

**Minutes of the Interlaken Town Council Regular Meeting
Monday, 07 November 2016, 6:30 PM
Town Pump House**

1. Call to Order:

Mayor Simpkins called the meeting to order at 6:40pm.

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
Jim McCasland, Water Master, was present

3. Presentations: None.

4. Public Comment: None

5. Consent Agenda: None.

6. Approval of Agenda or Changes:

It was decided to move agenda items 15 and 22 to after item 7 as they were both items related to our water system and Jim McCasland.

Motion: Council Member Harrigan moved to approve the agenda as amended.

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 10/13/16 Council Meeting minutes:

Motion: Council Member Sue O’Nan moved to approve the 10/13/16 Regular Council 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. Water System Help – Epic Consultation:

Simpkins reported about a meeting with Ryan from Epic. They explained they can do much or as little as we need. We need to do a master plan in order to get grants for water system upgrades, including electronic meters. Simpkins will look into whether Heber Light will allow us to tag on to their locators. Mac mentioned that for the last couple years, he’s been replacing old meters with newer ones capable of using scanning technology. There are currently 20 or more meters that have been updated. The scanners required for readings are \$5,000 each. Use of a scanner means someone has to place the scanner outside the cover to get a reading, instead of lifting the cover. Heber Light & Power has a network that would give us the ability to remotely take readings without manual measurements. This would require a slight adaptation to the new meters and a

connection to the Heber L&P network. The problem is that we'd need to have all our meters updated and connected to that network, and that would be expensive. Lisa is looking at a grant to see if we can get that started. Mac is supportive but we need to understand how much it will cost. There is the cost of the meter \$116, plus \$75 to install it (which is deal), plus the cost of the electronics. Mac noted that the new homes in Interlaken have to be equipped with a fire suppression system. These systems require a 1" line, but our lines are only 3/4" to the meter. This means the homeowner will have to install a pump and a reservoir if the line from the meter to their house is only 3/4". Alternatively, they could install a large line (up to 2") from the meter to their house. Mac's concern is that this would present a huge drain on our water system, if they irrigated with this, for example. For now, all the new meters are 3/4". Mac buys the meters as he needs them. It was agreed that we should continue installing the newer 3/4" meters. Ryan from Epic will give us a quote on a water study, a culinary master plan.

Mac mentioned that our water usage as dropped down to normal usage in the last month, which indicates that the leaks in homeowner's lines from meter to house have been repaired. There was also a leak off Luzern that was fixed. He was very concerned this summer, but it seems as though the problem has been fixed. Mac brought up the concern whether the upgrades previously discussed would be cost effective. He stated that we're okay with water for now, we should conserve where we can, and that we should look forward to growth. Epic may be able to help with this analysis. We have roughly 32 vacant lots left, some of which are unbuildable. Harrigan thought we could figure out future usage on our own, but Simpkins mentioned that in order to apply for a grant we need a water study. Mac thought a rough estimate for a water study would be around \$1,000. According to Mac, Epic would look out to 2030 and would have to assume that all the remaining lots would be built out, and they would have full time residents. That way, we wouldn't get caught short. Mac had a problem with that type of forecast, and would prefer that we look at our growth incrementally instead of overinvesting, feeling like this is what we have to do right now. We don't actually know how many lots will be built out, nor the type of residency. Say, within 5 to 10 years, if we identify a growth pattern, we may have to start thinking about what we need. Right now we have a really good system, and it's more than adequate. Our tank holds 20 feet of water and we don't run it down to less than 16 feet a day. We regenerate no more than 40,000 gallons per day. Mac was a little skeptical of Epic's suggestion that we may need to build another reservoir or upgrade at some point. He isn't ready to say let's go with that. Mac has been tracking monthly water usage for the past 3 years and he doesn't see a need to expand our system right now. He wouldn't hesitate to say go ahead with the study, but he wouldn't want to jump in to a plan for expansion – a second or upgraded reservoir, an additional pump. As part of the study, Epic would also look at the aquifer. Mac mentioned another concern that a lot of people would like our water, and he wouldn't want Valais or anyone else tapping into our supply. If our water were to drop severely, we might be able to ask Midway for water, but we have been checking our water level twice a year, and it has been maintained. There wouldn't be any way to tell if someone had tapped into it. Our wells go 180 feet deep, and the water level is at 140 feet.

