

**Daniel Town Council Meeting and  
Public Hearing  
Monday, September 8, 2014  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Council members Eric Bunker and John Glodowski were present when Mayor Turner called the meeting to order at 6 PM. Council member Jon Blotter arrived at a later time. Council member Kasey Bateman was excused. Lynne Shindurling was present to record the minutes, and Treasurer Sherri Price was also present.

Planning Commissioners present: Kim Norris, Blaine Smith, Pam Skinner, Gary Weight, Jaye Binkerd. Planning Secretary Kathy Jo Percy was present.

Members of the public in attendance: Richard Willes, Darin Bunker, Jake Smith, Kim Norris, Gary Walton, Ryan Taylor.

**1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA**

No public comment was received.

**2) DISCUSSION ON CODE ENFORCEMENT**

Mayor Turner asked for input from the Council on enforcing Daniel Code currently in effect where violations have occurred in various areas. Some of the areas of concern are agricultural buildings being built without permits, people living in camping trailers at a residence for longer than 20 days, planting in the Town rights-of-way along our streets, as well as trucks parking in front of their homes where part of the tire is on the asphalt potentially causing a traffic hazard.

Kim Norris questioned whether people are committing these particular acts out of ignorance of the code rather than "I don't care." As far as planting occurring in the rights-of-way, the Town is concerned about larger trees whose roots would interfere with the waterline underground and that smaller vegetation is acceptable. He inquired whether the county sheriff could be called to help enforce.

Council member Jon Blotter arrived at 6:05 PM.

Council member Bunker stated currently he and Ryan Taylor are the ones responding on these matters. There is a mechanism in place with Wasatch County where a sheriff will come out and cite an individual where a violation has occurred, and then the Town attorney will prosecute. He stated it's a no-win situation as the court keeps half the money obtained upfront. But in certain circumstances this process is followed because you have to start somewhere. For each day an offense continues to occur that's classified as a Class C misdemeanor, the fine continues to accrue after the initial cease and desist order has been issued.

Mayor Turner once again quizzed the Council with regards to an enforcer on these issues. Should the planning department take care of only planning issues and have someone else designated for other issues. Council member Bunker feels the issues of concern stated thus far all fall within the Land Use ordinances and would be enforced by planning. The Town initially talked of having a nuisance abater to look into such problems. For land use and environmental concerns the Town is held to not only their local code, but Wasatch County and State of Utah as well. Because this is complaint driven, events are investigated when reported, and often no violation has, in fact, occurred.

Ryan Taylor, in follow-up to this statement of being complaint driven, stated when he has responded to a resident's concern, the question is asked "Why do I have to get a permit? My neighbor didn't." His response is, "Well, nobody complained when your neighbor did it but somebody has complained now." The Town is not always made aware of building without a permit until the structure is noticed as an official drives by.

Kim Norris inquired about charging someone after-the-fact when a building is up who did not acquire a permit beforehand. Council member Blotter stated they may have been ignorant of the fact, at the time, that a permit was required. Mayor Turner stated it would be difficult to do this because how far back do you go, one month, six months, a year.

The Mayor queried the Council and the Planning Department in particular if they could come up with some names of individuals to be an enforcer, who had the personality to work with individuals and get the job done. Mr. Bunker stated

this individual would need to be very familiar with Daniel Code and cite the specific number and violation involved, particularly if law enforcement was going to be called because that's the ordinance under which a person would be prosecuted.

Council member Glodowski stated perhaps using a form letter where the code violation is listed and left at a residence where such has occurred. Council member Bunker stated all of his initial efforts for enforcement are done verbally until it gets to a point where perhaps the case will get into the court system and he needs the paper trail.

Ryan Taylor cited an example where he has been to a particular residence where building is occurring without a permit three times, and no one is home, so there is a lot of time involved. He feels it would not be good practice to just leave a cease and desist notice on the residence door because the individual may be ignorant of the fact they are in violation. A conversation needs to occur with the individual.

