

**Minutes of the Interlaken Town Council Regular Meeting  
Monday, 05 December 2016, 6:30 PM  
Town Pump House**

**1. Call to Order.**

Mayor Simpkins called the meeting to order at 6:36pm.

**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, was absent  
Bart Smith, Town Clerk, was present  
Curtis Muir, contractor for Steve Connor, was present  
Bill Goodall, Planning Commission Chair, was present

**3. Presentations:** None.

**4. Public Comment:**

Curtis Muir, owner of CMC transport, spoke about his excavation of the Connor site. He admitted to driving his track hoe up and down Jungfrau Hill Rd twice, in order to deliver his equipment to the Connor job site. The trailer he normally uses to transport the track hoe lacked enough clearance to be driven to the site. He took full responsibility for any damage he caused and offered to pay for repairs. He specifically asked that Mr. Connor not be held responsible for the damage, and to not hold any of his road damage deposit to pay for the repair. He presented a signed statement stating these comments, and also proof of liability insurance. Mr. Muir also noted that he would maintain the road patch in front of the lot this winter, and make a permanent fix in the spring. The Council was much appreciative of his coming forward at the meeting and told Mr. Muir they would consider his comments and let Mr. Connor know about their decision regarding responsibility for the road repair.

**5. Consent Agenda:** None.

**6. Approval of Agenda or Changes.**

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

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

**Discussion:** no discussion

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

**7. Approval of 11/07/16 Regular Meeting Minutes.**

**Motion:** Council Member Sue O’Nan moved to approve the 11/07/16 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. Franchise Agreements – Progress, comments from Planning Commission.**

Our attorney (Tim Bywater) is reviewing the agreements; he had a question about the recovery tax on the Questar agreement that can be passed along to the Town as revenue. We are waiting on him to complete his research on that. The Planning Commission sent back their comments. Greg Cropper’s comments were forwarded in email. Bill Goodall added his comments: Questar says they won’t do

anything to obstruct views in their agreement, Heber L&P lacked similar language in their agreement. However they are required to get a permit and an easement agreement.

The subject of excavation permits was brought up by Goodall. He asked about the different permits used by the town so far: the Questar permit drawn up for St. Moritz with a \$4250 deposit and the permit specifically used for the Branca/Questar gas line install with a \$7500 deposit. Simpkins would like the Planning Commission to create an excavation permit that would encompass landscaping, road cuts, utility easements, and things like that, and present it to the Town Council for approval. These two permits issued were emergency situations. Simpkins communicated with Joslin from Questar and will follow up with her regarding these current permits. The issue came up whether we need an excavation permit separate from the building permit. Smith noted that Ryan commented that most towns issue an excavation permit specifically for work done in the road right of way, normally issued to utilities, but also could be issued to a homeowner in some instances, e.g. to connect a water line. Goodall described the PC vision: a right of way road-cutting permit for utilities only (not the homeowner) and a building permit for the homeowner for new home construction and/or demolition, a permit for remodeling or moving a home, and an excavation permit. Goodall felt that we shouldn't require an excavation permit unless the home owner is using an excavator or a dump truck. Our main concern should be protecting the stability and appearance of our hillside. If it's minor landscaping or putting up some rocks, he feels it shouldn't be necessary. Goodall suggests we have a land use permit, instead of a site disturbance permit or a building permit, that requires the builder to show every area they plan to disturb and how they plan to re-vegetate and protect our hillsides. Simpkins asked if we would require a detailed plan for the homeowner who is just moving dirt around and planting things on their property. Goodall wants to establish a threshold for when we require a permit and he recommends that if you are using an excavator, you need a permit. Harrigan was concerned that the Planning Commission and the Town Council were having parallel discussions about permits. It was decided that the Town Council would handle excavation permits for utilities as well as the franchise agreements. Simpkins mentioned that we would need to be more specific as to what constitutes an "excavator."

## **9. Interlaken Ownership Issue – Progress, comments from Planning Commission**

The Planning Commission recommends that the Town issue an excavation permit as it did for the Questar gas line install. The deposit amount would depend on the scope of the work. For example if you dig an area under less than 10 sq ft of the road surface, the deposit would be \$4000. Simpkins will get back to the builders and have them go through Epic to apply for the permit. The Planning Commission will create an excavation permit.