Epic also offered to do our water sampling. Mac runs samples down to Salt Lake (West Valley City) every month. If there's a problem, he needs to go back and find the issue. Mac would prefer to do this ourselves and have more control over the water system. Every 3 years we do a more extensive sampling – Mac takes a huge box of samples down for testing, he gets the results and then forwards them to the State. Epic works

directly with the State. It's a lot of work for him, but he feels it wouldn't be a good use of money to hire Epic to do it, and he would like to be able to track the results. Sue O'Nan mentioned that Mac should be getting mileage reimbursement for the commute to the water testing facility. Mac was not concerned about that expense, but the Council encouraged Mac to track his miles and get reimbursements.

Mac was asked about his workload as water master. Mac noted that he is doing most of the water system work by himself, but there are some tasks that require 2 people. Herb has helped out in those situations, and filled that role adequately. However Herb's license has lapsed and he has no plans to renew it. Ed Little may be available to step in if Mac retires. Herb also helps out with taking monthly samples to the lab and daily pump house checks, as well as emergencies like carrying buckets of T-chlor to the tank through the snow.

9. Water Meter Readings & Revision To Water Rate Ordinance (Bart) – Update on Summer 2016 meter readings and billings. Do we want to revise water rates, can we retroactively adjust rates?

Bart took Mac's water usage numbers for 2014, 2015, and 2016 and did an analysis, including summer usage for all 3 years and annual usage for 2014 and 2015. Harrigan pointed out that we're locked into our current water ordinance. The ordinance as written is very unclear (Water Rate Ordinance No. 3, November 2, 2015). Past overage billings stated only an unspecified number as excess water usage. The monthly base rate for water usage is out of date in the current ordinance at \$63 per month, and doesn't reflect the increased assessment from \$1112 per lot in FY2016, to \$1200 per lot in FY2017. This increase would raise the water base rate to \$68 per month. There is a question whether we could amend this ordinance and have it retroactively apply the adjusted rates to months prior to its enactment in this fiscal year 2017. If this is not possible, we could leave the monthly base rate at \$63, and keep the \$1200 annual assessment intact by raising the portion of the assessment that is dedicated to our road system.

Smith asked if the council wanted to follow past billing procedure regarding overages – lot owners were charged for summer overages only, based on a per gallon usage over the allotted 10,000 gallons per month. For the summer of 2016, the meter readings spanned a 4-month period. The base allotment of water would then be 4 times 10,000 gallons or 40,000 gallons. Each gallon consumed in excess of 40,000 gallons would then be subject to the overage charges. Harrigan felt owners shouldn't be charged an overage if they consume less than the annual allotment of 120,000 gallons. Sue O'Nan felt that the summer usage was critical and we should continue to charge for summer overages as in the past. Harrigan mentioned that he wants to discourage excess usage, the ordinance as written is in a grey area – we could charge a monthly overage, but we don't measure water monthly right now. Smith mentioned that if you based overages on a 120,000 limit per year, we'd have about 20 lot owners with overages, and the maximum charge would be around \$49. There are 49 owners with overages, the largest charge being \$750 where they used 346,000 gallons. The owner of that lot is David Schmutz, 360 Bern Way. His usage has historically been this high over the years. Mac typically notifies owners with large usages, if he suspects there is a leak. And likewise, if there is no usage, he checks to verify the meter is working. The council agreed to do the overage billing the way it's been done in the past, summer overage only, with the bill sent in November, and revise the water rate ordinance this winter – Epic can weigh in on it. The rates will not apply retroactively, but be applied forward to the next fiscal year 2017. Harrigan mentioned

that we need to keep an eye on the “use it or lose it” condition. So although he’s in favor of conservation, he wants to make sure we are protected. Mac reported that some lot owners have let outside parties manage their irrigation systems, with a resulting high water usage. He has spoken to them about lowering the irrigation with a reduced watering schedule. Harrigan suggested that when we rewrite the ordinance and penalize high volume users, we have an awareness campaign for the Town.

10. Summer 2017 Road Work – Top Job Contract:

Simpkins mentioned that the Top Job contract was signed and she would give a copy to Smith. We are on the books for the last week of June, Mon-Fri, for crack sealing and a topcoat. There is also a need to fill potholes, prior to the Top Job work. Simpkins will get a quote for Top Job to do the asphalt repair. Prior to that, we need to survey the roads for where we need to repair. Harrigan said he could do this along with Mason. Chuck O’Nan mentioned that he also would volunteer to help on the roads committee.