Council member Glodowski stated his thought is not a formal "cease and desist," per se, but simply a notification that a certain activity is underway which is in violation of code and here is the remedy. Please contact so-and-so with a phone number to get the issue resolved. Council member Bunker stated under 4-3-6, Abatement Procedure, the procedure is outlined and must be followed if prosecution is to be successful.

Mayor Turner again asked if the Council could submit names of one or two individuals they would suggest to handle enforcement on these issues. Council member Bunker stated things can't always be done in a "timely fashion" and the individual needs to be able to work with people over time, depending on the issue. This could be a gray area. Safety and health hazards are the #1 concerns, and what's become a frequent issue of late is defending the town right-of-way as there are new waterlines to try to protect.

Council member Bunker wonders if the Town Code should be changed to have fewer areas to enforce or do you find someone to enforce the current code. Mayor Turner would like to keep the code in place. Mr. Bunker feels the Council needs to act, as elected officials, in such a way as to meet the expectations of the residents of Daniel.

Council member Blotter feels the Council can come up with names of acceptable individuals, but wonders if such a person should be on the Planning Commission. Mr. Bunker agrees with the concept, but stated the authority of a planning commissioner is different from that of a council member, and you need to be careful when crossing from administrative to legislative so as not to overstep your bounds.

Council member Blotter inquired if this person would report to planning or to the Council, to which the Mayor replied perhaps both. They would report their activities to the Council on a monthly basis and review concerns that have developed over that time. Mr. Blotter feels having a job description at the next meeting for duties of this individual would be helpful.

Kim Norris stated that the Town incorporated in 2006, and feels safety and health issues have been addressed well since that time. Neighbors on the whole seem to help each other out and resolve problems as quickly as possible. As a member of the Planning Commission, he stated they only make recommendations and the Council has to make the decisions, using the code book as guidance. He would like to see the Town institute a practice of charging a penalty to those who violate the building code by building without a permit and collect at any point it is brought to the attention of the town.

Mayor Turner stated another area of concern is someone operating a business within the Town of Daniel without a business license. Mr. Norris feels that an operating business much have tax information on file to track its activity. Sherri Price stated on a sole proprietorship, the only information on file may be their social security number. Ryan Taylor said it can be difficult to prove someone is operating a business, even though the presence of equipment at their residence seems to indicate they are. Council member Bunker stated it is written within the Code that a penalty can be assessed for operating a business without a license.

While the Town is looking for an individual to handle some of the enforcement issues, Council member Bunker and engineer Ryan Taylor will continue to respond to concerns brought to the Town's attention. Mr. Taylor's biggest concern is perhaps incurring costs for his own efforts in trying to get a resident to comply, for example, in obtaining a free ag permit even though the

building has already begun. Council member Glodowski again stated he thinks some type of informative letter outlining what needs to be done to come into compliance is a good initial step.

Gary Walton brought up the point that notice of a violation has to be given to the property owner. In the case of someone living in a trailer beyond the lawful 20 days, you can't just talk to the person in the trailer. Conversation has to occur with the property owner. Council member Bunker stated the avenue for the Town to get paid for some of the violations is to attach notice onto their property taxes at the county level for the municipality of Daniel. Some of the problems being encountered are growing as folks talk to their neighbors and find they perhaps didn't purchase a permit and they think they don't have to either. It needs to be nipped in the bud as soon as possible.

Council member Bunker inquired of the Council if someone wanted to challenge the current code and have the wording changed, or perhaps eliminated entirely, what is the process. Do they pay \$500 for the application and then hold a public hearing to discuss it? Mayor Turner stated he will get a legal opinion on the issue to clarify it for the Council.

An example of current actions stated by Council member Bunker is the practice of some individuals who own property with no residence coming to the Town for the summer and living in a trailer. Council member Glodowski stated perhaps a seasonal use permit could be created, or people in hard times with nowhere to stay but in a trailer could be afforded leniency. Mayor Turner stated each could be looked at on a case-by-case basis, just as the water company opened the floor for residents who couldn't pay a large water bill all at once so a payment schedule was worked out.

