

Minutes of the Interlaken Town Council
Monday, 18 April 2016, 6:30 PM
Interlaken Pump House

1. Call to Order:

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

2. Roll Call - Members Present:

Lisa Simpkins, Mayor Pro Tem
Greg Harrigan, Council Member
Sue O’Nan, Council Member
Scott Neuner, Council Member
Bart Smith, Town Clerk was also present

3. Presentations: None

4. Call to the Public: Steve Connor, 322 Jungfrau Hill

Steve spoke about the proposed requirements for a slope stability study, taken from Section 11.07.090 from Title 11 Land Use:

1. Residential land uses shall be allowed on areas up to 25 percent slope if the development meets all the requirements of this Section. Slopes greater than 25 percent shall not be used for sites for building pad entitlement, but may be included within a lot boundary or used as open space.
2. A geotechnical report is required for building on any slope over 10 percent.

Steve commented that 25% slope is not very steep. Most of his lot is greater than 25%. Legend engineering did the slope analysis on his lot. He said that many lots in Interlaken would be affected if 25% was the maximum allowable slope for building. He would like the council to look at this restriction before approving Title 11. Council member Harrigan said he didn’t want any platted subdivision lots to be excluded from building, but the engineers have to do a study. The worst slope on Connor’s lot is about 27% and he mentioned that most of his lot, at 24% to 26%, is easy to walk on – it’s not that steep. Epic Engineering told Connor that anything over 25% would require a slope stability analysis. Simpkins suggested we take a look at this portion of the code before the land use public hearing. Another issue has to do with maximum allowable grades for driveways, in the same section, item F., currently set at 15%. Harrigan mentioned that the 15% grade is typically meant for the section of the driveway abutting the road, to avoid hitting the road. Simpkins spoke about our process for adopting the land use code. There will be a public hearing, date TBD, then immediately following the hearing, the council will vote to adopt the code. We need to give 10 days notice prior to the public hearing.

5. Consent Agenda: None.

6. Approval of Agenda or Changes:

Two items were added to the agenda, Hazard Mitigation Plan and Chipper Day.

Motion: Council Member Harrigan moved to approve the 3/7/16 Regular Council Meeting minutes as ammended.

Second: Council Member O’Nan seconded the motion.

Discussion: no discussion

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

7. Approval of the 03/07/2016 Regular Council Meeting Minutes:

Motion: Council Member O’Nan moved to approve the 3/7/16 Regular Council Meeting minutes.

Second: Council Member Neuner seconded the motion.

Discussion: no discussion

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

8. Filling Mayoral and Council Seats: Advertising, timeline

Harrigan proposed we appoint the position of mayor in conjunction with the land use public hearing. It was decided to post the open position for mayor as soon as possible. The Council will appoint the mayor from the qualified applicants.

9. Town Records: Access for public and town officials – Town Clerk

Town Clerk Smith pointed out that the town records have been filed in the cabinet in the Pump house. There is a spreadsheet on the side of the file cabinet that lists the contents of each drawer. Requests for documents should be made to the town clerk. If someone would like copies, the town clerk will handle those requests. Documents may be checked out of the pump house. A sign out sheet will be provided.

10. Outside Contracts For Municipal Codes: Land Use Authority (plan review, permitting, inspection), Appeal Authority (variances), Hearing Officer (civil code violations) - Lisa Simpkins

Simpkins attempted to contact Wasatch Building Dept. without much success. She also contacted Ryan Taylor from Epic Engineering, who was recommended by someone in Hideout. Epic handles permitting and inspections for Hideout and Daniels, start to finish. She recommended we consider Epic to provide these services for us. She also suggested we look into creating an Appeal Authority from members from other towns – 1 person each from the councils of Interlaken, Daniels, and Charleston. This Appeal Authority could act for all 3 communities. It would be a volunteer organization. Simpkins reported that Epic would do a review of our Land Use and Building codes for under \$500. Simpkins presented a contract from Epic with their fee structure. They have a 5-day turnaround for plan review. Daniels has had a great experience with Epic. Epic provided a list of referrals. Harrigan mentioned that their fees seemed better than the county. Simpkins suggested that we have Epic meet with us.

Simpkins requested a motion to have Epic Engineering review Titles 9 and 11 of our Municipal Code.

Motion: Council Member Harrigan moved to approve the expenditure for having Epic Engineering review Titles 9 and 11..

