

**Daniel Town Council Meeting and  
PUBLIC HEARINGS ON IMPACT FEES  
Monday, November 3, 2014 at 6:00 PM  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Council members John Glodowski, Eric Bunker, and Kasey Bateman were present when Mayor Chip Turner called the meeting to order at 6:00 PM. Council member Jon Blotter was excused. Recorder Lynne Shindurling was present to record the minutes, and Treasurer Sherri Price was also present.

Members of the public in attendance were: Ryan Taylor and Pam Skinner.

**1) PUBLIC COMMENT CONCERNING ISSUES NOT ON THE AGENDA**

There was no comment.

**2) PUBLIC HEARING ON CULINARY WATER IMPACT FEE FACILITIES PLAN (IFFP)**

***Council member Bateman moved to open the public hearing for the Culinary Water Impact Fee Facilities Plan. The motion was seconded by Council member Glodowski. The Council voted unanimously to open the public hearing.***

Ryan Taylor of Epic Engineering presented the Culinary Water IFFP dated November 2014. The plan looked at prior construction of the water tank and waterlines, grants and loans previously obtained, and calculated a cost for future improvements at \$3,689,905, two-thirds of which is a buy-in fee and one-third of which is an impact for future growth. This cost includes 1) construction of a new 800,000 gallon reservoir, 2) new pump station and treatment building, 3) a well to augment water supplies from the springs, and 4) new distribution lines throughout the service area. The recommended impact fee for new construction is \$10,767 per residence.

The detailed plan from 2009 was used as the basis for current figures. The building of the Daniel Municipal Water system was completed as originally envisioned and the remaining projects from that time are the completion of the loop lines throughout the Town, expansion onto existing roads throughout the

Town, and expansion into the Storm Haven area. The buildout in this IFFP is from 2015 to 2050.

The amount calculated for an impact fee is basically \$10,000 for a new residence plus a water share. As the Town continues to grow, more water shares will be needed to provide an adequate supply of water. The majority of shares would be from Daniel Irrigation water, but shares in the other irrigations systems would be transferrable as well. Because of the difference in acre-feet as between the different systems, the Town would be looking at obtaining a quantity of acre-feet and not water shares, per se.

The current culinary water users in the system are using 75-80 percent of the water right, and the Town is selling the remainder as irrigation water. As the number of users increases, more water rights will have to be obtained. It is recommended the Town review the market price for shares on an annual basis to make sure the impact fee stays on target.

***Council member Glodowski moved to close the public hearing on the Culinary Water IFFP, with a second by Council member Bateman. The motion passed with unanimous "aye" votes.***

### **3) PUBLIC HEARING ON CULINARY WATER IMPACT FEE WRITTEN ANALYSIS**

***Council member Bateman moved to open the public hearing on Culinary Water Impact Fee Written Analysis, with a second by Council member Glodowski. The motion passed with unanimous "aye" votes and the public hearing was opened.***

Ryan Taylor presented the Culinary Water Impact Fee Written Analysis for November 2014. This analysis recommended figures of \$3,813 for a buy-in and \$6,954 as the future improvement cost, for a total of \$10,767 impact fee for a ¾" meter and \$17,945 for a 1" meter on new residences. Although figures are included for a 6" and 8" meter size, these are not recommended for the current water system. The church recently constructed uses a 2" meter, and schools are commonly on a 3" to 4" meter.

Discussion on REU (residential equivalent unit) was had and Mr. Taylor stated 30 gallons per minute is the maximum draw allowed to be put on the system through a ¾" meter. New home construction may increase the meter size to 1" putting a bigger draw on the system and, thus, a greater impact fee may be necessary. As growth continues, additional waterlines would be added, perhaps side by side with the existing, or, alternatively, a larger line replacing the current one to increase capacity. The current system is built to provide 1,500 gallons per minute for fire flow volume. For developments the developer is responsible for improvements both on and off site.

Included in the written analysis is an estimate of 1% administrative cost to correctly appropriate the monies in different accounts for the impact fees. This administrative cost is typical in most jurisdictions of our size.

Council member Bunker inquired of Mr. Taylor if another table for figuring meter capacities is available using a mag meter rather than a turbine meter. Mr. Taylor stated there is another table and alternative figures can be provided if desired. This would be a consideration when using the larger 8" meters to reduce head loss at the meter.