Gary Walton reminded the Council that the 20-day limit for living in a trailer has a lot to do with health concerns and the disposal of the sewage. Perhaps an exception could be made if they provide a means for the disposal.

Council member Bunker next inquired on the expected process for bringing someone into compliance currently. As he and Mr. Taylor approach individuals with concerns, does the Council want the individuals brought before them to discuss it. Mayor Turner thinks at that point a letter could be used informing them of the necessary action to be taken to bring them into compliance. Mr. Bunker

wants to know that the Council is behind him if he pursues legal remedy for a specific situation. All agree the Council will stand by the enforcer's decision. Ryan Taylor feels the use of such a letter providing recitation of code violation and how to bring things into compliance is a good tool for the enforcer to use to explain the situation and move toward resolution.

Mayor Turner stated since it is 7 PM, the noticed time for a dual public hearing before the Daniel Town Council and Planning Commission, he'd like a motion to come out of regular session and go into the public hearing.

***Council member Jon Blotter moved to close the regular session of the Town Council. The motion was seconded by Council member Glodowski. The vote was unanimous by the Council. Council member Glodowski moved to open the public hearing before both the Town Council and the Planning Commission. This was seconded by Council member Blotter, with unanimous vote by the Council.***

(Item 7 on the agenda for this date took place and is recorded on a separate document.)

***Council member Glodowski moved to return to the regular session of the Town Council, seconded by Council member Blotter. With a unanimous vote of the Council, Mayor Turner returned to the regular session.***

### **3) BUSINESS LICENSE APPLICANTS**

No new applications were received this month and no action was taken to approve or renew any license. Council member Bunker reported that the business known as Q Boys Automotive had moved from Daniel to Heber City.

### **4) PLANNING DEPARTMENT REPORT**

Planning Director Bunker reported he had spent 36 hours doing Planning duties and 18 hours doing Blue Stakes duties in the last month. He reported Rex Reeder had called Blue Stakes for marking as he wants to put in a fence, part of which is in the Town right-of-way. A survey may need to be done to find the boundary lines.

Mention was made of the vacancy on the Planning Commission and a request made to put a notice in the paper for applications. This will be done by the clerk.

#### **5) APPROVAL OF COUNCIL MEETING MINUTES OF AUGUST 4, 2014**

***Council member Glodowski moved to have the minutes approved by the Council as written.*** Council member Blotter asked to have more time to review them before approval.

#### **6) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY**

No concerns were reported by the DMW representatives. Richard Willes produced a photograph he had taken of a corroded coupling on his water connection, which was surprising to the water people because the coupling had been in place only about 3 years. His water bill had increased monthly over a several-month period reflecting overuse charges, bringing his bill to \$500 for the month of August. No explanation could be given for the failure except for electrolysis in the ground. Kim Norris stated his memory of the usage readings showed a progressive leak over that time.

***Council member Bunker moved to waive the current month's water bill for Richard Willes, seconded by Council member Blotter.*** Mr. Willes stated he would pay the \$35 on a second meter at his residence. ***The Council approved the waiver of the bill by unanimous "aye" votes.***

Council member Bunker inquired about the configuration of the end of the waterline on Daniel Road. Ryan Taylor stated he had the drawing for that section of town and reported the stand pipe is in Daniel, the fire hydrant in Heber City. There was also discussion of the water meter for the Smith residence off Daniel Road and Kim Norris stated he would locate it and mark it for Mr. Bunker.

Kim Norris recited a number of ongoing issues of concern for the DMW system. 1) Valves and meters require servicing. 2) A leak in the back of the pump house. Ryan Taylor stated there is air coming into the system somewhere and, therefore, air is constantly being let out, causing water to leak. 3) A chlorinator light coming on in the pump house which then has to be reset to turn it off. Ryan Taylor stated this happens when there is a power failure at the pump house. It trips and the light comes on. 4) In colder weather during the winter the 4" drain

line could freeze, so some heat tape needs to be installed. The length is approximately 60 feet. These are maintenance issues which will have to be addressed.

