

**Minutes of the Interlaken Town Council Regular Meeting
Tuesday, 5 September 2017, 6:30 PM – 9:00 PM
Town Pump House, 236 Luzern Rd., Midway, UT**

1. Call to Order.

Mayor Simpkins called the meeting to order at 6:35pm.

2. Roll Call – Members Present:

Lisa Simpkins, Mayor
Sue O’Nan, Council Member
Chuck O’Nan, Council Member
Scott Neuner, Council Member
Greg Harrigan, Council Member
Bart Smith, Town Clerk

Also Present: Bill Goodall, Bob Marshall – Planning Commission
Jim McCasland – Water Master

3. Presentations: None.

4. Public Comment:

Bill Goodall, 255 Interlaken, noted that we have two renters living in town that have experience with water purification. *Mac agreed to speak with Madeline Irvin to see if she can provide any help. *Goodall will provide contact info. Goodall also noted that we need to put retention pans under the stored T-chlor containers. *Smith will get these pans.

5. Consent Agenda: None.

6. Approval of Agenda or Changes.

- Add discussion of Midway Sewer & Heber Valley Special Services District impact fees under 11)
- Add Election update – new item 23)

Motion: Council Member Sue O’Nan moved to approve the agenda as amended.

Second: Council Member Neuner seconded the motion.

Discussion: no discussion

Vote: The motion was approved with the Council Members unanimously voting Aye.

7. Approval of 08/07/17 Council Meeting Minutes.

Motion: Council Member Sue O’Nan moved to approve the 08/07/17 meeting minutes.

Second: Council Member Chuck O’Nan seconded the motion.

Discussion: no discussion

Vote: The motion was approved with the Council Members unanimously voting Aye.

8. Water System Status Report

Water Master McCasland gave a report regarding the E coli contamination. As part of the monthly testing schedule, Mac brought in samples for testing on Friday 9/1/17. On Saturday, 9/2/17, around 10am, Mac got a call from the state-testing lab saying E coli was found in one of the five samples. This particular sample was taken at the Osborne home, 275 St. Moritz. Mac got calls out immediately and found 5 volunteers to contact the community door to door. By 11:30am all occupied homes had been alerted, Mayor Simpkins had sent out an email to all lot owners in the Interlaken directory, and signs were posted along Interlaken Drive warning residents to not drink the water. Harrigan obtained

the necessary T-chlor chemicals in Salt Lake, and 8 gallons of T-chlor were added to the water tank by 3:30pm. At 5:30pm Clerk Smith sent out a second email to all lot owners with an email account on record. At 6:30pm an emergency phone call was made to all lot owners with a phone# on record. At 8:00pm a third advisory email was sent out to the town and at 8:15pm a second phone advisory was sent out and the town website was updated with a notice regarding the E coli contamination. Mac, Ed Little, and Herb Bowen worked on flushing the system from around 3:30pm to 8:00pm that day. By 8:00pm all hydrants had been flushed and tested positively for the T-chlor chemical, indicating the purification process had penetrated all the main water lines.

Because Monday was Labor Day, the testing lab was closed. Mac brought in 5 samples for testing on Tuesday morning (today), 9/5/17. The lab subsequently dropped one of the samples, and Mac returned in the afternoon to replace that sample. We expect to get the results of these tests on Wed, 9/6/17 by 3pm. If these samples test negatively for E coli, a second sample set will be brought in for testing on Thursday. If these additional samples test negatively for E coli, the water boil ban currently in effect will be lifted. This second test should be completed by either Friday or Monday afternoon. When these results come in, showing the E coli is gone, Clerk Smith will send out an email and a phone call to all residents on record lifting the boil ban.

If either test comes back with E coli positive, a more thorough investigation of the issue will be necessary.

