

**Daniel Town Council Meeting
Monday, May 4, 2015 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT**

PUBLIC HEARING – CDBG

Second Public hearing to accept public comment concerning application for a Community Development Block Grant 2015 regarding Storm Haven Water System

Quorum present: Council members Eric Bunker, Kasey Bateman, and John Glodowski were present at 6:00 PM when the meeting was called to order by Mayor Turner. Council member Jon Blotter arrived at 6:06 PM. 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, Lisa Christen, Wayne Mair, Pam Skinner, Dan Dearden, Kassadi Hardman, Jacee Lewis, Thomas N. Sproul, and Derek Gressmen.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

Pam Skinner voiced her concern that the school district had purchased two lots on Ranch Drive in Daniel Estates where she lives. She has the understanding, as do other homeowners in the HOA, that Ranch Drive is to be closed where it joins the property in Heber City to the north and would not provide a second ingress/egress to the school if one was to be built there. Mayor Turner assured her that the Town's position has not changed in regards to the road closure there and inability to provide sewer service to said property. The school district may make a request to come before the Town Council to discuss placement of an elementary school within Daniel Town.

2) SECOND PUBLIC HEARING REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT 2015 REGARDING THE STORM HAVEN WATER SYSTEM

Mayor Turner asked for a motion to close the regular council meeting and open the public hearing for the CDBG grant. Council member John Glodowski moved to open the public hearing, which was seconded by Kasey Bateman. The motion passed with unanimous "aye" votes from the council.

Mayor Chip Turner opened the second public hearing for the CDBG program. The Mayor stated that this hearing was called to allow citizens to provide input concerning the Storm Haven water system upgrade that was awarded under the 2015 Community Development Block Grant Program. He stated Town of Daniel has amended its capital investment plan and applied for funds on behalf of the Storm Haven water system to upgrade and replace water meters, water lines, and facilities as needed. The Mayor announced Jon Blotter is serving as the project manager for this project and explained the application was

successful in the regional rating and ranking process and Town of Daniel has been awarded \$44,800 if funds are available to CDBG. The Mayor explained the project to those in attendance. He then asked for any comments, questions and concerns from the audience.

Council member Bunker asked if the grant was a matching grant, and the Mayor stated the Town was not awarded the full amount asked for, but the Town is also contributing \$6,000 toward the project in addition to the CDBG grant. Some items enumerated in the original application will be stricken as the award was for a lesser amount. Ryan Taylor stated he will amend the list as needed. It was prepared only as an engineer's estimate and when asking for bids, he will include as much of the work as is feasible. The Mayor stated this is grant money which does not have to be paid back.

Council member Glodowski asked when the walk-through was going to take place on the property, and the Mayor informed him it was scheduled for Friday, the 8th of May. The contract with Susanne Goodfellow will be prepared in the next month. Council member Glodowski then gave a brief overview of the CDBG workshop which took place on April 30th. He had gone in Mr. Blotter's stead as Council member Blotter was unable to attend the meeting. Lynne Shindurling and Ryan Taylor had also attended the workshop.

Mayor Turner then inquired regarding wages paid on the project. Mr. Taylor stated the State provides the Davis-Bacon wage schedule to be paid for work in each category, and this information is passed along to interested contractors to figure into their bidding process. Interviews conducted by the Town of the workers take place shortly after the work has begun to assure that the proper wages are being paid.

Clerk Lynne Shindurling gave a brief synopsis of what needs to take place in completing the application, which will then be submitted to the State CDBG office, and, upon acceptance of the application, a contract will be awarded to the Town. At that point the project proceeds as they have in the past with obtaining bids for necessary work and Epic Engineering performing its survey of the site.

Council member Blotter moved to close the public hearing and go back into the regular council meeting, which was seconded by Council member Blotter. The motion passed with unanimous "aye" votes and the council meeting proceeded in regular session.

3) BUSINESS LICENSE APPLICANTS

Council member Bunker reported he had received renewal applications for four businesses: Jolley Electric, Jolley Kids, Daniel Creek Construction, and Bart Wilde & Associates. As there had been no issues reported with these four businesses, the licenses were signed by the Mayor and renewal accomplished.

