

**Daniel Town Council Meeting
and Public Hearings
Monday, November 2, 2015 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT**

Quorum present: Council members Kasey Bateman, Jon Blotter, and Eric Bunker were present when Mayor Turner called the meeting to order at 6:10 p.m. Council member John Glodowski arrived at 6:57 p.m. Lynne Shindurling was present to record the minutes.

Planning Commissioners present were: Gary Weight, Kim Norris, and planning secretary Kathy Jo Percy.

Members of the public in attendance were: Tim Jones, James Percy, Victor Ponce, Carl and Vicky Gibson, Joanne Bloomquist, Todd Johnson, Bridger Wilde, Chris Anderson, Ryan Taylor, Bart and Cindy Wilde.

1) PUBLIC HEARING CONCERNING UPGRADES TO THE STORM HAVEN WATER SYSTEM AND DISCUSSION ON NEW WATER AND SEWER RATES

As Mayor Turner called the meeting to order, he thanked those in attendance for coming and asked for a motion to close the regular meeting and go forward with the public hearing. ***Council member Blotter moved to close the regular meeting and open the public hearing on Storm Haven water system, which was seconded by Council member Bateman. The motion passed unanimously.***

Ryan Taylor, the consulting engineer for Daniel Town, stated a Master Plan for the Daniel Domestic Water system had been performed in 2009. Since then, Daniel Municipal Water was formed and improvements began with the help of state grants and bonds. He has now done an update of that Master Plan with new emphasis on the Storm Haven water system which has been acquired by Daniel Town.

The work performed in September and October included installation of new auto-read water meters, which are more accurate and can be read year-round, and leaks detected immediately. Now that the system is held by Daniel Town rather than a privately-owned system, state and federal monies are more readily available. The area serviced by Storm Haven water system are homes on Tammy Lane, Crazy Acres, those located in Storm Haven itself, and three homes across Highway 40. There are 54 connections currently.

Mr. Taylor stated the biggest omission from the current system is a water storage tank. Where some areas have above-ground tanks located in their communities, Daniel has the advantage of burying a gravity-fed tank in the nearby hillsides as Daniel Municipal Water has done. The current system's pump goes on and off 24/7 as the demand for water is requested,

which causes wear and tear on the equipment, and if the power goes out, residents are without water until the power is restored. A gas generator has now been installed to keep the pump running continuously and a new pump will replace the old in the near future.

Preliminarily Mr. Taylor has illustrated the water tank located just south of the gravel pit on the east side of Highway 40, but the exact location has not been chosen. Many factors play into this, including acquisition of the property on which the tank will be located.

Eventually a new well will have to be drilled and a pump station built. For now the water will not be chlorinated, but once a storage tank is constructed, state standards will require chlorination. Kim Norris reiterated even though the quality of the water is good, treatment will be required with a storage tank. Residents have expressed concern to him about this. Carl Gibson asked if it is a bad thing to add chlorine. Mr. Taylor stated when done correctly, it can be undetectable. Because the water quality is as good as it is, it should require minimum amounts of chlorine and be imperceptible. State requirements are geared toward drinking water safety.

Tim Jones asked if there had ever been a problem reported with the quality of the water. Mr. Taylor mentioned Suzanne Goodfellow reported minor problems and would flush the system with chlorine and resolve the problem. This happened infrequently. Tim Jones asked if it is possible, without drilling the well, to determine the quality of the water at the new well site. Mr. Taylor answered that could not be determined; however, as Council member Bateman pointed out, it is probably coming out of the same aquifer. The water should be the same. Mr. Jones pointed out the quality of the water as it currently exists is an asset to everyone's property there and seeking to preserve that is in their best interest. Mr. Taylor expressed his concern of the current well going dry and burning out pumps. It is located in the flood plain and needs a new location. The plan is to move it just a short a distance and, thus, maintain the quality of the water.

