

**Daniel Town Council Meeting
Monday, January 5, 2015 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, Utah**

PUBLIC HEARING – CDBG

**First public hearing to accept public comment concerning application for a
Community Development Block Grant 2015**

Quorum present: Council members John Glodowski, Eric Bunker, and Kasey Bateman were present when Mayor Chip Turner called the meeting to order at 6:04 PM. Council member Jon Blotter arrived at 6:06 PM. Clerk Lynne Shindurling was present to record the minutes, and Treasurer Sherri Price was also present.

Members of the public in attendance were: Jaq Shindurling, Tim Jones, Shawn Seager, Brian Phillips, Merry Duggin, Ryan Taylor, Darin Bunker, and Pam Skinner.

Mayor Turner stated the order of agenda items would be changed as Brian Phillips from UDOT had not arrived yet for the item #2 discussion on Access Management Agreement.

1) PUBLIC COMMENT CONCERNING ISSUES NOT ON THE AGENDA

Merry Duggin reported on a recent School Board Study Session meeting she had attended in regard to the building of a new middle school and elementary school. If a decision is made to have an election to consider a bond for the construction of these schools in 2015, this would require a special election in November. She indicated Heber City does have a concern regarding building a school on the site on 3000 South in Daniel previously purchased, as pedestrian access by the children is blocked by three parcels of private land and that Daniel Town does not require curb and gutter or sidewalks. Superintendent Shoemaker stated during the School Board meeting that similar situations had occurred previously and had always been worked through as far as the building of a school, but it is a concern that will have to be addressed.

Council member Blotter arrived at 6:06 PM.

Ms. Duggin also stated the North Fields property referendum petitions had been submitted to the Wasatch County Clerk's Office with a total of 2,286 signatures. The requirement was 1,850 signatures. The County now has 15 days to either certify the petition or declare it void. Mayor Turner inquired when the intended election time was for this issue. Ms. Duggin stated if there is a special election in 2015, it will be on that ballot; otherwise, it will be on the 2016 election ballot. The issue has been further complicated by a lawsuit filed by one of the landowners in the North Fields, with a stay having been granted by Judge Griffin on December 22nd. However, the County Council met on December 23rd and voted to pass the newly created statute and requirements thereof.

At this time item #2 was skipped and ***Council member Blotter moved to close the regular meeting and go into the public hearing regarding the CDBG 2015. The motion was seconded by Council member Glodowski . With unanimous "aye" votes the public hearing was opened.***

3) FIRST PUBLIC HEARING REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT 2015

Mayor Chip Turner, opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2015 Community Development Block Grant program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate-income persons. The Mountainland Association of Governments, in which Town of Daniel is a member, is expecting to receive approximately \$479,932 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor Turner read several of the eligible activities listed, including construction of public works and facilities; i.e. water and sewer lines, fire stations; acquisition of real property; provision of public services such as food banks or homeless shelters; and culinary water projects such as an upgrade in the Storm Haven area. Also eligible are loan programs for private businesses which would then hire low income persons, and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners. Mayor Turner indicated that in the past Daniel Town has received \$318,000 in 2009;

\$290,835 in 2010; and \$50,000 in 2011 for construction on the municipal culinary water system. The Town has handed out its Capital Investment Plan as part of the regional "Consolidated Plan." This list shows which projects the Town has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes, and we would like to specifically respond to your questions and suggestions during the hearing.

Merry Duggin stated at the time of the first CDBG grant applied for by Town of Daniel the entire town needed to have an income survey done and asked whether the same would be true again, or if it will be site specific. The Mayor stated it would be site specific to the Storm Haven area. Council member Blotter inquired whether a percentage of that community would be needed to meet CDBG requirements. The Mayor responded 80% of the community must respond to the survey instrument.

As a motion to close the public hearing was made by Council member Blotter, Ms. Duggin stated her thoughts that a culinary project would be highly desirable to submit to the CDBG grant program.

The motion to close the public hearing was seconded by Council member Glodowski and, with no further discussion, the hearing was closed by unanimous "aye" votes at 6:15 PM.

4) CONFLICT OF INTEREST POLICY RESOLUTION DR 2015-01-05

Mayor Turner read Resolution DR 2015-01-05 as presented to the Council. Council member Blotter asked who decides whether there is a conflict. The Mayor responded there are no guidelines outlining this, per se, but opined the individual should be forthright if such a gray area exists. Council member Bunker stated State Code references this quite specifically.

Council member Glodowski moved to accept the resolution as written. Council member Bateman seconded the motion. The motion passed with the following votes: Turner, aye; Glodowski, aye; Bateman, aye; Blotter, aye; with an abstention by Council member Bunker.

