# Daniel Town Council Meeting

**Monday, October 3, 2022, at 6:00 PM**
**Wasatch County Services Building, Conference B**
**55 South 500 East, Heber City, UT**

## Meeting Minutes

Quorum Present: Mayor Pro-tem Merry Duggin, Council members Jon Blotter, Robyn Pearson and Barry Dixon. Mayor Scott Kohler was excused. Also present was Blake Sonderegger of T-O Engineers, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Sherri Price, Lisa Dinga, and Todd Cusick

Mayor Pro-tem Duggin called the meeting to order at 6:02 pm.

1) **Public Comment: (please limit to 2 minutes per person)**

Luke Searle introduced himself as a Wasatch County Council Member as of January 2023. He stated that he would be taking the at-large currently held by Marilyn Crittenden. He was asked and affirmed that he is both a resident of and employed by Heber City. He stated he grew up in the Heber Valley and is looking forward to serving all residents of Wasatch County.

Blake Sonderegger introduced himself as representing T-O Engineers in the absence of Ryan Taylor and Amelia Pays.

2) **DR 2022-10-03A Authorizing Mayor to Sign Agreement to Engage Ben Probst CPA, of Gilbert and Stewart to Conduct the Agreed Upon Procedure for FY 2021-2022**

It was stated that Gilbert and Stewart have been engaged to perform an "Agreed Upon Procedure" instead of an audit since the inception of the Town. Discussion about whether this should be put out to bid annually. It was stated that originally the service was bid out and although it has not officially been put out for bid, firms that have expressed interest in performing the service stated that they could not do the work for the price that Gilbert and Stewart were charging. It was agreed that with several new Council Members and a New Mayor, this would not be a good year to look for alternative service providers for the "Agreed Upon Procedure", but that next year it would be reasonable to do so. It was stated that the Council Members had the contract in their packet for review and that the cost would be $4,000.

Mayor Pro-tem Duggin read the resolution into the record and called for a motion.

Discussions continued about how the Town secures professional services and what would it take to secure additional bids for the contract. It was pointed out that this was due by the end of the year and thus it would be difficult to secure additional bids in time, but that next year this would be appropriate.

> ***Council Member Pearson moved to approve the resolution with the caveat that the minutes reflect that in future years there should be opportunities for other firms to submit bids to the Town Council and that the Town Council have the opportunity for more time to review potential contracts for professional services in the future. Council Member Dixon seconded the motion.***

Council Member Blotter discussed that he would still like to secure other bids. Treasurer Price was asked about how much time it takes to perform the "Agreed Upon Procedure". Mrs. Price stated that what would take time would be to transfer the information about all of the bank accounts and accounting processes to a new firm that Gilbert and Stewart would not require because of their long-standing relationship with the Town. It was generally agreed that it would be difficult to obtain a bid for a new firm by the end of the year. Mayor Pro-tem called for a vote.

***The roll call vote was Duggin yes, Blotter no, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

3) **DR 2022-10-03B to Enter into an Interlocal Agreement with Wasatch County for Snow Removal and Sign Repair for FY 2022-2023.**

Mayor Pro-tem Duggin read the resolution into the record. She then read the costs from the contract. It was stated that the fees are what Wasatch County charges all municipalities at the same rates and that aside from an increase of $1.20 per cubic yard for salt, all charges are the same as last year. The discussion moved on to the liability of the Town as to liability if the snow removal equipment causes damages. It was stated that Wasatch County carries the liability for all snow plows and other equipment. Todd Cusick suggested that the Town request a COI (Certificate of Insurance) from the County, since liability is not specifically addressed in the contract. It was suggested that Mayor Kohler follow up on a COI request.

***Council Member Blotter moved to approve the resolution with the stipulation that Mayor Kohler explores insurance and liability from Wasatch County regarding snow removal equipment. Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

4) **Discussion and Possible Approval for a "Notice of Intent" Letter to Provide Water Service for CMC Ready Mix (Proposed Concrete Batch Plant on the Coleman Property Located in the Industrial Zone).**

The Council reviewed a draft letter. It was stated that the CMC letter should have four irrigation companies listed including, Daniel, Wasatch, Timpanogos, and Extension water companies. Mr. Cusick stated that he was anxious to get the Will Serve letter to the State Water Board to begin the process. It was further stated that discussion about the CMC proposed exchange of infrastructure installation of an 8-inch line to the property in lieu of all or part of the estimated impact fees. Planner Bunker and Mr. Sonderegger that Amelia Pays from T-O was working on this while Town Engineer Ryan Taylor was out of the office on sick leave. It was affirmed that all plans would need to be engineer designed and that until those plans were finished no further discussion about impact fees could take place.

Mayor Pro-tem Duggin called for a motion to approve the Will Serve letter for CMC.