***Council member Glodowski repeated his motion to approve the minutes of August 4, 2014 as written, which was seconded by Council member Blotter. The motion passed with “aye” votes from Council members Glodowski, Blotter and Mayor Turner, with an abstention from Council member Bunker as he was not present at the meeting.***

#### **8) DISCUSSION OF PRELIMINARY WORK ON IMPACT FEE STUDY**

Ryan Taylor reported he has reviewed the Capital Facilities Plans which were done in 2009, removed projects which had been completed, and recalculated the figures. He feels a fee of \$10,000 for water impact fee, which includes the hookup, plus water shares is a reasonable amount. He feels a portion of funds received could go toward repayment of the bonds obtained to construct the new water system. Council member Bunker inquired if water shares could be given in lieu of the \$10,000 fee, and Mr. Taylor's recommendation is shares in addition to the impact fee. If no shares are tendered, then \$15,000 should be required. He feels as the growth continues within the Town, more water rights are going to be needed to generate enough water to supply the new residences. Well permit shares can also be included in the payment for the impact fee. Council member Bunker stated the State of Utah keeps conversion rates on irrigation water shares. Mr. Taylor reported a change of use would occur as the State calls it domestic and the Town would call it municipal water. The money would be used to maintain the pumps, the tank and the pipeline delivering the water. As the State requires funds collected from impact fees be allocated within 7 years, the DMW system could be expanded as provided for in the Master Plan and the money spent as required.

Mr. Taylor stated the next step is to hold the required public hearings to educate the public that the Town will be evaluating the impact fees. ***Council member Glodowski moved to set the date for the public hearing to discuss the impact fees at the next Town Council meeting on October 6, 2014. The motion was seconded by Council member Blotter. The motion carried by unanimous “aye” votes.***

Ryan Taylor stated a fair amount of time needs to elapse from the time of the public hearing to the continuation of his work, so he has not begun to prepare any documents yet.

Next Mr. Taylor discussed a second element of the impact fee analysis is the transportation portion, which replaces the general impact fee previously adopted by Daniel Town. Council member Bunker inquired if a cost to administer the impact fees had been calculated, to which Mr. Taylor answered in the negative. The impact fees would include a cost for administration, perhaps 1-2%. Mr. Bunker stated concerns from Town residents that an impact fee would never work because of the costs associated with administering the program. Mr. Taylor feels with the continued growth in the Town, this should not be an issue in the future. He suggested charging a larger impact fee for buildings using the larger water meters. He stated if projects currently listed in the Capital Facilities Plan are not instituted, portions of the impact fees collected would need to be refunded.

In consideration of a third part to the impact fee analysis, Mr. Taylor looked at storm drains, sewer, parks & rec, fire needs. None of these seemed to fit the needs of the Town, but for perhaps a park, but he settled on a title of land acquisition. He inquired whether the Council wanted to pursue this element of the impact fee study. This element of the fee would need to come from current residences, which means a raise in taxes. He inquired of the Council if they want all three elements he has discussed to be considered in his presentation in the public hearing. The Council agreed to have all three discussed at the hearing.

#### **9) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.**

Mayor Turner stated at this time he was not going to open discussion on item 10 on the agenda.

The warrants for the month of August were presented by Clerk Lynne Shindurling. On the Blue Stakes figures, Council member Blotter inquired of Mr. Bunker if he keeps a record of where marking has occurred. He maintains the tickets for each request and the hours involved for his compensation.

Council member Blotter moved for the approval of the warrants. Council member Glodowski seconded the motion, and the warrants were approved by unanimous "aye" votes.

## 11) ADJOURN

Council member Glodowski moved to adjourn the meeting, which was seconded by Council member Blotter. The Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 9:14 PM.

Lynne Shindurling,  
Recorder

Approved 10-06-2014