

**Minutes of the Interlaken Town Council Regular Meeting
Monday, 10 July 2017, 6:30 PM – 8:00 PM
Town Pump House, 236 Luzern Rd., Midway, UT**

1. Call to Order.

Mayor Simpkins called the meeting to order at 6:38pm.

2. Roll Call – Members Present:

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

Scott Neuner, Council Member, was absent

Also Present:

Bill Goodall, Bob Marshall – Interlaken Planning Commission
Josh Call – Epic Engineering
Terri Goodall – Interlaken resident

3. Presentations: None.

4. Public Comment: None.

5. Consent Agenda: None.

6. Approval of Agenda or Changes.

Motion: Council Member Greg Harrigan moved to approve the agenda.

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

Discussion: no discussion

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

7. Approval of 06/17/17 Regular Meeting Minutes.

Motion: Council Member Sue O’Nan moved to approve the 6/17/17 meeting minutes.

Second: Council Member Greg Harrigan seconded the motion.

Discussion: no discussion

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

8. Water System Report – Water Master Mac

Clerk Smith read the following report from Mac:

Hi Bart,

I won't be able to attend the TC meeting on Monday, but would like the TC to know what has recently happened with our water system. We now have a cellular system vs a radio system. This means we get VERY accurate information regarding the tank level and the pump status. We can now monitor the system remotely. This new system provides us with minute to minute data as to the tank level, the amount of time the pump has run, and the depth of our aquifer. It also gives us the ability to

turn off/on the pumps as necessary. I have ordered 15 new water meters and 15 new PRV's to be installed as per our 5 yr plan. Thank you TC for your support in this process. - Mac

9. Planning Commission Report – Bill Goodall/Bob Marshall

Goodall reported on the major issues the planning commission is currently addressing:

1. Duer's new home construction, 263 Interlaken Drive. This was a project that was permitted through Wasatch County. The owners (Duers) requested help from the town to get their builder, Branca, to complete their project. The PC felt that the town should help, through working with Wasatch County and other avenues, get the project completed, and have a CO issued. Mayor Simpkins spoke with the town lawyer regarding this issue. His recommendation was to not get involved, because of possible future or pending litigation. The council recommendation, to let the Duers, Branca, and Wasatch County resolve this issue, stands.
2. Hawkins new home construction, 255 St. Moritz. This is also a Wasatch County permitted project. The PC noted that the retaining wall built for this property extends into the 33-foot road right of way. Goodall presented two approaches to deal with this violation of our codes: require them to tear the wall down or mitigate the problem by installing guardrails at their expense. The PC will take no further action on this, but recommends the TC require Hawkins to install the guardrails. The council decided to follow this recommendation. Smith will write a letter to Hawkins, identifying what has been done, citing Interlaken code, and Epic's recommendations. This can only be done once the town has secured road right of way ownership (currently waiting for our lawyer to complete his research and recommendations.)
3. Schneider driveway replacement, 339 Bern Way. This project was done without a permit, and there was some ambiguity in our code as to whether a permit is required to replace an existing driveway. Goodall noted that our code states that no driveway can be installed on a slope greater than 15% without written approval from the Town Engineer and Fire Marshal. The PC addressed the issue by contacting the owners, the contractors, and Epic Engr to ensure that all work is done according to code. Epic inspected the site and approved the work. The fee for Epic's services is somewhere in the range \$300 to \$500. The TC agreed that the Schneiders should be responsible for these fees. Smith will follow up with Epic to track this issue.
4. Permits – general discussion. Goodall presented a page from the 2015 International Residential Code, a document was adopted for use in Title 9 of the Town's land use code. It provides strict guidelines for what projects require building permits. Basically, almost any construction or residential repair would require a permit under these guidelines - for example, any electrical work beyond replacing a light bulb. Goodall recommended we address this issue by approving our own list of projects not requiring permits, as other municipalities have done. Goodall presented a draft checklist listing permit exemptions along with a description of the exemptions other municipalities have invoked. Goodall also noted that we could simplify our process to require permits only for building a structure (main dwelling or accessory building), doing an addition, or working in the road right-of-way. This would eliminate the need to review smaller projects like gardens, interior remodels, driveway replacements, etc. Additionally, he recommended that the owner take full responsibility for hiring licensed contractors. Goodall presented this issue as something the council should review and make a choice. The PC would go ahead and implement the process based on the TC's decision. Harrigan was in favor of simplifying the permit requirements. The council will discuss this issue further.
5. General Plan – general discussion. Goodall noted that the process for creating a General Plan starts with the Planning Commission. (This process is outlined in the ULCT handbook, under "General Plan.") The General Plan is a requirement for any municipality that "is in the land use

