

TC Mtg 8/7/17 Agenda 10)

Interlaken Town Statement of Revenue and Expense`											
July 01, 2016 through June 30, 2017 Fiscal year											
Interlaken Town Statement of Revenue and Expense											
Water Bond Sinking Fund		Water Revenue Fund		Water System Reserve Fund		Transportation Reserve Fund		Building Fund		General Fund	
Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Income											
			\$0								\$0
			\$0		\$0					\$220,467	\$220,800
										\$3,661	\$3,511
										\$375	\$125
										\$17,475	\$16,955
			\$0								\$0
	\$173	\$157	\$7	\$0	\$223	\$180	\$155	\$154	\$7	\$0	\$30
										\$150	\$0
										\$600	\$400
										\$16,471	\$14,227
											\$1,200
											\$0
			\$5,281	\$4,000							\$2,243
							\$0		\$1,500	\$750	\$50
			\$200						\$400	\$600	
									\$13,500	\$7,500	
							\$0		\$12,500	\$7,500	
							\$0		\$7,500	\$4,500	
Total Income	\$173	\$157	\$5,488	\$4,000	\$223	\$180	\$155	\$154	\$35,407	\$20,850	\$261,522
Transfers into General Fund											
									(\$1,988)	(\$750)	1988
			(\$796)	(\$25,000)							\$796
							(\$12,702)	\$0			\$12,702
											\$0
Transfers into Water Revenue Fund (Checking)											
			\$126,537	\$150,144							(\$126,562)
			\$1,115	\$600					(\$1,090)	(\$600)	(\$150,144)
	(\$77,732)	(\$78,678)	\$77,732	\$78,678							
				\$0		\$0					
			(\$690)				\$690				
Transfers into Transportation Reserve Fund											
							\$14,227	\$14,227			(\$14,227)
								\$0			\$0
								\$0			\$0
							\$6,250	\$7,500	(\$6,250)	(\$7,500)	
Transfers into Water System Reserves Fund											
			(\$25,000)	(\$25,000)	\$25,000	\$25,000					
Transfers into Building Fund											
Transfers into Bond Sinking Fund											
	\$78,678	\$78,678	(\$78,678)	(\$78,678)							
Total Transfers Between Funds	\$946	\$0	\$100,220	\$100,744	\$25,000	\$25,000	\$8,465	\$21,727	(\$9,328)	(\$8,850)	(\$125,303)
General Fund Expenses											
Administrative Expense											
											(\$300)
										(\$14,725)	(\$22,500)
											(\$300)
										(\$210)	(\$149)
											(\$450)
										(\$6,869)	(\$6,400)

Interlaken Town Statement of Revenue and Expense`

July 01, 2016 through June 30, 2017 Fiscal year

Interlaken Town Statement of Revenue and Expense

	Water Bond Sinking Fund		Water Revenue Fund		Water System Reserve Fund		Transportation Reserve Fund		Building Fund		General Fund	
	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Bank Charges											(\$10)	\$0
Attorney											(\$16,159)	(\$4,500)
Enforcement Officer												(\$7,500)
Enforcement Supplies - ticket books, signs, misc expenses												(\$1,000)
Insurance											(\$7,473)	(\$993)
Office Supplies											(\$1,401)	(\$750)
Building Inspector/Town Engineer											(\$5,074)	\$0
Construction Deposit Refunds (prior to Building Fund)												\$0
Consulting											(\$200)	
Total Administrative Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$52,121)	(\$44,842)
Annual Road Maintenance Expense from General Fund												
Annual Road Repair											(\$7,810)	(\$8,000)
Additional Contract Services											(\$1,000)	(\$1,500)
Contract Service (Snow Removal)											(\$30,000)	(\$32,000)
Supplies - Salt, Sand, etc			\$ (850)								(\$2,550)	(\$2,800)
Annual Road Capital Expenses												\$0
Capital Repairs, Maintenance & Improvements												\$0
Total Road Maintenance and Capital Expenses:	\$0	\$0	(\$850)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$41,360)	(\$44,300)
Total Misc Expenses for Water System taken out of General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total General Fund Expenses	\$0	\$0	(\$850)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$93,482)	(\$89,142)
Water Revenue Fund Expenses												
Bond Payment												
Water Bond Payment, Due annually in January			(\$77,732)	(\$78,678)								
Operating Expenses												
Payroll - Water Master & Asst Water Master & payroll taxes			(\$7,930)	(\$8,800)							(\$1,133)	
Meter Repair/Replacement			(\$2,781)	(\$4,850)								
Tank Cleaning (Midco)			(\$2,775)	(\$3,465)								
Pump Replacement												
Chemicals & Monitoring			(\$1,747)	(\$1,000)							(\$20)	
Telemetry System			(\$1,206)	(\$500)								
Water Share Fee, Education, etc.			(\$758)	(\$100)								
Gas Heat			(\$692)	(\$350)								
Electricity			(\$5,093)	(\$5,500)								
Office Supplies, Postage, & Mailings				\$0								
Total Water Revenue Fund Expenses	\$0	\$0	(\$100,714)	(\$103,243)	\$0	\$0	\$0	\$0	\$0	\$0	(\$1,153)	\$0
Building Fund Expenses												
Bookkeeping & Accounting											\$0	
Refunds of Damage Deposits							\$0		(\$12,006)		(\$5,000)	
Refunds of Completion Deposits							\$0		(\$2,310)		(\$3,000)	
Total Building Fund Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$14,316)	(\$8,000)	\$0	\$0
Total Expenses (General, Water Revenue, Building)	\$0	\$0	(\$101,564)	(\$103,243)	\$0	\$0	\$0	\$0	(\$14,316)	(\$8,000)	(\$94,635)	(\$89,142)
Add: Beginning Balance	\$157,394		\$26,471		\$146,527		\$119,963		\$8,090		\$29,559.39	
Rounding Adjustment			(\$1)		\$0		\$1		\$1		0	
Ending Balance	\$158,514	\$157	\$30,613	\$1,501	\$171,750	\$25,180	\$128,584	\$21,881	\$19,854	\$4,000	\$71,143	\$29,491

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
1	General Fund (checking)			
2				
3	General Fund Revenue			
4	Private Entity (IMWC) Contribution	\$100,411		\$0
5	Assessment Revenue	\$201,453	\$220,467	\$0
5a	Annual Road Tax Assessment - Wasatch Cty			\$73,860
6	Prior Year Assessments	\$4,460	\$3,661	\$0
7	Late Fees - Assessments (all years)	\$225	\$375	\$225
7a	Water Overage charges collected through assessment		\$2,243	\$0
8	1% State Sales Tax (estimate)	\$9,649	\$17,475	\$17,000
9	IMWC Insurance Policies reimbursements	\$743		\$0
10	Interest Income	\$40	\$30	\$30
11	Revenue from BHR Settlement	\$0	\$0	\$10,000
12	New Owner Transfer Fees	\$100	\$600	\$400
13	B&C Road Tax (estimate)	\$11,720	\$16,471	\$18,000
14	Building App & Inspection Fees (Direct Deposit)		\$200	\$0
15	Reimbursement of Water Bond Expenses (DWB)	\$22,474	\$0	\$0
16	Total General Fund Revenue:	\$351,275	\$261,522	\$119,515
17				
18	Transfers into General Fund			
19	Transfer from Building Fund (Application Fees for admin costs)	\$500	\$1,988	\$2,200
20	Transfer from Water Revenue Fund (50% of admin. expenses)	\$11,226	\$796	\$30,550
21	Transfer from Transportation Reserve Fund for Capital expenses	\$15,054	\$12,702	\$101,000
22				
23	Transfers out of General Fund			
24	Transfers into Water Revenue Fund			
25	Annual Assessment portion for water system	(\$1,858)	(\$126,562)	\$0
25a	Transfer to Water Revenue to balance at year end	(\$10,000)		
26	Transfers into Transportation Reserve Fund			
27	Transfer to Transportation Reserve Capital Fund	(\$25,000)		
28	Transfer of B&C Road Tax to Transportation Reserve Fund		(\$14,227)	(\$18,000)
28a	Net Settlement - Attorney fees for BHR			\$0
29	Transfer to Transportation Reserve Fund for Captial Improvements			(\$25,000)
29a	Transfers into Water System Reserves Fund	(\$42,000)		\$0
30	Transfers into Building Fund	(\$100)		(\$6,000)
30a	Transfers into Bond Sinking Fund	(\$78,678)		\$0
31	Total Net General Fund Transfers:	(\$130,856)	(\$125,303)	\$84,750
32				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
33	General Fund - continued			
34				
35	General Fund Expenses			
36	Administrative Expenses			
37	Commission, Committee, Council Mtg Expenses	\$0		(\$1,000)
38	Town Clerk & Webmaster	(\$10,756)	(\$14,725)	(\$18,000)
39	Enforcement Administrative Expenses			
39a	Association Memberships			(\$461)
40	Web Hosting Expense (annual WIX, GoDaddy)	(\$149)	(\$210)	(\$149)
40a	Town Council Equipment & Supplies			(\$950)
41	Meeting Advertising	(\$1,412)		(\$500)
42	Bookkeeping and Accounting	(\$5,992)	(\$6,869)	(\$7,700)
43	Bank Charges	(\$25)	(\$10)	\$0
44	Town Attorney	(\$13,285)	(\$16,159)	(\$40,000)
44a	Attorney fees for BHR settlement			(\$10,000)
45	Wasatch County Enforcement			(\$5,000)
45a	Animal Control through Interlocal Agreement w/ Heber City			(\$2,000)
45b	Municipal Election Balloting & Noticing			(\$300)
46	Misc. Admin. Expenses		(\$20)	\$0
47	Insurance	(\$1,823)	(\$7,473)	(\$4,039)
48	Office Supplies (postage + supplies)	(\$2,324)	(\$1,401)	(\$1,000)
49	Building Inspector	\$0	(\$5,074)	
50	Construction Deposit Refunds (prior to Building Fund)	(\$5,408)		
51	Additional Consulting Fees (Codifiers, etc.)	(\$17,748)	(\$200)	(\$10,000)
51a	Water Master & Asst Payroll taxes		(\$1,133)	
52	Total Administrative Expenses:	(\$58,922)	(\$53,274)	(\$101,099)
53				
54	Annual Road Maintenance Expenses from General Fund			
55	Annual Road Repair & Maintenance	(\$4,700)	(\$7,810)	(\$7,500)
56	Additional Contract Services	\$0	(\$1,000)	(\$1,100)
56a	Road Signage			(\$1,100)
57	Contract Service (Snow Removal)	(\$25,750)	(\$30,000)	(\$37,200)
58	Supplies - Salt, Sand, etc	(\$2,823)	(\$2,550)	(\$3,400)
59	Annual Road Capital Expenses			
60	Capital Repairs, Maintenance & Improvements	\$0		(\$101,000)
61	Total Road Maintenance and Capital Expenses:	(\$33,273)	(\$41,360)	(\$151,300)
62				
63	Total Misc Expenses for Water System taken out of General Fund	(\$1,633)	\$0	\$0
64				
65	Total General Fund Expenses:	(\$93,828)	(\$94,634)	(\$252,399)
66				
67	Increase/Decrease in General Fund Balance	\$126,591	\$41,585	(\$48,134)
68				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
70	Transportation Reserve Fund (savings)			
71				
72	Transportation Reserve Fund Revenue			
73	Estimated Interest	\$17	\$115	\$115
74	Total Transportation Reserve Fund Revenue:	\$17	\$115	\$115
75				
76	Transfers into Transportation Reserve Fund			
77	Transfer from General Fund of B&C Road Tax to Trans. Reserve Capital F	\$0	\$14,227	\$18,000
77a	Trfr from General Fund - Net Settlement minus Attorney fees for BHR			\$0
78	Transfer from General Fund to Transportation Reserve Capital Fund	\$25,000		\$25,000
79	Transfer from General Fund to Transportation Reserve Contingency Fund	\$0		\$0
80	Transfer from Building Fund of Road Impact Fee	\$5,000	\$6,250	\$9,100
80a	Transfer from Water Revenue Fund (correction)		\$690	
81				
82	Transfers out of Transportation Reserve Fund			
83	Transfer to General Fund for Transportation Capital Expenses	(\$15,054)	(\$12,702)	(\$101,000)
84	Total Net Transportation Reserve Fund Transfers:	\$14,946	\$8,465	(\$48,900)
85				
86	Incr/Decr in Transportation Reserve Fund Balance	\$14,963	\$8,580	(\$48,785)
87				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
88	Water Revenue Fund (checking)			
89				
90	Water Revenue Fund Revenue			
91	Private Entity Contribution (IMWC)	\$213,417		
92	Annual Water Utility Base Usage Fee	\$3,715		\$146,940
93	Interest Income	\$3	\$7	\$7
94	IMWC Insurance Policy Reimbursements	\$5,359		
95	Charge for Services: Metered Water (overages)	\$0	\$5,281	\$7,500
95a	Water Connect Fee (Direct Deposit)		\$200	
96	Total Water Revenue Fund Revenue:	\$222,494	\$5,488	\$154,447
97				
98	Transfers into Water Revenue Fund			
99	Transfer from General Fund for Annual Assessment portion for water	\$1,858	\$126,537	\$0
100	Transfer from Building Fund (Water Connect Fees)	\$400	\$1,115	\$600
101	Transfer from Bond Sinking Fund for current year Water Bond paym	\$0	\$77,732	\$77,732
102	Transfer from Water Reserve Fund	\$0		
102a	Transfer from General Fund to include above transfers	\$10,000		
103				
104	Transfers out of Water Revenue Fund			
105	Transfer to Water System Reserve Capital Fund	(\$101,126)	(\$25,000)	(\$7,770)
106	Transfer to General Fund	(\$11,226)		
107	Transfer to Bond Sinking Fund	(\$78,678)	(\$78,678)	(\$77,732)
108	Transfer to Water System Capital Facilities Replacement Reserve Acct			
109	Transfer to General Fund for 50% of Administrative expenses		(\$796)	(\$30,550)
109a	Transfer to Transportation Reserve Fund		(\$690)	
110	Total Net Water Revenue Fund Transfers:	(\$178,772)	\$100,220	(\$37,720)
111				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
111a	Water Revenue Fund - continued			
111b				
112	Water Revenue Fund Expenses			
113	Bond Payment			
114	Water Bond Payment, due annually in January	\$0	(\$77,732)	(\$77,732)
115	Operating Expenses			
116	Payroll - Water Master & Asst Water Master	(\$1,215)	(\$7,930)	(\$8,800)
117	Meter Repair/Replacement	\$0	(\$2,781)	(\$4,700)
118	Chemicals & Monitoring	(\$493)	(\$1,747)	(\$2,300)
119	Telemetry System Operating Costs	\$0	(\$1,206)	(\$1,127)
120	Water Share Fee, Education, etc.	(\$16)	(\$758)	(\$800)
121	Gas Heat	(\$21)	(\$692)	(\$350)
122	Electricity	(\$442)	(\$5,093)	(\$6,000)
123	Payroll Taxes - Water Master & Asst Water Master			(\$1,600)
123a	Workman's Comp Insurance for Water Master & Asst.			(\$492)
123b	Misc. Water Expenses		(\$850)	
124	Repair and Maintenance			
125	Tank Cleaning (Midco)	\$0	(\$2,775)	
126	Pump Replacements, Telemetry System Upgrades	(\$14,761)		(\$8,400)
126a	General Maintenance & Repair			(\$5,000)
127	Total Water Revenue Expenses:	(\$16,948)	(\$101,564)	(\$117,301)
128				
129	Increase/Decrease in Water Revenue Fund Balance	\$26,774	\$4,144	(\$574)