Second: Council Member O’Nan seconded the motion.

Discussion: no discussion

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

The council agreed to meet with Epic on Thursday, April 21, at 7:00pm at the pump house.

Smith mentioned that we should start thinking about finding a Hearing Officer. Perhaps Daniels could make a recommendation. They don't have to be a judge.

11. Municipal Codes Discussion/Approval: Title 1 General Provisions, Title 2 Municipal Government, Title 5 Animal Control, Title 9 Building and Construction, Title 11 Land Use. Setting public hearing date.

Simpkins asked if there was any discussion on these titles. O'Nan mentioned that there were no provisions for having chickens in Title 5 Animal Control. Wasatch county allows chickens but no roosters. Harrigan mentioned that we need to come up with a fine schedule for civil infractions, especially for dogs. It was decided to change Title 5 to include chickens and rabbits, but not roosters. It was agreed that Titles 1 and 2 are okay as written and Title 5 would be okay with the above changes.

Motion: Council Member Harrigan moved to approve Titles 1,2, and 5 (with changes)

Second: Council Member Neuner seconded the motion.

Discussion: no discussion

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

It was decided to schedule the Land Use Public Hearing for Monday, May 9th at 6:00pm, and to have a Town Council Meeting immediately afterwards.

12. Dutch Canyons Subdivision: Update on Interlaken Drive status and BHR.

Simpkins reported that the Dutch Canyons development has been approved by Midway. The discussion about access to the development has been tabled until the next meeting on April 27. Burgi Hill Ranches opposes routing traffic from the development through Burgi Hill to Interlaken Drive. The developer Walker also voiced his disapproval. Simpkins felt like we are in a good situation for negotiating with Midway, and that Midway wants to work with us. We just have to figure out the dollar amount BHR owes us for past maintenance for Inerlaken Rd. Greg Cropper will help us figure this out. Larry's email regarding the amount owed based on the Freedom Agreement was inaccurate. Harrigan asked to be included in the process as well. It was decided that we need Greg Cropper to send an official bill to BHR. The number in the Freedom Agreement was \$150 per year per household or 25% of the annual maintenance cost, whichever is larger.

Simpkins suggested our game plan should be to leverage Midway to get this money as well as to get a seat at the table regarding future developments that will impact us. Issues may include dumpsters, future repairs on Interlaken, and other issues related to expanding development.

Simpkins also reported that there are state public grants available to small communities like ours for adding guardrails and other road improvements. Applications are due in January, decisions are made in February, and the road money is dispersed in June. It's a 5-year plan that increases over the years.

13. 2016 Annual Assessment Status: Update from Town Clerk.

We've collected all our assessments except from 8 lot owners. Four of those have made partial payments, four have made no payments. Smith has spoken with almost everyone who owes money. There is \$9,099 outstanding. If we collect everything, we will exceed the budgeted amount by around \$12,000. The additional income is due to collection of past amounts and some late fees. The certified letters of delinquency were mailed out. Some letters are still waiting to be picked up at the post office. The official date to turn off water is May 24, 2016 unless other appropriate arrangements have been made. Smith had a question regarding transfer fees for new owners, \$50. The Title company should be collecting this amount from the buyers. This transfer fee should be added to the fee table. And it should be booked separately from the assessment. It should be deposited into the General fund, under bookkeeping and accounting.

14. Road Maintenance: Contracts for summer maintenance -clearing shoulders of weeds and debris.

According to Larry Headley, we did crack sealing in 2015, and this is not due again until 2017. The only maintenance required this summer is clearing debris from the shoulders and spraying for noxious weeds. Harrigan asked if we could get the County to spray or should we ask Super Dave. It was agreed that we should offer it to SuperDave when he's back in Town. There are owners that don't want their yards sprayed, and the sprayers aren't that accurate. Question was raised if we should have other companies bid on it. Let's start by talking to SuperDave and find out what he's done in the past. The chemicals are available from the County. O'Nan mentioned that the spraying usually doesn't occur until August. Smith mentioned that we need to make sure it's in next year's budget. It would be best to get an estimate now. We also need to budget for crack sealing and seal coating. Harrigan mentioned that we also may need to fix the pothole at the bump.

15. Water System: Revision of Source Protection Plan, Call for volunteers for spring meter reading, notice for owners to clean out meter area.