2) PRESENTATION BY SHAWN SEAGER WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS AND UDOT REPRESENTATIVE REGARDING INTERSECTION AT 3000 SOUTH AND HIGHWAY 189/ACCESS MANAGEMENT AGREEMENT

Mayor Turner thanked both Shawn Seager and Brian Phillips for coming before the Council with their presentation and turned the time over to Mr. Seager. Mr. Seager stated MAG is involved locally with the CDBG funding, Meals on Wheels program, and transportation planning.

Council member Blotter asked Mr. Seager what MAG's involvement is in the Access Management Agreement. He stated they are partners with UDOT in regards to transportation planning as the local communities are concerned with safe access onto Highway 189 throughout Wasatch County. The long-range planning involves appropriate spacing, say every 1,000 feet, for access onto the highway by intersecting streets and use of signalization. Having an agreement in place with all local communities provides a means by which planning continues into the future even though local mayors, councils, and government officials may change from time to time. He referenced the website mountainland.org and clicking on Wasatch RPO to get more detail on the models listed there.

Brian Phillips with UDOT stated in order to change the terms in an Access Management Agreement, all parties to the agreement would have to agree to the change. Mr. Seager stated one of the purposes of limited access onto a major thoroughfare like US-189 is keeping it from becoming so congested with driveways and access points onto the highway that a bypass road becomes necessary to keep traffic moving through the area. The current population in Wasatch County is about 24,000 and projections show it doubling within the next 30 years, so planning is of utmost importance.

Mayor Turner expressed concern of the intersection of 3000 South with Highway 189 and the possibility of a signal light being installed there. Different scenarios have been proposed how the intersecting roads will align, and Mr. Phillips stated an angle as close to 90 degrees as possible is most desirable, which will involve annexation of properties near the intersection by either Charleston or Daniel, depending where the actual intersection ends up. He produced several maps showing various scenarios under consideration. Council member Bunker

stated the current alignment of the streets was done at least seven years ago because it was done before the incorporation of Daniel Town.

Tim Jones inquired of Mr. Seager if there is a time frame within which Daniel Town must become a signatory to the agreement, to which he replied there is no time frame and MAG and UDOT are working with all proposed participants to the agreement to try to reach all-around agreement. As the realignment of 3000 South is made to accomplish intersecting with 189, a strip of surplus property will most likely be created which would be owned by Wasatch County and Daniel jointly.

Mayor Turner asked about the 300-foot setback on both sides of Highway 189. Mr. Phillips responded this is a recommendation for storage lanes for left turns and driveway accesses, deceleration and acceleration lanes. He also stated Daniel Town will have to make their own traffic generators as far as 3000 South into the Town. Reduced speeds on 3000 South will deter traffic wanting to go to Daniels Summit and take them up to Highway 40 on 189 rather than cutting through the Town of Daniel.

Council member Bunker mentioned that the Weyandt property on the corner at 3000 South had been zoned back to RA-5 from commercial. Mr. Phillips stated the limited accesses are tied to the property deeds and that Rex Rowland with UDOT in Orem has access to all the deeds if Council members have any questions on property ownership.

Mr. Bunker also pointed out “requirements” within the draft of the agreement, and Mr. Seager stated the language could be softened to meet the desires of the Town and an exit clause added. Daniel Town will continue to attend meetings as the agreement is tweaked to reach a final document.

5) DOMESTIC ANIMAL DISCUSSION

Mayor Turner read into the record Utah State Code 18-2-101 regarding municipalities banning specific dog breeds in their community. This statute took effect on January 1. Since the State Code has addressed this issue, no discussion was necessary. But Merry Duggin brought up the fact Daniel Code does address vicious animals, and Tim Jones added there is always the human responsibility involved in dog behavior. He put on the table who addresses whether an animal

is vicious. The city code of various cities and municipalities may state a responsible person, but in the Town of Daniel a complaint would be made with the County Sheriff's Office and that agency would handle the matter.

Mayor Turner at this time clarified an issue regarding the resolution passed in December by the Town Council regarding noxious weeds, DR 2014-12-08C. A question had arisen regarding whether the appropriate action should have been an ordinance rather than a resolution. He stated since the purpose of the resolution was to create a document to be used by contractors and builders building within Daniel Town mandating a requirement for use of clean fill dirt, that even though the document recites penalties for those in violation, it does not change current code and, therefore, a resolution was the proper instrument.

6) BUSINESS LICENSE APPLICANTS

Council member Bunker presented a renewal by Jill Bonner for Jill's Hairstyling which had been submitted and accepted. This was the only application received in December.

7) PLANNING DEPARTMENT REPORT

Council member Bunker stated he had spent 12 hours on Blue Stakes tickets in the month of December and 23.5 hours in planning matters. He stated the planning department had received an application for solar power production, which at the time does not require a permit or a fee. The only requirement is that the applicant receive a letter from Heber Light & Power okaying the connection back into the power grid. He asked if the Council wanted to keep the same standards, with a new Mayor and some new Council members, and the Council agreed to keep it as is.