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
130				
131	Water Bond Sinking Fund (money market)			
132				
133	Water Bond Sinking Fund Revenue			
134	Estimated Interest	\$38	\$173	\$173
135	Total Water Bond Sinking Fund Revenue:	\$38	\$173	\$173
136				
137	Transfers into Water Bond Sinking Fund			
138	Transfer from Water Revenue Fund	\$78,678	\$78,678	\$77,732
138a	Transfer from General Fund	\$78,678		
139				
140	Transfers out of Water Bond Sinking Fund			
141	Transfer to Water Revenue Fund to pay current year bond	\$0	(\$77,732)	(\$77,732)
142	Total Net Water Bond Sinking Fund Transfers:	\$157,356	\$946	\$0
143				
144	Increase/Decrease in Water Revenue Bond Sinking Fund Balance	\$157,394	\$1,119	\$173
145				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
146	Water Reserve Fund (savings)			
147				
148	Water Reserve Fund Revenue			
149	Interest Income	\$66	\$223	\$223
150	Annual Assessments	\$3,336		
151	Total Water Reserve Fund Revenue:	\$3,402	\$223	\$223
152				
153	Transfers into Water Reserve Fund			
154	Trfr from Water Revenue Fund to Capital Facilities Replacement Reserves	\$101,126	\$25,000	\$7,770
155	Transfer (Annual) from Water System Revenue Fund (56% of \$30,000)			
156	Transfer from Water Revenue Fund			
157	Transfer from Water Revenue Fund (Surplus Funds)			
158	Transfer (Annual) from Water Revenue Fund (56% of \$15,000)			
158a	Transfer from General Fund to include above transfers	\$42,000		
159				
160	Transfers out of Water Reserve Fund			
161	Water System Reserve Fund to Water Revenue Fund	\$0		\$0
162	Total Net Water Reserve Fund Transfers:	\$143,126	\$25,000	\$7,770
163				
164	Increase/Decrease in Water Reserve Fund Balance	\$146,528	\$25,223	\$7,993
165				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

		7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
166	Building Fund (checking)			
167				
168	Building Fund Revenue			
168a	Interest Income	\$0	\$7	\$7
169	Building Application Fees (\$350 to \$500 per project)	\$500	\$1,500	\$2,200
170	Water Connect Fees (\$200 per project)	\$400	\$400	\$600
171	Road Impact Fees (\$2,500 per project)	\$5,000	\$13,500	\$9,100
172	Damage Deposits (\$2,500 per project, refundable)	\$5,000	\$12,500	\$12,500
173	Completion Deposits (\$1,500 per project, refundable)	\$3,000	\$7,500	\$4,500
173a	Plan Review & Inspections (Town Engineer)			\$13,600
173b	Variance Application Fees			\$500
174	Total Building Fund Revenue:	\$13,900	\$35,407	\$43,007
175				
176	Transfers into Building Fund			
177	Transfer from General Fund	\$100		\$6,000
178				
179	Transfers out of Building Fund			
180	Transfer to General Fund (App Fees \$350 to \$500/project)	(\$500)	(\$1,988)	(\$2,200)
181	Transfer to Water Revenue Fund (Water Connect Fees \$200/project)	(\$400)	(\$1,090)	(\$600)
182	Transfer to Transportation Reserve Fund (Road Impact Fees \$2500)	(\$5,000)	(\$6,250)	(\$9,100)
183	Total Net Building Fund Transfers:	(\$5,800)	(\$9,328)	(\$5,900)
184				
185	Building Fund Expenses			
186	Bookkeeping & Accounting	(\$10)		
187	Refunds of Damage Deposits	\$0	(\$12,006)	(\$7,500)
188	Refunds of Completion Deposits	\$0	(\$2,310)	(\$4,500)
188a	Plan Review & Inspections (Town Engineer)			(\$13,600)
188b	Additional Contractual Services (Town Engineer)			(\$10,000)
189	Total Building Fund Expenses:	(\$10)	(\$14,316)	(\$35,600)
190				
191	Increase/Decrease in Building Fund Balance	\$8,090	\$11,763	\$1,507
192				
193				

InterlakenTown Budget
Fiscal Year Ending 6/30/18

					7/1/15-6/30/16 FY2016 Actual	7/1/16-6/30/17 FY2017 Actual	7/1/17-6/30/18 FY2018 Budget (Approved)
194							
195	Fiscal Year Net Increase/Decrease for all Funds						
196							
197					7/1/15-6/30/16 FY2016	7/1/16-6/30/17 FY2017	7/1/17-6/30/18 FY2018 (8/7/17)
198				Fund Name	Actual	Actual	Approved
199				General Fund (checking)	\$126,591	\$41,585	(\$48,134)
200				Transportation Reserve Fund (savings)	\$14,963	\$8,580	(\$48,785)
201				Water Revenue Fund (checking)	\$26,774	\$4,144	(\$574)
202				Water Bond Sinking Fund (money market)	\$157,394	\$1,119	\$173
203				Water Reserve Fund (savings)	\$146,528	\$25,223	\$7,993
204				Building Fund (checking)	\$8,090	\$11,763	\$1,507
205				Total Fiscal Year Increase/Decrease	\$480,340	\$92,414	(\$87,820)
206							
207	Fiscal Year Revenue, Transfers, Expenses, Net Increase/Decrease						
208							
209					YTD FY2016	FY2017	FY2018 Budget
210					06/30/16	6/30/17	06/30/18
211				Budget Category	Actual	Actual	Budgeted
212				Revenues	\$591,126	\$302,928	\$317,480
213				Net Transfers between funds	\$0	\$0	\$0
214				Expenses	(\$110,786)	(\$210,514)	(\$405,300)
215				Ending Increase/Decrease	\$480,340	\$92,414	(\$87,820)
216							
217	Projected FY2018 Year-End Balances						
218					FY 2018 Starting Balance	FY 2018	FY 2018
219					1-Jul-17	Net Incr/Decr	Ending Balance 30-Jun-18
220				Fund Name	Actual	Budgeted	Estimated
221				General Fund (checking) *2681	\$ 71,144	(\$48,134)	\$ 23,009
222				Transportation Reserve Fund (savings) *4574	\$ 128,583	(\$48,785)	\$ 79,798
223				Water Revenue Fund (checking) *1520	\$ 30,613	(\$574)	\$ 30,039
224				Water Bond Sinking Fund (money market) *1058	\$ 158,514	\$173	\$ 158,687
225				Water Reserve Fund (savings)	\$ 171,750	\$7,993	\$ 179,743
226				Building Fund (checking) *1678	\$ 19,854	\$1,507	\$ 21,361
227				Total of Ending Balances	\$ 580,458	(\$87,820)	\$ 492,638

Interlaken Town Budget Fiscal Year Ending 6/30/18 Notes and Explanation

June 1, 2017

To Interlaken Town:

From Interlaken Town Clerk, Bart Smith

The FY2018 Interlaken Town Budget is available for your review. There will be a public hearing with the Town Council to hear your comments and any concerns regarding the budget on June 17, 2017 at 4pm at the Town Pump House, 236 Luzern Rd.

Overview of Funds/Accounts

The Town currently uses six Zion bank accounts to receive revenue, pay bills, and save money (reserves) for future expenses. Since the main components of our Town’s expenses are the water system and the roads, our accounts are organized around those two services.

Each bank account has it’s own budget: revenue, expenses, transfers, and a resulting increase or decrease in the fund balance. As you read the budget, you’ll notice that there are many transfers between these funds. This is how we move our revenue around to fill up reserve funds and to pay our bills. The sum total of all our transfers, at any given time, will be zero, summed over all the accounts. You’ll see this on the last page of the budget (Net Transfers between funds).

Here’s a brief description of all our bank accounts or funds:

Zion Bank Account	Type	Description
General Fund	Checking	Main operating account
Transportation Reserve	Savings	Reserves for road repair & improvements
Water Revenue Fund	Checking	Operating acct for water system
Water Bond Sinking Fund	Money Market	Reserve acct for water bond pmts
Water Reserve	Savings	Reserves for water system repair & improvements
Building Fund	Checking	For building project transactions

The Fiscal Year budget for each of these funds appears on a new page in the budget document. At the end of the document, there is a summary across all the funds to demonstrate overall growth, surpluses, and withdrawals.

