

**Minutes of the Interlaken Town Council
Wednesday, 12 September 2016, 7:00 PM
Town Pump House**

1. Call to Order:

Mayor Simpkins called the meeting to order at 7:19pm.

2. Roll Call - Members Present:

Lisa Simpkins, Mayor
Greg Harrigan, Council Member
Scott Neuner, Council Member
Sue O’Nan, Council Member
Chuck O’Nan, Council Member

3. Presentations: None.

4. Public Comment: None

5. Consent Agenda: None.

6. Approval of Agenda or Changes:

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

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 08/15/16 Council Meeting minutes:

O’Nan corrected the minutes regarding the Promontory community. Promontory is an HOA, not a town, so they don’t have ordinances. It was also explained the term “quit claim” that appeared in the minutes.

Motion: Council Member Sue O’Nan moved to approve the 8/15/16 Regular Council 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. Approval of 07/03/16 Special Council Meeting minutes:

Harrigan mentioned that we may get some pushback from people who are interested in renting their homes, short term. Some feel that this restriction reduces their property value. Harrigan feels that this prohibition is a good thing, especially as a safety issue for the town. Simpkins also had a phone call from someone who wanted to buy a lot and bring a multi-family dwelling.

Motion: Council Member Harrigan moved to approve the 7/03/16 Special Council Meeting minutes.

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

Discussion: no discussion

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

9. Swearing in of Council Member Chuck O’Nan:

Town Clerk witnessed as notary public, the signing of the oath of office for Chuck O’Nan.

10. Discussion of Planning Commission Makeup, Current Membership:

Smith Clerk noted that Scott Neuner was still a member of the Planning Commission as a full member, but he agreed to stay on the Commission as an alternate member. He formally resigned as a full member, and agreed to serve as an alternate.

11. Discussion and Vote on Planning Commission Recommended Revisions to Titles 2,9, and 11:

Given that the correct procedure for approval of any revisions to the titles requires that the revisions be presented to the Council prior to a vote, it was decided to move this agenda item to after item 19 in order to allow Clerk Smith to consolidate these changes for presentation.

Motion: Council Member Sue O’Nan moved to this agenda item to the end of the meeting.

Second: Council Member Neuner seconded the motion.

Discussion: no discussion

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

12. Connor Project Status Report:

Bill Goodall, Planning Commission chair, reported that a site disturbance permit has been issued. He will be able to excavate, but will have to move the dirt out of the town. Harrigan filmed the damage that the excavator did to the road, and that this will have to be deducted from his deposit. Sue O’Nan asked if the site disturbance permit says anything about dust. Harrigan replied that there are no water truck requirements. Simpkins pointed out that we are limited on water. Chuck O’Nan mentioned that silt fencing is usually required before construction. Goodall said that he will bring this with Ryan Taylor to discuss. Harrigan noted that here we are, 140 houses in, adding new requirements to the remaining lot owners, making it more difficult. Goodall noted that his intention is not to make it more difficult. Harrigan pointed out that the Howard property could have significant erosion issues when the rains come. This is an issue Epic Engr. should be aware of as they inspect this property, which was approved by Wasatch County.

13. Watts Excavation Project Report:

Simpkins reported that the project is done, but the road patch is a joke. This is the project to install a water line that goes under Interlaken Dr. to Burgi Hill Ranches, and then to the new Watts development. There is a huge 5 foot chunk of missing asphalt at the bottom of Edelweiss. The town required them to post a bond of \$4,000. Simpkins will have Epic Engr. call them tomorrow to discuss how to fix this road cut. This project was started without proper permitting through our town. Going forward, Watts understands that he needs an Interlaken permit to proceed.

14. Town Enforcement Officer and Fine Schedule:

The council reviewed the job description proposed by Neuner. The Council agreed that it was adequate and that the officer should be an active duty police officer. There was a

discussion regarding the wage. Chuck O’Nan mentioned that Promontory pays an individual \$17/hr if they were provided with health insurance (as an employee) and an off-duty police officer \$20/hr who does not receive insurance benefits. Ninety-nine percent of them are police and county sheriffs. The council agreed to put the wage range from \$17/hr to \$20/hr depending on experience. Harrigan brought up the issue of whether or not they could use their official vehicle, thinking that this might help with speeding issues. The response so far was that they couldn’t. Harrigan suggested we get our own enforcement vehicle, possibly in the future, to help deter speeding violations. Chuck O’Nan asked about how we could impose fines on guests. Harrigan pointed out that we are a town, so we can impose fines. Chuck O’Nan stated, in Promontory, speeding tickets are sent to the homeowner and collected from them. Neuner suggested we install cameras to trap speeders. Harrigan offered to talk to Lt. Gardener regarding use of official vehicles and other enforcement issues.