Goodall brought up the issue of a budget for Epic Engr for the PC. The PC recommends no more than \$500/month for the next 6 months, that's approximately 3 hours of Ryan's time per month. At the last PC meeting Ryan was there for 1:45. He charged the town for .5 hours, and the Frank project for .5 hours.

## **10. Consultations with Town Lawyer and Epic – What are the issues, approval process?**

Simpkins received a quote from Epic for the Water Master Plan (\$28K) and the Roadway Master Plan (\$20K). These master plans are necessary in order to apply for State and CDBG (Community Development Block Grant) grants for water system and road system improvements. In addition, Epic will help the Town apply for a grant to pay for the Water Master Plan. Epic's fee for this would be around \$1000. In other words, we could pay \$1000 to Epic to hopefully pay for the \$28K master plan. For the road study, we may be able to get a grant from CDBG. Goodall mentioned that he felt that the build on St. Moritz should put a guardrail up.

Simpkins mentioned that our former lawyer did not complete the process for securing our water rights. We will turn this task over to Epic Engr.

## 11. Connor Road Damage.

Harrigan pointed out that Connor's contractor attended tonight's meeting and took responsibility for the damage due to his trackhoe. He felt that we should keep Connor's \$2500 damage deposit since the top of the road has been compromised. Chuck O'Nan questioned whether the damage done was worth \$2500. He estimated that the trackhoe generated about 5 psi of pressure on our road, not enough to cause significant damage. However, by turning the machine on the road, he scratched the road surface. It's possible that our topcoat treatment this summer would fix that. Harrigan countered that by driving the machine up and down the road twice, he did at least \$2500 worth of damage. As a lesson, if nothing else, we should keep Connor's \$2500 deposit. Connor could then take that \$2500 off the top of the excavator's bill. Chuck O'Nan continued to question whether the damage was worth \$2500. Simpkins suggested we wait until spring to estimate the damage. But Connor needs to know what to expect now as he is withholding payment from his contractor until the issue has been decided. We need to send him a letter detailing what we plan to do regarding his deposit. Chuck O'Nan was comfortable with keeping \$1250 for the damage. Sue O'Nan felt that we should keep more than \$1250. Simpkins felt we should keep the full amount. Chuck O'Nan commented that if we charge him \$2500 for the damage, and he comes back and asks for proof of that damage amount, how can we prove that? Sue O'Nan countered that the burden was not upon us. Smith mentioned that Connor is far from completing his project and that if we state that we are keeping his deposit in full, we have no remaining deposit from him. So what can we use to discourage further damage? He suggested we have Epic come up and examine the damage to the road, give us an official estimate to repair it, and send a bill to the excavator for this amount. The excavator can take the estimate to his insurance company, file a claim and have them pay the bill. We write Connor and tell him we are still keeping your \$2500 deposit until you finish your project. Connor is left out of the situation. This is essentially what the excavator asked for. Connor's deposit is our only bargaining chip. The Council agreed to this approach. Simpkins will reach out to Epic and get an estimate. Smith will write a letter to Connor explaining the Council's decision on this matter.

## 12. Pablo Tokarz Right of Way Cut.

Smith drafted a letter to Pablo regarding his cut into the road right of way. The Council reviewed the letter and advised that the work be completed by June 30<sup>th</sup>, not May 1<sup>st</sup> since our roadway may not be clear of snow by May 1<sup>st</sup>.

## 13. Previous Action Items: Status Report. Action item list from 11-7-16 TC meeting.

- Smith: Send out water overage bills in November. ✓ **Done**
- Smith: Incorporate Mac's comments into the Water Ordinance and prepare it for review by the Council. ✗ **In progress**
- Smith: Certified letter to Pablo regarding damage he did to the road right of way. ✓ **Done**
- Smith: Get old IMWC meeting minutes from Sarah. ✗ **Not started**
- Smith: Meet with Sue and Kristine to discuss end of quarter transfers. ✗ **In progress**
- Simpkins: Look into whether Heber L&P will allow us to tag on to their locators for potential use with electronic water meters. ✗ **In progress, waiting to hear back**
- Simpkins: Send in the Top Job contract with deposit, and give a copy of the signed Top Job contract to Smith. ✓ **Done**
- Simpkins: Get a quote on asphalt pot hole fills from Top Job. ✗ **Not started. Will wait until spring, but need to schedule Top Job to come out and inspect in May and get us on their schedule to complete with the seal coating.**
- Simpkins: Follow up on water rights issues with Eric Johnson. ✗ **In progress, will hand it over to Epic to complete**
- Simpkins: Finish franchise agreements with Heber Light & Power, Questar. Research need for agreements with Midway Sanitation and Century Link. ✗ **In progress with the attorney**

- Simpkins: Quote from Epic for doing a road study for Interlaken (necessary before applying for road improvement grants.)