***Council member Glodowski moved to close the public hearing on the Culinary Water Impact Fee Written Analysis. The motion was seconded by Council member Bateman and the motion passed unanimously.***

Per Mr. Taylor's suggestion, adoption of the Culinary Water IFFP and Impact Fee Analysis was discussed. ***Council member Glodowski moved to adopt the Culinary Water IFFP as presented.*** Council member Bunker stated he would like to do further review of the plans before adopting them, and would do so as the two plans on transportation were discussed. ***Council member Glodowski then withdrew his motion for adoption, which was seconded by Council member Bateman.***

#### **4) PUBLIC HEARING ON TRANSPORTATION IMPACT FEE FACILITIES PLAN (IFFP)**

***Council member Bateman moved to open the public hearing on Transportation IFFP, seconded by Council member Glodowski. The motion passed unanimously by the Council and the public hearing was opened.***

Mr. Taylor presented the IFFP on transportation for the Town of Daniel in November 2014. This plan does not include a component of maintaining the current roads within the Town, such as overlays or street signs. It is meant to include maintaining the service of the roads as they currently exist and adding new roads and improvements necessary as growth occurs. The estimated total for one-time repairs in the IFFP is \$796,300. The estimated projection for buildout at year 2049 is a population of 2,000 people. Repair costs are outlined by project on Table 5 in the IFFP.

The calculations could take into account a partial impact fee for a rebuild of a home where the square footage is increased if there is foreseen an impact on the roads in the area. For upgrades to service such as installing a cul-de-sac at the end of a lane where none currently exists, the cost would be split between new construction and existing residents as it is improving the level of service currently provided. Several projects on the list are considered combination projects where repairs that are necessary are made at the same time improvements are done using monies charged for impact fees. Mr. Taylor stated he chose the language “transportation” impact fees as it may include bike paths, parks and recreation areas in the future and is not limited to roadways.

***Council member Glodowski moved to close the public hearing on the Transportation IFFP, which was seconded by Council member Bateman. The public hearing was closed by unanimous “aye” votes from the Council.***

## **5) PUBLIC HEARING ON TRANSPORTATION IMPACT FEE WRITTEN ANALYSIS**

***Council member Glodowski moved to open the public hearing on Transportation Impact Fee Written Analysis. The motion was seconded by Council member Bateman and passed with unanimous “aye” votes by the Council. The public hearing was opened.***

Mr. Taylor stated using the one-time repair estimate for roads of \$796,300 divided by the estimated future residences built of 319 provides a transportation impact fee of \$2,496 per residence because everyone uses the roads. He noted the transportation impact fee applies to everyone moving into the Town of Daniel, whereas not all residents would impact the culinary water system, for instance if culinary water is provided by a well.

A table included in the written analysis uses figures of 6% for design, construction management of 6%, legal and administrative (if necessary) of 3%, and a contingency of 10-20%, varying depending on the project complexity and uncertainties. These figures are included in the impact fee for both culinary water and transportation and are based on one REU.

***Council member Glodowski moved to close the hearing on Transportation Impact Fee Written Analysis, seconded by Council member Bateman. The motion was passed unanimously by the Council and the public hearing was closed.***

***At this point Council member Glodowski moved to adopt the Culinary Water IFFP with minor changes or revisions performed by Epic Engineering and a new document created. This motion was seconded by Council member Bateman and passed with unanimous "aye" votes by the Council.***

***Council member Glodowski then moved to adopt the Culinary Water Impact Fee Written Analysis with the same proviso of editorial revisions and a new document created by Epic Engineering. The motion was seconded by Council member Bateman and passed with unanimous "aye" votes by the Council.***

***Council member Bateman moved for the Council to adopt the Transportation IFFP with the same proviso of editorial revisions, as necessary, and a new document created by Epic Engineering. The motion was seconded by Council member Glodowski and passed with unanimous "aye" votes.***

***Council member Bateman then moved for adoption of the Transportation Impact Fee Written Analysis with editorial revisions being made, as necessary, and a new document created by Epic Engineering. The motion was seconded by Council member Glodowski and passed with unanimous "aye" votes.***

## **6) BUSINESS LICENSE APPLICANTS**

Council member Bunker brought forth two applicants who had applied for renewal of their licenses, Fabulously Freaky and Lone Peak Sprinkler. Monies were paid and their renewals were accepted by the Council.

