbers to assume that fifty percent (50%) of the units would be used for short-term rentals with a fifty percent (50%) occupancy rate. He presented the revised figures to the Council, highlighting the potential revenue generated. There was a discussion about whether the funds could be used for improvements in areas of interest to the Town, such as Ross Creek, within the MIDA zone. It was confirmed that such areas would qualify for the use of these funds for infrastructure and other improvements.

Council Member Gunn raised questions about the revenue currently generated by existing nightly rentals and suggested exploring different scenarios where only a portion of the units might be rented out. Mayor Rubin clarified that the current revenue was minimal due to the limited number of units.

Council Member Gunn expressed concerns about changing rules for homeowners midstream and emphasized the importance of protecting the interests of current and prospective buyers.

Nate Brockbank, the developer, reiterated that phase 2A had been removed from consideration due to concerns raised by prospective buyers about nightly rentals. He emphasized the economic benefits of nightly rentals in Phases 2B, 4, and 8, and acknowledged concerns raised by Council Member Severini about maintaining a separate environment between rental and non-rental areas. He mentioned there were no pending contracts in these phases.

Council Member Baier highlighted the connectivity benefits of Phase 2 and 8 to the Town and expressed comfort with allowing nightly rentals in those areas.

The discussion also touched on concerns about noise, enforcement of regulations, and the impact on residents. The Council agreed to explore drafting documents and adopting ordinances which would inform buyers about the rules, and to consider different scenarios for rental percentages.

Council Member Baier proposed an idea of making the entire subdivision nightly rentals, citing potential benefits.

Council Member Gunn brought up some language concerns regarding the MDA, particularly focusing on the agreement's expiration in 2033. Expressing a desire for clarity, he suggested incorporating language into the MDA to ensure that developer rights, as well as those of the Town,

would persist beyond the agreement's expiration. He also emphasized the importance of short-term rentals being subject to ongoing Town regulations.

In response to Council Member Gunn's concerns, Mr. Brockbank assured that going beyond the ten (10)-year term of the MDA was not an issue. He confirmed that changes had already been made to the MDA to address the City's codes.

Council Member Severini inquired about the timeline for Phase 7 of the project. Mr. Brockbank indicated a readiness to begin Phase 8 this year, particularly focusing on single-family homes and cottages. The plan would be to then develop Phase 3 and then 7. However, he mentioned the need for input from Holmes Homes regarding single-family home construction.

Adding on to Council Member Baier's proposal of allowing nightly rentals within the entire subdivision, Council Member Gunn sought Mr. Brockbank's perspective on how this might affect the benefits he was willing to give to the Town as part of the deal. Mr. Brockbank expressed that he could only act within the current parameters and would need to consult with his business partners. Acknowledging the sensitivity of changing rules for existing contract holders, Mr. Brockbank and Council Member Gunn agreed that it would be unwise to alter plans for phase 2A, where contracts were already in place. However, they considered extending nightly rentals to areas without contracts to potentially benefit sales. Mr. Brockbank proposed trading the nightly rental allowance from Phase 4 to Phase 3, noting further segregation of nightly rentals to only the outside perimeter of the subdivision.

Council Member Severini sought clarification on the status of certain properties between phases 2A and 2B. Mr. Brockbank explained that a duplex was present, transitioning from a fourplex to a duplex between the phases.

There being no further questions from Council, Mayor Rubin opened the floor for public input at 8:54 pm.

Brett Rutter shared his perspective on the proposed nightly rental regulations. Mr. Rutter expressed concerns about the financial impact on individual homeowners, highlighting calculations that suggested a relatively low annual cost per home. He emphasized the importance of considering the financial impact on a per-home basis, rather than focusing solely on the large aggregate numbers over a forty (40)-year period.

Mr. Rutter also raised doubts about the feasibility of achieving a fifty percent (50%) occupancy rate, especially considering Hideout's location compared to nearby resorts like Park City and Mayflower. He suggested examining rental rates in areas like Klaim that have had nightly rentals from the beginning to provide a comparison. Mr. Rutter questioned whether the projected rental income would be achievable.

Furthermore, Mr. Rutter discussed the potential need for additional enforcement resources if nightly rentals were allowed, estimating the cost of a full-time code enforcement officer. He argued that such costs would significantly reduce the perceived financial benefits of nightly rentals.