General Comments – What’s Changed for FY2018

- **FY2018 Assessments** – the FY2018 Interlaken assessment will be different than in previous years. As IMWC, Interlaken could collect annual road fees from residents. As a town, state law requires that we collect any revenue allocated to our road system through a Wasatch County tax assessment. In November of this year, a separate line item will appear on your Wasatch County tax bill for an Interlaken Road Tax. Like the other items on your Wasatch bill, the Interlaken tax will be assessed according to the taxable value of your property. Interlaken Town determines the rate applied to the taxable property value according to the amount of revenue to be collected for roads. Note that primary residences are taxed on only 55% of the market value, as with other County taxes. Interlaken will continue to collect a Water Utility base fee directly from lot owners. In past years, this fee has been set as \$63 per month (\$756 annually) for all lot owners. This year, the council has decided to implement a 2-rate system: \$69 per month (\$828 annually) for properties that have a water connection in place, or are permitted for a future connection. Empty lots without a water connection, and no active permit, will be charged \$58 per month (\$696 annually). The council divided the annual Water System costs into expenditures for operation of the water system and expenditures for capital improvements and payments on the bond. Empty lot owners will contribute to just the capital improvements and bond payments, considered as investments in the system. Users of the water system will pay for these investments as well as the operational costs. This rate adjustment rebalances actual costs for water into actual users and non-users who stand to benefit from investments in the system. See the attached sheet that breaks down FY2018 water system expenses.

Some lot owners will see an increase in their overall Interlaken annual assessment bill, which was formerly \$1200 for all lots. Others will see a decrease.

- **Road Capital Improvements** - FY2018 will see an \$101K expense for improving our roads: crack sealing, top coating, asphalt and shoulder repair, and re-graveling the pump house drive. This work will take place the last week in June, 2017.
- **Building Applications** – These will be processed differently in FY2018 than the past. All permit fees, plan review fees, inspection fees, deposits, and impact fees will be collected by the town, and deposited into the Building Fund. This fund will be used to hold deposits as well as pay the Town Engineer for services related to building permits and other contracted services for the town.
- **Water System Upgrade** - FY2018 will see the beginning of a 5-year plan for upgrading our water system. See the attached schedule for this project. The

Interlaken Town Budget Fiscal Year Ending 6/30/18 Notes and Explanation

town will be upgrading the telemetry system with a cellular system. This system is more reliable and provides more control and better data collection than the current outdated system. In addition, the town will begin replacing our water meters with ipearl meters that can be read by a handheld device. This will speed up meter readings and provide more accurate data.

- **Town Enforcement** - Heber Valley Animal Control and the Wasatch County Sheriff's Dept. will take over animal control and enforcement of our town ordinances. These services are required under new state law, and will tie Interlaken to an Inter-local agreement with other communities. The fees for these services in the current budget are estimates only. Final costs may not be available until July 2017.
- **Burgi Hill Ranches** – settlement for past road maintenance charges for lower Interlaken Drive. The town is currently pursuing BHR for past due funds owed to Interlaken as parties to the "Freedom Agreement." It's expected that we will settle sometime in FY2018. The settlement amount proposed by Interlaken is \$32,750. At this time there is no way to predict what the final settlement will be, nor what any associated legal fees may be. The FY2018 budget deals with this uncertainty by including a "null" balance between legal fees and settlement revenue.
- **Legal fees** – as a new town, we find it necessary to seek legal help to protect our interests and liability, interpret state law, and create and enforce our ordinances. We underestimated these fees in FY2017 and have increased our FY2018 budget accordingly.
- **Town Engineering fees** – as with our legal counsel, the town-engineering firm of Epic Engineering has played a larger role in the town's management of land use code and permitted building applications. FY2018 sees a larger expense for these services,
- **Town Council Expenses** – a line item expense has been added this year to purchase equipment to be used by the Town Council and Planning Commission. A display projector with screen will allow for a better review of meeting materials and save needless paper handouts during meetings.
- **Road Signage** – In FY2018, funds will be set aside to add speed limit and no-parking signs in key locations throughout town.
- **Reserve Contributions** – The FY2018 budget continues to set aside money for future capital improvements and emergency repairs for both our roads and the water system.
- **Election Expenses** – In November, the mayor and 3 town council seats are up for election. These new expenses have been added to the budget.

Details

Interlaken Town Budget Fiscal Year Ending 6/30/18 Notes and Explanation

The budget document compares three budgets:

- FY2016 **Actual** Budget (7/1/15 – 6/30/16)
- FY2017 **Approved** Budget (7/1/16 – 6/30/17)
- FY2018 **Tentative** Budget (7/1/17 – 6/30/18)

The FY2017 **Actual** Budget cannot be finalized until mid-July when all accounts have been reconciled.

Here are some highlights (literally, they are **highlighted**) in next Fiscal year's budget, FY2018:

Line 5 & 5a: Annual Road Tax Assessment – Wasatch County: **\$73,860**. As mentioned above, the road “assessment” of past years will be replaced by a Wasatch County tax, based on the taxable value of the property.

Line 40a: Town Council Equipment & Supplies: **(\$950)**. A digital projector and screen will be purchased for use at town meetings and hearings.

Line 44: Town Attorney Fees: **(\$20,000)**. This fee was increased significantly because of necessary legal counsel. It is expected that this will decrease in future years, once we lay the foundation in code and in practice.

Line 45: Wasatch County Enforcement: **(\$5,000)**. Wasatch County Sheriff, estimate only for enforcement of Interlaken Ordinances as well as all traffic and criminal violations.

Line 45a: Animal Control Enforcement: **(\$2,000)**. Heber Valley Animal Control, for enforcement of Interlaken Animal Control Ordinances.

Lines 45b: Municipal Election balloting & noticing: **(\$300)**. This is an estimate of the costs associated with running the November election for the mayor and 3 council seats.

Line 56a: Road Signage: **(\$750)**. To add approximately a total of 10 “no parking” and “speed limit” signs.

Line 60: Capital Improvements - Roads: **(\$101,000)**. For crack sealing, top coating, asphalt and shoulder repair, and repair of pump house driveway.

Line 92: Annual Water Utility Base Usage Fee: **\$146,940**. These fees, collected directly by the town, will be deposited into the Water Revenue fund. The total revenue received from the Wasatch County road tax and the water fees will be the total of this line 92 and Line 5a: $\$73,860 + \$146,940 = \$220,800$. This is identical to the assessment collected in previous years: $\$1200 \times 184 \text{ lots} = \$220,800$.

Line 117: Meter Repair/Replacement: **(\$4,700)**. Costs of replacing 20 water meters with modern ipearl units. This expense will continue for 5 years until all meters have been updated.

Interlaken Town Budget Fiscal Year Ending 6/30/18 Notes and Explanation

Line 119: Telemetry System Operating Costs: (\$1,127). One year service contract for Mission Remote Control System.

Line 126: Telemetry System Upgrade: (\$6,187). Replacement of system with modern cellular based Mission Control System equipment.

Line 188a: Town Engineer – Plan Review & Inspections: \$13,600. These are fees that “pass through” our budget. We bill the permit applicant and then pay our Town Engineer.

Line 188b: Town Engineer – Additional Contract Services: \$10,000. These are fees paid to the Town Engineer for projects contracted by the town. In FY2018 these projects will include creation of a general plan and zoning map, consultation on water rights, and regular consultations with the Planning Commission regarding land use issues..

That’s it for line-by-line descriptions of the budget.

Your Feedback

Please attend the FY2018 Budget Hearing on June 17th, 4:00pm. The location will be 236 Luzern Road, the Town Pump house. If you cannot attend this meeting, you may forward your comments regarding the budget to the Town Clerk at interlakenclerk@gmail.com and they will be presented at the meeting.

Thanks,
Bart Smith, Interlaken Town Clerk

FY 2018 Proposed Water Rate Re-structuring for Interlaken Town					Last Edited	5/24/17 15:21
As of May 24, 2017:						
#Lots with water connections	138					
#Empty lots	41					
#Lots with building permits not yet connected	5	Counted as Lots with water connections				
Total Lots	184					
Proposed Water Billing for FY2018:						
	Who Pays	Number of Shares	Aggregate Amount	Amount per share	Destination	
Payment on Water Bond	All Lots	184	\$ 78,678	\$ 428	Bond Sinking Fund	
Capital improvement reserves (5-yr plan)	All Lots	184	\$ 7,770	\$ 42	Water Reserve Fund	
Telemetry Upgrade other Repairs & Maintenance	All Lots	184	\$ 11,187	\$ 61	Water Revenue Fund	
Administrative expenses (from General Fund)	All Lots	184	\$ 30,550	\$ 166	General Fund	
Operating expenses (from Water Revenue Fund)	Lots w/ Dwellings or Permits	143	\$ 26,169	\$ 183	Water Revenue Fund	
Water Overage Charges - offset	Lots w/ Dwellings or Permits	143	\$ (7,500)	\$ (52)	Water Revenue Fund	
		Total	\$ 146,854	\$ 827		
Total Revenue Collected:						
	Number of Shares	Amount per Lot	Total	Calculated Monthly Fee	Rounded Monthly Fee	
Lots w/ Dwellings & Permits	143	\$ 827	\$ 118,291	\$ 68.93	\$69	
Empty Lots	41	\$ 697	\$ 28,563	\$ 58.05	\$58	
			\$ 146,854			
Proposed FY2018 Total Revenue - Water Utility Basic Usage Fees						
	Number of Shares	Monthly	Annual	Total		
	143	\$69	\$828	\$118,404		
	41	\$58	\$696	\$28,536		
			TOTAL	\$146,940		

<i>Interlaken Water System - 5 Year Upgrade Plan</i>		
Budget Year	Allocation of General Fund Revenue for Water System Improvements	Expense
Year 1: FY2018	Mission Telemetry Cellular System Upgrade, quote# 3960, includes 1 yr service pkg.	\$ 6,187
	Mission Telemetry 1 yr service pkg.	\$ 1,127
7/1/17 - 6/30/18	Replacement of 20 water meters, upgrade to ipearl remotely readable meters.	\$ 4,700
	To be put in reserve, 1/2 cost of ipearl reader plus new meter covers (25 @ \$15 each).	\$ 7,770
	TOTAL FY2018	\$ 19,784
Year 2: FY2019	Mission Telemetry 1 yr service pkg.	\$ 1,127
7/1/18 - 6/30/19	Replacement of 20 water meters, upgrade to ipearl remotely readable meters.	\$ 4,700
	To be put in reserve, 1/2 cost of ipearl reader plus new meter covers (25 @ \$15 each).	\$ 7,770
	TOTAL FY2019	\$ 13,597
Year 3: FY2020	Mission Telemetry 1 yr service pkg.	\$ 1,127
7/1/19 - 6/30/20	Replacement of 20 water meters, upgrade to ipearl remotely readable meters.	\$ 4,700
	To be put in reserve as a contingency reserve for water main breaks, pump failures, etc	\$ 5,000
	TOTAL FY2020	\$ 10,827
Year 4: FY2021	Mission Telemetry 1 yr service pkg.	\$ 1,127
7/1/20 - 6/30/21	Replacement of 20 water meters, upgrade to ipearl remotely readable meters.	\$ 4,700
	To be put in reserve as a contingency reserve for water main breaks, pump failures, etc	\$ 5,000
	TOTAL FY2021	\$ 10,827
Year 5: FY2022	Mission Telemetry 1 yr service pkg.	\$ 1,127
7/1/21 - 6/30/22	Replacement of 20 water meters, upgrade to ipearl remotely readable meters.	\$ 4,700
	To be put in reserve as a contingency reserve for water main breaks, pump failures, etc	\$ 5,000
	TOTAL FY2022	\$ 10,827
	TOTAL 5 Year Expense	\$ 65,862
Subsequent Years	Mission Telemetry 1 yr service pkg.	\$ 1,127
	To be put in reserve as a contingency reserve for water main breaks, pump failures, etc	\$ 5,000
	TOTAL	\$ 6,127
Additional Notes:		
	At start of FY 2018 (July 1, 2017) 35 meters will be ipearl models with auto-read capability	
	Hand held meter readings could commence July 2018, starting with 75 meters, & adding 20 meters each year forward	
	Current meter reading take 7-8 hrs with 3 teams. Hand held wand would reduce it to 2-3 hours, with more accurate readings	
	Upgrade is available to radio system for drive-by readings	
	Estimated balance of Water Reserve Fund at FY2018 start (July 1, 2017) is \$171,692	
	Last Water Bond payment of \$77K will be made on January 10, 2024	
	Wasatch State Park easement agreement ends June 3, 2023. Prior agreement was 20 years for \$20,000	

FY2018 Approved Interlaken Budget (Rev 09) Notes

The following is a list of changes approved at the 6/17/17 Town Council meeting to the tentative budget (Rev08) passed previously, which was sent to the town for review prior to the 6/17/17 budget hearing:

Line 44: Town Attorney – Expense increased from (\$20,000) to (\$40,000) to cover additional “start-up” legal expenses for the town.