control business.” It is imperative that the town completes this plan. Goodall recommended the PC solicit input from the community through a Google survey and invite members from the community and council to join in committee to develop a draft plan. Once a proposal is completed, the PC holds a public hearing for comment. This hearing has noticing requirements. The PC is required to hold one public hearing, but can hold as many as desired. Once the PC agrees on a recommended General Plan, it forwards it to the town council for final action. The TC can make any revisions or amendments to the plan, but does not need to hold a public hearing. After approval of the General Plan by the TC, the land use ordinances become enforceable. Goodall recommended that the town institute the General Plan before making any further changes to our land use code. Simpkins suggested the town use a round table format to get public input. There was further discussion regarding the best way to get input. Harrigan recommended the town do the goggle survey first. If there is not a significant response, then the process could move forward with a smaller committee. Goodall would like to draft a notice calling for help in developing the plan and have Smith email it to the town. He will also put together a list for the Google survey.

6. Planning Commission Structure – Marshall brought up his concern about the current quorum requirement for the PC. With only 3 members, it can be difficult to get a 3-member quorum to complete work at PC meetings. There was discussion about what our code says in this regard, and it wasn’t clear. From Title 2, Chapter 2.04 “Planning Commission”:

Section 2.04.020 Number and Terms of Members

The Planning Commission membership shall consist of three members and up to two alternates.

- A. Regular Members. The terms of regular members shall be two years. Three consecutive two-year terms shall be the limit for regular membership. Partial terms shall not be considered in determining whether a person has served two consecutive terms.
- B. Alternate Members. Whenever a regular member is absent, the Chair shall designate an alternate member to vote in the absent member's place. There are no limitations to the number of terms an alternate member may serve.
- C. If an alternate member is not available the term of a regular member may be extended until a successor is chosen and qualified; except in the case of the member's death, resignation, removal or disqualification from holding office.

When the two alternates, Greg Harrigan and Scott Neuner, are unable to fill in, the PC cannot complete recommendations on their agenda. This was discussed further, and rather than change the current code requirements, it was decided that the PC could meet as a party of 2, if necessary, to conduct a work session. Nothing could be approved for recommendation in these meetings, but important background work could be completed. It was decided that more research on the quorum requirement could be done. This remains an issue the PC can look into.

10. BHR Update – Mayor Simpkins

Simpkins is waiting to get data on the last 6 year’s road expenses from Jeff Stockman to determine what BHR owes the town. Greg Cropper recommended we pursue a settlement based on the 6-year statute of limitations.

11. Interlaken Drive Road Cut – Josh Call

Josh noted that Epic Engineering has prepared a cost estimate to cover a bond for excavating the road beneath the castle property. This roadwork is under permit through Midway, and is being done to

provide utilities to the house just below the castle on lower Interlaken Drive. The cost estimate of \$40,792 is sufficient to replace the asphalt in case the permittee does not restore the road properly. Simpkins will contact Midway and let them know that this bond is a requirement for the work to proceed.

12. Road Ownership Issue – Mayor Simpkins

Simpkins is waiting for a response from Bywater to proceed. Nothing else to report.

13. Top Job Road Project Update – Chuck O’Nan

Top Job had to push out the date to repair the asphalt (cut & replace) because the topcoat slurry can weaken freshly laid asphalt. TopJob has said they will do this work the third week of July. Chuck will contact them for firm dates. TopJob will also do the shoulder work (gravel fills) later in July – Chuck will also find out when that happens. Chuck noted that TopJob has broken out costs for the Swapp and Connor asphalt repairs. The council agreed that these two lot owners should reimburse the town for this expense. Smith will email both owners and notify them that they will be billed for this repair.

14. Shoulder Clearing – Smith

Three Amigos completed the shoulder clearing work prior to the TopJob seal work. The council decided to have them return to clear the shoulders below Edelweiss to the castle entrance, 3 feet back. Sue O’Nan also recommended they give us a bid for chipping.

15. Truth in Taxation Report (8/7/17 hearing) – Smith

Smith will schedule the public hearing to meet the State Truth in Taxation requirement for August 7, 2017 at 6:30pm in the Pump House. Smith will finish the state paperwork to fulfill our taxation requirements.