The plan also involves an interconnect with the Daniel Municipal Water line. This would provide the ability for one system to step in if the other encounters a problem in providing water to its customer. Redundancy here is a good thing. There lies in the future plans to replace the 30-year-old waterline within the Storm Haven boundaries by putting an 8" line in the street and out of the backyards of residents for easier access for maintenance. Kim Norris stated his understanding is parts of the system have pipes as old as 60 or 70 years, reinforcing the idea that new pipe is needed. The current galvanized pipe is badly pitted in certain locations. Mr. Norris stated because of shortage of funds in the water company before its acquisition by the Town, some customers may have been subsidizing others in the overuse of water.

Mr. Taylor has also planned for a pump station on Little Sweden Road to pump water back up to higher locales. His engineer's estimate works out to approximately \$2.5 million. With 54 connections the math comes out at about \$45,000 per residence.

A rate study was performed by Epic Engineering to come up with new rates to cover some of the anticipated expenses in daily operation of the water system. The study shows operation will run at about \$20,000 per year. At the current rate costs are barely covered and leaves no funds to bank toward the needed improvements. With a rate increase up to \$35.00, about \$5,000 a year could be saved. Council member Blotter asked how many gallons are included in the base rate. Mr. Taylor reported it is 8,000 gallons and is currently billed at \$2.50 for each thousand gallons used above the 8,000. The Town is trying to implement a savings program to avoid assessing its customers for repairs should an emergency arise.

Mr. Taylor presented different scenarios where bonds for varying amounts were considered and base rates established accordingly. These produced rates from \$45.00 per month up to \$160.00 per month if the Town bonded for the entire \$2.5 million at one time. The larger amount does not take into account any grants obtained along the way and is figured on 0% interest.

Next Mr. Taylor addressed the sewer system in place in Storm Haven, which includes 3 septic tanks and a drain field. Community septic systems are no longer allowed in Utah so changes are necessary. The figures in the study Mr. Taylor performed were based on 27 sewer customers, but Kim Norris pointed out there are only 17-19 users, which requires refiguring suggested rates to allow for improvement of the system. With the figures he used, Mr. Taylor recommended an increase to at least \$11.00 or \$12.00 monthly.

Todd Johnson asked if the projections for costs were based on the population within Storm Haven remaining the same. Mr. Taylor replied for the sewer it is, but for the water he assumes the remaining 10-15 lots in Storm Haven will be built out. He stated the current number of connections is 53 and he projects rising to 61 or 62 connections. He stated State code prevents any additional homes in the area from being connected to the sewer.

Mr. Taylor stated in order to qualify for some state grants, the sewer charges per month would have to be, at a minimum, \$57.13, and water charges of \$66.00 per month for the same qualifying requirements. This is based on the LMI income survey performed by Daniel to get this year's CDBG grant.

At this point Mayor Turned asked the audience for any questions or comments to be considered in the Council's deciding on new water and sewer rates.

Tim Jones complimented Kim Norris and all water employees on their work performed in the meter replacement. He stated he is concerned whether the exceptional quality of the water which exists now will remain when a new well is drilled and/or chlorination takes place in a newly constructed storage tank. This could be a factor considered in valuing the property. Mayor Turned inquired of Mr. Jones if he has any present concerns with what has been proposed as to the water system improvements. Mr. Jones stated the possible chlorination of the water and what he understood to be water mixed in from another system, that being

Daniel Municipal Water. He feels this creates the possibility of introducing foreign elements into the Storm Haven water, however minute.

Kim Norris reported Tim Jones has expressed an interest in participating in the planning and zoning within Daniel. Eric Bunker stated though at full staff currently, three commissioners' terms are up as of December 31. Mr. Norris mentioned the fine help he gets from Val Davis and Gary Walton in performing the work for the water department, as well as former Mayor Mike Duggin providing his time and equipment in the project.

