

**Interlaken Town Council Regular Meeting Minutes**  
**Monday, 05 November 2018, 6:30 PM – 8:30 PM**  
**Town Pump House, 236 Luzern Rd., Midway, UT**

**1. Call to Order.**

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

**2. Roll Call – Members Present:**

Lisa Simpkins, Mayor  
Chuck O’Nan, Council Member  
Sue O’Nan, Council Member  
Marge Bowen, Council Member  
Greg Harrigan, Council Member

Bart Smith, Town Clerk was present  
Tim Bywater, Town Attorney was present

**3. Presentations:** None.

**4. Public Comment.**

Josephine Smith, 347 Luzern Way. Joe asked if this public comment period was the only time the public could comment on the agenda items. Mayor Simpkins noted that this was the only public comment period on the scheduled agenda.

Michael Soper, 333 Bern Way. Michael requested that his letter to the town regarding his Amateur Radio Tower application be included in the minutes. This letter is part of the attachments to these minutes.

**5. Consent Agenda:** None.

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

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

**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 10/01/18 Council Regular Meeting Minutes**

**Motion:** Council Member Sue O’Nan moved to approve the 10/01/18 council meeting minutes.

**Second:** Council Member Bowen seconded the motion.

**Discussion:** no discussion

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

**8. Goodall Complaint – Gordon Law**

Corbin Gordon, an attorney retained by Bill Goodall, 255 Interlaken Drive, read a letter of complaint on behalf of Mr. Goodall into the record. This letter is part of the attachments to these minutes.

With regard to Bill Goodalls’ complaint, Clerk Smith commented that the Gordon Law letter as written did not accurately describe the proposed budget presented at the 6/18/18 budget hearing. In Mr. Goodall’s letter it was stated that “This budget had a negative balance of over \$40,000.” Clerk Smith presented the relevant page of the proposed budget sent to the town for review, and noted that the budget showed an increase of \$18,373. In addition, Clerk Smith presented the relevant page of the budget which was presented at the 6/18/18 hearing, which showed an increase of \$25,182.

Regarding Mr. Goodall's complaint related to Clerk Smith's statements at the 7/2/18 council meeting, Mr. Smith noted that his comment was not directed at Mr. Goodall, but was made in a moment of jest during a difficult discussion at the meeting. If one listens to the recording, rather than taking the words out of context, it is apparent that it was meant as a joke and not as a threat of any kind. Mr. Goodall's name was not mentioned in Mr. Smith's comment. Mr. Smith admitted that he was not a comedian - his comment was made as an attempt to lighten the mood of the meeting. Members of the council took the comment as a jest.

Council Member Harrigan read into the record the sworn deposition of Michael Soper, dated 10/23/18, which was attached to the letter previously read by Corbin Gordon. This deposition is included in the attachments to these minutes. Mr. Harrigan then read his statement regarding the accusations against him in the Gordon Law letter. This statement is also included in the attachments to these minutes. In his statement, Mr. Harrigan referenced an email exchange he has with Mr. Soper regarding the issues in Corbin Gordon's letter. This email exchange is also included in the attachments to these minutes.

Sue O'Nan noted that it is worthwhile to listen to the recordings of these meetings to put this issue into context.

Mayor Simpkins opened the meeting for public comment. Corbin Gordon asked if this meeting was noticed for a public hearing. Simpkins responded that this was public comment, and no action was being taken regarding this item of discussion.

Beth Ann Schneider, 336 Interlaken Drive. Beth Ann thanked the council and clerk for the time spent on conducting the town business. She noted that when she first moved here, the town had dirt roads, and that Greg Harrigan was instrumental in getting the Interlaken roads paved. She stated that we have a pretty grand place to live here, and it's not because of the view, it's because of the people.

## **9. Proposed Interlaken – Burgi Hill Ranches Settlement Agreement**

Mayor Simpkins described the process for reaching an agreement with Burgi Hill Ranches (BHR) over past obligations for Interlaken Drive road maintenance as per the Freedom Agreement and other past agreements. Simpkins and Clerk Smith spent the day in mediation with Tim Bywater, our town lawyer, mediator Judge Boling and representatives from the BHR HOA, coming to an agreement for both past obligations and a process for calculating future obligations for the section of Interlaken Drive from the BHR entrance, down to the Valais entrance. This has been a lengthy process, and the final agreement represents a compromise from both parties. Most importantly, the agreement clarifies future obligations, so that the issue of cost sharing is well understood, and clear to both parties.