Mac has all the volunteers he needs to read the meters. There was a discussion about charging owners to clean out their meters if filled with water, dirt, or hidden under brush or debris. O'Nan mentioned that it is difficult to keep the water cleared out for some meters, especially if the owner is out of town. Harrigan suggested that we pay someone to go around the Town and clean out meters. We'd have to coordinate with Mac. All agreed that it's not fair to charge someone who's out of town and can't control the water in the meter. The first reading is usually Memorial Day weekend (May 28-30). Mac likes to use experienced people that know where the meters are located. The council agreed that we should ask Mac to prepare a map with meter locations on it. This would help with the cleanout operation. Harrigan suggested that there may be a device that we could put under the lid of the meter to aid in finding it, like an avalanche transmitter. O'Nan mentioned that we also need volunteers or a hired crew to remove the gravel and dirt that's washed down from the rains. Simpkins suggested that we give that task to the Road Committee. Harrigan suggested that we also talk to SuperDave about it. He should be back around May 13.

16. Hazard Mitigation Plan: Request from Mountainlands - Town Clerk

Smith reported that he was contacted by Shauna Meham from Mountainlands Association of Governments. They are responsible for putting together Hazard Mitigation plans for communities around the state. The only real hazards Interlaken has to contend with are wildfires and landslides. What MAG wants from us is a commitment that Interlaken will take some measures to prevent wildfires. Smith handed out a summary of a document named "Firewise Landscaping for Utah." There are items in the document that we may consider putting in our code. We may want the Fire department to look at our roads. Harrigan and O'Nan mentioned that we have already widened our roads. Simpkins suggested we have them come out again to inspect the roads. Smith asked if we wanted to require Class A materials for new roofs and replaced roofs. There are other recommendations in this study that relate to reducing the ignition zone around the house. Harrigan suggested that may not want to introduce new rules about landscaping. Simpkins suggested that people need to be kept aware. Smith felt that we should reference the Firewise document in our code and possibly require Class A materials and spark arrestors. Do we need to create an emergency plan for wildfires? How do you report a fire? Is there a reverse 911 capability? Do we need to update street signs and house numbers? Should we check the codes to see if we require Class A materials? Neuner asked if we have a fire safety committee. O'Nan reported that the previous fire committee fell by the wayside because SuperDave took over some of the work of the committee. There was a concern, by Larry, that our liability policy didn't cover any injuries that may have resulted from that type of labor. At the public hearing Simpkins will put out some signup sheets for all the committees: fire, water, roads, planning commission. We also need to post these on the website. The council agreed that we should put a requirement for Class A roofing materials in the Land Use code.

17. Chipper Day: Need to schedule and organize

Chipper day is usually the first weekend after Memorial Day. In the past, the chipper broke down and much of the material was hauled to the dump. O'Nan suggested that we tentatively schedule it for Saturday, June 4.

18. Financial Matters:

- **2016 Assessment Status Report – Town Clerk -\$50 new owner trfr fee?**

Already discussed.

- **Monthly and Quarterly Financial Reports – Town Clerk**

The monthly reports for March are complete. The quarterly report for 3rd quarter FY2016-16 will be complete for the next Council meeting. Simpkins reported that we are getting the sales tax monies from the state monthly. We've received \$4,292 through the end of March. The class C road tax is paid bi-monthly. We've received \$4,530 year to date. Harrigan asked if we will collect the budgeted amount. We didn't begin collecting until January.

- **DWB \$25K refund (Exhibit B-1) – Lisa**

\$22,610 is the amount Simpkins was able to confirm through receipts. We are done with all legal fees related to the bond. The paperwork has been sent to DWB. The money will replace the money we've spent and be re-allocated into those accounts.

- **FY 2016-17 Budget Issues:**

Smith reported that we need to address all these issues in order to complete our FY2016-17 Budget.

- a. Wasatch County Property Tax? – do we use this in place of our road assessment?**

The issue is whether or not we replace our annual road assessment with a tax levied by Wasatch County. It was decided to hold off on this and revisit it next year. We may want to wait until the Town is reassessed.

- b. Census? – affects our sales tax and B&C road taxes.**

Smith asked if we want to conduct a census to increase our revenue from the State (sales tax and B&C road tax). Harrigan asked when we need to submit the new numbers for a census. Smith will find out the details – deadline, who is included in the census. Our current census number is 176. We have approximately 90 houses, and the estimate is that around 60% are full time residents.