16. Spring Chipper Day Status – Sue O’Nan

The DNR is not available to chip until the fall, due to the wildfire seasonal workload. Smith will contact Three Amigos to see if they are interested in chipping. Sue O’Nan will contact the person who chipped for us last year and gauge interest.

17. Water Rights Issue Update

In summary, Epic completed their water rights study, and noted that we are limited to culinary use only for our water system. It was discovered that the town has some additional rights for irrigation only, but the effort required to access this supply is prohibitive.

18. Status on Previous Action Items from 06/17/17 Meeting

Lisa

- Follow up on process to record the town’s ownership of our roads. **In progress**
- Pursue BHR issue. **In progress**

Bart

- Schedule a closed session to discuss BHR issue. **On hold**
- Schedule 2 public hearings in August for Truth in Taxation (Wasatch Cty tax). Update - Only 1 meeting required – **In Progress**
- Follow up with TopJob to get a schedule. **Done**

Sue O’Nan

- Follow up with Ken and the DNR to schedule chipper day. DNR is not available until fall. Other options will be pursued. **In progress**

Chuck O’Nan

- Follow up with TopJob bids. **Done**

Greg Harrigan

- Order signs from CRC for summer road work. **Done**

19. Other Business

Sue O’Nan brought up her concern that some owners are using VRBO and other sites to rent out their homes on a nightly basis, in violation of the town ordinance, which restricts rentals to a 30-day minimum. Smith will check the sites to see if there is an apparent violation.

20. Public Comment. None.

21. Council Comments.

Harrigan was concerned that Zenger’s field north of Luzern represents a potential fire hazard. The grass in this field, which is not irrigated, is long and flammable. The fire that happened in the field below last week was a warning that the town could be at risk. Simpkins also voiced concern about Zenger’s field adjacent to Edelweiss. Simpkins will talk to the farmer who works that property and Zenger to see if the grass in those areas can be cut.

22. Action Items from this Meeting:

Lisa

- Follow up with Jeff Stockman and get last 6 year’s road expenses.
- Contact Midway regarding bond requirement for lower Interlaken Drive utility cut.
- Follow up with Bywater regarding ROR ownership.
- Contact the farmer and Zenger regarding cutting tall grass in fields adjacent to Interlaken town boundaries.

Bart

- Write a letter to Hawkins regarding his road right of way violation and guardrail installation (on hold until ROR issue resolved).
- Follow up with Schneider invoicing from Epic.
- Contact Swapp and Connor to notify them that they will be responsible for asphalt repair in front of their lots due to construction damage.
- Contact Willy at Three Amigos to complete shoulder clearing on Interlaken drive and have him clear brush around the fire hydrants. In addition, have him bid on chipping.
- Set a date with Harrigan to spray weeds in shoulders.
- Complete Truth in Taxation forms and submit to State.
- Check VRBO and other sites to see if Interlaken properties are in violation of the 30-day minimum rental restriction.

Sue O’Nan

- Contact the contractor who chipped last year and see if he can come back.

Chuck

- Get dates from TopJob for asphalt repair and shoulder work.

Greg Harrigan

- Set a date with Smith to spray weeds in shoulders.

Council

- Discuss and approve permit exemptions for PC to implement.

Bill Goodall/PC

- Write a notice soliciting help for the creation of a General Plan. Forward the notice to Bart for distribution.
- Create a Google survey to get community input.
- Research quorum requirement for PC.

23. Adjournment.

Council Member Sue O’Nan moved to adjourn the meeting. Council Member Greg Harrigan seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:14 PM.

The next Town Council meeting will be held on Monday, August 7th, following a public hearing scheduled for 6:30pm, location at the Town Pumphouse.

General Plan Table of Contents

Introduction/Purpose

History **Who wants to write this one?**

Demographics

Population

Current and projected

Property ownership:

Full time vs. Part time residences - Ratio of Primary Residences to other

Residential

Assessed valuation of property

Built vs. Unbuilt Lots

Present and Future Needs: Potential Priorities – **to be finalized after Townspeople input**

Moderate Income Housing – **Towns exempted per Utah League of Cities and Towns**

Economic

Community Vision The creation of a forward-thinking, substantive economic development plan will be key to Interlaken's security and stability

Goals

Budgeting process

Economic Development

Growth Management - Limited to number of unbuilt lots and Town owned open spaces

Environment and Sensitive Lands

Environment, General

Hazards – **all maps completed by Epic**

Vegetation/Habitat

Air quality

Energy

Light Pollution

Noise Pollution

Recycling

Storm Water Control

Surface Water Quality – Ground Water Quality – **all maps completed by Epic**

Flood Control Does Not Apply (see map) – **all maps completed by Epic**

Hillside - see Hillside Protection Area (steep slopes) – **all maps completed by Epic**

Open Space and Sensitive Lands - see Land Use Open Spaces

Land Use

Land Use requirements

Existing Land Use

Future Land Use

Public Lands Special Designations - see open space [???

