

Minutes of the Interlaken Town Council Regular Meeting
Monday, 6 November 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 6:32pm.

2. Roll Call – Members Present:

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

3. Presentations: Mountainland Association of Governments, General Plan Preparation
Bob Allen from MAG made a presentation about the General Plan development process and provided information about how MAG can assist the town. Bob’s power point presentation is attached to these minutes. Robert Allen 801-229-3813, rallen@mountainland.org. The following is a summary of some of the major points that were discussed:

- Bob is a certified planner, employed by MAG, and has 10 years experience helping communities draft their general plans. As Interlaken is a member of MAG, there is no charge for his services during normal business hours.
- A general plan describes “who we are” and “this is what we want to be in 10-15 years.”
- A general plan must have the following plans:
 - Land use
 - Transportation
 - Annexation (annexation policy plan is required apart from the gp)
- A general plan may also contain these plans:
 - Parks and open space
 - Economic development
 - Public facilities
 - Environment
 - Housing
- Many grants also ask for a plan for moderate income housing
- Capital Facilities plan – part of the Economic Development plan, includes a plan for how the town pays for future road improvements
- Bob noted that his job is to “facilitate” drafting of a general plan, not to create one.
- In the creation and adoption phase of the process, the town must:
 - Notify affected entities
 - Draft a plan
 - Hold a public hearing before the planning commission
 - Planning commission makes a recommendation to the council
 - Adoption by the council
- Bob noted that the planning commission drafts the general plan (state code) but having the pc do it in a vacuum is not a good idea, because the council eventually needs to approve it.
- Bob noted that an open house may be held after the plan draft is completed.

- Greg Harrigan asked if the general plan could be revisited and revised in the future. Bob noted that it could, but you have to go through these same steps with a revision.
- The question was raised as to who would work with Bob. It was decided that the general plan task force would work with Bob along with members of the town council.
- Harrigan noted that we need to move quickly on general plan issues that affect our building code, prior to the building season this spring. Bob suggested we focus on the sections of the general plan that deal with land use, if that's a priority. Bob also noted that MAG could help us with our land use codes and asked what were our land use issues. Harrigan responded – slopes, setbacks, height requirements, what requires a building permit. Bob suggested we start by addressing these code issues, anything in a general plan will not affect our code because we are so limited. Start with the codes – no one is going to come and fine us because we don't have a general plan. According to Bob, a general plan can take 9 months to 2 years. Completing the general plan by spring with assistance from MAG is unrealistic.
- Bob addressed the survey prepared by the general plan task force and noted that most of the questions in the survey were not about the general plan, but more about how do you want to run the town.
- Bob recommended the town consider commercial development in town to increase revenue.
- Bob recommended the town create a list of issues that are holding up people from building and provide it to MAG for assistance.
- The planning commission can work concurrently on the general plan and the code changes.
- Bob noted that daytime meetings are better for him; night meetings require more advanced notice.
- MAG can create maps for the general plan, if we can provide GIS files. The town needs to get these files from Summit Engineering.
- In summary, Bob asked for the following from us:
 - Survey results
 - Mapping information – online link
 - Reserve studies for water and roads (if available)
 - More detail about what is important to the town
 - Community vision section
 - Moderate income housing plan – state requires us to have a plan covering supply, demand, 5-year demand, barriers, and other topics. Moderate income housing is for people that make 80% of the median household income of the county. For Wasatch county, this is \$70K - \$80K.

4. Public Comment: None.

5. Consent Agenda: None.

6. Approval of Agenda or Changes.

The agenda was amended to move item 13, Soper Request for Reasonable Accommodation for a HAM radio tower, to item 8.

Motion: Council Member Harrigan 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 09/27/17 Council Meeting Minutes.

Motion: Council Member Sue O’Nan moved to approve the 09/27/17 meeting minutes.

Second: Council Member Harrigan seconded the motion.

Discussion: no discussion

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

8. Soper - Request for Reasonable Accommodation for Radio Tower Application

Clerk Smith presented a staff report, dated 11/3/17, entitled “Review of Mr. Soper’s application for reasonable accommodation to construct an amateur radio support structure.” The report is attached to these minutes. In summary, Smith recommended “Mr. Soper and the town explore alternative heights and locations for a radio tower before the Town formally considers his request.” Following his presentation, Mayor Simpkins opened the meeting to public comment.

Heidi Knight, 327 Bern Way. Heidi noted that her dad was a HAM radio operator and she understands the value a HAM radio may provide. She also expressed her opposition to the proposed radio tower. She believes that “a 55 foot radio tower would greatly impact the character of our town and quite possibly destroy the view shed for other residents of the mountain.” She requested Mr. Soper do a balloon fly to assess the visual impact of the tower. Heidi’s letter is attached to these minutes.