Council member Bateman mentioned the minor amount of chlorine used in the DMW system, and if the water in Storm Haven is the same, it will require state minimums. Kim Norris stated some water systems within Utah tend to use more chlorine than is really needed to stay within state guidelines and perform less testing overall. He suggested the possibility of selling water to a bottling company to produce additional revenue, as he understands the Town of Oakley in Summit County is doing. He reported with the DMW well and two springs which currently supply water to parts of Daniel, its residents are fortunate to have such good water.

Chris Anderson mentioned while on the Daniel Domestic Water system, often so much chlorine was infused that you could smell it and taste it on occasion. He reports since Daniel Municipal Water revamped the system, there is no smell and no taste of chlorine in the water. In response, Mr. Taylor stated the old system used 400-600 pounds of chlorine annually, where DMW has historically used 150 pounds every two years, 75 pounds per year, with using roughly the same amount of water. He cited Sandy City as an example of a community which uses a great deal of chlorine to be assured they will not encounter any water quality issues.

Todd Johnson thanked the Council for considering all aspects of improvement in deciding a new water rate. He mentioned the installation of fire hydrants in the area should decrease the homeowner's insurance bill. Mayor Turner asked his opinion of an appropriate rate hike for Storm Haven residents. Mr. Johnson stated being equal to Heber City would be acceptable, but would consider paying \$40-\$45 per month for an improved distribution system.

Council member Bateman asked the Council's thoughts in providing a provision for a hardship case coming before the Council for consideration. Mayor Turner replied it was not a specific in the scenarios given by Mr. Taylor, but he is of the opinion that is always available to residents if they request to come before the Town Council.

Kim Norris inquired of the Council if they had looked at a comparison of neighboring cities and towns in the Heber Valley and/or Park City and suggested using those in setting the rate for Storm Haven. Mayor Turner stated rates of other communities had been looked at in the past and asked those in attendance at this meeting what their thoughts were on the figures thrown out earlier, if \$35 is too high, too low, as far as their current financial situations. Council member Bateman stated he lives in the area, has had two dishwashers destroyed by the system going down, and would like a newer reliable system. He wants fairness for the Town and for the homeowners and views the \$45-\$50 range as reasonable in order to meet the system

needs. This would give a little extra for the times when individuals run into hard times and need help getting through their situation. He would like to see those that can afford it invest in the Town and invest in the water system.

Todd Johnson suggested perhaps using a tiered increase schedule to bring in needed monies but not create a hardship all at once.

Tim Jones suggested using a subscription method where those in a better financial situation could donate to a fund to help those who have difficulty paying the increase. Other organizations get donations through a similar system. He thinks the residents would feel better about donating to help their neighbors. Mayor Turner reported he has seen those who claim a hardship have none and others who legitimately could use the financial assistance. He states that is why he prefers to deal with these situations on a case-by-case basis.

Chris Anderson suggested perhaps older people living on a fixed income are not using anywhere close to the base 8,000 gallons monthly and could be put on a payment schedule for reduced gallons.

Gary Weight suggested a rate structure using fewer gallons monthly to start with and going up incrementally from there.

Council member Blotter answered this suggestion by stating he thinks there are quite a few users currently who do not use or go over the 8,000. He asked Mr. Taylor if he could shed some light on the number of homes that use over the base rate of 8,000 gallons.

Mr. Taylor replied with the new meters, the numbers for the next six or so months will look quite different from the last six months due to more accurate readings and better monitoring of usage.

Council member Blotter thinks lowering the rate to coincide with usage may not provide the income that the Town needs to operate the system.

Kim Norris recited from the data he had seen from Ms. Goodfellow's records, only 14 or 15 homes use more than 8,000. Collecting data in the next six months may not show the true picture as we're going into the winter months and outside watering is curtailed. His recollection from his review is monies earned were \$1,500-\$1,800 a month in the summer months.

Chris Anderson stated the service costs the same regardless of the number of gallons used. Revenues could drop below what it costs to provide the water.