11. Enforcement Officer – Wasatch County database access, Ordinance Officer:

When Simpkins spoke with some enforcement officer applicants they mentioned that we need an agreement with the Sheriff’s department to access their database, and in general, a deeper relationship with the Sheriff’s department. Harrigan will meet with the Sheriff to discuss relevant issues: uniforms, vehicles, use of a laptop, ability to print tickets in the officer’s car, and database access.

12. Water System Transfer – Paperwork needs to be completed for IMWC transfer to Town:

Simpkins spoke with Eric Johnson, our former town attorney, and discovered that he never filed the paperwork to transfer the water system to our town. He agreed to finish the paperwork. Bill Goodall also brought some issues regarding water rights that Simpkins also presented to Johnson. At this point, we don’t know if our water rights are valid or if they expired. Simpkins will follow up.

13. Franchise Agreements – Update on agreements with utilities:

Simpkins has been working on the agreement with Heber Light and Power – currently at the attorney’s for review, and Questar Gas – they are getting their information together. She also has reached out to Midway Sanitation, but she thinks we don’t need one with them. She just found a contact for Century Link, so she’ll contact them as well. Michael Henke is helping here look into it some more.

14. Ordinance Revisions – Using an outside vendor (Bart):

Smith received some info from Bill Goodall about a company named Municipal Code Online (MCO). It appeared to be expensive, and not a good fit. Smith suggested that we continue to work as we have been, for example as on the Street Ordinance, working individually, saving documents on DropBox, and then compiling comments into one document. The remaining ordinances to revise include: Public Health and Safety, Revenue and Finance, Annexation, Water, and Infrastructure. Mac already reviewed the Water Ordinance – it was decided to start with this one. Smith will incorporate Mac’s comments and remove sections that don’t apply to our Town.

15. Municipal Ordinance, Title 6 Streets – Discussion/Approval:

Harrigan was concerned about the 26,000 lb. limit for vehicles, because it would prohibit semis, possibly cranes, dump trucks, delivery vehicles, and other equipment necessary for building in our town. This issue arose from a concern for using Jake brakes in town. Wouldn't it make sense to just outlaw Jake brakes rather than limit vehicle weight? This applies to Section 6.03.020. We're getting letters from Valais as well as concerns from our Town about the noise from Jake brakes.

It was decided to strike all the language in this section and replace it with "Use of Jake Brakes is prohibited in Interlaken Town." The section would be renamed as well to "Section 6.03.02 Restrictions on Jake Brakes."

Motion: Council Member Harrigan moved to approve Municipal Ordinance, Title 6, Streets, as amended.

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

Discussion: no discussion

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

16. Road Study – Review with Epic to get an estimate:

Simpkins met with Epic and discussed their ability to do a road study, something required for the town to apply for road grants, for retaining walls and guardrails. Simpkins will get a quote from Epic for the next TC meeting. Mac brought up the issue about drainage on our roads. In particular, the two homes on Big Matterhorn (Oliver & another home), with dirt driveways, drain dirt and rock onto the road. Harrigan suggested we do something at the bottom of the driveway, and it may be a volunteer effort. If it was diverted before it got into the road, it may help.

17. Planning Commission – Comments on Bldg App Process:

Bill Goodall was not present. It was decided to skip this item.

18. Burgi Hill Ranches Update:

Simpkins just got a final response from Greg Cropper who refereed her back to the CPA (Jeff Stockman). She will speak to Jeff to see if the numbers are good. Right now, the amount requested will be less than \$30,000.

19. Connor Project – Digger road damage, violations to building agreement (port a potty, dumpster):

Connor's site is relatively clean. The rocks and mud were off the road. He did damage the road with his Track hoe, and should be made aware. He has a video of the road damage. Harrigan feels that his road deposit should be kept in full and Connor should be told this. And he should get this money back from his contractor. The contractor parked in the lot where the rocks are, and drove all the way to the Connor lot, with a metal tracked trackhoe. Harrigan assumed that Epic would track violations to our building agreement, the way Wasatch County has done in the past. Ryan responded that he wasn't aware that Epic was supposed to do this. (See discussion below for same issues related to the Howard Project).

20. Howard Project – Violations to building agreement (port a potty, dumpster):

The site foreman stated that the neighbor was letting workers use their bathroom. Harrigan mentioned there was trash blowing around, no dumpster and no port a potty.