Line 55: Annual Road Repair & Maintenance – Expense was increased from (\$1,500) to (\$3,500) to include weed spraying and trimming for the road shoulders.

Line 56a: Road Signage – Increased the road signage expense from (\$750) to (\$1,100) to include road closure signs to be used during the TopJob road resurfacing.

Lines 108, 154: Water System Capital Facilities Replacement Reserve Acct – The label for the water reserve account transfer was changed to match the language DWB uses in our agreement.

FY2018 Truth in Taxation Hearing Budget (Rev 10) Notes

The following is a list of changes made prior to the August 7, 2017 Truth in Taxation Hearing. This list consists only of changes made from Rev09, the version that was approved at the 6/17/17 Town Council meeting, following the Budget Hearing:

Column Titled “7/1/16-6/30/17 FY2017 Actual.” This column now includes the actual FY2017 numbers from the end of Fiscal Year Reconciliation Report.

Line 14: Building App & Inspection Fees (Direct Deposit): This line was revised from “Enforcement Fines” and includes Administrative fees and Inspection fees that were deposited directly into the General Fund (instead of the Building Fund). The \$200 in this line is from the FY2017 Sprague/Century Link project, which includes a \$50 admin fee and a \$150 Inspection fee to be paid to Epic Engineering.

Line 25b: Water Overage charges collected through assessment: This line was eliminated because in FY2017 these charges were already part of the transfer described in line 25. The actual overage collected as part of the FY2017 assessment was \$2243.

Line 46: Misc. Admin Expenses: This line was revised from “Enforcement Supplies” and includes a (\$20) expense for Chemicals and Monitoring that was incorrectly paid out of the General Fund.

Line 51: Additional Consulting Fees (Codifiers, etc.): This expense was added to hire contract help to complete the town ordinances (\$10,000).

Line 55: Annual Road Repair & Maintenance: This expense was increased from (\$3500) to (\$4500) to include weed clearing (\$3000) & TopJob cold patching (\$1500).

Line 56: Additional Contract Services: This expense increased from (\$0) to (\$1100) to include Chipping (\$1000) and Blue Stakes (\$100).

Line 57: Contract Service (Snow Removal): This expense was increased from (\$32,000) to (\$37,200) to reflect SuperDave’s expected contract price.

Line 58: Supplies - Salt, Sand: This expense was increased from (\$2800) to (\$3400) to match FY2017 actual expense.

Line 95a: Water Connect Fee (Direct Deposit): This line was added to include revenue collected for water connection fees that were not deposited into the Building Fund as part of a building permit application. For FY2017, this includes the Duer fee of \$200.

Line 99a: Transfer from General Fund for water overages collected through assessments: This line was deleted in order to match the change in Line 25b.

Lines: 101, 107, 114, 138, 141: These lines all reference the annual Water Bond Payment. This payment was previously (\$78,678) but in FY2017 it has been reduced to (\$77,732).

Line 123b: Misc. Water Expenses: This line was added to include expenses incorrectly paid out of the Water Revenue Fund. In FY2017, this includes a (\$850) expense for Sand & Salt that is normally paid out of the General Fund.

This completes the description of changes for Rev10 of the FY2018 budget.

FY2018 Adopted Budget (Rev 11) Notes

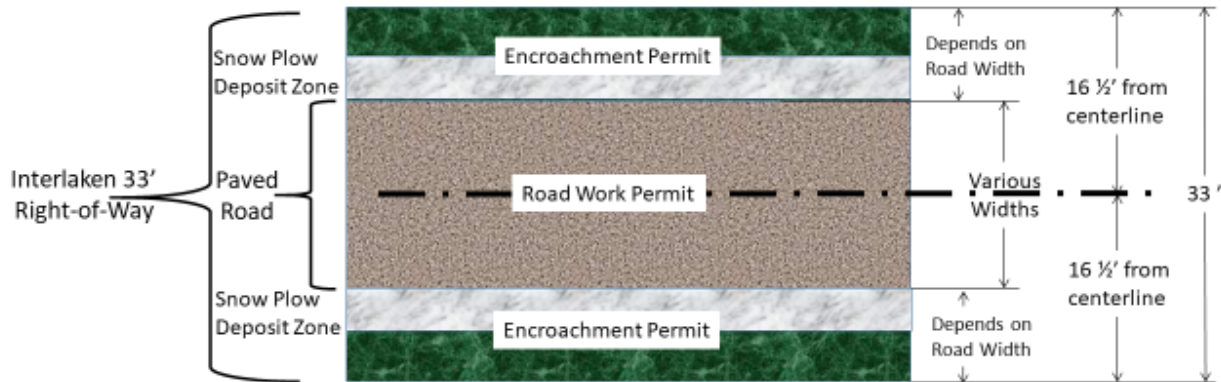
The following is a list of changes made at the 8/7/17 Public Hearing, and adopted at the Town Council meeting immediately following:

Line 55: Annual Road Repair & Maintenance: This expense line was increased from (\$4500) to (\$7500) and approved by the council. The additional (\$3000) is the estimated cost to clear weeds from the roadway shoulders in the spring of 2018. Included in the original (\$4500) was the Amigo properties bill for (\$3000) for clearing in June 2017. The town was not billed in time to pay for this expense in FY2017, and so it will be carried over to FY2018.

Line 126: Pump Replacements, Telemetry System Upgrades: This expense line was increased from (\$6,187) to (\$8400). The additional expense includes the bill for the initial repair work (\$1206.36) and the well sounding upgrade, approximately (\$1000).

ENCROACHMENT PERMIT PROPOSAL

Including descriptions of right-of-way, road, snow plow deposit zone



Purpose:

In Titles 6, 9, 11 and maybe others, we have a range of language applying to roads, streets and right-of-way. After discussions with our Town lawyer regarding recent work done in the right-of-way but not on the road, the PC believes it would be beneficial to create what is called an encroachment permit. While it is called “permit”, it is actually a signed statement by a property owner stating they understand no work can be done in the paved road and any work done in the remainder of the right-of-way is subject to potential removal. In all cases, a certain zone beside the paved road must be kept clear for the deposit of plowed snow.

This clarification might be needed for all of the above Titles as well as others.

We can seek further legal clarification, however Tim Bywater has stated (my paraphrasing) the Town right-of-way liability is limited to maintaining safe operating condition for the paved road to prevent damage/injury while driving on it. Since we have a 20 mph speed limit, the risk of damage/injury off the road (although in the right-of-way) is mainly the responsibility of the driver, who should be obeying the speed limit. A simple example is a typical city street with sidewalks and trees between the sidewalk and road. The city is not responsible for damage caused by resident’s trees along the road but the city retains the legal right to dig them up if necessary.

Definitions: These came from two sources but are not complete and may need clarification. It’s really important to include clear definitions (and even a picture similar to the one above) so we avoid misunderstandings.

Access **Law.com** in real estate the right and ability to get to the property.

Dictionary Online a means of approaching or entering a place.

Easement **Law.com** the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes. Typical easements are for access to another property (often redundantly stated "access and egress," since

entry and exit are over the same path), for utility or sewer lines both under and above ground, use of spring water, entry to make repairs on a fence or slide area, drive cattle across and other uses. Easements can be created by a deed to be recorded just like any real property interest, by continuous and open use by the non-owner against the rights of the property owner for a statutory number of years, typically five ("prescriptive easement"), or to do equity (fairness), including giving access to a "land-locked" piece of property (sometimes called an "easement of necessity"). Easements may be specifically described by boundaries ("24 feet wide along the northern line for a distance of 180 feet"), somewhat indefinite ("along the trail to the northern boundary") or just for a purpose ("to provide access to the Jones property" or "access to the spring") sometimes called a "floating easement." There is also a "negative easement" such as a prohibition against building a structure which blocks a view. Title reports and title abstracts will usually describe all existing easements upon a parcel of real property. Issues of maintenance, joint use, locking gates, damage to easement and other conflicts clog the judicial system, mostly due to misunderstandings at the time of creation.

Dictionary Online a right to cross or otherwise use someone else's land for a specified purpose.

Egress Law.com way of departure. A word usually used in conjunction with "access" or "ingress."

Dictionary Online the action of going out of or leaving a place. A way out.

Encroach Law.com to build a structure which is in whole or in part across the property line of another's real property. This may occur due to incorrect surveys, guesses or miscalculations by builders and/or owners when erecting a building. The solutions vary from giving the encroaching party an easement or lease (for a price, usually) for the lifetime of the building, or if the structure is small, actually moving it onto the owner's own property.

Dictionary Online intrude on (a person's territory or a thing considered to be a right).

Encroachment Law.com the act of building a structure which is in whole or in part on a neighbor's property.

Dictionary Online intrusion on a person's territory, rights, etc.

Ingress Law.com 1) entrance. 2) the right to enter. 3) the act of entering. Often used in the combination "ingress and egress," which means entering and leaving, to describe one's rights to come and go under an easement over another's property.

Dictionary Online the action or fact of going in or entering. the capacity or right of entrance. a place or means of access; an entrance.

Right-of-Way Law.com n. 1) a pathway or road with a specific description (e.g. "right to access and egress 20 feet wide along the northern line of Lot 7 of the Cobb subdivision in page 75 of maps"). 2) the right to cross property to go to and from another parcel. The right of way may be a specific grant of land or an "easement," which is a right to pass across another's land. The mere right to cross without a specific description is a "floating" easement. Some rights of way are for limited use such as repair of electric lines or for deliveries to the back door of a store. Railroads own title to a right of way upon which to build permanent tracks.

Dictionary Online the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

Road Dictionary Online a wide way leading from one place to another, especially one with a specially prepared surface that vehicles can use. **The part of a road intended for vehicles, especially in contrast to a shoulder or sidewalk.**

Shoulder Dictionary Online a paved strip **alongside a road** for stopping on in an emergency

Snow Plow Deposit Zone Bill.nowhere Without taking actual measurements, 4 feet from the edge of existing pavement seems to be the current offset for power poles and fire hydrants. No vehicles may be parked in this zone from 11/01 to 04/01. No permanent objects may be placed in this zone. NOTE: IF THE PAVEMENT IS WIDENED, THE SNOW PLOW DEPOSIT ZONE MOVES OUT FROM CENTER OF ROADWAY AND MAY REQUIRE REMOVAL OF OBJECTS PREVIOUSLY ACCEPTABLE IN THE RIGHT-OF-WAY.