Mayor Turner would like the Council to consider all input from the meeting and decide on a rate that meets the needs toward improving the system and dealing with hardship cases as they arise.

Kim Norris mentioned there is a tiered increase in overuse charges within the DMW system, whereas the charge in Storm Haven is \$2.50 per thousand gallons of overuse period.

Todd Johnson asked Ryan Taylor's opinion of what would be a minimum he would suggest for a new rate structure, since he lives in the area, to plan for a major catastrophe. Ryan's response was if he knew when the catastrophe was coming, he could better answer the question. Without a crystal ball he doesn't know. But from what he's seen as they dig up parts of the waterline to replace the meters, the system is not healthy and suggests a rate as high as the Council feels comfortable going. He knows of instances in other cities where huge increases had to be effectuated to cover unforeseen emergencies and would rather have some monies put away for such an event.

Chris Anderson stated increasing to \$35.00 per month and saving \$5,000 a year won't go far in correcting a major deficiency.

Kim Norris mentioned the biggest inconvenience he has seen in the area is the number of times the water must be turned off to fix a problem. He cited a case of informing residents their water would be off from 9:00 to 11:30 a.m., and the problem took until 4:00 p.m. to correct.

Council member Bateman stated customers on Tammy Lane and Crazy Acres don't even feel the downtime because water is coming from the tank, but those closer to the well know of problems immediately.

Mayor Turner stated he would like those present to talk to their neighbors and let them know the Town is doing all it can to make the upgrade process as painless as possible, but he wants them to be conscious of what is trying to be accomplished. He asked for any final comments.

Kim Norris brought up the agreement circulated among Daniel Municipal Water users which they were asked to sign. The agreement has recently been sent to Storm Haven users as well. He cites some people are reluctant to sign and wants clarification on the consequences of such a refusal. He has told some folks he will turn their water off. He's asking the Council for direction on what steps need to be taken when a signed agreement is not on file. If the Town were to pursue an individual for nonpayment through a lien, it is impossible to collect with no contract in place.

Council member Bunker stated where the Town is a purveyor of the water system, they have a responsibility to provide safe drinking water to its residents. He informed those present that all provisions in the agreement are state standards and things required by the Division of Drinking Water. They are hoops the Town must jump through as a purveyor. He feels if someone has an issue with the provisions asked for in the agreement, they should come before

the Council and explain their concerns so the Town can provide them the resource websites and information available to see why those items are in the agreement.

Council member Bateman stated if those concerned individuals would come to meetings such as this and glean the information provided and asked questions, they would see how the Town is working to get grants and keep costs low and see how beneficial it is to work with the Town in this upgrade of the system and supply of water. Under a private system, rates would increase tremendously because the state and federal monies would not be available.

Council member Bunker stated he knows some individuals are concerned with the provision in the agreement that allows employees of the water company to come onto their property to inspect the equipment located thereon. They must understand this is an attempt on the Town's part to keep the water safe for everyone. The wording is there to protect them. He understands some have distrust in government and feel this falls in that category.

Tim Jones asked if the Council would like someone to go talk to them to enlighten them on why those provisions are in the agreement. He thinks there is a lack of information at play, as information came to him piecemeal in the replacement process currently occurring. Council member Blotter suggested perhaps a newsletter, would it be read. Mr. Jones stated they would read it, but the information is not comforting and does not allow them to ask questions. Council member Bunker suggested Messrs. Jones and Norris work together in trying to contact all homes in the area and be as helpful as possible in relaying information on the upgrades contemplated.

Council member Bunker went back to a statement made by Mr. Taylor regarding water rates at \$66.00 per month to receive additional funding from state and federal agencies. Mr. Taylor stated there is no criteria mandated after the loan has closed. Their concern at that point is that the payments are made consistently and on time. Council member Blotter confirmed his understanding that rates set at a certain level do not pertain to grants from CDBG, which is the case. We have had success with the CDBG grants thus far, but the magnitude of monies is smaller from CDBG compared to other agencies. This project will occur over a number of years because of the inability of the Town to get a large amount granted at one time.