The Council discussed the Uniform Fine Schedule. Clerk Smith recommended crafting a resolution that references the Uniform Fine Schedule and an Interlaken Fine Schedule. This resolution will be prepared by Clerk Smith for the next meeting.

15. Discussion of Current Violations:

Howard has cleaned up the debris from his site. Simpkins pointed out that his violation for leaving debris in the road right-of-way was \$500 per instance, as listed in the construction building agreement, and \$1000 per day as listed in our ordinance. Smith Clerk had concerns that we did not follow the procedure in our own ordinances, and in particular, Section 2.09, Enforcement Procedures. It’s possible, because we did not present the appeals process on the notice of violation, that Howard was not adequately noticed. This is true for Ryan Moore, as well, who was in violation of the short-term rental ban. There was significant discussion on both sides of the issue, but the council agreed that both Howard and Moore should be excused for now, but warned against future violations. In the meantime, the town needs to draw up proper violation notices that meet the requirements of our ordinances. We also need to appoint a Hearing Officer. Tim Bywater may provide some guidance in this area. Harrigan suggested we specifically tell Howard that he needs to install silt fencing and other measures to stop construction debris from eroding into the road and that he needs to clean up the rocks on his site. Simpkins will write Howard a letter to this effect. Smith will write a letter to Moore and have Simpkins sign it. Sue O’Nan asked who would pay for the Hearing Officer. She suggested a retired judge, perhaps Lane McConner. Smith mentioned that the State Ombudsman could be a resource. The Ombudsman writes an opinion, for around \$50. If you disagree with the opinion, you may go to District Court. But if you lose in court, you pay all attorney fees.

16. Chipper Day and Summer Road Maintenance:

Sue O’Nan contacted a Heber contractor, Visentin Tree & Pest Control (Bill Visentin), who seems interested in chipping in our Town. He charges \$200/hr, and estimated it would take less than 4 hours. He has smaller trucks which make it easier for him to get around our tighter roads. He will remove all the chips from the site. We got on his calendar for October 3rd. He has full liability and contractor insurance. Simpkins asked if we want to continue to offer this service in the future. The Council discussed and decided that it might be better to offer it in the future rather than have everyone fend for themselves. It’s possible next year we could get on the Fire Department’s schedule, earlier in the year. Clerk Smith will send out a notice a week in advance.

SuperDave dropped off his contract at Harrigan's house. Harrigan will bring it to Simpkins to be signed. Harrigan suggested we get on Top Coat's calendar for next year, possibly late June, before the July 4th holiday. Smith Clerk will look into this.

17. Animal Control Officer:

Simpkins still hasn't heard back from the County regarding use of their officer. Harrigan suggested that we call the sheriff for dog bites, but use our own enforcement officer to handle loose dogs, barking, etc.

18. Burgi Hill Ranches Update:

The past due amount for road maintenance was significantly lower than expected, approximately \$27,000. Cropper offered to present this number to BHR. Simpkins will have Cropper write this letter.

19. Review of Town Attorney Contract:

Tim Bywater sent us an engagement letter. We need to follow up and get this completed and signed. Simpkins will finish this up. Harrigan mentioned that we need to track down whether or not our water rights were properly passed on to the Town. The Engineer's office shows the rights still belong to IMWC, not the Town. Harrigan offered to look into this.

20. Discussion and Vote on Planning Commission Recommended Revisions to Titles 2, 9, and 11:

Clerk Smith read the Planning Commission's recommended changes to Titles 2, 9, and 11. See the attached document "Enacted Interlaken Code Revisions 2016-09-12" for these revisions.

Motion: Council Member Neuner moved to adopt all these recommended changes to Titles 2, 9, and 11.

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

Discussion: no discussion

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

21. Public Comment: None.

22. Council Comments: The next Council meeting is scheduled for Oct 10, 6:30pm.

23. 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 8:46 PM.