Town Ordinances - TITLE 06 TOWN STREETS [there are no definitions in this ordinance]

Section 6.02.010 Parking at Shoulder

No motor vehicle shall be parked with the left side **[driver's side?]** of the vehicle next to the shoulder **[what is a shoulder? Should this say pave road?]**. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the shoulder or curb and with the two right wheels of the vehicle within twelve inches of the regularly established shoulder or curb line **[what is this? is it the edge of the pavement?]**. **WHAT DOES THIS MEAN? CAN ANYONE DRAW A PICTURE?**

Section 6.02.040 Prohibited Parking [during non snow plowing season]

From April 2nd until October 31st of each year, it shall be unlawful for any person, except physicians or emergency calls or emergency vehicles, to park or leave standing on **any public right-of-way, road, street, municipal property** any motor vehicle, motor home, boat or trailer for 24 or more consecutive hours,

Section 6.02.050 Parking or Blocking Streets

In addition to the parking provision contained in the Utah Traffic Code, as adopted by Town of Interlaken, it shall be unlawful for any person to:

- A. Remain standing, lying or sitting on **any street or highway** in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon. **CHAPTER 6.04 RIGHT-OF-WAY REGULATIONS**

Section 6.04.010 Responsibility for Improvements in Public Right-of-way

Notwithstanding any other provisions contained in this Chapter, the Town is not responsible or liable for damage or destruction caused by the Town or any other person or entity to sprinklers, lights, plants, trees, shrubs, landscaping or other improvements of any kind located **within the public right-of-way,**

regardless of whether or not such improvements comply with this Chapter. [could find no language to which improvements need to comply]

Section 6.05.030 Improvements in Public Right-of-way During Town Snow Removal

No improvements or landscaping shall be placed or allowed to remain in a Town right-of-way in such a manner that may affect or interfere with Town snow removal. Notwithstanding any other provisions contained in this ordinance, the Town is not responsible or liable for damage or destruction caused by the Town or any other person or entity to sprinklers, lights, plants, trees, shrubs, landscaping or other improvements of any kind located within the public right-of-way, regardless of whether or not such improvements comply with this ordinance. [could find no language to which improvements need to comply]

Section 6.05.040 Parking During Winter Months

Beginning November 1st of each year and terminating April 1st of each year, it shall be unlawful to park any vehicle, except physicians or emergency calls or designated emergency vehicles, on any Town street in a public right-of-way in all residential or municipal zones. All vehicles not moved during this period will be subject to being towed at the owner’s expense. [NOTE: Especially because 6.02.040 includes “any public right-of-way, road, street, municipal property”, this section clearly calls out street in a public ROW - this means only the street!]

PROPOSED ENCROACHMENT PERMIT FOR IMPROVEMENTS IN TOWN RIGHT-OF-WAY

Looking at Park City, South Jordan, Rohnert Park, CA, and Menlo Park, CA, it appears encroachment permits are all over the map, some really focused on road cuts. This is the current Park City agreement with some suggested modifications or additions. This would need review by our Town Lawyer.

THIS AGREEMENT is made by and among **INTERLAKEN TOWN** (“Town”) and _____ (“Owners”). This agreement sets forth the terms and conditions under which the Town will permit the Owners to build, maintain, and use certain improvements within the Town property and right-of-way.

1. The Town property and right-of-way affected by this agreement is depicted as **Summit Survey XXXXXXXXXXXXXXXX**, on file at Town Clerk and incorporated by reference herein This agreement completely supersedes and replaces that certain Encroachment Permit recorded on _____, as Entry No. _____, in Book _____, Page ___ in the office of the County Recorder of Wasatch County, Utah.

2. Subject to the following terms and conditions of this agreement, Owner shall have **the exclusive use of vehicular parking on, and ingress and egress over and across, the Owner Access Lane and Parking Area. The access and parking rights granted to Owner shall be appurtenant to the following described property (the “Owner Property”):**

Lot _____, according to the official plat thereof on file and of record in the office of the Wasatch County Recorder.

Owner' rights hereunder are not transferable to other property, but are freely transferable with the title to the Owner Property. The license and conditions as stated in this agreement are binding on the successors in title or interest of Owner in and to the Owner Property.

4. The improvements permitted within the Right-of-Way shall consist of _____ (collectively, the "Encroachments") as of the date of this agreement. Any modifications to such improvements or additional improvements shall require the prior written approval of the Town. This Permit includes the right to maintain the Encroachments consistent with applicable sections of the Interlaken Town Land Management Code, as amended.

5. The Town may, at some future date, elect to install utilities or other public improvements within its rights-of-way and easements. To the extent that any utility work or public improvement requires the removal, relocation, replacement, and/or destruction of the Encroachments the Owners may have been using within the Town easement or right-of-way, the Town shall require Owners to remove such Encroachments pursuant to the notice in Paragraph 6 below. [Alternative: The Town shall have the right to remove such Encroachments pursuant to the notice in Paragraph 6 below. The town shall be responsible to return the affected area to grade. Respective Owners shall make adjustments to and remodel their respective improvements as necessary to accommodate the changes in the property at each Owner's respective cost.] Owners acknowledge that Owners have no right to compensation for the loss of the Encroachments or loss of the use of the street right-of-way and/or any change in the grade and elevation of the easement. This acknowledgement, in the event the Encroachments are removed for any reason whatsoever in the sole determination of the Town, is the consideration given for the granting of this permit for the continued encroachment.

6. Prior to commencing public improvements in a manner that will require the removal or relocation of the Encroachments, the Town will give the Owners ninety (90) days prior written notice, in which time the respective Owners shall make adjustments to and remodel their respective improvements as necessary to accommodate the changes in the property at each Owner's respective cost. [In the case of an emergency, the Town shall, without notice, remove such improvements as necessary to resolve the issue.]

7. No permanent right, title, or interest of any kind shall vest in the Owners in the easements or rights-of-way by virtue of this agreement. The property interests hereby created are revocable licenses, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

8. Each Owner or its successors shall, at its sole expense, maintain its respective Encroachments controlled by them in a good state of repair at all time, and upon notice from the Town, will repair any damaged, weakened, or failed sections. Each Owner agrees to hold the Town harmless and indemnify the Town and the other Owner for any and all claims which might arise from third parties, who are injured as a result of that Owner's use of the easement or rights-of-way for private purposes, or from the failure of that Owner's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

9. This agreement shall be in effect until the license is revoked by the Town. Revocation shall be effected by the Town recording a notice of revocation with the Wasatch County Recorder and sending notice to the Owners or their successors. Town may revoke the license for one Owner separately or both Owners together.

10. Vehicles parked on the Encroachment shall not encroach into the paved road or snowplow deposit zones.

11. Owner acknowledges and agrees to the following:

- a. No vehicles, materials, dumpsters or other potential safety hazards shall be placed on paved roads during the course of improvement activities.
- b. No steel tracked vehicles shall be used during the course of improvement activities.
- c. Proper care will be taken to prevent surface damage to the paved road.
- d. Any dirt, debris, or other materials will be removed (swept) from paved road surface at the end of each working day or at any time significant accumulation may have occurred.
- e. Existing paved road will not be disturbed or removed without a Road Work Permit.
- f. Call ~~Underground Service Alert (USA) at 1-800-227-2600~~ and Interlaken Water Master before you dig.
- g. Driveways on high slope (> 25%) lots require approval from the Town Engineer and Fire Marshal prior to performing any installation or renovation.
- h. Upon completion of work, Town Engineer will be notified to perform an inspection. Any unapproved conditions must be mitigated at owner's expense.

Park City requires an encroachment to: ***Build, maintain, and use certain improvements within City property and right-of-way (see Public Right-of-Way Permit for examples).*** >>> ***adding a snowmelt system, construction or widening of driveway approach, and dumpsters and/or portable outdoor storage units.***

In Park City, an ***Encroachment Permit will also require a Public Right-of-Way Permit.*** We don't recommend this for Interlaken. Instead, we recommend requiring a road work permit for any work on the paved road.

The applicant will submit a COMPLETED Encroachment permit application to the City Engineer for approval. Upon approval, the City Engineer's office will mail the permit to the County for recordation at no cost to the applicant. Applicant can hand deliver the approved application to the County offices. County fees will apply. We don't know if Wasatch needs to be involved and will ask the Town attorney.

Applicant must attach;

- 1) **A current (dated within 6 months of the date of filling out the application) Title Report;**
- 2) A scaled drawing;
- 3) The owner of the property must sign the application and have their signature notarized. The signature must match the owner listed on the Title Report.
- 4) An original signed application must be submitted. **The County will not record a copy.**

In Park City, ***Installing a Snowmelt System in Driveway REQUIRES SNOWMELT SYSTEM ENCROACHMENT PERMIT***

Installing a Snowmelt System will also require the completion of a Right-Of-Way Permit. We don't recommend this for Interlaken. Instead, we recommend requiring a road work permit for any work on the paved road.

8/7/17 handout Bill Goodall

TC Mtg 8/7/17 Agenda 15)

Simpkins Permit Request 17IKB002 and recommendations regarding actions by the Town Council:

8/7/17

The Simpkins permit request was a topic of the recent July PC meeting agenda. It was decided we should measure offset from the right-of-way before issuing a response. While there are other issues with this request which are beyond the purview of the PC, right-of-way was considered to be primary. As was discussed at the July Town Council meeting, the PC is in the midst of deliberation regarding requirements (and exemptions) for land use permits which will result in code change recommendations. This particular project is not, in our opinion, a big deal given the recent legal recommendations about right-of-way, but it does provide the opportunity for the Town Council to clarify

Using the original plat survey posted on the Town's site as well as the most recent Summit Engineering survey, we took a reasonable approach to measurement and have documented there is no right-of-way issue with the Simpkins landscaping work to date. While the consensus of the PC is to recommend permit approval, there are issues for which the Town Council should decide.

The installed retaining wall is approximately 30 feet from the centerline of the existing paved cul-de-sac. While precise measurement of a cul-de-sac is difficult, the wall is clearly more than the 16 1/2' minimum from the paved centerline as recommended in a recent right-of-way memo from the Town Attorney. Therefore there is no ROW violation related to the location of the retaining wall. Please remember there are restrictions for parking a vehicle in the right-of-way that apply to the Town-owned cul-de-sac.

The retaining wall as installed exceeds 4' height, requiring permit approval by the TC. For general public safety it would be a good idea to put some kind of sign on the wall at the end of the road so no one drives their vehicle into the wall some night (or maybe "dead end no exit" at the entrance to the road?).

There are conflicting public statements regarding fence location that need to be resolved by the Town Council. Title 11 states a fence shall be no more than 6' tall. The current Permit agreement on our website states a fence shall be no more than 6' tall and shall be in the rear yard. Given the permit request includes fences in the side and front yards, the TC is requested to provide guidance on acceptability of fence placement in side and front yards. Until then, the fence cannot lawfully be approved as proposed. The PC will consider code revision based on TC guidance. Our first thought is simply to remove the reference to "shall be in the rear yard" from the website Permit agreement if the TC actually wants to allow fences in front and side yards.

Please note that the PC is currently working on a proposal pursuant to which all fencing must allow for wildlife passage, and cannot go lot line to lot line. Based on internet research, we recommend fences be at least 5 feet off property limits to provide for wildlife movement.

As evidenced by aerial photos prior to the project, there was considerable vegetation removal. It's hard to tell what kind it was. Land use code states every effort shall be made to retain vegetation. While it's too late to do anything about it, it should be noted that, because of bypassing permit review, the TC was not allowed to provide input on this change.

The TC needs to determine which fees and deposits apply to this project, as well as any potential penalties. Current code requires a permit before starting a project such as this one. Significant grading was performed and a retaining wall was installed without a permit, clearly in violation of land use code. As there is no fine established in the current code, the TC needs to determine if there should be a fine assessed for this

violation. We know Epic put time into a memo as well as the documents Joe Santos brought to the June PC meeting. We don't know if there was other time invested resulting in costs beyond their standard permit fees. We also know Tim Bywater has (a couple hours?) time dedicated to this permit. The Town Council might want to consider whether it would make sense for the Town Clerk, Town Engineer and Town Attorney to estimate their expenses related to this project and the TC establish a fine to cover these costs, rather than payment by the Town.