Regarding the proposal to extend nightly rentals to Phase 8 only, Mr. Rutter supported the idea due to its physical separation from other phases. He noted that had contracts not already been in place in Phase 2A, he would potentially support Council Member Baier's idea of allowing nightly rentals within the entire subdivision.

Edward (Tim) Kim, a buyer in contract for phase 2A, expressed gratitude for Mr. Brockbank's efforts to address concerns about nightly rentals. Mr. Kim acknowledged that initially, there was tension between them, but Brockbank reached out to discuss the matter, which he appreciated. He was relieved that Phase 2A was being taken off the table for nightly rentals and discussed measures to ensure it wouldn't be reintroduced in the future.

Mr. Kim expressed concerns about noise issues, particularly in Phase 4, which was downhill from his unit. He supported other phases, such as Phase 3, for nightly rentals, to avoid potential noise disturbances. Mr. Kim cited his experience at the Retreat at Jordanelle, where he faced noise problems due to neighboring short-term rentals. He believed that attached homes and nightly rentals could not coexist without disrupting the community feel and causing congestion.

Despite his concerns, Mr. Kim praised Mr. Brockbank for being accommodating and expressed acceptance of nightly rentals in other phases as long as Phase 2A remained off the table. However, he reiterated his preference for Phase 4 to also be excluded from nightly rentals due to potential noise issues.

Laura Lothridge, a buyer in contract for phase 2A, expressed appreciation for Nate Brockbank's efforts to communicate with residents and address concerns about short-term rentals. However, she raised concerns about the proposal to turn the entire development into short-term rentals, especially considering that seventy percent (70%) of residents were against them, according to a town survey. Ms. Lothridge emphasized the importance of community and quality of life, stating that while she was okay with some phases being designated for short-term rentals, turning the entire development into transient rentals was not desirable.

Mayor Rubin responded, highlighting the increasing demands on the Town's infrastructure due to the two thousand (2000) homes yet to be built. He explained that as more homes were constructed, there would be additional costs for road maintenance, water, sewer, storm drain, and staff. He stressed the need to find revenue options for the Town to cover these increasing costs, mentioning that without alternative revenue sources, taxes would need to rise year after year to fund essential services. He acknowledged the challenge of finding a balance between generating revenue and maintaining the community's character.

Mayor Rubin clarified that the Council's role was to consider revenue options for the Town and make decisions in the best interest of the community. He highlighted the need to find a balance between residents' concerns and the Town's financial needs, emphasizing that Council's decisions were aimed at ensuring the Town's sustainability and addressing the challenges posed by its growth.

Bret Rutter emphasized the importance of considering community preferences and the Town's General Plan, which did not advocate for nightly rentals. He mentioned a 2022 survey where sixty five percent (65%) of residents expressed no interest in additional nightly rentals. Mr. Rutter highlighted the long-term implications of the decision, stating that once implemented, it would be permanent and irreversible. He noted that while fiscal challenges existed, the decision should not solely be based on revenue, as community livability was equally important. Mr. Rutter expressed concern that despite numerous public objections, there had been no public support for the proposal.

Council Member Baier responded, suggesting that a survey should illustrate the impact on property taxes if the Town did not introduce additional revenue sources. She proposed presenting

two scenarios: one where taxes would increase significantly without new revenue sources and another where new revenue sources, including TRT, would offset the tax burden. Council Member Baier emphasized the need to provide residents with a clear understanding of the financial implications.

Mayor Rubin agreed with Council Member Baier's suggestion, mentioning that the Town could quickly model the scenarios based on extrapolations of current trends. He proposed comparing the Town's current annual budget with potential future budgets to demonstrate the impact on taxes.

Council Member Severini added that the survey should consider various factors, including commercial development and amenities, not just residential build-out scenarios. He suggested building multiple models to provide residents with a comprehensive understanding of the Town's financial future and options for revenue generation.

Mr. Brockbank questioned the validity of the survey question regarding nightly rentals, suggesting that the lack of context might have skewed the results. He speculated that if residents had understood the specific areas targeted for nightly rentals, the responses might have been different. Council Member Severini agreed, mentioning that many residents were willing to pay higher taxes if it meant preserving their desired quality of life. He emphasized the need to consider both the top line (revenue) and bottom line (expenses) in any decision-making process.