The proposed settlement requires BHR to pay Interlaken Town \$33,000 for past obligations. Going forward, BHR will pay a portion of road maintenance expenses based on the surface area of the shared section of Interlaken Drive, as a fraction of total surface area of all Interlaken roads, as well as the ratio of occupied homes in both developments. A big thanks to Tim Bywater for all his help in this matter. Interlaken maintains ownership of the roadway. Simpkins requested a motion to approve the proposed BHR Settlement Agreement. A full copy of the agreement is attached to these minutes.

**Motion:** Council Member Bowen moved to approve the proposed BHR Settlement Agreement.

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

**Discussion:** no discussion

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

## **10. Dept of Public Works Lot Proposal – Interlaken Dumpsters**

Mayor Simpkins announced that the city of Midway has requested that we move our dumpsters out of the Valais Park parking lot. Harrigan noted that in our previous agreement with Midway regarding the dumpsters, there was no easement or other guarantee that the town could keep them there permanently. Midway requested we move them before winter, but we

were able to delay this action until finding an appropriate place. The council discussed the matter and is considering a couple different solutions. Simpkins showed three maps that show the boundaries of the 100-foot water protection zone area surrounding the pumphouse. Nothing can be built within the 100-foot radius surrounding our wells. Note – these maps are not attached to these minutes, nor made public, because of security issues related to protection of our water system. Simpkins indicated that there is an area west of the pumphouse, outside the protection zone, on municipal property, that could accommodate our dumpsters, recycle bins, salt storage, road maintenance material (dirt and gravel), and an area for yard waste. This could be the location of a department of public works. The area could be excavated, paved and made accessible to the public.

Simpkins opened this issue for public comment. Paul Schneider, 336 Interlaken Drive. Paul asked how large trucks would access the area. Simpkins responded that the design would have to accommodate trucks for access. It could be a circular driveway, or an area dug into the hillside. It would have to be a solid paved surface so nothing could leach into the ground. This new location would help the town monitor use of dumpsters better. Harrigan noted that the area would not have to be larger than the current area, because it would only be used by Interlaken residents dumping their trash. Probably 2 trash dumpsters and 1 recycling dumpster would be sufficient. This project would not be started until this spring at the earliest.

The other option would be to partner with Wasatch Mountain State Park to create a trailhead off Interlaken Drive on State Park property that could also accommodate dumpsters. The state would pay for this, but there is concern that people would park on Interlaken Drive, if the lot was full, and traffic would increase in this sensitive area. Steve Wilson, 237 Interlaken Drive, expressed concern that those using the trailhead would also be likely to use the dumpsters as well.

Elizabeth Hora-Cook, 275 Interlaken Drive, asked if it would be possible to include mail boxes at this proposed DPW site next to the pumphouse. Simpkins agreed that this would be a benefit to the town. She also noted that we would include the water masters under the DPW, so everything is under one group.

## **11. Traffic Study**

As part of completing a reserve study for our road system, the town needs to commission a traffic study to better understand how our roads are used. Mayor Simpkins has received two bids from Epic Engineering to perform a traffic study. These quotes are attached to the meeting minutes. The town would like to capture traffic data during both summer and winter, so we have a full picture of annual usage. We also want to get an idea of which roads experience the highest usage, the number of cars travelling over them, as well speed information. For a study with 3 data collection points, Epic's bid was \$7,246. For 4 data collection points, the bid was \$8,020, approximately \$800 more. The council discussed the number of data points. Sue O'Nan noted that we would need to capture data for Matterhorn and Eiger, as well as Bern Way, and Interlaken Drive, bringing the total to 4.

Simpkins has also reached out to Wes Johnson of Horrocks Engineers regarding the use of an electronic system with 13 data collectors. Simpkins is waiting for a quote for using this system. It may be considerably less than the Epic bid. We do have money in the budget for this purpose.