Regards, Bob, Bill and Greg

TC Mtg 8/7/17 Agenda 15)

TC Mtg 8/7/17 Agenda 20)

From: Lisa Simpkins <lsimpkins7669@gmail.com>

Date: Sunday, August 6, 2017 10:05 AM

To: Gregory Cropper <gcropper@joneswaldo.com>, "Marshall: Robert & Laura S040 Grp B" <IFISHOR1017@msn.com>, "Goodall: William and Teresa S197 Grp A" <goodallbill@gmail.com>

Cc: Sue Onan <sonan333@q.com>, "O'Nan: Chuck S181 Grp B" <conan@promontoryclub.com>, Greg Harrigan <greg@parkcityrealestateguide.com>, Interlaken Clerk <interlakenclerk@gmail.com>

Subject: FW: Landscaping Permit Memo

Dear PC,

It has now been 3 months since a recommendation was provided by Epic engineering to the PC for issuance of my excavation permit to finish my landscaping in my OWN yard, which I own. Following the ordinance, the permit was for an excavation permit to finish retaining walls in the rear of my yard, grading the entire property to prepare it for gravel and grass. How much longer do I have to wait for this permit?

Being a member of the community & active Mayor of the Town I feel I am being singled out by certain PC members who would like to prove some point, which no one knows what that point is. You have wasted not only my time by the Town Attorney, Epic Engineering and my contractors who were ready to start several months ago. I refuse to pay any amount of Town attorney fees for this matter, when there was no ROW violation to begin with. IT was simply a PC member with an ax to grind.

Per your last PC minutes, it stated the PC will now need to measure the ROW in front of my house. One evening my family arrived home to find PC members in my front yard measuring the ROW. Could this have not been done months ago? Why did I not receive a call or email from any PC members to meet you in front of my house to discuss? The PC minutes also stated you reviewed my fence, there are no restrictions for fences, so why did you even waste your time.

I have watched many other landscaping, fence and retaining wall projects throughout the Town, without the PC intervention. My landscaping project started in 2016 prior to there even being a PC. I have been completely transparent and discussed the project with other Council members last year and they all agreed there was no need for permits.

I have now lost my contractor for the year and deposit of \$5K. This is completely unacceptable for any citizen of our town to have to deal with. As I have stated time and time again we did not become a town to inconvenience or make it harder for our citizen to improve their OWN property

Lisa Simpkins Citizen and Mayor, Town of
Interlaken lsimpkins7669@gmail.com Mobile: (801) 560-1331

From: [Josh Call](#) **Sent:** Friday, June 9, 2017 7:41 AM **To:** [Lisa Simpkins](#) **Subject:**
Landscaping Permit Memo

Hello Lisa,

Please see the attached memo for presentation to the Town Council. I am out of the office, but will return on Monday. If you have any questions, I can talk then, or I can be reached via email. Once approved by the Town Council, sign and return the Site Disturbance Permit and submit a check for the fees and we will issue a permit. I apologize that I did not get this to you yesterday.

Thank you,



Josh Call
jcall@epiceng.net
www.epiceng.net
435-654-6600

"sustainability is epic"

 **Please consider the environment before printing this email.**

Applicant:
Complete ALL yellow highlighted cells.



v6/8/17

Town of Interlaken - SITE DISTURBANCE PERMIT APPLICATION

Date of Application	5/10/2017
Property Owner Name(s)	Lisa Simpkins
Mailing Address	PO BOX 861
Phone	801-560-1331
EMAIL Address	lsimpkins7669@gmail.com
Building Address	234 Edelweiss Ln
Subdivision Name	Interlaken
Lot #	203

Application ID #	
SITE DISTURBANCE PERMIT NUMBER	
Date Issued:	

Type of Improvement/Construction:	Landscaping
Total Property Area in Acres or Sq. Ft.	0.696 acres
Total Disturbed Area	

SPECIAL NOTES or COMMENTS
Fences will be less than 6' high and in the rear yard, no retaining walls will be over 4'

Engineer (If Applicable)	
Business Name	
State License No.	
Contact Name	
Email Address:	
Phone	
Business Address	

Residential Site Disturbance Permit Fee		
Plan review (deposit)		\$ 150.00
Final Inspection		\$ 100.00
Town Fee's		Separate
County Fire fee		Separate

General Contractor	
Business Name	
State License No.	
Contact Name	
Email Address:	
Phone	
Business Address	

Total Due at Submittal	\$ 250.00
Other:	
Estimated Total Fee's (Due prior to permit release)	\$ 250.00

NOTICE:
Construction may require installation of underground utilities. Interlaken will not allow open excavation of roadways between October 15 and May 15. Open excavation in Interlaken right of way requires a cash bond be posted in accordance with the current adopted fee resolution. This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. This includes, but not limited to, the town of Interlaken Building and Construction and Land Use Codes, which I certify I have received, read and understand and that I will be subject to paying penalties for any acts of non-compliance. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT

DATE

Town of Interlaken - PO Box 1256, Midway, UT 84049 - (435) 654-6600 EMAIL: interlakenclerk@epiceng.net
OFFICE HOURS: Monday-Thursday, 8:30-5pm
INSPECTIONS: Contact Chris Swenson 801-404-0286 cswenson@epiceng.net: Note: 24 hours notice is required for all inspections
Re-inspection fee's may apply if corrections are not complete at the time of the first re-inspection.
Additional inspections fee's shall be paid prior to the following inspection

June 9, 2017

Town of Interlaken

RE: Site Disturbance Permit Recommendation for Lot 203, 17IKB002

This memo is intended to update members of the Town Council on Epic Engineering's investigation into the Site Disturbance Permit Request filed by lot 203, Lisa Simpkins on May 10, 2017.

Background

In early March 2017, lot 203 was contacted by members of the planning commission, and was asked to "submit a land use permit request and a sketch of their plans," prior to continuing the landscaping project at 234 Edelweiss Ln, lot 203. The lot had been graded and retaining walls installed prior to receiving notice from the planning commission.

Investigation

At the request of the planning commission, the owner of lot 203 reached out to Epic Engineering on May 31, 2017 and submitted two sketches of their landscaping plans and a signed Interlaken Building Agreement.

Epic Engineering has reviewed the landscaping plans, and investigated the town code and found that a Site Disturbance Permit is required if disturbing more than 200 square feet of land per Section 9.05.20 of the Interlaken Town Code.

Recommendation

Epic Engineering has reviewed the landscaping plans and is of the opinion that a Site Disturbance Permit should be issued to lot 203 on the following conditions:

- 1-No retaining wall on site shall be over 4' in height.
- 2-No fencing over 6' in height shall be constructed.
- 3-No work shall be performed in the Town right of way.
- 4-All codes and ordinances shall be followed, including Section 9.05.090 which requires clean-up of debris on Public Roads.
- 5-All work is to be completed within 120 days of the issuance of this permit, and all disturbed areas are to be revegetated to prevent erosion.
- 6-A final site inspection shall be conducted by Epic Engineering upon the completion of the project.
- 7-A plan review fee of \$150, and a final inspection fee of \$100 be paid to Epic Engineering.



Attached to this memo, is a temporary Site Disturbance Permit Form, based off of the Interlaken Building Permit. This permit has not been presented to members of the Town Council or the Planning Commission. Epic Engineering recommends that as the Town Council and Planning Commission revisit landscaping and site disturbance requirements in the future, that this temporary permit be reviewed, modified, and approved.

Respectfully,

Joseph N. Santos S.E.
Office-435-654-6600
Cell-801-420-4515

Attachement: Unsigned Site Disturbance Permit-Lot 203

8/7/17

Chronology of Events regarding Simpkins Permit Request 17IKB002 and recommendations regarding actions by the Town Council:

Date on original application 5/10/17; no correspondence to PC at that time

Uploaded to Epic Sharefile 6/6/17; the first time PC heard of a permit request

Epic memo issued 6/9/17; shared with PC for their recommendations – note this memo is not issued at this stage without some prior notification and discussion with the PC, it was not requested by the PC

June 9, 2017

Town of Interlaken

RE: Site Disturbance Permit Recommendation for Lot 203, 17IKB002

This memo is intended to update members of the Town Council on Epic Engineering's investigation into the Site Disturbance Permit Request filed by lot 203, Lisa Simpkins on May 10, 2017.

Background

In early March 2017, lot 203 was contacted by members of the planning commission, and was asked to "submit a land use permit request and a sketch of their plans," prior to continuing the landscaping project at 234 Edelweiss Ln, lot 203. The lot had been graded and retaining walls installed prior to receiving notice from the planning commission.

Investigation

At the request of the planning commission, the owner of lot 203 reached out to Epic Engineering on May 31, 2017 and submitted two sketches of their landscaping plans and a signed Interlaken Building Agreement. Epic Engineering has reviewed the landscaping plans, and investigated the town code and found that a Site Disturbance Permit is required if disturbing more than 200 square feet of land per Section 9.05.20 of the Interlaken Town Code.

Recommendation

Epic Engineering has reviewed the landscaping plans and is of the opinion that a Site Disturbance Permit should be issued to lot 203 on the following conditions:

1-No retaining wall on site shall be over 4' in height.

2-No fencing over 6' in height shall be constructed.

3-No work shall be performed in the Town right of way.

4-All codes and ordinances shall be followed, including Section 9.05.090 which requires clean-up of debris on Public Roads.

5-All work is to be completed within 120 days of the issuance of this permit, and all disturbed areas are to be revegetated to prevent erosion.

6-A final site inspection shall be conducted by Epic Engineering upon the completion of the project.

7-A plan review fee of \$150, and a final inspection fee of \$100 be paid to Epic Engineering.

Attached to this memo, is a temporary Site Disturbance Permit Form, based off of the Interlaken Building Permit. This permit has not been presented to members of the Town Council or the Planning Commission. Epic Engineering recommends that as the Town Council and Planning Commission revisit landscaping and site disturbance requirements in the future, that this temporary permit be reviewed, modified, and approved.

PC meeting information packet distributed 6/26

Agenda included Simpkins landscaping permit:

8. PC review of pending permit requests with recommendations for the TC - Sheldon garage and Simpkins landscaping. Comments to be sent to PC members by Friday; all plan information and correspondence on Sharefile.

E-mail from Lisa stating not to discuss ROW 6/27

From: Lisa Simpkins [mailto:lksimpkins7669@gmail.com]
Sent: Tuesday, June 27, 2017 1:45 PM
To: Bill Goodall <goodallbill@gmail.com>
Cc: ROBERT MARSHALL <IFISHOR1017@msn.com>; Gregory Cropper <gcropper@joneswaldo.com>; Interlaken Clerk <interlakenclerk@gmail.com>; Josh Call <jcall@epiceng.net>; Chuck O'Nan <conan@promontoryclub.com>; Greg Harrigan <greg@parkcityrealestateguide.com>; Scott Neuner <sneuner@cicerogroup.com>; Sue Onan <sonan333@q.com>; Joe Santos <jsantos@epiceng.net>
Subject: Re: PC meeting 6/27 -information packet

Dear PC,

I would recommend removing anything related to ROW until the attorney has finished his research and has spoken to the TC in regards to his findings. It would be a complete waste of time for everyone involved.