## **7) PLANNING DEPARTMENT REPORT**

Planning Director Bunker submitted an e-mail exchange between him and Joe Witt and Ryan Taylor in relationship to the Certificate of Occupancy and bond requirements for loan closing on the Witt home on 3000 South. The Town takes the position they have fulfilled their requirements regarding this new construction.

Documents regarding contiguous properties owned by Reeder Family Trust and Cindy Wilde Family Living Trust were produced by Mr. Bunker. Mr. Taylor stated the owners want to adjust the lot line on the west side of the properties on 1200 West. Legend Engineering has performed a survey leaving some right-of-way issues on 1200 West where the fence is on the edge of the road and there is no room for snow removal. Planning Director Bunker asked the Council if they want Epic Engineering to perform a preliminary survey to try to establish the right-of-way. A corner piece of the Wilde property was quit-claim deeded by Rex Reeder, leaving two 10-acre parcels in the subdivision. The Council directed Mr. Taylor to begin work on a preliminary survey and inquired regarding a cost estimate. Mr. Taylor is going to do some research to see how much work would be involved and come back to the Council with a cost for surveying the property.

Planning Director Bunker produced a Notice of Town Code Violation he had presented to a home being constructed at 3684 Big Hollow Road where fill full of noxious leafy spurge seeds had been dumped on the property partially blocking water drainage. There will be further discussion on this as agenda item 8.

The next items brought forth for the Planning Department report were: 1) Denial of an application for building a garage to Tom Grose; 2) Denial of a new conditional use for an "events facility" applied for by Richard Willes and return of his \$60.00 check; 3) Issuance of a business license to Nathan Stoddard for the continued operation of Sundance Ridge through October 2015. If he wants to change the name of the adult treatment facility next year, he will have to reapply to the Town Council for a conditional use permit.

## **8) DISCUSSION ON A NOXIOUS WEED MITIGATION PLAN FOR OUT OF URBAN INTERFACE AREAS FOR NEW CONSTRUCTION APPLICATIONS**

Upon visiting the site at 3684 Big Hollow Road where a code violation occurred dealing with noxious weeds, Council member Bunker would like to see the Town initiate a resolution prohibiting fill containing noxious weeds not only outside urban interface areas but anywhere within the Town of Daniel where contractors bring in fill during construction. He would like to see the Town have a weed mitigation plan document provided to contractors to control the spreading of weeds. In the past Wasatch County took a proactive role in weed spraying, but upon incorporation of the Town of Daniel, they will not cross the municipal boundaries.

He produced a document dealing with the issue. A resolution will be written and put on the agenda for December.

## **9) UPDATED DISCUSSION ON INTERLOCAL PLANNING AGREEMENT AND POSSIBLE ADOPTION**

A document entitled Cooperative Agreement was produced by Shawn Seager of Mountainland Association of Governments during the annual Rural Planning Organization (RPO) meeting in Wasatch County and given to Council member Bunker to provide to Daniel Town officials. This is intended to be an interlocal agreement which would include placement of a semaphore at the intersection of Highway 189 and 3000 between Daniel and Charleston. The parties to the agreement are Heber City, Daniel Town, Charleston, and Wasatch County. A map and several renderings of potential ways the intersection would be modified were included with the agreement. It is recommended for approval by UDOT. Even after dispersion of this document, additions were made and reported on by Council member Bunker.

Discussion of this document at the conference included limiting access onto Highway 189 heading north from 3000 South toward Heber. It requests development along the highway be set back 300 feet and would require a shoulder ditch or canal for drainage. The proposal as presented would not impact Charleston and shift all impact onto the Town of Daniel. There will be ongoing discussion on this issue in further RPO meetings.

Council member Bunker then reported on statements made by Wasatch Council member Heidi Franco during the RPO conference regarding an interlocal agreement addressing clean air in our valley, eliminating wood burning stoves,

reducing pollution from cars, with no mention of planes landing and departing from the airport and residue dropped during these times. Mayor Turner has had conversation with her regarding the airport pollution, and since she is on the Airport Board, she stated she will address this issue in further discussions.

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

As there was no representative from DMW present at the meeting, no discussion was had.