The estimate from Epic was \$1000. The Council discussed this expense, and a motion to approve was made:

**Motion:** Council Member Chuck O’Nan moved to approve the \$1000 expenditure to Epic Engr to do a road study in order to apply for road grants.

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

**Discussion:** no discussion

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

Simpkins needs to give Epic the go ahead to start the study. ✘ **In progress**

- Simpkins: Verify BHR collection number with our CPA, Jeff Stockman. ✘ **In progress, waiting for numbers**
- Simpkins: Report to Epic that a toilet and a dumpster are required for all worksites. ✔ **Done**
- Simpkins: Sign, date, and send short-term violation letter to Ryan Moore. ✔ **Done**
- Simpkins: Get utility easement documents from our lawyer and present them to Midway for the section of Interlaken Drive that the town owns. ✘ **In progress, Simpkins needs to get back to Midway and connect them with Epic to proceed with an application**
- Simpkins: Draft an annual newsletter to be printed and sent out before our assessment billing in January. ✘ **If time, Smith will take this over**
- Harrigan and Chuck O’Nan (and Mason): Survey the town roads and identify areas that need asphalt fill. ✘ **In progress, in March or April, then have Epic survey the damage and give an estimate**
- Harrigan: Meet with Wasatch County Sheriff and discuss enforcement officer issues: uniforms, vehicles, use of a laptop, ability to print tickets in the officer’s car, and County database access. ✘ **In progress, discussion deferred to this meeting (item #15)**
- Sue O’Nan: Check status of B&C Road Tax income online ✘ **In progress, status not available online. Sue needs a copy of the B&C Road Tax statement from Smith**
- Ryan (Epic): Quote on a water study. ✘ **In progress, Simpkins will speak with Epic**
- Ryan (Epic): Review of titles to determine Interlaken Drive ownership. ✘ **In progress, Simpkins will speak with Epic**
- Town Lawyer: Complete study on Interlaken Drive ownership, using Epic research. ✘ **In progress, Simpkins will speak with Epic and get them to start researching this**
- Unassigned: Notify Connor that his contractor damaged the road and that his road deposit will not be refunded due to this damage. ✔ **In progress – assigned to Smith**
- Unassigned: Notify Howard that there is debris from their site draining onto the roadway, and that unless this is taken care of, by gravelling the bottom of his driveway, some money from his road deposit will be not be refunded. ✔ **Done**

#### 14. BHR Update.

This was discussed as an above action item.

#### 15. Enforcement Officer – Email proposal, status of search

Harrigan met with Sheriff, Lt. Gardener. We can go one of two ways – hire private security (who couldn’t do anything) or hire a class one officer. But we would have to provide a car, with red and blue lights, a radio, a computer, and a connection to their Stillman system. At Promontory they use off-duty officers. They call the dispatch directly, and Promontory provides the vehicles. Smith asked if we could pay Wasatch County to do this for us, and the answer was no, only for special events. The Council discussed alternatives. It was decided that the Town shouldn’t burden itself with the expense of hiring an officer and acquiring a car and so on. The major issues that require enforcement are cars blocking the roadway during winter and a few barking dogs. The Wasatch County sheriff can handle

more serious issues. The sheriff could also handle fire safety issues. We could empower SuperDave to have a car towed if it obstructs his clearing of the roads. We could use the “blind” enforcement officer email to warn those with parking violations in front of their property (eg in the road right of way). Simpkins suggested we do a sting in the middle of summer. Harrigan was concerned that he gets calls from residents reporting a violation (eg a wood fire on a deck). He’d rather that he didn’t get all the calls. Smith suggested it be handled via email and asked if we want to advertise this email address to the town as a reporting mechanism. The Council discussed this issue and was divided in the matter. It was agreed that serious safety violations should be reported to the sheriff. Sue O’Nan mentioned her concern about owners who violate our lighting regulations. Some of these violators may be protected as legal non-conforming (grandfathered).

**16. Financial Matters** – Clerk Smith: FY2016 Year End Report, Overage billing status (Reprieve for fixed leaks), FY2016 Assessment Report, Budget Amendments (Town Planner, Attorney, Payroll Taxes), FY2017 Assessment Strategy.