Mr. Brockbank also pointed out that other developments under consideration for nightly rentals wouldn't have the benefit of the tax incentives that the MIDA area was offering. He suggested focusing on a vote from Council that excluded Phase 4 and 2A.

Mr. Sant proposed building models to analyze various scenarios, including different occupancy rates and revenue sources. Council Member Severini suggested considering a ten (10)-year outlook rather than just a forty (40)-year projection. He suggested straddled years to account for phased development. Mayor Rubin concurred, emphasizing the importance of understanding both short-term and long-term impacts. Overall, the discussion emphasized the need for thorough analysis and consideration of all factors before making any decisions.

Edward (Tim) Kim cautioned against overly optimistic rental income projections from property managers. He suggested that actual rental rates might be lower than expected, especially since COVID-19. He also proposed considering a hotel or inn as an alternative revenue source, and suggested that it could be a viable option for Phase 3 or Phase 8, potentially addressing concerns about commercial revenue and offering amenities like a restaurant or gas station.

Mayor Rubin summarized the discussion, indicating that further modeling would be required to analyze different occupancy rates for nightly rentals. He suggested running models from twenty percent (20%) to eighty percent (80%) occupancy to understand the potential revenue range. He acknowledged the need for more data and suggested continuing the discussion in April.

Council Member Severini sought clarification on Mr. Brockbank's proposal regarding which phases to consider. Mr. Brockbank clarified that he was suggesting Phase 2B, Phase 3, and Phase 8, considering the contracts already in place for Phase 2A. He mentioned that Phase 3 might be suitable for nightly rentals, given its proximity to the freeway and parks, but acknowledged the need for further consideration.

Mr. Brockbank expressed appreciation for the discussion and offered his assistance in gathering additional information, emphasizing the importance of thorough research before making any decisions.

There being no further public comments, Mayor Rubin closed public input at 9:32 pm and asked for a motion to continue the Public Hearing to April 11.

Motion: Council Member Gunn moved to continue the Public Hearing to a date certain of April 11, 2024 at 6:00 pm. Council Member Baier made the second.

During the roll call, Council Member Nadelberg noted he had not had a chance to speak on the topic. Mayor Rubin addressed Council Member Nadelberg and gave him the opportunity to voice his concerns. Council Member Nadelberg expressed that none of the residents of Hideout wanted nightly rentals. He would discuss the matter further with Mayor Rubin outside of the meeting.

There being no further questions, Mayor Rubin once again called for a motion to continue the Public Hearing to April 11.

Motion: Council Member Gunn moved to continue the Public Hearing to a date certain of April 11, 2024 at 6:00 pm. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

4. Consideration of approving an Ordinance regarding updates, technical corrections, and amendments to Hideout Municipal Code Titles 3, 7, 8, 10, 11, and 12

Mr. Eddington presented an ordinance regarding updates, technical corrections, and amendments to Hideout Municipal Code Titles 3, 7, 8, 10, 11, and 12. He explained that these changes were based on input received over the past two and a half years, addressing issues such as clarity, missing information, and incorrect references in the code.

He divided the proposed changes into three components:

1. New code language, including new line items and sentences.
2. Minor revisions to existing code language.
3. Corrections to cross-references within the code.

Mr. Eddington noted that certain language related to Recreational Vehicle (RV) parking, which was discussed at a previous Planning Commission meeting, had been removed pending further review by a committee.

Referencing the presented Staff Report, Item 1.1 focused on clarifying the process for recording plats. The changes involved removing references to certain officials and entities from the signing process, ensuring clarity on who should sign plats.

For Item 1.2, the changes related to retaining walls, specifying setbacks to prevent encroachment on neighboring properties and ensuring safety and maintenance access.

Item 1.3 involved extending the application timeline from fifteen (15) to forty-five (45) days, allowing sufficient time for processing, review, and noticing.

In Item 1.4, restrictions on driveways per lot was discussed, aiming to maintain safety and minimize impervious surfaces.

For Item 1.5, updates to landscaping and maintenance requirements were proposed to align with state standards, potentially enabling water rebates.

Mr. Eddington noted in Item 1.5 there was currently no language in the Hideout Municipal Code addressing pools, hot tubs, et cetera. A new section was added to address setbacks and fencing requirements to comply with the Utah Office of Administrative Rules.