The trash was cleaned up, but there was debris at the bottom of the driveway. There have been no erosion control measures. This permit was approved under Wasatch County, but Harrigan felt Epic should still monitor the site, because Epic is doing the inspections. Our ordinance states a dumpster and bathroom are required. We may give them a pass on the dumpster, because it may be difficult to find a spot, as long as the trash is taken care of. We need to know if Epic is monitoring the situation. We need an explanation of what Epic will enforce. Simpkins spoke with Ryan, and they will add these items to their inspections. And if the site requires additional inspections, the homeowner will pay those fees to Epic. Sue stated that when we hired Epic, they agreed to uphold our ordinances, and that would include a dumpster and bathroom requirement. Smith mentioned that our code has an enforcement procedure which is handled by our enforcement officer, not the Town Planner. Harrigan disagreed, based on how Wasatch County handles violations, as part of a building code infraction. Harrigan feels that Epic dropped the ball on enforcing our building codes – all of them including a site inspection for a dumpster, bathroom, debris on the road, and other issues. These issues are addressed in our Ordinance, Section 9.05.03, under B. “Site Disturbance Plan.” Harrigan wants clarity from Epic about what the Ryan said he did request these at her last meeting with him. Another issue is if they don’t have a dumpster, then they will use our dumpsters. Harrigan mentioned they should also be put on notice, that if debris remains in the road, they will also lose some of their deposit, because ultimately this will damage the road. They should be noticed that they need to put gravel on the bottom to prevent further damage.

Simpkins asked if we would require Howard to get a dumpster, or if they would be allowed to use a pickup truck for their trash. The truck has been left up there and they use it for trash. Chuck suggested that we don’t make an exception. They could put a small dumpster in the garage. The Council agreed to require a dumpster for all job sites.

21. Ryan Moore – Short term rental violation letter:

Simpkins has the letter and will sign, date and send it to Moore.

22. Pablo’s Digout – What is the Town’s response?

Pablo was told he needed to apply for a permit to dig out a section of the roadway in order to store his camper. He actually attended a town council meeting and was given the appropriate information. He went ahead and dug it out without a permit. Harrigan felt he should gravel it in and be told he cannot park there for more than 24 hours and not at all from November to April. He feels we should give him a slap on the wrist and tell him he can’t park there. We can’t have people digging in our right of way. We can’t make him put the dirt back, but can we make him improve it? Chuck stated that he would need to stabilize that bank either with a rock wall or a retaining wall or something. The issue was raised whether we fine him or prevent him from parking in that spot. Smith mentioned that there are many places around town where people park in the road right of way for longer than 24 hours. If we prevent him from doing so, then we have to prevent all others as well. It was agreed that we would enforce this prohibition unconditionally during the winter months. Enforcement could lead to lawsuits and lawyers as it has in the past. Smith felt you could require him to fix it, stabilize the bank, without giving him permission to park there. Then he would fall into the same category as everyone else. It is a fineable offense - building without a permit. For Harrigan, excavation in the road right of way is a bigger deal than excavating on one’s own lot without a site disturbance permit. The road right of way is protected in our ordinances. He needs to be dealt with so other people don’t do what he did. We do have a violation of code as a \$1000/day

fineable offense. In section 9.05.100 it states:

C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the Town shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures, or perform clean-up of any debris or removal of materials from Town roads or rights-of-way of any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The Town shall have the right to have such measures installed, done or maintained by Town personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25 percent penalty charge.

This would indicate the Town has the right to repair the damage done in the right of way and send a bill to the person responsible. It was decided to send him a letter and give him the option of fixing the problem. Basically saying, you broke the right of way and you need to fix it and not give him permission to park there. Smith will write him a letter, saying he is in violation of Section 9.05.100, he disturbed the road right of way without obtaining a permit, you have a chance to fix it at your own cost, or else the town will fix it and charge you that cost plus 25%. Refer him to Epic Engineering to determine what needs to be done to stabilize it. He will be responsible for Epic's fees in this matter. He will have 30 days to respond – come to the Town within a plan within that period. Otherwise the Town will initiate action to fix the right of way at his expense. We should also reference the street ordinance, Title 6, regarding parking restrictions. We can't tell him specifically that he can't park in the right of way unless we're willing to cite everyone who parks in the right of way. Enforcement is more critical during the winter months.

