

Minutes of the Interlaken Town Council Regular Meeting
Monday, 8 May 2017, 6:30 PM – 9:30 PM
Town Pump House, 236 Luzern Rd., Midway, UT

1. Call to Order.

Mayor Simpkins called the meeting to order at 6:33pm.

2. Roll Call – Members Present:

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

Also Present:

Troy Morgan – Wasatch County Fire Warden
Chief Dave Booth - Heber City Police Dept.
Justin Hatch – Supervisor Heber City Animal Control
Kathy Burke - PAWS for Life
Bill Goodall, Bob Marshall – Interlaken Planning Commission

3. Presentations: None.

4. Public Comment: None.

5. Consent Agenda: None.

6. Approval of Agenda or Changes.

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

Second: Council Member Greg Harrigan seconded the motion.

Discussion: no discussion

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

7. Approval of 04/03/17 Regular Meeting Minutes.

Motion: Council Member Sue O’Nan moved to approve the 4/03/17 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. FFSL Agreement – Troy Morgan, Wasatch County Fire Warden, Sue O’Nan

Troy presented the FFSL agreement (Forestry, Fire, and State Lands), which partners local communities with the state, for wildfire prevention and suppression. In summary, municipalities, which sign the FFSL, agree to do prevention work and the state takes financial responsibility for fighting any wildfires. Without this agreement, municipalities must bear the cost of fighting wildfires within their boundaries. Interlaken has done prevention work in the past, which is more than adequate for this agreement. The state accepts this work as “in-kind” - removing fuel from the ground, chipping, and other mitigation, matching our risk assessment cost of \$242. If fire history is low, as in

our case, the risk assessment cost stays low. There is a form that the town signs to enter into this agreement.

Bill Goodall brought up some issues that are of concern for the town. In the current agreement, our town would be held responsible for the initial response, and would have to be sufficiently trained and red-card certified. Troy mentioned that this requirement is still under review, and that it would be sufficient for Interlaken to have the local fire chief write an agreement saying they would be responsible for the initial response. Goodall mentioned that Park City has developed an inter-local agreement that addresses this issue. Another concern was brought up regarding existing vegetation in our town, and how that may conflict with guidelines in the Wildland Urban Interface code, which poses stricter guidelines. Troy's advice was to clean out the fuel and vegetation as much as we can and maintain a defensible space, and this should meet the guidelines. ULCT pushed back on the Wildland Urban Interface code requirement – it's not required for municipalities. It is required for counties. There was discussion about using the bike path as a fuel break, which may be pursued by the trails group.

We need a current CWPP (Community Wildfire Protection Plan) if we sign the agreement. It's possible that Interlaken could modify the existing IMWC plan.

9. Heber Animal Control Presentation/discussion – Chief Dave Booth, Justin Hatch, Kathy Burke (PAWS)

Wasatch County, Heber, and Midway have a joint agreement to perform Animal Control duties. Heber City administers the program under Chief Booth, but Supervisor Justin Hatch takes operational responsibility. Chief Booth shared the 2016 statistics for the program- Intake, Calls for Service, Adoptions, Reclamations by owner, PAWs adoptions, as well as medical expenses. It was noted that all medical expenses were paid for by PAWS. PAWS is a volunteer organization that receives grant funding, and lessens the burden to animal services expenses (estimates are between \$150,000 and \$200,000 per year). Our contact would be Justin Hatch (not Chief Booth). The first line of defense is Justin working with the owner (Justin would rather hand out a leash than a citation), 2nd line of defense is a citation, and finally impounding the animal. Justin would work for the town, enforcing our ordinances, and pursuing enforcement to the degree we request. He would rather educate than cite owners, but would follow our instructions as to enforcement, from high tolerance to fully compliant. He keeps a complaint log that can be used for prosecution.

If Interlaken wants to participate in this program, the animal control governing board would review the request and write an MOA. Their next meeting is scheduled for Tuesday May 16, at 3:30pm at the Heber City Police Dept. The annual fee for Interlaken to participate would be \$1998 for FY2018. Simpkins noted that this money was in our FY2017 budget. Chief Booth mentioned that he would like to see the administration of this program move to a county wide special services district in the future. Citizens throughout the county are demanding a higher level of service. Many of them have figured out that they can call the animal shelter directly instead of direct participation in the program.

The issue regarding animal licenses was discussed. Open issue for Interlaken – do we require licenses? Owners can get licenses at the Heber City office.

10. Heber City Ordinance Enforcement Co-Op Agreement – Chief Dave Booth, Heber City Police

Chief Booth recommended that we work with the Wasatch County Sheriff for enforcement services. The state law that mandates this has been pushed out to 2018.