- c. Water tank clean-out?**

Smith asked if we want to approve this for next year's budget. The council agreed that we should budget for this. Harrigan suggested that Mac should recommend the best time to do this.

- d. Salary increase for Water Master/Asst Water Master?**

O'Nan felt that we should increase Mac's salary. Simpkins suggested we ask Epic what an appropriate salary would be. Simpkins noted that we need to have a succession plan in place in case Mac retires. Mac is currently paid around \$700 per quarter. Larry suggested \$10K to \$12K a year for the water master. Herb gets \$600 per quarter. Simpkins will ask Epic about water master salaries. Harrigan suggested that we may want to go back to \$1200 per year for our assessment. Once we pay off the bond, in 7 years, we'll be in good shape.

- e. \$100 Deposit for meter readings?**

The Council decided not to charge a \$100 deposit.

- f. Salary for Mayor?**

Smith put this on the agenda. Everyone agrees that this should be a paid position. O'Nan felt that we should wait to make it a paid position until the next election, in 2 years. Neuner mentioned that we are going to announce an open position for Mayor, and we could make a salary part of that announcement. Harrigan suggested that we offer a rebate of your assessment if you serve on the Council. The Council agreed that we should wait to start salaries for 2 years, until the next elections.

- g. Bids for 2017 summer seal coating, crack sealing.**

Both road treatments are due in the summer of 2017. Crack sealing should happen every 2 years, seal coating should happen every 5 years. Harrigan stated that we do need a Roads committee. Smith said that we need to get the bids now. We need to put the money in next year's budget (FY2016-17) to pay for these. Top Job uses the Axys material, which is preferable. We can call the Axys manufacturer to find out who else uses their product, in order to get multiple bids. Larry's estimate was \$55K-\$60K for

seal coating and \$4K for crack sealing. Harrigan offered to contact Top Job and Axys to start the bidding process.

h. Capital road improvements - guardrails, rock walls– timeframe?

The grant money that Simpkins mentioned earlier in the meeting could be used for capital improvements – guardrails, rocks, retaining walls, wildflowers, trails. Neuner would like us to think about trails in the future. There was some discussion about extending the trail from Dutch Hollow through Interlaken to the State Park. Harrigan mentioned that Bryan Meyers didn't place boulders at the corner where Big Matterhorn makes a tight corner. There was a question about whether he finished the work he was paid to do.

19. Newsletter: Monthly newsletter? Topics – volunteers for census and meter reading, notice of public hearing for Land Use and posting of Titles on website, status of Interlaken Drive/BHR, Chipper Day, other?

We should have a call for volunteers for road, water, census, fire safety, planning commission, and neighborhood watch. Smith will research the criteria for a census. Simpkins asked for other suggestions for things to put in the newsletter. Smith suggested that we email the announcement for the public hearing and a separate announcement asking for volunteers. Neuner suggested that we follow up on the water quality issue. There was concern about the number of emails. The town should also be notified of the updated website. Status of the Burgi Hill issue should be in the newsletter as well. Harrigan mentioned that we should mention the fines that will be imposed for barking dogs. It was proposed that we get the newsletter out by the end of the week. O'Nan brought up the issue of prohibiting short-term rentals. She stated there was concern from a realtor. The council agreed we should ban short-term rentals. We will need to enforce the ban on owners that are currently renting out. Short-term rental is defined as 30 days or less. Neuner felt that 30 days would address our concern. Harrigan mentioned that people have been partying in the cul-de-sac on Big Matterhorn. People are building fires up there. We should reinvigorate the Neighborhood watch to address this. We may want to budget money to have the Wasatch sheriff do more patrols. Smith suggested we place signs in the area prohibiting fires and posting a fine. Simpkins suggested that we put these in next year's budget. Neuner asked if we could have a general noise ordinance to limit the partying in these areas. Smith mentioned that there is a noise provision in the public safety ordinance, and that maybe we should look at that next.

20. Public Comment

Steve Wilson brought up his lot line adjustment request. Simpkins said she would sign it as soon as we finalized our Land Use codes.

21. Council Comments

There were no Council comments.

22. Adjournment

Council Member O'Nan moved to adjourn the meeting. Council Member Neuner seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:03 PM.