I have reached out to the attorney to get an update, until then **nothing ROW should be discussed or recommended.**

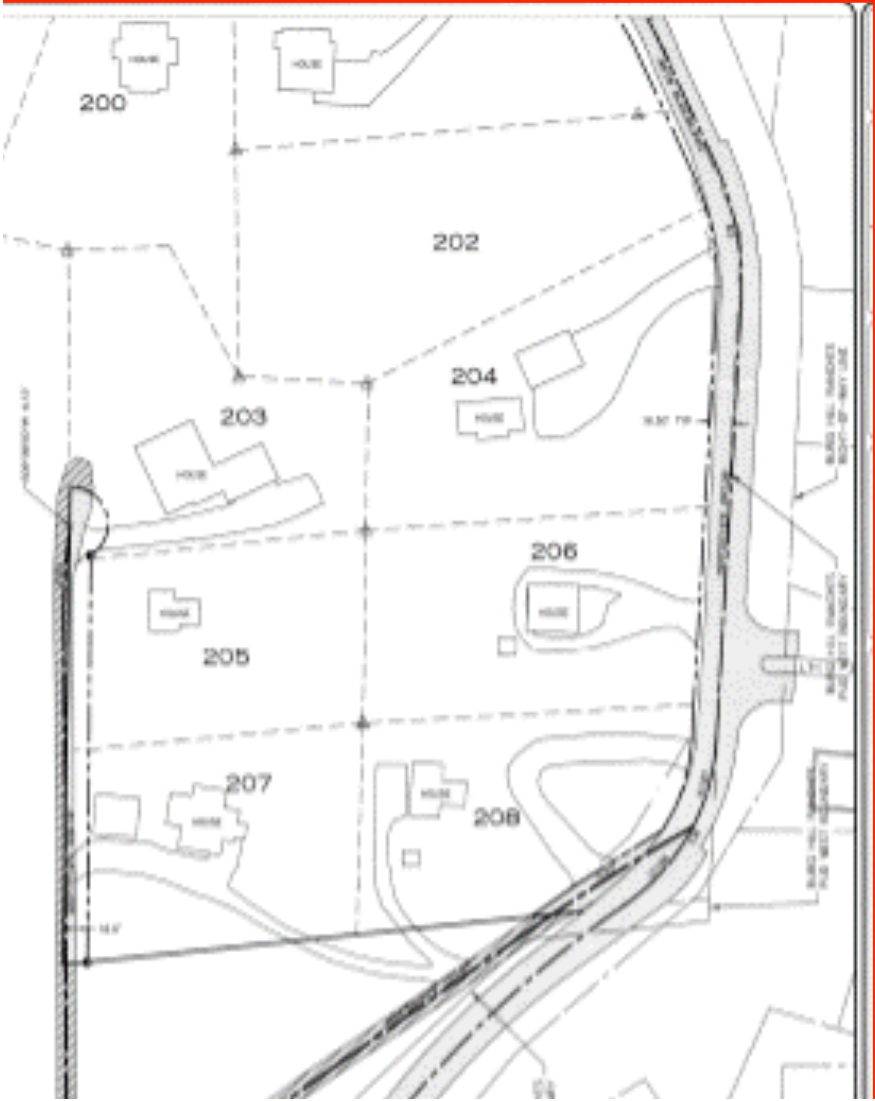
The above e-mail led to conversations between Greg Cropper, the Town Lawyer and the PC. Communication with the lawyer was neither initiated nor recommended by Bill Goodall. The lawyer told us we could discuss right-of-way as it pertained to the Simpkins permit. We were cautioned to make sure we get the right-of-way issue correct, considering both the original plat as well as the current Summit survey, as it could impact future governance decisions or legal actions.

PC meeting 6/27; first meeting after being notified of request

Meeting minutes:

- Simpkins landscaping (234 Edelweiss) – three issues concerned the planning commission regarding this project: 1. The existing landscaping encroaches in the road right of way. 2. The previous work was done without a permit. 3. Governance issues related to consistency of applying municipal codes. The Summit Engineering record of survey for the road in front of Simpkin's house does not show Edelweiss extending beyond the house: [as shown in survey on next page]

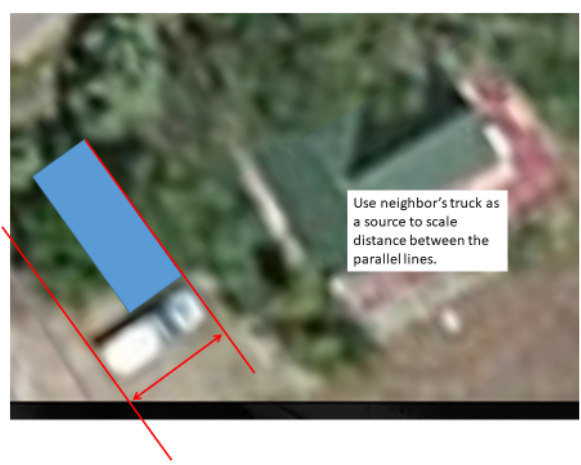
The planning commission is still reviewing options and recommendations to the town council for this project.



Some of the Research done by Bill Goodall in Preparation for 7/25 PC Meeting, not including countless e-mails (I have them if anyone wants to see all the details):

All of the research regarding previous aerial photos, original plat and current Summit surveys was done by Bill Goodall. We purposefully refrained from asking for Epic's participation.







Summit Survey overlaid



Summit Survey overlay versus aerial view
Appears to be very well matched. Actual
paved area matches Summit survey
dashed lines.

PC meeting 7/25

Meeting minutes:

Simpkins – ROW infringement still under review. There may be an inconsistency between the ordinance and the building application regarding fences. The ordinance allows 6-foot fences anywhere; the building application allows 6-foot fences in the rear yard only. The commission decided that the Simpkins fence was okay, as it is in compliance with the ordinance. The question arose regarding how much Bywater charged the town to review the Simpkins ROW issue. Smith will find out. The PC will measure the ROW from the center of the cul-de-sac in the area being discussed. Epic also has charges against the Simpkins project.

PC measured cul-de-sac 7/26; we stayed on the ROW, never in Simpkins' front yard, I thought Lisa had been notified and did not find out until we got there it had not happened

Goodall E-mail trying to resolve rather than wait another month 7/27 – please note response from Town Lawyer at end of e-mail counseling us not to communicate between public meetings!!!!

Note you can see the actual recommendation to the TC at the end of this document – a few topics were removed before the final memo

From: Timothy J. Bywater [mailto:tjb@scmlaw.com]

Sent: Thursday, July 27, 2017 5:46 PM

To: Gregory Cropper <gcropper@joneswaldo.com>; 'Bill Goodall' <goodallbill@gmail.com>; ROBERT MARSHALL <IFISHOR1017@msn.com>

Subject: Confidential Attorney Client Communication RE: Simpkins permit memo input

See my comments below. I used blue font.

Tim



Timothy J. Bywater | Lawyer
10 Exchange Place, 11th Floor | Salt Lake City, Utah 84111
Direct: 801.322.9349 | Main: 801.521.9000 | www.scmlaw.com

From: Gregory Cropper [<mailto:gcropper@joneswaldo.com>]
Sent: Thursday, July 27, 2017 4:13 PM
To: 'Bill Goodall' <goodallbill@gmail.com>; ROBERT MARSHALL <IFISHOR1017@msn.com>
Cc: Timothy J. Bywater <tjb@scmlaw.com>
Subject: RE: Simpkins permit memo input

Comments in red



GREGORY L. CROPPER | ATTORNEY
1441 West Ute Blvd. Suite 330 Park City, UT 84098
tel+435.649.6920 fax+435.200.0084
gcropper@joneswaldo.com | [bio](#) | joneswaldo.com

CONFIDENTIALITY NOTICE: The content of this e-mail is confidential and proprietary and may be attorney-client privileged. If you are not the intended recipient, please destroy it and notify gcropper@joneswaldo.com.

From: Bill Goodall [<mailto:goodallbill@gmail.com>]
Sent: Wednesday, July 26, 2017 7:24 PM
To: ROBERT MARSHALL; Gregory Cropper
Cc: Timothy J. Bywater; Bill Goodall
Subject: Simpkins permit memo input
Guys,

I'm looking for your advice, so please consider the following and offer your comments:

We have documented there is no ROW issue with the Simpkins landscaping work to date. While the consensus of the PC is to recommend permit approval, there are issues for which we need to reach agreement before issuing a formal recommendation to the TC. **Agreed. I believe that our approach to measurement was reasonable.**

The installed retaining wall is approximately 30 feet from the centerline of the existing paved cul-de-sac. It is clearly more than the 161/2' minimum as recommended in a recent right-of-way memo from the Town Attorney. Therefore there is no ROW violation related to the location of the retaining wall. **Right.**

However, at the time the PC assessed the right-of-way, there was a vehicle parked on the cul-de-sac. Assuming this area is Town property, parking in the road is a violation of existing code. This practice cannot continue. **I would say that the TC should be made aware of it if it continues. And perhaps Tim can give the TC and Mayor a cautionary talk, and a Memorandum, about the importance of the Town leaders complying with Town laws, if we expect the other residents to.** **Tim: I'm happy to do this. One question is whether you want to base enforcement on complaints, or do you want to be policing/investigating. If you are the body charged with making decisions and recommendations, you do not want to be**

responsible for identifying and investigating violations – at least when there has not been a complaint made.

The installed retaining wall is over 4' high. I think we handle this one by making some statement like, "The retaining wall as installed exceeds 4' height, requiring permit approval by the TC." **Agreed.**

Title 11 states a fence shall be no more than 6' tall. The current Permit agreement on our website states a fence shall be no more than 6' tall and shall be in the rear yard. Given the permit request includes fences in the side and front yards, I think we handle this one by making some statement like, "The TC is requested to provide guidance on acceptability of fence placement in side and front yards. The PC will consider code revision based on TC input." **Agreed. And I would add: "Until then, the fence cannot lawfully be approved as proposed".** How tall is the current fence? Are you proposing issuing a stop work order?

Do we need to add a statement recommending fences be at least 5 feet off property limits to provide for wildlife movement? **We should note that the PC is currently working on a proposal pursuant to which all fencing must allow for wildlife passage, and cannot go lot lie to lot line.**

The aerial pictures before grading show a considerable amount of vegetation (including gambel oaks), which has been removed. I think we handle this one by making some statement like, "As evidenced by aerial photos prior to the project, there was considerable vegetation removal. Land use code states every effort shall be made to retain vegetation, requiring permit approval by the TC."

Current code requires a permit before starting a project such as this one. Significant grading was performed and a retaining wall was installed without a permit, clearly in violation of land use code. I think we handle this one by making some statement like, "As there is no fine established in the current code, the TC needs to determine if there should be a fine assessed for this violation. It is recommended the Town Clerk, Town Engineer and Town Attorney submit records of their expenses related to this project and the TC establish a fine to cover these costs at a minimum, rather than payment by the Town." We know Epic put time into a memo as well as the documents Joe Santos brought to the June PC meeting. I don't know if there was other time invested resulting in costs beyond their standard permit fees. We also know Tim Bywater has (a couple hours?) time dedicated to this permit. **Agreed. This is a policy decision. However, unless you have a basis in your code allowing for the recovery of engineering and attorney fees, I'd tread lightly on this one. If you don't have fine/fee schedule (which presumably would include some the cost of enforcement) I don't think you want to charge eng/atty fees.**

The other subject is what Town fees or deposits should be charged for this project. The normal permit admin fee is \$250. I think we handle this one by making some statement like, "The TC needs to determine which fees and deposits apply to this project." I suppose we could make a recommendation. What do you think? **This together with your immediately preceding paragraph cover it, I think. Setting the fee/fine schedule is a policy decision that should be made by the TC.**

The other topic we could recommend for TC resolution is some action regarding governance. Should there be a formal memo to document governance concerns and recommend censure or corrective action, such as some sort or counseling by the Town Attorney? Commencement of this project without a permit, which requirement we believe the Mayor was aware of, indicates potential abuse of the office. Subsequent direction to the PC, while in the middle of our deliberation of the permit request, that we cannot discuss ROW, may have been an inappropriate use of the office to interfere in our investigation. I have no idea what we should recommend regarding governance. Please let me know what you think. Do we need Town Attorney input? **Not really a PC issue, and more of a concerned citizen issue. I think that Town Attorney shall give the cautionary talk and memo referenced above. They really need to understand the importance of acting like a town now that we are one. In fact, I wonder if we**

could actually lose our charter if Town leaders flagrantly and intentionally violate our ordinances? What are some of the other possible consequences? I think this is a good idea, but it should probably be initiated by the TC. You could make that recommendation. I wouldn't single anyone out.