The discussion in Item 1.6 revolved around confirming water availability for development, ensuring compliance with water requirements.

Item 1.7 suggested swapping the allowance of hotels to a permitted use and gas stations as a conditional use. Council Member Baier questioned if gas stations should be allowed in Hideout. Mayor Rubin stated a future discussion could be held on that subject.

In Item 1.8, changes to zoning regulations regarding fitness and wellness centers aimed to streamline the process for opening such facilities and change them from a conditional use to a permitted use.

The items in Section 2 of the Staff Report involved minor code revisions, including corrections to Code language and clarifications on the Hideout Zoning Map. Item 2.3 proposed changes to landscaping and irrigation standards, while Item 2.4 addressed the location of postal service gang boxes during both the preliminary plat application as well as final plat application.

Item 2.5 focused on referencing building and development standards in zoning designations. Mr. Eddington specifically noted the language for landscaping requirements in the Neighborhood Mixed-Use (NMU) zone and suggested potential revisions to clarify the intent of the regulations. This included ensuring that landscaping standards encompassed both natural and manicured landscaping options, with consideration for maximum lot coverage by impervious surfaces.

A discussion ensued regarding the proposed Hideout Code 12.20.08(A)(3), with Council Member Baier emphasizing the need for measurable and enforceable standards of landscaping requirements. Mayor Rubin suggested leaving flexibility for the Town Planner's discretion based on site conditions. Council Member Baier agreed.

Item 2.7 provided language clarification of the Equivalent Residential Units (ERU) table.

Item 3.1 addressed a correction to a code reference for Hideout Code Section 12.30.06.19. This section should have referred to the uses in the Resort Specially Planned Area (RSPA) which were carried over from the former Town Code.

Item 3.2 involved correcting a reference for the RSPA ERU calculations. Mr. Eddington noted it was necessary to reference the Former Town Code Section 11.07.140 for these calculations.

Item 3.3 involved moving a Section from Hideout Code 10.04.34 to a different Section of Town Code 8.14 Sign Regulations. Council Member Gunn questioned if political signage was addressed in Section 8.14, but it was clarified that the amendments primarily pertained to building permit signage. Ms. McLean noted political signage would be addressed at a later date and was working to create a Chapter to specifically address political signage.

Council Member Severini noted that electric vehicles (EV) charging stations in commercial developments needed to be addressed. Mayor Rubin agreed to revisit the topic in a future meeting.

Mayor Rubin thanked Mr. Eddington and others for their work on the proposed amendments, recognizing the importance of consistency and clarity in the Town Code.

There being no further questions from Council, Mayor Rubin opened the floor for public input at 10:15 pm. There were no comments and therefore, Mayor Rubin closed public input at 10:16 pm and asked for a motion to approve Ordinance 2024-O-05 with language modifications.

Motion: Council Member Severini moved to approve Ordinance 2024-O-05 amending Sections of Hideout Municipal Code to update items within the Land Use Code in Titles 3, 7, 8, 10, 11, and 12 with the noted language modifications. Council Member Baier made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

VI. Approval of Council Minutes

1. December 14, 2023 Meeting Minutes DRAFT

There had been adjustments made to the draft December 14 minutes as requested.

There were no further corrections.

Motion: Council Member Baier moved to approve the December 14, 2023 Town Council Meeting Minutes. Council Member Severini made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini. Absent from voting: Council Member Haselton. There were none opposed. The motion carried.

VII. Follow up of Items from Approved Minutes

There were no items.

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

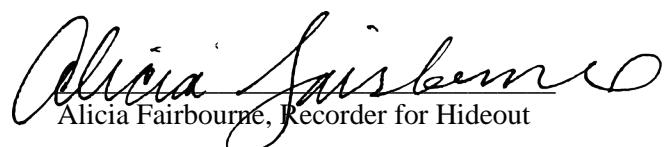
There was no need for an Executive Session.

IX. Meeting Adjournment

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

Motion: Council Member Gunn made the motion to adjourn the meeting. Council Member Severini made the second. Voting Yes: Council Member Baier, Council Member Gunn, Council Member Nadelberg, and Council Member Severini.

The meeting adjourned at 10:20 pm.



Alicia Fairbourne, Recorder for Hideout