Open Spaces

Maps - official map and zoning map – **need to transfer from Summit to Epic**

Services

Water rights

Water system reliability and quality

Fire-fighting water capacity

Lease – current lease from State Park expires 20XX ?

Gas

Electricity

Sewer

Bill Goodall/PC Handouts for 7/10/17 TC Meeting

Phone/Cable?

Fire & EMS

Law Enforcement

Animal Control

Wildfire Abatement and Mitigation

Parks, Trails and Recreation

Parks and Recreation

Trails and Public Lands

Transportation and Traffic Circulation

At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan

Plan Implementation

The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality, including recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action

Appendix A – Utah Code Title 10 regarding General Plans

Appendix B – Title 72, Transportation Code Chapter 5, Rights-Of-Way Act

1 **Town of Interlaken Land Use Permit Request Information - v3.1**

2 **Section 11.11.010 Buildings Permits Required** : No person, firm, or corporation shall commence to construct, alter or move a building or structure, excavate, grub and clear, or to make a change in use of any land within Interlaken Town Limits without first submitting an application and obtaining a permit from the office authorized by the Town; provided, however, that permits ~~for the moving of structures~~ shall be granted only after complying with the requirements as set forth in Title 11.

3 **Permit not required for the following Exemptions**

- 4 Single story detached **accessory buildings** 200 square feet or less, provided their location complies with setbacks
 - 5 Fences less than 6 feet which are constructed in the **rear yard and leave a corridor for wildlife travel up and down the hill**
 - 6 Retaining walls not over 4 feet in height from bottom of footing to top of wall, **provided they are not in right-of-way**
 - 7 Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
 - 8 **Maintaining, replacing or installing additions of less than 500 [1,000?] square feet to original residential landscaping**
 - 9 Residential gardening **500 square feet or less**
 - 10 Replacing exterior siding or windows, exterior painting, gutter replacement, **provided tempered windows are installed where requi**
 - 11 Water heater, air conditioning or furnace replacements, **provided work is done by qualified service rep.**
 - 12 Kitchen and laundry appliance replacements
 - 13 **Driveways, provided they slope less than 15% and drain properly to avoid runoff into the road**
 - 14 **Swings, playhouses and other playground equipment.**
 - 15 **Window awnings projecting no more than 54 inches from exterior walls and not requiring added support**
 - 16 **Decks not over 200 sq. ft., no more than 30 inches above grade, not attached to dwelling and not serving the required egress.**
 - 17 **Ordinary repairs to structures, replacement of lamps, or connection of approved portable electrical equipment to approved permanent receptacles. Ordinary repairs do not include removal of a structural beam or support, removal of a load bearing wall, or other work potentially affecting public health or general safety as described in IRC R105.2.2 >>> tricky way to ignore**
- 18 **grade/fill not requiring the use of steel tracked equipment or removing/adding more than 2 loads of soil (40 cubic yards)**
 19 *note: this is an attempt to allow a limited amount of grading/filling. Is there a better description? Should we add max xxx sq. ft.?*
- 20 Outdoor lighting - **must be dark skies lighting**; no permit required provided all outdoor lighting must comply with XX.XX.XX code
 - 21 Signs - **limited acceptability**; no permit required provided all signs comply with XX.XX.XX code *>>> temporary only?*

22 **Type of Project Requested**

- 23 **I request a Land Use Permit for the following type(s) of improvements or construction:**
- 24 grubbing/grading/filling - any vegetation removal in addition to that needed for construction of buildings, driveway and parking spa
 - 25 new structure over 200 sq. ft. - dwelling or accessory building; note special Road Work Permit required for Interlaken Town right-of-v
 - 26 ~~addition over 200 sq. ft.~~ to a dwelling or accessory building
 - 27 decks over 200 square feet or greater than 30 inches off the ground
 - 28 renovation/remodel - dwelling or accessory building including reroofing (**for correct layers**), removal of a structural beam or support, removal of a load bearing wall, ~~or addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work potentially affecting public health or general safety as described in IRC 105.2.2~~
 - 29 demolition of a structure - dwelling or accessory building over 200 sq. ft.
 - 30 moving a structure - dwelling or accessory building over 200 sq. ft.
 - 31 road/right-of-way work - **No work allowed in 33' Interlaken Town right-of-way without special permit use only specified contractor?**

32 **Permit Information** [collect this with Google Forms to go into Excel File and use once?]