Given our response could create precedence, I'd like to be sure we all agree with whatever memo we decide to issue. Should we add a statement about the PC being in the midst of deliberation regarding requirements (and exemptions) for land use permits which will result in code change recommendations?

Are there any other topics we should add to our permit recommendation memo to the TC?

Please respond (or give me a call) with your thoughts. I'm leaning toward holding a special public meeting for us to develop a response to this permit request. Let's see your comments and then decide if a meeting is needed. I would not call a public meeting over this at this point. We need legal advice provided to PC and TC and then see where we are and where things go. Technically, the three of you communicating by email constitutes a public meeting. As a result, your discussions via email would be discoverable pursuant to a GRAMA request. Further, when you are having discussions like this you should probably be providing public notice, since a quorum is present. See Utah Code Ann. 52-4-103(4)(a). This brings us back to the issue regarding public advice, the Utah Open and Public Meetings Act requires the presiding officer to ensure annual training on the requirements of the Act. Sounds like it's time.

Thanks, Bill

Lisa Simpkins Email

8/6/17

From: lksimpkins7669@gmail.com [mailto:lksimpkins7669@gmail.com]

Sent: Sunday, August 6, 2017 10:06 AM

To: Gregory Cropper <gcropper@joneswaldo.com>; Robert & Laura Marshall <ifishor1017@msn.com>; William and Teresa Goodall <goodallbill@gmail.com>

Cc: Sue Onan <sonan333@q.com>; Chuck O'Nan <conan@promontoryclub.com>; Greg Harrigan <greg@parkcityrealestateguide.com>; Interlaken Clerk <interlakenclerk@gmail.com>

Subject: FW: Landscaping Permit Memo

Dear PC,

It has now been 3 months since a recommendation was provided by Epic engineering to the PC for issuance of my excavation permit to finish my landscaping in my OWN yead, which I own. Following the ordinance, the permit was for an excavation permit to finish retaining walls in the rear of my yard, grading the entire property to prepare it for gravel and grass. How much longer do I have to wait for this permit?

Being a member of the community & active Mayor of the Town I feel I am being singled out by certain PC members who would like to prove some point, which no one know what that point is. You have wasted not only my time by the Town Attorney, Epic Engineering and my contractors who were ready to start several months ago. I refuse to pay any amount of Town attorney fees for this matter, when there was no ROW violation to begin with. IT was simply a PC member with an ax to grind.

Per your last PC minutes, it stated the PC will now need to measure the ROW in front of my house. One evening my family arrived home to find PC members in my front yard measuring the ROW. Could this have not been done months ago? Why did I not receive a call or email from any PC members to meet you in front of my house to discuss? The PC minutes also stated you reviewed my fence, there is no restrictions for fences, so why did you even waste your time.

I have watched many other landscaping, fence and retaining wall projects through out the Town, with out the PC intervention. My landscaping project started in 2016 prior the there even being a PC. I have been completely transparent and discussed the project with other Council members last year and they all agreed there was no need for permits.

I have now lost my contractor for the year and deposit of \$5K. This is completely unacceptable for any citizen of our town to have to deal with. As I have stated time and time again we did not become a town to inconvenience or make it harder for out citizen to improve their OWN property

Lisa Simpkins
 Citizen and Mayor, Town of Interlaken
lsimpkins7669@gmail.com
 Mobile: (801) 560-1331

Time spent by Town Attorney

Other than an e-mail from Greg Cropper asking for guidance on the right-of-way discussion ban and copies on all subsequent e-mails regarding the Simpkins project, they were discussions between Greg C. and Tim B. I don't know their content.

Time spent by Epic

The only time we know about is the memo included in this document and another document/sketch Joe Santos brought to the 7/25 trying to help understand the right-of-way question. This sketch was not requested by us but I guess we could ask Joe who requested its preparation.

Recommendation to Town Council 8/7/17

The Simpkins permit request was a topic of the recent July PC meeting agenda. It was decided we should measure offset from the right-of-way before issuing a response. While there are other issues with this request which are beyond the purview of the PC, right-of-way was considered to be primary. As was discussed at the July Town Council meeting, the PC is in the midst of deliberation regarding requirements (and exemptions) for land use permits which will result in code change recommendations. This particular project is not, in our opinion, a big deal given the recent legal recommendations about right-of-way, but it does provide the opportunity for the Town Council to clarify

Using the original plat survey posted on the Town's site as well as the most recent Summit Engineering survey, we took a reasonable approach to measurement and have documented there is no right-of-way issue with the Simpkins landscaping work to date. While the consensus of the PC is to recommend permit approval, there are issues for which the Town Council should decide.

The installed retaining wall is approximately 30 feet from the centerline of the existing paved cul-de-sac. While precise measurement of a cul-de-sac is difficult, the wall is clearly more than the 161/2' minimum from the paved centerline as recommended in a recent right-of-way memo from the Town Attorney. Therefore there is no ROW violation related to the location of the retaining wall. Please remember there are restrictions for parking a vehicle in the right-of-way that apply to the Town-owned cul-de-sac.

The retaining wall as installed exceeds 4' height, requiring permit approval by the TC. For general public safety it would be a good idea to put some kind of sign on the wall at the end of the road so no one drives their vehicle into the wall some night (or maybe "dead end no exit" at the entrance to the road?).

There are conflicting public statements regarding fence location that need to be resolved by the Town Council. Title 11 states a fence shall be no more than 6' tall. The current Permit agreement on our website states a fence shall be no more than 6' tall and shall be in the rear yard. Given the permit request includes fences in the side and front yards, the TC is requested to provide guidance on acceptability of fence placement in side and front yards. Until then, the fence cannot lawfully be approved as proposed. The PC will consider code revision based on TC guidance. Our first thought is simply to remove the reference to "shall be in the rear yard" from the website Permit agreement if the TC actually wants to allow fences in front and side yards.

Please note that the PC is currently working on a proposal pursuant to which all fencing must allow for wildlife passage, and cannot go lot line to lot line. Based on internet research, we recommend fences be at least 5 feet off property limits to provide for wildlife movement.

As evidenced by aerial photos prior to the project, there was considerable vegetation removal. It's hard to tell what kind it was. Land use code states every effort shall be made to retain vegetation. While it's too late to do anything about it, it should be noted that, because of bypassing permit review, the TC was not allowed to provide input on this change.

The TC needs to determine which fees and deposits apply to this project, as well as any potential penalties. Current code requires a permit before starting a project such as this one. Significant grading was performed and a retaining wall was installed without a permit, clearly in violation of land use code. As there is no fine established in the current code, the TC needs to determine if there should be a fine assessed for this violation. We know Epic put time into a memo as well as the documents Joe Santos brought to the June PC meeting. We don't know if there was other time invested resulting in costs beyond their standard permit fees. We also know Tim Bywater has (a couple hours?) time dedicated to this permit. The Town Council might want to consider whether it would make sense for the Town Clerk, Town Engineer and Town Attorney to estimate their expenses related to this project and the TC establish a fine to cover these costs, rather than payment by the Town.

Regards, Bob, Bill and Greg

8/7/17 handout Bill Goodall

TC Mtg 8/7/17 Agenda 15)

Interlaken Friends and neighbors,

8/7/17

PUBLIC NOTICE – Interlaken is going to prepare and adopt a General Plan and you can help.

We're looking for a small group of town members who would like to help us prepare a General Plan for Interlaken. There are two reasons we need one.

First, it's a Utah law that we adopt a General Plan and use it as a guide for writing ordinances. Second (and more important) it's a way for the citizenry of a town to give input for what they think is important. It is intended to be used as a guide for the decisions made by town leadership. As a guide, it is important that the recommendations in this official document are followed by the policy and decision-making organizations. Although the General Plan is general in nature, it represents an important perspective that will help direct future planning decisions – what the citizens want.

So, we need as much community participation as we can get. This is your chance to speak up, to be part of the process. We can fill you in on all the details, but here's a rough timeline:

Prepare related maps and research General Plans from other towns in the area	complete
Request citizen participation to prepare a plan; form a working committee	8/18
Prepare a first pass rough draft for group discussion and input (in process)	8/19
Send out a survey questionnaire to townsfolk, receive responses & compile	10/6
Hold a public meeting to present survey results and seek further input	10/14
Review draft General Plan in public Planning Commission meeting	10/31
Present recommendations to the Town Council in a public meeting	11/6
The Town Council can either approve/disapprove or request changes	TBD

How much of your time are we begging for? It will be about 2 hours a month but, who knows, maybe you will get deeply interested in a particular element of the plan and choose to give it more time. The currently proposed plan elements are:

- Introduction/Purpose
- Town History
- Demographics
- Economy
- Environment, Hazards, and Sensitive Lands
- Land Use and Official Maps
- Public Services
- Parks, Trails and Recreation
- Transportation and Traffic Circulation
- Present and Future Needs: Potential Priorities based on Townspeople input
- Plan Implementation

We can add others if you want. This is your opportunity to say how you'd like our town to be run and what you'd like to have as we move forward. If you are interested, please send an e-mail to goodallbill@gmail.com or call Bill at 660-287-7150.

Sincere Thanks,

Interlaken Planning Commission – Bill Goodall, Bob Marshall, and Greg Cropper

Interlaken Variance Application

From “Section 10-9a-702 Variances” of Utah State Code:

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

Interlaken Town has appointed an Appeal Authority to review all variance requests. Interlaken charges a fee of \$250 for each application, as established by Town Resolution No. 2017-05-08C. Prior to submitting a variance application, it is recommended that the applicant review the Interlaken Land Use Ordinances contained in Titles 9 and 11 of the Interlaken Municipal Ordinances. The variance application process is described in Chapter 2.05 of Title 2 “Municipal Government.” Copies of these documents are available online at <http://www.town-of-interlaken.com/documents-02>. Paper copies are available from the Interlaken Town Clerk.

It is also recommended that the applicant review Section 10-9a-702 of Utah State Code and verify that their application meets all five of the criteria presented in that code. This section of state code is attached to the end of this document.

To file for a variance request:

1. Fill out the **Variance Request Form** in writing and submit it to the Town Clerk with a check made out to “Interlaken Town” for \$250. Attach any supporting documents, maps, or diagrams to this form. It is not necessary to submit a building application or have a plan review prior to making a variance request. However, it is recommended to have your intended use reviewed by the town’s planning commission.
2. Upon receipt of the application, the Appeal Authority shall review the application at a public hearing and shall return its decision pertaining thereto within 60 days. Failure to return said application within 60 days shall constitute approval.

Interlaken Town Variance Request Form

Fill out the following form and submit it with your fee payment to the Interlaken Town Clerk.

The applicant is (check one of the following):

- Property owner
- Lessee
- Other entity with a beneficial interest

Applicant Information

Name: _____

Signature: _____

Mailing Address:

Phone Contact: _____

Email Address: _____

Lot # _____ Interlaken Address: _____

Date: _____

Description of Variance Request

Attach any additional material or supporting documents to this form.

Receipt for Payment

Applicant Name: _____

Interlaken Town Clerk

Name: _____

Signature _____

Received check # _____ for the amount of \$ _____ on _____ (date).

Bart Smith, Interlaken Town Clerk
(435) 565-3812
interlakenclerk@gmail.com
P.O. Box 1256
Midway, UT 84049

10-9a-702 Variances.

- (1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
- (2)
 - (a) The appeal authority may grant a variance only if:
 - (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the land use ordinance is observed and substantial justice done.
 - (b)
 - (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - (c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
 - (i) relate to the hardship complained of; and
 - (ii) deprive the property of privileges granted to other properties in the same zone.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The appeal authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - (a) mitigate any harmful affects of the variance; or
 - (b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 254, 2005 General Session