The council discussed recommendations for future water system issues and other emergencies:

- Sampling schedule – increase to twice per month. One sample follows the state mandated requirements (same 3 houses each month). The second sample will be investigative – both pumps and one other location. The extra sample charge is about \$20 per month. *Mac will up the sampling schedule starting now. Mac was encouraged to track his mileage for his drives to SLC.
- Have enough T-chlor on hand for 2 flushes. *Mac will replace as needed.
- Give full email list and calling post info to Simpkins, Harrigan, and Sue O’Nan. *Smith will do this.
- Develop strategy for door-to-door response – using volunteers. *Smith will research and propose a plan to the council.
- Develop signage strategy. *Smith will put this in the emergency response plan and get more poster paper.
- Have a second set of keys to gate & water tank available. Keys are available.
- Mac’s tablet charges currently are being paid by Ed Little. The council agreed to pay these charges, and to reimburse Ed for the \$10/monthly 24-month contract. *Smith will follow through.

9. Planning Commission Report

The planning commission met last week with 2 members present – Bob Marshall and Greg Cropper. Marshall requested that the council pass a motion to define a planning commission quorum as a simple majority of voting members. With a planning commission of 3 members, 2 members would qualify as a quorum.

Motion: Council Member Greg Harrigan moved to define the planning commission quorum as a simple majority of voting members.

Second: Council Member Scott Neuner seconded the motion.

Discussion: no discussion

Vote: The motion was approved with the Council Members unanimously voting Aye.

Smith noted that this approved definition of a quorum is consistent with our current code, Section 2.03.060.

Bob Marshall and Bill Goodall made the following reports:

- Tokarz Lot S064 – No action on this issue.
- Frank Lot S2218 – Epic has heard nothing regarding the Frank house from the contractor or owner. Epic would like the TC or PC to contact them and get a status report. Smith and Harrigan noted that there has been significant damage to the bank below this lot and is creating a severe erosion problem. In addition, there is no dumpster on site. *Smith will contact the lot owner and address these issues.
- Hawkins Lot S167 – There is a ROW retaining wall issue that should be addressed. The outdoor lighting is in conflict with the town code, and their dumpster has been in the road. The plans don't show the retaining wall, and the county will not do anything about it. *Smith will write a letter regarding these violations.
- Sheldon Lot S011 – The garage project has been cancelled. They are now considering demoing the current house and building a new home with a garage underneath it.
- Water Rights – The PC noted that Greg Cropper recommends the town contact Greg Knut to review the Epic report. The council will review the Epic report later in this meeting.
- General Plan – The PC is working with volunteers from town. A meeting is scheduled for 9/9/17. They are working on a questionnaire to be circulated to the town.
- PC Secretary – Clerk Smith resigned as the PC secretary. The PC is considering options going forward: purchase an overhead projector for meetings, and write the minutes during the meeting, or hire a replacement. A projector is currently on order. Smith suggested the PC consider adding another alternate member and assign them the secretary role. *Smith will send a notice to the town soliciting applications for the PC alternate position.
- Accessory Building – The PC recommends clarification in the code regarding the definition of an accessory building. Is a garage attached to the main dwelling an accessory building, for example? The PC will send the TC more information from their research. Clerk referenced Chapter 11.02 "Definitions" from the Land Use code, items 1 and 3, which provides definitions for the main building, accessory building, and carport. *PC will send research regarding accessory buildings to the TC.
- Code Revisions – Simpkins asked when the PC would send the TC a summary of their code revision recommendations. The PC will work on this after the General Plan is completed.

10. Planning Commission Proposals – Discussion and Motion to Approve

- a) Encroachment Permit Proposal – The TC discussed and agrees with the approach set forth in the document prepared by the PC. The council decided to wait until the General Plan is completed before approving it. Simpkins noted that there is more work to be done regarding the ROW issue, and that we need to meet with Brent to discuss. *Simpkins will set up a meeting with Brent from the Ombudsman Office and the TC.
- b) Interlaken Permit Request Info – Exemptions for building permits. The council likes this document and agrees with the direction, but decided to wait until the General Plan is completed before approving.
- c) Simpkins Excavation Permit – Discussion. Motion to approve.

Motion: Council Member Greg Harrigan moved to approve the Simpkins excavation permit.

Second: Council Member Sue O’Nan seconded the motion.

Discussion: no discussion

Vote: The motion was approved with the Council Members unanimously voting Aye.