***Council Member Pearson moved to approve the Will Serve Letter with the changes discussed to include Wasatch, Daniel, Timpanogos, and Extension Irrigation Companies. Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

5) **Council Reports/Updates**

Council Member Pearson provided an update on work he had been doing with Town Engineer Taylor to refine the numbers (dollar amounts) needed for improvements to Storm Haven, Crazy Acres, and Tammy Lane water lines. He further reported on meetings he had had with the Division of Drinking Water and the Division of Forestry and State Lands regarding funding for improvements to the Storm Haven Water and Sewer Systems. He stated we would also be meeting with the Mountainland Association of Governments (MAG) to discuss other potential funding sources.

Council Member Dixon reported on an Airport Advisory Council and public meeting that he attended regarding the Airport Expansion. He stated that the Advisory Council only had one plan that they were seriously considering, which would require that they obtain land in the Town of Daniel. He explained that the safety zone rather than the runway would need to extend into the Town. It was stated that the meeting was contentious and that Heber City did not seem to welcome public comment or input. Mayor Pro-tem Duggin presented maps that detailed the proposed plan. She suggested the Daniel Town Council write a letter to Heber City about concerns over the impact on the Town of Daniel. It was discussed that the letter should come from Mayor Kohler and Mayor Pro-tem Duggin stated that she would follow up with the Mayor.

Council Member Blotter reported on his work with UDOT Engineering on the bypass and how this will impact the Town of Daniel in particular 3000 South. It was suggested that the Town of Daniel Council produce a letter to UDOT discussing the specific concerns of the Town Council. It was pointed out that the official public comment time window had closed, but that public comment, especially in writing from the Town about specific impacts, would be welcome as each phase begins.

**6) Engineer Reports/Updates**

No report.

**7) Planner Report**

See attached Planning Report. Planner Bunker continued by discussing what was not on the report. He stated that Barbara Johnson had a barn additional which had been approved. Emily Smith had applied for a Solar Installation Permit and a Home Addition Permit. He noted that the Business License Check from Ion Solar had bounced and that Clerk/Recorder Crittenden was working with Ion Solar to rectify the situation. William Matthews has a bathroom remodel and Phil Thacker has a bedroom remodel in the works. Additionally, Aubri Lazenby is requesting to split her 2.3-acre property and has turned in an application. He stated that the Trunnell Business Concept had turned in a completed application and was working with T-O Engineers on issues that needed to come into compliance.

Council Member Pearson suggested that we go through the list of Town Business License list to ascertain which businesses should be paying sales tax to the Town. It was noted that this was an ongoing discussion with the Mayor and Commissioner Wilde, who is a CPA. Clerk/Recorder Crittenden reported about the conflicting reports that had been received from a follow-up phone call with the State that occurred during the previous month.

**8) Daniel Municipal Water**

Planner Bunker stated that they have not obtained a new chlorinator yet. He continued by stating that currently, 50% of meters are reading and that all 32 replacement meters that have been received have been installed, as well as a few new meters were ordered for new builds. He stated that there had been some complaints about culinary water tasting like there was

excess chlorine on Daniel Road, however testing showed that the levels were well within safety limits.

**9) Storm Haven Water**

Nothing to report.

**10) Recorder's Office: Warrants approval, Announcements, etc.**

Clerk/Recorder Crittenden reported that she did not receive the T-O Engineers billing in time for October Warrants and so both September and October would appear on the November Warrants. She stated that she had received a bill over $800 from Heber Light and Power and while researching the reason for a much higher than normal bill it was discovered that the Town had been paying sales tax to Heber Power and Light that it was not required to pay as a municipality. She continued by stating that she is working on a credit to the Daniel Water and Storm Haven Water Systems power bills and they would be presented next month.
It was asked what the handheld support system billing was for and Planner Bunker stated that the entire system had to be rebooted to read the meters because the system was not accepting the coding that the meters were sending to the unit. It was stated that the Heber Light and Power charge in Storm Haven was a fee for testing due to Chemtech Ford and she would change this. She stated that the billing from Daniel Irrigation was an annual assessment.

***Council Member Dixon moved to approve the October Warrants with the changes discussed. Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

**11) Approval of Meeting Minutes for September 12, 2022**

It was discussed that not all Council Members had the opportunity to review the September Minutes thoroughly and it was suggested that they be continued until the next Council Meeting. Mayor Pro-tem Duggin called for a motion.

***Council Member Pearson moved to continue the September 12, 2022 Minutes to the November Town Council Meeting. Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

**12) Possible closed session as permitted by UCA 52-4-205**

No closed session.

**13) Adjourn**

Mayor Pro-tem Duggin called for a motion to adjourn.

***Council Member moved to adjourn. Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler absent, Dixon yes, and Pearson yes. The motion passed.***

The meeting adjourned at 7:22 pm.

Kim Crittenden
Clerk/Recorder