11. Truth in Taxation Issue – County Road Tax for Interlaken – Lisa Simpkins (David Swan)

Lisa and Bart met with Brent Titcomb, Wasatch County Clerk, to discuss our taxation/assessment policy. He noted that we would need to comply with the state law regarding truth in taxation for any assessments that are collected for Interlaken by Wasatch County. In our case, this would include revenue collected from Interlaken lot owners dedicated to maintenance and improvement of our road system. Our water “assessment” is fee for utilities and can continue to be collected directly from lot owners. The Interlaken tax would appear as an additional line item in the Wasatch County tax bill. Interlaken would be required to hold 2 public hearings to discuss this new tax, and follow other procedures mandated by the state. Interlaken would receive the collected tax revenue starting in January, and continuing as payments flow into the county. Lisa and Bart will meet with David Swan from the state department of taxation to get more information.

12. BHR Update – Lisa

Interlaken has received a response to the initial letter discussing the BHR obligations as per the “Freedom Agreement” and past fees due for road maintenance. BHR is using Richards Law as council, and we will continue to work forward towards resolution. Lisa will contact Greg Cropper for an update.

13. Dumpsters, Additional Pickup Costs – Lisa

An additional dumpster pickup would cost \$350 per week. Lisa will meet with Mayor Bonner from Midway to see if they would pick up this cost, considering many Midway residents use the dumpsters. It was noted that Spectrum landscaping, working for Midway, dumps their yard waste in our dumpster. A long-term solution may be to relocate the dumpsters to a parking spot for the trailhead above the Interlaken Estates sign.

14. Franchise Agreement Update – Lisa, Bart Smith

Bart reported that the Questar and HL&P franchise documents are at our lawyer’s office, under review.

15. Pablo Tokarz Right of Way Cutout – Lisa

It was noted that we do not fully understand the Interlaken road ownership issue. The original plat was incorrect. The 1976 plat was correct, but never recorded. There is no plat amendment on file. The Summit Engineering survey commissioned by IMWC is most likely inaccurate, as it was based on the original plat.

Wasatch County granted Interlaken Town road “authority” but not road “ownership.” There may be another step required in order to gain ownership. Our lawyer is looking into this.

It was decided that we should take no action against Pablo until the road ownership issue is fully understood. Bart will write him a letter stating that the town is still reviewing the situation and receiving guidance from our lawyer. It should also be noted that Pablo cannot park in this area.

16. Branca/Duer Home Certificate of Occupancy Update – Lisa

No Certificate of Occupancy has been issued. Wasatch County gave them 30 days to complete construction.

17. Bonanza Flats Discussion/Donation – Lisa

The council decided that although this is a very worthy cause, protecting open space for the area, it would not approve a donation at this time. There was nothing in the budget for this expense, and it wasn't clear to the council that spending town funds in this way would represent the interests of all residents in an equitable way. Some residents may not want to support this cause, and it wouldn't be responsible to spend their assessment money to support it.

18. Financial Report – 3rd Quarter – Bart

Bart presented the 3rd Quarter FY2017 report – the Statement of Revenue and Expenses. In general, the town is in close to budgeted numbers for FY2017, and there was no concern expressed by the council or by Bart.

19. Water System 5-Year Capital Improvement Plan – Bart

A 5-year Water System Improvement Plan was presented to the council by Bart. The council agreed that this plan should be included in next year's FY2018 budget. Briefly, the plan allocates funds to replace the telemetry system with a cellular based system, and funds a 5-year project to update all water meters with newer devices that can be scanned by hand (without removing the covers). This upgrade will provide more accurate usage information as well as alert our water master to failures in the system. Overall, it will make Mac's work easier and more productive.

It was noted that we need a new sign near our water tank for emergency contact information. Chuck will look into this.

20. FY2018 Tentative Budget Proposal Presentation & motion to approve – Bart, Lisa

The council reviewed the FY2018 proposed tentative budget as prepared by Bart (Rev05). The council agreed to the following changes:

- Line 44: Town Attorney expenses, was increased from (\$8,000) to (\$20,000).
- Line 45a: Animal Control expenses through Heber City, was changed from (\$3,400) to (\$2,000) as estimated by that agency.
- Line 46: Road Signage expenses, was changed from (\$500) to (\$750).
- Line 47: Insurance expenses, was incorrectly entered as a positive number, changed to (\$4,039).

Motion: Council Member Neuner moved to approve the proposed tentative budget with the stated changes.

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

Discussion: no discussion

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

21. FY2018 Budget Public Hearing & Council Meeting Schedule - motion to change TC meeting date from June 5 to June 17, 4pm – Lisa

Motion: Council Member Harrigan moved to reschedule the next town council meeting to June 17, 2017, to be held following a public hearing at 4pm to present and take comments on the proposed FY2018 Interlaken Town budget.