Council member Bunker then brought forth a weed management agreement produced by Wasatch County and disseminated to all communities within the county and a number of private entities asking for participation in an effort to eradicate problem weeds. The cost is not known at this time and Council members will be given a copy to read and consider whether the Town would benefit from such participation. The organization meets monthly and addresses problem areas through the growing season. Merry Duggin stated Michael Duggin,

the former Mayor, had spent a large sum on equipment for the Town to have the capability of spraying weeds on its own.

Council member Blotter asked if this is an issue for the Planning Commission to consider. Council member Bunker stated this is beyond planning and into implementation and that the Town Council should consider the issue. Council member Blotter stated a desire to wait until the closing date for signature to see who has signed the agreement. Council member Bateman asked that the Council table the issue at this time. Mayor Turner will poll the Council members later in the month of January to see if they want to sign onto the agreement.

8) DANIEL MUNICIPAL ISSUES AS NECESSARY

Kim Norris reported one of the pump motors in the pump house had been removed and taken to a facility for repair. Council member Bateman wonders if having Town officials do some of the repair work would negate any warranty. Ryan Taylor stated whoever repairs the motor would warranty their work and that having Town people do the reinstallation should make no difference in what they are willing to include in their warranty.

Merry Duggin reported her knowledge of one freeze-up of a water line in the bitter cold weather of the past weeks. Council member Bunker stated he knew of a couple others which had not been reported to the water company, but all had been fixed. Mayor Turner asked Mr. Norris if customers are charged for repairs due to cold weather freeze-up, to which he replied there is no charge.

Kim Norris inquired of a GRAMA request received by the Town dealing with water usage numbers. Mayor Turner stated there had been a GRAMA request and copies were disseminated to the Council. Because there was no identification of with whom the requester is affiliated or for what reason the information is requested, the Mayor would like a query made to obtain more information.

Ryan Taylor stated his knowledge that the Division of Drinking Water is in the process of updating their tables and rules on how much water is required for residential connections, and says this request may be related to this research. The information requested is in the public domain and the request needs to be responded to by providing the information or giving the requester the names and

addresses of agencies where the information could be obtained. The former clerk, Merry Duggin, stated because the information is not consolidated in a report in the manner asked for, the Town could charge a fee for assembling such, or refer the requester to other agencies. She reporter past requests had been sent from companies wanting to provide services to the Town. Pam Skinner asked if realtors would be interested in this type of information, particularly concerning parcels within the Town of Daniel where well permits had expired.

Council member Bunker brought forth the handbook of the Utah League of Cities and Towns and language regarding GRAMA requests therein. He questioned the categorization of this particular request and read a response he had prepared in anticipation of the meeting. Mayor Turner requested the Town's records officer, Clerk Shindurling, to ask for more information from the requester and the Town will provide the information as necessary.

9) APPROVAL OF COUNCIL MEETING MINUTES OF DECEMBER 8, 2014

Council member Bunker moved to approve the minutes as presented. Council member Glodowski seconded the motion and it passed with the following vote: Bunker, aye; Glodowski, aye; Turner, aye; Blotter, aye; and an abstention by Council member Bateman.

10) RECORDER'S OFFICE: WARRANT APPROVAL, FY2015 BUDGET UPDATE, ANNOUNCEMENTS, ETC.

The warrants for the month of December were presented by Clerk Shindurling. She offered an invoice not on the warrants for reimbursement to Tristi Bunker for \$10.74 for a USB cable needed to integrate the video camera recordings with a computer. Council member Blotter asked about the figures for payroll in the DMW fund. More work had been required because of the pump failure in the pump house and, thus, more time involved. ***Council member Blotter then moved to approve the warrants as presented and with the additions made verbally. Council member Bateman seconded the motion and the motion passed with unanimous "aye" votes.***

The clerk then presented the half yearly budget update and explained that revenues were at about 58% collected in the general fund to date with expenses at about 36% overall. The highway funds have not to date been totally

spent and will allow for more signage work and surveying on South Fields Road. Merry Duggin inquired on the insurance line item being over budget and the clerk is going to research the figures specifically.

Clerk Shindurling then presented the water enterprise half yearly budget update and noted revenues were at 49% of expected, with expenses being approximately 27% of expected at this date. Both annual bond payments have been made for FY2015. Repair of the motor for the pump is thought to be significant and will be considered at the next update. Further discussion took place on power outages occurring at the pump house which is causing stress on the system. This causes sounding of the alarm and is being monitored.

11) ADJOURN

Council member Glodowski moved to adjourn. The motion was seconded by Council member Blotter, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 8:22 PM.

Lynne Shindurling,
Clerk/Recorder