23. Interlaken Drive Ownership:

Simpkins discussed ownership issues with our attorney and discovered that we own Interlaken Drive from the Valais Entrance up to the Castle entrance. It's been dedicated to us. Midway owns the section below the Valais entrance. That means we're responsible to maintain it. Our attorney is looking into how we can legally give the affected properties a utility easement for water, sewer, and other utilities. The ownership issue is something we need to think about it. We may use it to negotiate with Midway and other parties as this corridor gets developed. Our attorney recommended that we have Epic Engr do the research on all our titles. We'll then give all that information to our attorney. Sue mentioned that at one point Watts claimed he owned a portion of Interlaken Dr.

The town may need access to old minutes regarding these issues. Sue suggested Bart get the old minutes from Sarah.

24. Financial Matters – (Bart) FY2016 Year-End Report, FY2017 1st Qtr Report, 2016 Assessment update:

Town Clerk Smith mentioned that he and our bookkeeper are still working on the FY2016 year end report. It should be done within the next couple weeks. They did finish the FY2017 1st Quarter report, which he distributed to the council. Smith pointed out a couple items from the report. Under Income, B&C Road Tax, we haven't received any yet. Apparently these automatic deposits come randomly. Sue will look into this and see if we can get more information on line. Smith pointed to a line under General Fund expenses on the 2nd page, under Administrative expense, there is a line item for "Building

Inspector.” We don’t have a building inspector, and this is where Epic’s charges have been booked - \$1600 on this report. We didn’t budget for this expense. Smith pointed to the line items that show our revenue from building projects. He also mentioned that we need to put together a list of transfers to be executed at the end of the quarter. Currently, we do have money in the accounts for paying bills. Attorney fees, under General Fund expenses, were budgeted at \$4,500. \$819 went to ETJ Law, Eric Johnson’s firm and \$1,000 to Jones Waldo, Greg Cropper’s firm. The \$819 was spent for ETJ to review our building codes. So this amount doesn’t include bills from Bywater. In summary, we will exceed this \$4,500 for legal expenses. On the other hand, we haven’t spent anything on Enforcement Officer, for which we budgeted \$7,500. So we are overspending in some areas and under spending in others.

25. Newsletter Topics:

Simpkins has started a Facebook site. Ideas for a nicely done paper newsletter, published once a year.

- New street ordinance – winter parking regulations
- 2017 Assessment
- Budget – presented as a pie chart
- Curb your dog
- Volunteers needed for our road committee
- Welcome wagon (Joe Smith & Renee Burkley)
- Barking dogs?
- Christmas lights, lighting regulations?
- Town survey – online survey monkey? Priorities for town, feedback for council, informal census (is that too personal)? Multiple choice questions.

26. Public Comment: None.

27. Council Comments: None.

28. Council Meeting Action Items:

Smith: Send out water overage bills in November.

Smith: Incorporate Mac’s comments into the Water Ordinance and prepare it for review by the Council.

Smith: Certified letter to Pablo regarding damage he did to the road right of way.

Smith: Get old IMWC meeting minutes from Sarah.

Smith: Meet with Sue and Kristine to discuss end of quarter transfers.

Simpkins: Look into whether Heber L&P will allow us to tag on to their locators for potential use with electronic water meters.

Simpkins: Send in the Top Job contract with deposit, and give a copy of the signed Top Job contract to Smith.

Simpkins: Get a quote on asphalt pot hole fills from Top Job.

Simpkins: Follow up on water rights issues with Eric Johnson.

Simpkins: Finish franchise agreements with Heber Light & Power, Questar. Research need for agreements with Midway Sanitation and Century Link.

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

Simpkins: Verify BHR collection number with our CPA, Jeff Stockman.

Simpkins: Report to Epic that a toilet and a dumpster are required for all worksites.

Simpkins: Sign, date, and send short term violation letter to Ryan Moore.

Simpkins: Get utility easement documents from our lawyer and present them to Midway for the section of Interlaken Drive that the town owns.

Simpkins: Draft an annual newsletter to be printed and sent out before our assessment billing in January.

Harrigan and Chuck O’Nan (and Mason): Survey the town roads and identify areas that need asphalt fill.

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.

Sue O’Nan: Check status of B&C Road Tax income online.

Ryan (Epic): Quote on a water study.

Ryan (Epic): Review of titles to determine Interlaken Drive ownership.

Town Lawyer: Complete study on Interlaken Drive ownership, using Epic research.

Unassigned: Notify Connor that his contractor damaged the road and that his road deposit will not be refunded due to this damage.

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.

29. Adjournment:

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

The meeting was adjourned at 8:53 PM.