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

Discussion: no discussion

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

22. Resolution No. 2017-05-08A New Owner Transfer Fees – discussion & motion to pass – Bart, Lisa

Motion: Council Member Sue O’Nan moved to pass Resolution No. 2017-05-08A New Owner Transfer Fees.

Second: Council Member Harrigan seconded the motion.

Discussion: no discussion

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

23. MAG Meeting Report & Membership – motion to pass Resolution No. 2017-05-08B “Adoption of Mountainland Pre-Disaster Mitigation Plan” – Bart, Lisa

Motion: Council Member Harrigan moved to pass Resolution No. 2017-05-08B Adoption of Mountainland Pre-Disaster Mitigation Plan.

Second: Council Member Neuner seconded the motion.

Discussion: no discussion

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

24. Resolution No. 2017-05-08C Variance and Appeal Application Fee – discussion & motion to pass – Bart, Lisa

Motion: Council Member Chuck O’Nan moved to pass Resolution No. 2017-05-08C Variance and Appeal Application Fee.

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

Discussion: no discussion

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

25. Water Rate Resolution Revisal – discussion only – Bart

The council decided to keep the current water rate schedule as is for now.

26. November Elections – Declaration of Candidacy – Bart

Bart distributed the declaration of candidacy forms to the mayor and council members whose seats are up for election in November. Bart will contact Heber City and Wasatch County officials to clarify election procedures for the town.

27. Summer Road Work – Interlaken Drive Responsibility, Closure Schedule, Town Concerns – Bart

It was decided that signage should be placed near the BHR entrance to inform BHR residents of road closures during summer roadwork. These signs would also notify UPS trucks and others who regularly use our roads. Harrigan suggested we distribute flyers as reminders as well. It wasn’t clear where the roadwork will begin – where on Interlaken Drive? Lisa will get a map from the TopJob estimate and distribute it. Harrigan offered to look into signage for the roadwork.

28. Hearing Officer Search/Status – Bart

Discussion was tabled for now.

29. Summer Party – Bart

A proposal for a summer party was discussed under item#20 and funds were approved under administrative expenses to provide partial funding for an Interlaken Historical Day party in September.

30. Status on Previous Action Items from 04/3/17 Meeting

Bart – Follow up on Franchise agreements for HLP & Questar.
Give Cropper the go ahead to research hearing officers. **Done.**

Lisa – Meet with Brent Titcomb to discuss tax collection issues.
Continue to investigate the cost of an additional dumpster pickup. **Done.**

Epic – Continue research on town's water rights. **Need to research status.**

Chuck O'Nan – Contact Delco to determine details of annual service package and transducer charges for telemetry system. **Done.**

Sue O'Nan – contact Lane to gauge interest in becoming our hearing officer. **Decided not to pursue.**

Invite Troy Morgan to our next TC meeting. **Done.**

Harrigan – create a fine schedule. **Done – Park City fine Schedule.**

31. Other Business – ULCT Membership

The town sent payment (\$200.38) to ULCT for FY2018 membership.

32. Public Comment. None.

33. Council Comments.

Chuck O'Nan discussed asphalt repair to be performed this summer by TopJob. They quoted repairs as \$1200 to mobilize the equipment and \$7 per sq ft to cut out and fill in. We have budgeted \$17,000 for asphalt repair and re-graveling the pump house access road.

34. Action Items from this Meeting:

Lisa

- Attend Heber Animal Control board meeting and request membership (Tue 5/16, 3:30pm at the Heber City Police Dept).
- Meet with Greg Cropper to discuss BHR status.
- Meet with Mayor Bonner to see if they would pay the cost for an additional dumpster pickup.
- Get the TopJob map showing what portion of Interlaken Drive will be top coated.
- Get status of Epic's project for town's water rights. Give them a 30 notice to complete.
- Contact TopJob to see if they do gravel work.

Lisa/Bart

- Meet with David Swan from Utah Department of Taxation to discuss truth in taxation requirements.

Bart

- Write a letter to Pablo Tokarz stating that the town is still reviewing this issue and receiving guidance from our lawyer. In the meantime, he should NOT park in the area.
- Contact Heber City and Wasatch County for guidance on running the Interlaken General election in November.

Sue O’Nan/Bill Goodall

- Continue to review FFSL agreement and other options (Park City Inter-local agreement). Develop a CWPP for Interlaken.

Chuck

- Look into updating the sign near the water tank with emergency contact information.
- Mark the asphalt that needs repair.

Greg Harrigan

- Research signage for summer road work.

35. Adjournment.

Council Member Sue O’Nan moved to adjourn the meeting. Council Member Scott Neuner seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:23 PM.

The next Town Council meeting will be held on Saturday, June 17th, following a public hearing scheduled for 4pm, location TBD.