4) PLANNING DEPARTMENT REPORT

Planning Director Bunker reported his hours spent on Blue Stakes matters and planning matters throughout the month. Council member Blotter inquired on the James Graham/ LDS meeting house matter. Mr. Bunker explained he had had communication with Mr. Graham, who owns land within Daniel, and was told by Mr. Graham that he had been informed that he would have to disconnect from Daniel Town and be annexed into Heber City in order to build an LDS meeting house on his property. Director Bunker explained to him the conditional use provisions within the Daniel Code and the process he could go through.

Mr. Bunker then turned the Council's attention to a request by the Smiths on Teancum Road for a lot line adjustment, providing a plat map of surrounding properties. The Smiths' attorney is working with the Daniel Planning Commission in order to effectuate the adjustment and will likely come before the Daniel Board of Adjustment for a decision. Ryan Taylor explained the question here is does the 100 feet of frontage on a lot have to be contiguous.

Derek Gressmen and his father-in-law appeared before the Council to further discuss the Simmons/Bethers/Callister parcels which was discussed at the April 6th meeting. The issue here is how to develop property located behind existing homes, which is enough acreage to create several lots of five or more acres; through some type of easement, creating a flag lot, or building a road up to Daniel Town standards to access the back properties. Mayor Turner stated the Council may need to consider new Town code to address the road issue. Council member Blotter stated this will be a slow-moving process because of its complexity. New code would, of course, require a public hearing and input. Mr. Gressmen provided a County recorded plat, but it does not show the subdivision, a date when the lots were subdivided. He will try to locate a recorded copy at the County Recorder's office.

After further discussion amongst Council members, Mayor Turner requested that the Planning Commission review the situation and make a recommendation to the Council at a later meeting regarding creation of flag lots. Council member Blotter would like the Planning Commission to initiate discussion on the issue without necessarily making a recommendation to the Council. Director Bunker said he would put this on the Planning Commission agenda.

Next on the planning report was the Clyde/Ritchie small scale subdivision continued discussion. Mr. Taylor stated the owners had the list of items requiring completion in order to proceed with the subdivision and are working toward that end.

At this point item 6 on the agenda was taken out of order.

6) STORM HAVEN LOT VARIANCE INQUIRY

Wayne Mair appeared with his realtor, Lisa Christen, to discuss purchase of a property in Storm Haven currently owned by Gloria Montgomery. Before Mr. Mair purchases the lot, he wants to be sure it is a buildable lot. In 2007 the County Board of Adjustment signed off on a

variance to the front setback to 45 feet rather than 60 feet per Daniel code. He produced the letter stating such to the Council. Now that the lot is in Daniel, he requests that they honor the variance so that he could build on the lot. Because of the topography in the back of the property sloping downward toward the creek, the lot probably could not have a house on it without a smaller setback in the front. Ryan Taylor stated the Town Council had considered lot 1 in the same subdivision some time ago, and this is lot 4, so they would be addressing the same situation of a nonconforming lot of less than five acres. Council member Bunker cited code 8.22.03 regarding change of use because Ms. Montgomery's trailer has been gone more than 12 months. Ms. Christen stated unforeseen financial circumstances occurred making it impossible for Ms. Montgomery to build as she had intended, and if the lot is not buildable, it becomes worthless to her, and this is her retirement.

Mayor Turner would like the opportunity to research the minutes of the Board of Adjustment in detail and make a determination regarding the variance. Mr. Mair stated Ms. Montgomery has continued to pay the monthly water bill for the location over the past years since she vacated the property and a storage shed is still present. The Mayor and Ryan Taylor stated the floodplain map has also been updated recently and Mr. Mair ought to review its current status.

Mr. Bunker then cited Daniel codes 8.22.10 and 8.22.09 regarding nonconforming subdivision and nonconforming lot of record. Council member Bateman stated when Ms. Montgomery removed her trailer from the property, she was not allowed to bring another back. He also stated the Woods across the street had to obtain a similar variance to allow building of a home there as well.

Ryan Taylor, upon researching the meeting minutes online at this meeting, stated the subdivision was created on November 7, 1960, which predates any documents currently on file with the County regarding zoning, as the records became available in 1970.

Although the current code does not address a residential site plan approval to start the building process, Ryan Taylor suggests that Mr. Mair get the plans as currently prepared and a site plan to him, as well as a \$200 deposit, under the conditional use special exemption, for the matter to proceed on to the Planning Commission. Director Bunker would like a copy of all the pertinent documents before the May 20th meeting.