33 Application # _____ Expected Project Start Date _____

34 Project Title _____ Expected Project Finish Date _____

35 Lot # (s) _____ Parcel # (s) _____

36 Property Address _____ Purpose of Work _____

37	Property Owner(s) or Agent(s)	Architect or Engineer	General Contractor	Site Supervisor
38	Contact Name(s)			
39	Business Title			
40	Business Name			
41	Street Address			
42	City, State, Zip			
43	Phone Number			
44	Cell Number			
45	Email Address			
46	Fax Number			
47	State License #			

48 **SPECIAL NOTES or COMMENTS:**

49 _____

Bill Goodall/PC Handouts for 7/10/17 TC Meeting

Reference for PC & TC discussion: Exemptions for Other Communities

Midway permit required	A. Permit Required. A Midway City Site Disturbance Permit is required before any person or entity may landscape, excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape or increase impervious surfaces upon any parcel of property located in the City.
Midway exemptions	Construction activities disturbing <i>less than 500 square feet</i> of land and surface area; Residential landscaping activities disturbing less than 7,000 square feet of land surface area; Residential gardening
Rocky Ridge Electrical Repairs	11.06.020 Electrical A. No alterations or additions shall be made in existing wiring, nor shall any wiring or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefore, <u>except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords.</u> Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in this title. This section shall not apply to installations in powerhouses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the building inspector.
Rocky Ridge Plumbing Repairs	A. Required; Application. No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in subsection C of this section, without first obtaining a permit. Application for such permits shall be in writing to the Town Recorder and shall describe the nature of the work to be done and affirm that the plumbing will conform to the plumbing code. No permit shall be issued to any applicant during the time that he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the building inspector of the defective C. Exceptions. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit; provided, that the <u>permits shall be procured to replace fixtures, traps, soil, waste and vent pipes, unless waived by the building inspector.</u>
Rocky Ridge Home owner Plumbing	B. Homeowners' Permit. Any permit required by this chapter may be issued to any person to do any plumbing or drainage work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, <u>in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner; and further provided, that the owner shall furnish the building inspector with a complete layout drawing of the proposed work, satisfies the building inspector that he has a working knowledge of the requirements contained in this chapter, pays the necessary fees and calls for all inspections required by this chapter.</u>
Salt Lake City	18.20.020: EXEMPT WORK DESIGNATED: A. A building permit shall not be required for the following: 1. Playhouses and similar uses 2. Oil derricks; 3. Movable cases, counters and partitions not over five feet (5') high; 4. Retaining walls which are not over two feet (2') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids; 5. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1); 6. Painting, papering and similar finish work; 7. Temporary motion picture, television and theater stage sets and scenery; 8. Window awnings supported by an exterior wall of group R, division 3, and group M occupancies, when projecting not more than fifty four inches (54"). B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required for the above exempted items. C. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 54-14, 2014)
Wasatch County codes adopted without dates	Note: Wasatch County adopts Utah codes and makes exceptions via a long list of revisions A. By resolution of the county legislative body, the county shall adopt specific editions of the following codes, each of which must be approved by the state of Utah and promulgated by a nationally recognized code authority: 1. A building code; 2. The national electrical code promulgated by the National Fire Protection Association; 3. A plumbing code; and 4. A mechanical code. 5. The 2006 international wildland urban interface code, as revised by the state of Utah and Wasatch County, as indicated below, is hereby adopted as the wildland interface code of Wasatch County for those areas in the county designated by Wasatch County as wildland urban interface areas. <u>>>>> Revisions: loooooong, detailed listlist - I haven't reviewed</u>
Summit County codes adopted without dates or list of titles	Note: Summit County adopts Utah codes with no exceptions A. Adoption Of Codes: Construction and fire codes adopted under title 15A, chapters 1 through 5 of the Utah code. B. Applicability Of Building Code Administrative Remedies: The administrative portions of the international building and fire codes, as amended, are hereby adopted, incorporated and made applicable to the administration and enforcement of the provisions of those codes adopted in subsection A of this section. (Ord. 793, 1-30-2013) <u>No exemptions</u>