Wayne DeBrusk, 332 Bern Way. Wayne’s home is directly across the street, uphill from the Soper home. Wayne noted that his son, Chris, has written a letter to clerk Smith expressing his views on the tower. Chris bought the house specifically for the views it provides. This letter is attached to these minutes. Both Wayne and his son are concerned that the tower would obstruct the view from both the main house and the hot tub located down the hill. Both are totally against the tower as proposed.

Glenn Arbanas, 334 Bern Way. Glenn expressed that the tower would destroy the view. He bought the home because of the view. He’s heard the argument that it wouldn’t be taller than the trees, but it’s not a tree, it’s a man-made structure.

Michael Soper, 333 Bern Way. Michael asked how much time the group had spent asking him questions. Harrigan asked him if his description of the tower, as 20 to 30 feet above the peak of his roof was accurate. Michael stated yes, that was accurate. He expressed that he didn’t understand why the google earth elevations didn’t work. The structure would be installed below his driveway level. At least half of the structure would be below the roof peak. Simpkins asked how tall his house was. Michael responded that he believed his roof peak was 26 feet high above the driveway, and the tower would be installed 4 or 5 feet below the driveway.

Chuck O’Nan asked Michael how many antennas he currently has on his lot. He stated that he has 4 antennas on his property. Two are used at the end of a 30 foot dipole antenna. One will be taken out. The fourth one was knocked down by a micro-burst, but will be installed on the proposed tower. Chuck asked how many antennas or masts would be installed on the proposed tower structure. Michael stated that the Hex Beam antenna would be installed at the top of the tower, on top of a short mast section, another 4.5 foot antenna would be mounted on the side.

Harrigan asked if Michael would agree to float a balloon to assess the visual impact. Michael agreed. Harrigan expressed his concern about the impact of such a tower on property values. Michael stated that there is a study that has shown that there has never been an impact on real estate values by a tower. Harrigan expressed that no one wanted to stop him from pursuing his hobby. He has neighbors who are concerned that the tower will impact their views. Harrigan asked Michael if he had looked at other sites on his property to accomplish his communication goals, through the use of repeaters for example. Michael responded that he didn’t know if the town had funding for repeaters, but he would

explore it. He noted that he could put a 100-foot tower in the current location of his hex beam antenna. He stated that one of the reasons for placing the tower next to his house is because of signal loss through coax cable.

Glenn Arbanas suggested he look into a low noise amplifier as a solution to boost the signal. Michael and Glenn had a discussion regarding this approach.

Harrigan noted that there was not enough evidence available in the application to make a decision. Michael stated that the antenna is located where it needs to be located in the proposal and that won't change.

Simpkins noted that Michael had agreed to do a balloon fly, at his expense, and that this issue will be put on a future council meeting agenda, after the balloon fly has taken place.

Sandra Soper, 333 Bern Way, expressed that this application has been in since the end of July and feels the town has unnecessarily delayed it. Simpkins noted that the town engineer reviewed the application and found it to be lacking sufficient detail for a plan review.

Simpkins suggested Michael review the town's recommendations and address the town's concerns.

Heidi Knight requested that the balloon fly be done in a certified manner. Sandra Soper suggested that Heidi contribute to the cost. Michael stated that he would do his best to put up a balloon on a day when there is no wind, and he'll work with the town to let people know. Sue O'Nan asked what would happen if not all the neighbors are in town. Simpkins recommended he perform the test within 30 days, and try to organize the interested parties to attend. Michael stated that he would not correspond with his neighbor Chris Debrusk because Chris had expressed to him that he had contacted an attorney.

Harrigan noted that he was not trying to preclude the tower, but that everyone's interests should be considered.

Sue O'Nan was concerned that we would consider the balloon test as sufficient to gain approval, given Epic's concerns about the lack of detail in Michael Soper's plans. Simpkins explained that Michael Soper would still have to take the staff report and either comply or make an alternative proposal.

Smith noted that the town's responsibility is to make reasonable accommodation. Michael Soper stated that reasonable accommodation was "as defined by the amateur." Smith noted that the report was reviewed by the town's lawyer, and he was in agreement with it. The process should be a compromise between the applicant and the town.

Harrigan asked Michael Soper to consider working with everyone involved to get the tower approved.

Neuner noted that there is technical aspect of this application that goes beyond the grasp of the council. He requested that Michael Soper connect us with someone who could give us a better read of potential options. Michael Soper stated that the council could sit down with him to discuss these options.

Simpkins has reached out to the Wasatch County Sheriff's office in order to make contact with their person in charge of radio communications.