## **12. Planning Commission**

- a. Status of Active Building Permits. See attached Epic Engineering Report for more details.
  - Howard – There is a pile of trash in the driveway. The porta potty is in the road right of way. Susanna Littell will contact Epic and have them notify the Howards. Photo is attached.

- Daines – The porta potty will be moved onto their property. Harrigan asked if the Howards could share the porta potty.
- Connor – The concrete work is done. Only some landscaping is left.
- McNaughton – The PC recommends approval of this remodel project.
- Talbot – The PC also recommends approval of this excavation project. The Talbots requested that their \$4000 deposit be returned when the work is completed, in approximately 2 weeks

**Motion:** Council Member Harrigan moved to approve the permits for McNaughton and Talbot.

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

**Discussion:** no discussion

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

b. General Plan Status Update

The General Plan version 3 is ready for distribution and review by the public. This version has not yet incorporated comments from MAG. The public hearing will be scheduled for November 19<sup>th</sup> at 6pm, with a PC meeting to follow. Public comments will be received up to November 26<sup>th</sup>. Simpkins will write a letter to the town and a request for photos to be submitted to the town. The next town council meeting is rescheduled for Monday December 10<sup>th</sup>. The General Plan will be discussed and voted on at this meeting. The General Plan, version 3, is attached to these minutes.

**13. Previous Action Items and Updates**

a. Chipper Day Update

It was decided that the town will rent a chipper to chip the pile of wood debris collected by the pump house (photo attached). Smith Clerk will get the chipper and organize a group of volunteers to do the chipping.

b. Road Signage Update

Chuck O’Nan reported on the progress of Bern Way yield/stop sign replacement. See the attached photo taken from Bern Way heading west, at the intersection with Jungfrau. Chuck suggested that we replace the yield sign with a “Stop Ahead” sign with an arrow, and place a stop sign on the right where the rabbit brush is, near the intersection. Chuck will bring in his paint machine and paint a line across the road, and requested that the town reimburse him for the paint.

The mirrors have been installed on Interlaken Drive and Matterhorn Circle.

The speed limit sign has been installed on Interlaken Drive.

c. Additional Action Items

Shoulder Work - We still haven’t gotten bids for shoulder work repair. Chuck described what we need to do – dig out a trench 6” deep and 15” wide and replace the road base with #2 or #3 stone in areas susceptible to wash outs. He is having difficult time finding a contractor to do just the selected problem areas. Most contractors are busy and not interested in a small job. Clerk Smith will contact Brian Meyers to gauge his interest. Chuck will continue to pursue other alternatives.

Excavation/Landscaping Permit Update – Susanna Littell will continue to work on a revision of the excavation and landscaping permit applications.

**14. Other Business.** None.

**15. Council Comments.**

Sue O’Nan noted that she and Lisa were the only candidates in the last election, agreeing to extend their terms another 4 years. There are not others in town willing to do this work as volunteers. She

stated that no one on the council has their own agenda, no one is here to get anything, we all volunteer in support of the town.

Beth Ann Schneider, 339 Bern Way, noted that it would be a terrible precedent if a council member resigned from external pressure.

Greg Harrigan stated that this incident has been really hard on him.

Marge Bowen stated that what beats the council down is only hearing the negative feedback.

Lisa Simpkins instructed Clerk Smith to post all council meeting recordings on the website from now forward.

## **16. Action Item Summary from this meeting**

### **Bart Smith**

- Contact Brian Meyer to gauge interest in shoulder work/excavation.
- Organize chipping of wood debris.
- Send out public notices for General Plan Public Hearing.

### **Lisa Simpkins**

- Draft a letter for the General Plan public hearing announcement.
- Research traffic study bid with Wes Johnson of Horrocks Engineering.

### **Susanna Littell**

- Write a letter to the Franks requesting that they re-seed the slope above their property.
- Complete revisions to excavation and landscaping permit applications.
- Notify Epic that the Howard property is in violation of municipal code requiring a dumpster, and prohibiting placement of a porta potty in the road ROW.

## **17. Adjournment**

Council Member Sue O’Nan moved to adjourn the meeting. Council Member Bowen seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:01PM.

The next Town Council meeting will be held on Monday, December 10th, at 6:30pm, at the Town Pump House, 236 Luzern Rd.