Smith sent out the FY2016 Year End Report. There were no big surprises in the report and no comments from the Council.

Smith reported that the Town had received the first batch of water overage payments (\$2716), including the town’s largest water consumer, who paid \$749. Smith read a letter from Doug Fisher apologizing for their water overage resulting in a \$233 overage bill. Two leaking toilets caused the excess usage, and both toilets were fixed to stop the leak. He requested the Town consider lowering their overage bill. They enclosed the full payment with the letter. The Council agreed the bill should stand in the full amount.

The FY2016 Assessment was collected in full, \$216,633.95. This was \$12,026 dollars over budget. These were past due payments and late fees.

Smith asked if he could speak with the lawyer about amending our budget in order to conform to state code. Simpkins suggested we see if the ULCT could answer our questions. Smith noted that we were not members, but agreed to pursue membership. Simpkins requested that we get 8 copies of their handbook. Simpkins gave Smith approval to contact Tim Bywater, if necessary, to answer these questions.

Smith would like to send out the FY2017 assessment invoices the first week of January. He will send out a copy for the TC to review.

**17. Other Business.**

Smith handed out recommendations for the 2017 Town Council meeting dates.

2017 Interlaken Town Council Meeting Schedule			
Date	Weekday	Time	Location
9-Jan	Mon	6:30 PM	Pump House
6-Feb	Mon	6:30 PM	Pump House
6-Mar	Mon	6:30 PM	Pump House
3-Apr	Mon	6:30 PM	Pump House
1-May	Mon	6:30 PM	Pump House
5-Jun	Mon	6:30 PM	Pump House
10-Jul	Mon	6:30 PM	Pump House
7-Aug	Mon	6:30 PM	Pump House
5-Sep	Tue	6:30 PM	Pump House
2-Oct	Mon	6:30 PM	Pump House
6-Nov	Mon	6:30 PM	Pump House
4-Dec	Mon	6:30 PM	Pump House

The Council discussed their conflicts: Chuck and Sue not available Feb 6, Lisa not available May 1, Greg not available Aug 7. These dates will be revisited at the next meeting.

Simpkins brought up a speeding violation by Siggy, who almost hit a woman with a baby carriage on Interlaken. It was decided not to send him an email at this point.

Sue brought up the issue about the unpaid bill from Wells Fargo for the safety deposit box. It was decided to contact Sandra Soper to see if she had a key. Bart agreed to contact her to get the key and close the account.

**18. Public Comment. None.**

**19. Council Comments.**

Harrigan will call Connor and discuss the issue of the road damage.

**20. Action Items.**

- Simpkins – will contact builders who want utility access off lower Interlaken Drive and have them contact Epic to apply for a permit (agenda item #9).
- Goodall/PC – will draft an excavation permit to be used for the above utility installation.
- Smith – discuss with lawyer what we need to do to modify our town budget.
- Simpkins – circulate the Epic bids for master plans – water system and roads.
- Epic Engr – pursue research and work required to secure our water rights.
- Simpkins – reach out to Epic to get an estimate to repair damage done by Connor’s excavator on Jungfrau Hill Rd.
- Smith – write a letter to Connor explaining the Council’s decision regarding the damage done by his contractor.
- Simpkins – Contact Top Job and get on their calendar to inspect road damage in May and to repair damage prior to the top seal at the end of June.
- Smith – meet with Sue/Kristine to complete bank transfers
- Simpkins – Contact Epic to research water rights issues.
- Simpkins – Complete Franchise agreements.
- Simpkins – Contact Epic to begin road study.
- Simpkins – Finalize BHR numbers.
- Simpkins – Contact Midway and have them connect with Epic to pursue utility easements for Interlaken Drive.
- Simpkins – Contact Epic to have them determine Interlaken Drive ownership.
- Simpkins – Speak with Heber towing to empower SuperDave to call to have a vehicle towed.
- Smith – join the ULCT and find out about steps needed to amend our budget and get 8 copies of their handbook. Ask Bywater about the legality of collecting our assessments and procedures for amending our budget.
- Smith – Send out FY2017 assessments the 1<sup>st</sup> week of January.
- Simpkins – Call Sandra Soper and see if she has the key to the Wells Fargo Safety Deposit box.

**21. Adjournment.**

Council Member Harrigan moved to adjourn the meeting. Council Member Sue O’Nan seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:50 PM.