At this time Mayor Turner thanked the public for coming and asked for a motion to close this public hearing and go into the second public hearing dealing with an unpaved road standard being added to the Town code. ***Council member Blotter moved to close the public hearing and open a second public hearing, which was seconded by Council member Glodowski. The motion passed unanimously.***

2) PUBLIC HEARING CONCERNING ADDING AN UNPAVED ROAD STANDARD TO THE DANIEL CODE

Ryan Taylor gave a brief history of his meetings with the Planning Commission in coming up with an unpaved road standard referencing a recommendation from the P.C. dated August 19, 2015, dealing with a rotomilled surface. Council member Blotter asked how much is saved by using this material versus asphalt paving. Mr. Taylor reported a savings of about \$3.00 per square foot. Derek Gressmen, who had come before both the Town Council and the Planning Commission on this issue, reported a savings of around \$20,000 for his proposed "driveway." Council member Bateman asked if this type of road would be private or public. Mr. Taylor reported the standard would apply to both.

Mr. Taylor produced a redlined copy of the current Daniel Code beginning with Section 8.32.05 Sidewalks with his proposed changes. The Council members discussed circumstances under which sidewalks would be required. Council member Blotter questioned conditions under which the current code lists required sidewalks under subparagraph (2). Mr. Taylor stated as the code reads, it was probably adopted straight across from the County code at the time Daniel was incorporated.

Gary Weight made the observation that each page, each section in the current code has the same kinds of issues, and it would be a long, drawn-out process to review and correct each one. He recommends focusing on the issue at hand, that being adding a new road standard, and forget about sidewalks and other issues for the time being. As a planning commissioner, he mentioned a great deal of time has already been spent on the verbiage to include in the new road standard. The sidewalk issue could go back to planning to be dealt with at another time.

Proceeding on with his review of the current code, Mr. Taylor mentioned there is no mention of what must go under the asphalt on a new road in Section 8.32.07. He recommends including in subparagraph (2) a CBR test be performed to determine the type of soil and base materials, if any, which must be added before asphalt or rotomilled material is used as surface material. Council member Blotter asked if the Planning Commission had reviewed the redlines produced by Mr. Taylor. He mentioned each element has been reviewed, but it was only recently that it was put together in one code, and they have not reviewed his redlined copy.

Council member Blotter stated he could not read through the proposed changes in quick review to be able to vote on the issue at this meeting. Mr. Weight suggested perhaps sending the issue back to the Planning Commission.

Cindy Wilde asked who determines what needs to be added as base material on a road. Ryan Taylor stated an engineer needs to perform the CBR test and would recommend from that. Bridger Wilde inquired of the Council if sidewalks were taken out of the code and a new flag lot standard was developed, would the code then require sidewalks for a flag lot. Council member Bunker stated the flag lot is just a qualifier, and there would be several qualifiers in the code. Anytime the frontage was less than 100 feet, it could be required to put in a sidewalk. He mentioned one reason the new road standard is being considered is to enable landowners access to back acreage with a minimum amount of frontage, of up to three ERUs using a single driveway or road surfaced with rotomilled tailings. Council member Bateman stated he

understands flag lots are not allowed at present. Council member Bunker confirmed this stating it is a complex issue, and the adoption of the road standard being discussed is a simpler resolution to allow access to large acreages with little frontage on a street.

To wrap up his presentation on the proposed road standard, Ryan Taylor referenced his redlined copy and the fact most of it comes from the current code sections dealing with minor local roadway and minor collector figures. Council member Blotter inquired what roadways within Daniel would be considered a minor local roadway. Mr. Taylor replied 600 East, Tammy Lane and Crazy Acres. His new code would have new figures numbering a total of six rather than the ten in the existing code with more complete information on each.