11. Discussion of Town Fees

a) Epic Billing Practice – The council agreed to hold off payment of the current Epic bill until Epic can clarify the charges.

b) Town Building Permit Admin Fees Increase – The council agreed to increase the application fee to \$500.

c) Impact fees for Midway Sewer & HV Special Services – Dennis Gunn, Becky Wood. Up until last fall, Wasatch County was collecting these fees. When a new sewer connection is established, these fees are paid by the homeowner, as part of their permit application. If the town doesn’t pay them, the homeowner will pay them directly.

- Impact fees for Midway Sanitation District – impact/inspection for sewer pipe infrastructure, \$2550 per ERU (equivalent residential unit)
- Impact Fees for Heber Valley Special Services District – impact for processing plant, \$2179 per ERU.
- There are currently 3 building projects that are under Interlaken permitting that have not paid these fees: Connor, Howard, and Wilson. *Smith will contact these lot owners and inform them, and work with Midway and HVSSD to collect fees directly.
- Epic did not alert the town about these fees. In general, municipalities collect these fees when an application is submitted that includes a new connection to the sewer system. The council discussed the option of returning responsibility to Wasatch County for reviewing applications and inspections. The council expressed concern that the County would not enforce the Interlaken land use codes. *Simpkins and Harrigan will discuss this issue with McDonald from the county to make clear our options.

12. Epic Water Rights Study – Discussion and Motion to Approve

The TC discussed whether or not the town should have their irrigation rights changed to municipal. Chuck O’Nan noted that the Epic study reported that we use 15.6 acre-feet of water annually, and our allotment is 77.85 acre-feet. We are not anywhere near using our limit. Sue O’Nan was concerned that our water bond stipulates that we use our water only for culinary or domestic purposes, and not for irrigation. Moving our irrigation rights to municipal rights in our current well may put us in violation with our water bond. The council agreed to take no action right now, because there is no clear reason to change it.

13. BHR Status

Tim Bywater recommended we research the BHR PUD and its amendments for any recorded judgments. Clerk Smith could find nothing in the Wasatch County records against the PUD, but located the “Interlaken Drive Improvement Agreement,” recorded 28-Feb-2006. BHR responded with a small settlement to our original letter. The 6-year statute of limitations limits our ability to collect fees prior to 2011. BHR is responsible for Interlaken Drive maintenance for the section from the BHR entrance to the entrance to Valais. This is approximately 25% of the Interlaken Town road system. Bywater will send out a response letter this week to BHR.

14. ROW Ownership Issue – Mayor Simpkins

- Simpkins – will set up a meeting with Brent from the Ombudsman’s Office to discuss further.
- Any pending actions against Hawkins and Tokarz are on hold until the ROW issue is resolved.

15. Soper Radio Tower Status

Simpkins discussed Soper’s request for reasonable accommodation for a HAM radio tower.

*Simpkins will send Soper a letter with the conditions of this permit.

16. FFSL Cooperative Agreement

Simpkins has a meeting on September 12 with other towns at the League of Mayors meeting to discuss the FFSL agreement. On September 28, she will meet with the executive board to discuss. The goal is to get input from other towns, and draft one document.

17. Chipper Day Status

Smith has created a list of chipper piles, 11 so far. It was decided to schedule chipper day as follows:

- Sept 15th – cutoff date to make piles and report to Smith
- Sept 18th, 20th – dates to schedule bids with contractors – Amigo Properties and Visentin Tree Service.
- Sept 27th – chipper day

*Smith will send the list of chipper sites to Sue O’Nan so she can take arrange the contractor bids.

18. Top Job/Road Work

The council discussed the work done by TopJob. It was agreed that the shoulder work was not done properly. The rock used was too small to prevent seepage into the roadway in some areas. In addition, the gravel was not graded properly. In many areas, gravel was left in the roadway. Simpkins received the bill for the shoulder work and asphalt replacement. It was decided to hold the bill until TopJob responds to our complaints. *Chuck O’Nan will contact TopJob to get a response.

19. Hawkins Lighting Code Enforcement Issues and Road Hazard

There have been complaints for Hawkins house and other houses in violation of our outdoor lighting codes. The dangerous situation created by Hawkins retaining wall was also discussed. *Smith will write Hawkins a letter noting the lighting ordinances and the dangerous condition of the road above his house. The town will install Jersey barriers if necessary to protect vehicles from the hazardous dropoff.