9. Discussion of General Plan Process Next Steps – Council & GP Task Force

Simpkins asked Elizabeth Hora-Cook what should be the next steps moving forward. She wants to reach out for more town involvement. She wants to figure out a day to meet with the council, the planning commission, and any interested members of the town. Harrigan felt that we need to meet before we get Bob from MAG involved and put together a list of our issues. What Elizabeth needs

from the town in the next few weeks is the survey we have, the outline for the general plan, map data, reserve study, and all our code, including areas of concern. Harrigan noted that we've had trouble getting information from the planning commission regarding their work on the code. Smith will order 5 more copies of the ULCT handbook.

10. Water Master Search Status - Smith & Council

- Status of applications – Smith noted that Mac and Ed have found two candidates qualified for the position – Brady Probst and Trent Davis. They are co-workers, and are both certified as water masters, and are willing to cover each other. Dirt Dawg Dave is also interested, but he's not certified. Smith noted that we completed 2 weeks of advertising in the Wave.
- Liability insurance issues - Smith noted that the town pays \$2500 a year for a \$2M liability policy that covers general liability for the town, including our water masters who are on our payroll. If we hire independent contractors, not employed by the town, our insurance agent recommends they have their own coverage, with a \$2M policy. The town would then get an assignment as “additional insured status.” The town would save some money from payroll taxes and accounting fees if the water masters were independent contractors. The town saves money by hiring contractors. The town still needs to pay for workman's comp, as it is necessary to cover volunteers.
- Impact on water rates – the issue is what effect does an increase in water master salary have on the budget and the water rates. Smith presented a worksheet showing the impact. We are spending approximately \$18K on operating expenses and \$130K on system maintenance and capital investment for the water system. When asked, Mac and Ed stated that they spend approximately 90% of their time on operation of the system. Smith divided the water system expenses into portions paid by connected lot owners and unconnected lot owners. His worksheet shows how rates have to be adjusted, for a balanced budget, according to various water master salaries. He noted that any new rates could not be enforced retroactively, so that some additional revenue would be necessary to cover the gap. Sue O'Nan noted that the market rate for water masters is around \$40K annually on the average. Harrigan would like to see a more even distribution between connected and unconnected lots taking the hit from the increased salary. Simpkins suggested a 70% - 30% split. Sue O'Nan noted that we have a hard time getting volunteers, and that people may have to adjust to increased costs to the town. She noted that the general plan survey showed that there was a strong feeling against paying more in taxes and fees. Harrigan recommended we use a 70% - 30% split, and budget for a \$40K salary.

11. Planning Commission Status – Discussion of current applicants – Simpkins

There are 3 applicants for the open planning commission position: Elizabeth Overhuls, Elizabeth Hora-Cook, and Susanna Littell. All seem very qualified. The council provided advice and consent for all three candidates. Simpkins will make the appointments official on Wednesday of this week. Smith will put together a list of planning commission issues that the previous commission was addressing. Smith will also coordinate public postings of agendas and minutes. Simpkins suggested we introduce the new commission to Epic. The remaining alternates are Greg Harrigan and Greg Cropper.

12. Epic Engineering Report on Current Building Projects

Smith presented the Epic report from Josh Call. The report is attached to these minutes. Howard's site does not have a porta-potty or a dumpster. Smith has attempted to contact them with no result. He will follow up.

13. Discussion of Land Use Code/Revisions

Smith reviewed all references to setbacks in the code and put them in a document for the planning commission to review. Harrigan expressed the importance of addressing the setback issue quickly. Smith agreed, and noted that it's only 4 lines of code that would need to change. One proposal would be to change the setback from 30 feet from the roadway right of way boundary to 30 feet from the center of the roadway right of way. This would significantly improve building options for corner lots. The center of the roadway right of way has been surveyed. It does not necessarily correspond to the center of the asphalt surface. Simpkins brought up the issue regarding the nuisances that don't apply to us as a new town. Simpkins would like to get the opinions of the state ombudsman and our attorney before supporting this change. The meeting will take place on 11/13/17 at 7:30 at the pump house.

14. Resolution to Amend and Replace Interlaken Fee Schedule – Discussion and motion to approve

Smith presented a resolution, Resolution No. 2017-11-06 Amended Fee Schedule that adds a \$100 fee for a special use permit application, and parking violation fines for parking in the road right of way.

Motion: Council Member Harrigan moved to approve the resolution as presented.

Second: Mayor Simpkins seconded the motion.

Discussion: no discussion

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

15. Financial Matters – Quarterly Report and State Transparency Report – Smith

Smith distributed the FY2018 1st quarter report. Our CPA has completed the Utah State Auditor reporting. Sue O’Nan will check with the Utah State Tax Commission to verify that our funds have been released. Smith noted that we can bundle the land use, water rate, and budget amendment hearings into one meeting.