#### **11) APPROVAL OF COUNCIL MEETING MINUTES OF OCTOBER 6, 2014**

Council member Bunker pointed out an inconsistency in the record regarding a statement made by Mr. Taylor and the motion following on page 5 of the minutes. A correction was made to reflect his statement as being “approval of the subdivision with two more conditions being addressed.”

***Council member Bunker moved to approve the minutes of October 6, 2014 with the correction made, seconded by Council member Bateman. The minutes were approved unanimously by the Council.***

#### **12) RECORDER’S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, FIRST CONSIDERATION OF 2015 MEETING SCHEDULES, OPEN AND PUBLIC MEETING TRAINING (POSSIBLE)**

Before the clerk presented the warrants, Mayor Turner asked for approval of the Council to move next month’s meeting from December 1<sup>st</sup> to December 8<sup>th</sup> to allow for receipt of documents necessary to conduct December’s Council meeting.

***Council member Glodowski moved for approval of the date change from December 1 to December 8, 2014 for the next Council meeting. The motion was seconded by Council member Bateman and passed unanimously by “aye” votes from the Council.***

Clerk Shindurling presented the Council with a schedule of proposed meeting dates for next year. ***After quick review, Council member Bunker moved***

***to accept the dates as presented, with a second by Council member Glodowski. The schedule was approved by unanimous “aye” votes from the Council. An ordinance will be prepared for adoption next month.***

The warrants for the month of October were presented by Clerk Shindurling. She referred to receipt of the Bonneville Asphalt & Repair invoice for crack sealing but nothing for the road work performed by Geneva. There is yet to be some shoulder work performed by them to improve the edge of the pavement.

Ryan Taylor inquired of the Council if they wanted an improved shoulder on future overlay work performed in the Town. The Council will consider the same sporadic shoulder work as done previously, looking at this on a case-by-case basis. All residences on 1200 West where an overlay was added received a notice from the Post Office stating unless the shoulder was remedied, delivery of mail would be suspended in two weeks. One of the residents, Ken McCarthy, had improved the shoulder and discussion occurred regarding his reimbursement for the purchase of road base. The Council approved payment to him for purchase of the material but stated he could not be paid for labor in doing the work.

***Council member Glodowski moved to accept the warrants as presented. The motion was seconded by Council member Bateman and passed with unanimous “aye” votes.***

Mayor Turner stated he has had another request for online bill payment of DMW bills and is looking into how to facilitate this request. The Town could probably save some money in postage and supplies by going this route.

Council member Bunker and Ryan Taylor disclosed to the Council a request they had received for Questar Gas to excavate and put in a gas line at the residence of Todd Steiner on Mill Road. Although the end date for such excavation in the Town is October 15<sup>th</sup>, the Council gave the go-ahead to perform the work this week as the weather is forecast to be good and asphalt will have time to cure.

Mr. Taylor also informed the Council that the HOA of Ranch Drive in the Town is wanting to put in a waterline to provide service into their subdivision.

They would extend the line currently ending at Teancum Drive. Although the contractor wants to do the work in December, the Council asked that the work be delayed and discussed in the next meeting.

To fulfill the requirement under Utah Code § 52 – 4 Open and Public Meeting Act training for the Council, Mayor Turner reviewed a chapter in the manual put out by the Utah League of Cities & Towns on ordinances and resolutions.

### **13) POSSIBLE CLOSED SESSION TO DISCUSS THE ACQUISITION OR LEASE OF REAL PROPERTY**

*Council member Glodowski moved to leave the regular session of the Council meeting and go into closed session. The motion was seconded by Council member Bateman and the Council voted unanimously to go into closed session.*

*Council member Bateman moved to go back into regular session and out of the closed session. Council member Glodowski seconded the motion and the Council voted unanimously to come out of closed session.*

*Mayor Turner asked for a motion to present the Letter of Intent to Suzanne Goodfellow. Council member Bunker moved for the presentation of the letter, which was seconded by Council Bateman. The motion passed unanimously.*

(No persons were present during the closed session but the Council and Clerk.)

### **14) ADJOURN**

*Council member Glodowski moved to adjourn. The motion was seconded by Council member Bunker, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 10:14 PM.*

Lynne Shindurling,  
Clerk/Recorder