SuperDave’s snowplow contract was also discussed. It was decided to rewrite the contract to stipulate all Interlaken roads be completed before he does driveways, and that all of Interlaken Drive must be plowed. *Smith will rewrite the contract and meet with Dave.

20. Parking Sign Purchase and Installation

Sue and Chuck O’Nan have designated places for the no parking signs. We may also need to replace and add speed limit signs. In some cases we will use the existing supports for the signs, and in other cases the vendor will install new supports. *Sue will send Smith the text for the no parking signs. Smith suggested we make new signs for the dumpsters, and include a Spanish translation. *Smith will draft the text for these signs and present to the TC.

The council also discussed adding replaceable speed bumps that could be removed in the wintertime. Chuck O’Nan noted that they vary in price from \$80 to \$250. If installed, they would need a sign.

21. Financial Matters

- a) Missing State Auditor Report 2016 – Kristine is meeting with Jeff Stockman tomorrow 10:30 to complete this report, and the balance sheet, and year-end accounting.
- b) Bywater billing for non-municipal issues, Katie Noble consultation - \$88 charge on 6/20/17 for consultation on Anthony King's lot. This bill was paid by the town on 7/17/17 so Noble should reimburse the town. *Harrigan will give Simpkins and Smith Noble's contact information so they can pursue reimbursement. Simpkins noted that she had a conversation with Tim Bywater regarding who may contact him for legal consults without prior approval. It was decided that only Simpkins and Smith could call him without approval from the TC or the Mayor. *Smith will write the planning commission and inform them of this policy.
- c) Epic invoice – late fees, generic charges that should have more detail, and other issues, *Smith will meet with Epic to go over bill and report back to the TC.

22. Newsletter – Fall newsletter topics and timing

The council discussed topics for the Fall newsletter scheduled for October or November. Here is a summary:

- message from the Mayor
- internet service - anyone getting good service
- general plan, status, request for input
- building projects – what requires a permit, the process
- outdoor lighting restrictions
- shout outs to those who helped, meter reading, water contamination, kids who helped
- getting ready for winter - parking regulation reminder, remove backflow preventors and cover outside spigots
- water bills coming (base and overages)
- loose dogs, dog waste pickup, parking enforcement, other enforcement concerns
- dumpsters – what you should not put in, recycling info
- trick or treating suggestions
- SuperDave snowplowing – he will focus on town roads first
- Preparation for winter – protecting outside spigots
- volunteers – call for help

23. Election Update

- Deadline for write-in candidates is Friday, Sept 8. *Smith will get the list of write-in candidates from the Wasatch recorder on Sept 11.
- If there are no contested offices, the election may be cancelled by the town council by resolution, after Sept 8 but at least 20 days before the election (Nov. 7th) or Wed Oct 18.

24. Status on Previous Action Items

Lisa

- Meet with interlocal group to discuss the FFSL Cooperative agreement, and report to the council. Meeting is scheduled.
- Follow up with Bywater and the state ombudsman office regarding ROW ownership. Meeting is scheduled.

Bart

- Contact Scott Neuner regarding his position as alternate on the planning commission. If available, send out notice for applicants. Need to send out notice.
- Send public notice to town regarding the General Plan. Done.
- Send out chipper day announcement to the town. Done.
- Contact Amigo properties to get current bill and get an estimate for additional shoulder work. Done.
- Write a letter to Hawkins regarding his road right of way violation after ROW issue has been resolved. On hold.
- Follow up and collect the Schneider driveway charge from Epic, \$400. Need to send out bill.
- Research number of full-time residents in Interlaken. On hold.

Sue O’Nan

- Follow up with Chipper Day – get bids and put on schedule. In progress.

Town Council

- Review the PC draft Encroachment Permit Proposal. Done.
- Consider the water rights issue. Should the town convert their irrigation rights to municipal? Acquire copy of the Epic Engr water rights report and have it reviewed by Rich Knuth, as recommended by Greg Cropper. Review complete. Decision made to table it.
- PC request for feedback on their proposals: Encroachment permit, Building Permit exemptions. Done.
- Make sure PC is on every TC meeting agenda. Done.