16. Status on Previous Action Items

Lisa

- Research Water Master position details – amount pay, salaried or hourly, job description, Bywater contact to check process, set up interviews with council (after Mac/Ed approvals). **Done.**
- Meet with interlocal group to discuss the FFSL Cooperative agreement, and report to the council. Simpkins did not attend, but will follow up. **In Progress.**
- Follow up with Bywater and Brent from the state ombudsman office regarding ROW ownership. Meeting scheduled for 11/13/17 at 7:30 pm.
- Notify the planning commission that there is a moratorium on the PC expenses from Epic and Bywater. No further charges should be initiated from the PC without prior consent from the mayor or council. **Done.**

Bart

- Take Mac and Herb off salary. Notify Herb that the assistant water master position is being taken away until strategy is complete. **Done.**
- Check insurance requirements for water master, salaried vs. contract. **Done.**
- Contact Josh Call for latest Epic Report and status of Zoning Map. Decided to use MAG for this.
- Contact Goodall and the PC to retrieve all PC documents - ULCT books and code books, General Plan research/info, code revision recommendations, permit revision recommendations, other research materials, additional town documents. **No Response.**
- Contact Howard regarding porta potty in ROW and no dumpster on site. **Done.**
- Invoice the Schneider for \$400 for Epic fees. **Done.**

- Provide emergency Calling Post info and email list to Simpkins, Harrigan, and Sue O’Nan. . In progress.
- Develop a strategy for door-to-door emergency neighborhood action, signage strategy and other emergency measures and present to the TC. In progress.
- Reimburse \$240 to Ed Little for Mac’s annual tablet service contract. Not necessary- will reimburse for certification meeting expenses.
- Contact Frank to notify them of damage to bank below property and lack of dumpster on site. In progress- in spring.
- Contact Hawkins regarding road right of way infringement and lighting ordinance and the dangerous road condition caused by his steep retaining wall. Neuner noted that Hawkins has installed a large outdoor fire pit. It appears that it is in compliance with Wasatch County code. It may exceed our 10 sq ft size limit. Simpkins spoke with him about installing a guard rail and he agreed to do it. We should follow up with him in January.
- Draft a new sign for the dumpsters with Spanish instructions. Follow up on no parking and speed limit signs with Sue O’Nan. In progress.

Sue O’Nan

- Send Smith the text for the no parking signs. **Done.**

Chuck O’Nan

- Contact TopJob regarding sloppy shoulder work and seek solution. **Done.**
- Talk to CRC signage and get quotes for sign installation. In progress – Chuck will meet with them this Friday.

Jim McCasland

- Supply the town with a minimum of 16 gallons of T-chlor, enough for 2 system flushes. **Done.**

Greg Harrigan

- Speak with Michael Henke regarding Town Planner role. **Done.**

Bill Goodall/PC

- Send all PC materials to the Town Council. No response.

17. Other Business

Simpkins reported an update on the BHR settlement. Our attorney is in negotiations with the BHR attorney, and just sent a response to the BHR offer.

18. Public Comment. None.

19. Council Comments. None.

20. Action Items from this Meeting plus Additional Open Items:

Lisa

- Meet with Wasatch County Sheriff’s office contact for radio communication. **New item.**
- Meeting with state ombudsman and our attorney regarding ROW. **In progress.**
- Meet with interlocal group to discuss the FFSL Cooperative agreement, and report to the council. **In progress.**

Bart

- Obtain GIS map files from Summit Engr. **New item.**
- Order 5 copies of the ULCT handbook. **New item.**

- Put together a list of open PC issues from meeting minutes and emails related to land use code revisions. **New item.**
- Follow up contact with the Howards regarding the lack of a portapotty and dumpster. **In progress.**
- Provide emergency Calling Post info and email list to Simpkins, Harrigan, and Sue O’Nan. . In progress.
- Develop a strategy for door-to-door emergency neighborhood action, signage strategy and other emergency measures and present to the TC. In progress.
- Contact Frank to notify them of damage to bank below property and lack of dumpster on site. In progress- in spring.

Elizabeth

- Set up a meeting between the PC, the council, and the gp task force. **New item.**

Sue O’Nan

- Contact the Utah State Tax Commission regarding reinstatement of our tax revenue. **New item.**

Chuck O’Nan

- Meet with CRC and go over sign placments. **Scheduled.**

21. 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 9:33 PM.

The next Town Council meeting will be held on Monday, December 11th, at 7:00pm, at the Town Pump House, 236 Luzern Rd.