4) PLANNING DEPARTMENT REPORT (CONTINUED)

Director Bunker reported to the Council on the bypass road as discussed in the interlocal meeting. Heber City has decided to have a T intersection on the bypass road at Daniels Road with a stop sign where the bus garage is.

On the matter of schools in the valley, Mr. Bunker reported at the interlocal meeting school officials stated they are eliminating the middle school and having grade school of K-5, junior high school of grades 6-8 and high school with grades 9-12. Several properties are under

consideration for elementary schools and the new junior high school will be located on the Giles property on Mill Road. TIS School will be an overflow for the high school, which has a capacity of 2,000 students and current enrollment of 1,800. The school district is proposing a bond, and if it does not pass, year-round school could begin in the grade schools in school year 2016-2017.

Transfer development rights (TDR) were also discussed in the interlocal meeting attended by Mr. Bunker. This would allow a municipality such as Daniel to purchase land in the North Fields and transfer the rights to development within Daniel of perhaps two houses per five acres, transferring into a state code fund where development would never take place in the North Fields. The maps discussed contain receiving areas and transfer or giving areas.

Next Director Bunker addressed his need for new recording equipment and stated his frustration in the current process of approving monies for purchase of equipment and services. He would like the Council to have an agenda item next month of reviewing the preauthorized amount necessary before purchases can be made. He believes the Council should be aware of any purchases made by the Town before they are made, not just a conversation with Mayor Turner. Council member Glodowski suggested raising the amount to perhaps \$1,000 without Council approval. Council member Bateman feels it may be appropriate to have one ceiling amount for a Town general purchase and a separate ceiling amount for purchases made through the water enterprise fund. This will be on next month's agenda.

As the last item in the Planning Department report, Mr. Bunker brought up the subject of state retirement eligible wages. Under this program the Town and eligible employees would contribute towards the retirement fund of salaried employees. The treasurer, Sherri Price, will review her file on the subject and contact the state agency to become versed on the current requirements. Council member Blotter suggested this as an agenda item to be discussed at the next Council meeting.

5) COURSE OF ACTION TO BE TAKEN ON ZONING VIOLATIONS

- a. Trailer rentals**
- b. Nuisance and health issues**
- c. Illegal home businesses**

Mayor Turner announced there is a new interlocal justice court agreement between Town of Daniel and Wasatch County in place so that enforcement of Daniel code can occur. Prosecution of criminal misdemeanors would be handled by the County Attorney's Office with minimal fees to be paid by the Town. He inquired what procedure the Council would like to initiate to pursue violations of code. Most matters come to the Town's attention through a complaint by a resident of Daniel. A Notice of Violation letter has been adopted for use by the Council to initiate action.

The discussion ensued regarding Council member Bunker responding to a complaint, investigating the situation, and making a judgment call if action should be taken. **Council**

member Bateman moved that Eric Bunker be maintained as the code enforcement individual and that he update the Council monthly at each Council meeting on code violations that have occurred. The motion was seconded by Council member Blotter. The motion passed with "aye" votes from Council members Glodowski, Blotter, Bateman and Mayor Turner, and an abstention by Council member Bunker. This will be a new line item on the monthly agenda.

7) CONTINUED DISCUSSION ON ACCESS MANAGEMENT AGREEMENT RE: CORRIDOR PRESERVATION ALONG US-189

Mayor Turner advised the Council that he and Council member Bunker had attended an interlocal meeting with regard to the corridor preservation, during which Council member Bunker asked those present if they had read Administrative Rule 930-6 referenced in the agreement. Mr. Bunker was the only one at the meeting who had read it, although others seemed ready to sign the agreement not knowing the full intent. A great deal of time expended and exchange of monies and properties had taken place when Daniel was still a township, and no one at MAG or UDOT has taken those efforts into consideration in writing the agreement. Therefore, more discussion needs to occur before there is a cooperative agreement that meets everyone's needs.

8) DANIEL MUNICIPAL WATER MATTERS AS NECESSARY

No one representing DMW was present at the meeting, but Ryan Taylor reported that Gary Walton is still working with Heber Light & Power to resolve the fluctuation in voltage situation at the pump house. Mr. Taylor would like to see the installation of a voltage monitor to measure the exact spikes in voltage going through the system.

9) APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 6, 2015

The Mayor asked if all members had read the minutes. Council member Bunker moved to approve the minutes as written. This was seconded by Council member Glodowski, and the motion passed with "aye" votes from Council members Bunker, Glodowski, Blotter and Mayor Turner, with an abstention from Council member Bateman as he was not present at the meeting. The motion passed.

10) PRESENTATION BY LYNNE SHINDURLING OF THE 2015-2016 TENTATIVE BUDGETS, INCLUDING A NEW BUDGET FOR STORM HAVEN WATER ENTERPRISE FUND, POSSIBLE AMENDMENT AND ACTION BY THE COUNCIL TO ADOPT THEM. SETTING THE DATE FOR THE PUBLIC HEARING TO ADOPT FINAL BUDGETS FOR NEW FISCAL YEAR.

The budget was presented by Clerk Lynne Shindurling and reviewed by the Council. Revenues were discussed, actual versus budgeted numbers. A note at the bottom of the tentative general operating budget regarding Storm Haven expenses was reviewed. Council member Blotter inquired whether CDBG funds could pay for engineering already performed on the project. It was explained the Town of Daniel is contributing \$6,000 toward the project, but

if that is used to pay engineering fees incurred in the current fiscal year, there would be fewer funds available for the 2015-16 fiscal year. As a new enterprise fund and the Town taking over the water system, all figures are guesstimates on revenues and expenses and there could well be a shortfall in the coming year.

In reviewing estimated revenues and expenses at year end, June 30th, Council member Blotter inquired how the extra \$100,000 is treated. Treasurer Sherri Price explained monies can be transferred into the capital projects funds. According to law, no more than 75% of the general fund budget amount can be kept in the checking account, requiring periodic transfers into established ptif savings accounts.

The budgeted amount of \$110,000 for repair and maintenance of roads in the next fiscal year was discussed. The Mayor asked Ryan Taylor to review the capital projects list and come up with a figure for roads needing attention sooner than later. Wasatch County has agreed to do the road base work connecting roads to existing driveways after the roads have been resurfaced on a cost basis. The Mayor instructed the Council members to review the figures over the next few weeks and make any suggestions for changes before the next meeting on June 1st when the public hearings and approval of budgets will take place.

The budgeted amount of \$1,000 for elections was discussed. Ms. Shindurling informed the Council that if Wasatch County holds a bond election in November and because Heber City is going all vote by mail this year, Daniel could add their candidates' names for Council member election to the same ballot. The exact charge for this service is currently unknown.

With regard to the Daniel Municipal Water Enterprise Fund, Clerk Shindurling informed the Council that the phone charges with Century Link for service at the pump house have been reduced from \$80.94 to approximately \$50.00. The bill has not come yet to know an exact amount.

Member Bunker asked about charges for chlorine at \$360, if this would be enough to last through the next fiscal year. Ryan Taylor stated we do need another bottle but thinks the cost will be closer to \$400. The budgeted amount was raised accordingly.

Council member Bateman, who lives in the Storm Haven service area, stated the amount of water included in the monthly billable rate was reduced this month. This will be addressed as the Town takes the system over in the next couple of months.

Council member Bunker asked to revisit the general operating tentative budget concerning the weed spraying chemicals budgeted figure of \$250 for the current fiscal year and \$250 for the next fiscal year. He anticipates spending this year's \$250, but suggested raising next year's amount to \$500. The leafy spurge in the Big Hollow area is abundant and will require repeated treatments through the summer.

At this point Mayor Turner requested any additional comments be sent to him in anticipation for the public hearing on the budgets to be held in conjunction with next month's Town Council meeting on June 1, 2015, at 6:00 PM.

11) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.

The warrants presented to the Town during the month of April for payment were reviewed by the Council. Council member Blotter moved to approve the warrants as presented, which was seconded by Council member Glodowski. The motion passed with unanimous "aye" votes.

Clerk Shindurling produced a flyer created for the Town cleanup on May 16th and 17th. Additional copies will be printed and disseminated throughout the Town offering pickup trucks and trailers to help residents with trash disposal. Council member Bunker suggested the clerk call Kent Berg to see if the Town can dump at the transfer station for free Saturday, the 16th. A list of items NOT to be picked up will be available on the website.

12) ADJOURN

Council member Glodowski moved to adjourn the meeting. The motion was seconded by Council member Bateman and passed unanimously. Mayor Turner adjourned the meeting at 8:04 PM.

Lynne Shindurling
Clerk/Recorder