Bill Goodall/PC

- Assist Anthony King in researching issue regarding access to his lot from Luzern Rd. Status unknown.
- Research quorum requirement for the planning commission. Done – simple majority of 2.
- Find out if changing our irrigation water rights to municipal impacts the terms of our water bond. Status unknown.
- Continue work on the General Plan. In progress.
- Meet with Michael Soper to discuss his antenna project and make recommendation to the council. Status unknown.

25. Other Business

Discussion of Planning Commission Issues:

Simpkins requested that Smith write the PC a letter requesting that they focus on completing the General Plan and new building permits. *Smith will write them an email.

The council also recommended the Franks and Epic Engr be alerted to the damage done by the Frank project to the bank below their lot, as well as the lack of the dumpster onsite. *Smith will write this notice.

The council discussed the issue of what constitutes an accessory building, and how many buildings should be allowed on one lot. The council agreed to the following: 1 main dwelling, 1 accessory building – detached from the main dwelling, and one shed not to exceed 200 sq ft. detached from any other building.

26. Public Comment. None.

27. Council Comments. None.

28. Action Items from this Meeting:

Lisa

- Meet with interlocal group to discuss the FFSL Cooperative agreement, and report to the council. Meeting is scheduled.
- Follow up with Bywater and Brent from the state ombudsman office regarding ROW ownership. Meeting is scheduled.
- Write a letter to Michael Soper describing the special use permit conditions.

Bart

- Send out a notice asking for applications for the open planning commission alternate position.
- Invoice the Schneider for \$400 for Epic fees.
- Put collection pans under the T-Chlor stored in the pump house.
- Provide emergency Calling Post info and email list to Simpkins, Harrigan, and Sue O’Nan.
- Develop a strategy for door-to-door emergency neighborhood action, signage strategy and other emergency measures and present to the TC.
- Reimburse \$240 to Ed Little for Mac’s annual tablet service contract.
- Contact Frank to notify them of damage to bank below property and lack of dumpster on site.
- Contact Hawkins regarding road right of way infringement and lighting ordinance and the dangerous road condition caused by his steep retaining wall.
- Contact lot owners who owe Midway Sanitation and HVSSD impact fees.
- Send a list of chipper pile locations to Sue O’Nan before Sept 18th.
- Contact SuperDave and get a signed contract.
- Draft a new sign for the dumpsters with Spanish instructions. Follow up on no parking and speed limit signs with Sue O’Nan.
- Notify the planning commission that they require prior approval from the mayor or the town council to consult with Tim Bywater regarding town issues.
- Review current Epic invoice with Epic and report back to the TC.
- Obtain the list of write-in candidates for the fall election from the Wasatch County Recorder.

Sue O’Nan

- Follow up with Chipper Day – get bids and put on schedule. In progress.
- Send Smith the text for the no parking signs.

Chuck O’Nan

- Contact TopJob regarding sloppy shoulder work and seek solution.

Jim McCasland

- Speak with Madeline Irvin regarding water purification. Bill Goodall will provide contact information.
- Increase sampling schedule to twice per month – one for the state requirement, one as investigative. Mac also needs to track his mileage to SLC for test runs.
- Supply the town with a minimum of 16 gallons of T-chlor, enough for 2 system flushes.

Greg Harrigan

- Work with Simpkins to explore option of moving town planner responsibilities back to Wasatch County, Mr. McDonald. Investigate whether the county would enforce Interlaken codes.
- Provide contact information to Simpkins and Smith for Katie Noble, to seek reimbursement for legal fees.

Bill Goodall/PC

- Continue work on the General Plan. In progress.
- Send information to the TC regarding accessory buildings.

29. Adjournment.

Council Member Greg Harrigan moved to adjourn the meeting. Council Member Sue O’Nan seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:00 PM.

The next Town Council meeting will be held on Wednesday, September 27th, at 6:30pm, at the Town Pump House, 236 Luzern Rd.