Council member Bunker asked Ryan Taylor to give an illustration on the white board of the CBR test done on soil, which he did. He stated this is an ASTM standard. He showed if the CBR is greater than 20, it is good. You put down six inches of road base and it's done. Between 10 and 20, nine inches of road base are required. If the test comes back less than 10, you add nine inches of sub-base, nine inches of road base, and four inches of asphalt or rotomilled tailings. At the request of Mr. Bunker, he then explained the specifics of how the CBR test is performed on site or material taken to a testing lab.

As the hearing came to a close, ***Council member Glodowski moved to close the public hearing and reopen the regular meeting. The motion was seconded by Council member Blotter. The motion passed unanimously and the regular meeting was reopened.***

3) BUSINESS LICENSE APPLICANTS

Victor Ponce Reyes appeared before the Council with an application to establish a taxicab or transportation service. He mentioned he is from Mexico, is currently working at Zermatt Resort and has realized people need a means of transportation. Council member Bunker asked for his address, as he simply wrote "commercial" on his application. He gave his address as Country Estates Trailer Park on Highway 40, which the Council determined is not within the Town of Daniel and instructed Mr. Ponce to go to Wasatch County Offices to apply for the business license. He stated he had gone to a white building, what he thought was the business license department, but apparently not. He will pursue this with the County.

4) DISCUSSION OF CAPITAL IMPROVEMENT PROJECTS THROUGH MAG

The Mayor presented the Council with the most current Summary of Capital Improvement Projects which the Mayor and the Clerk updated when meeting with Jessica DeLora from Mountainland Association of Governments. Upon review of the document, Council member Blotter suggested changing the language on upgrade of culinary water system and upgrade of the roadways. The changes will be forwarded to the MAG officer for year 2016.

5) RESOLUTION ADOPTING INTERLOCAL AGREEMENT WITH WASATCH COUNTY FOR SNOWPLOW SERVICES AND SIGN REPLACEMENT/REPAIR FOR 2015-2016

Mayor Turner reviewed the interlocal agreement on snow removal with Wasatch County, noting they have added a provision for sign repair and/or replacement at \$56.00 per hour without having to contact the Town to get authorization each time. The other costs associated with snow removal remained the same as the previous two years.

Mayor Turner read Daniel Resolution DR 2015-11-02A into the record for the benefit of the Council. ***Council member Blotter moved to adopt the resolution, which was seconded by Council member Bateman. The motion passed with unanimous "aye" votes.***

At this time, after the public hearing, Mayor Turner presented the Council with a draft resolution to establish new water and sewer rates. Council member Blotter proposed a new rate for base water service at \$35.00. Council member Bunker would like the opportunity to do a comparison with Heber City and other municipalities within the Heber Valley. Council member Bateman inquired whether data was available for water usage in the last month at Storm Haven, which was answered in the negative. And with the installation of the new meters, data won't be forthcoming for at least a couple of months. Overuse probably won't be occurring then because it is during the winter months.

Council member Bateman suggested using the base rate Ryan Taylor mentioned after his study of \$35.00 per month for the water usage. Mr. Taylor mentioned the Council could review the usage after six months and raise it again if necessary.

Mayor Turner read Daniel Resolution DR 2015-11-02B into the record adding the language "3/4" meter shall be billed at \$35.00 base rate." Mr. Taylor suggested using the Daniel Municipal Water rates for overuse on a tiered system of usage. These numbers will be added after review of DR 2013-06-10D. The impact fees and connection charges will also be the same as established for Daniel Municipal Water.

Kim Norris expressed his concern that perhaps overuse charges were not being billed currently as set out in the prior resolution. The clerk will check the figures and pass them along to the water secretary to be sure they are billed correctly. Mr. Norris also inquired about a situation where a waterline is extended to accommodate new users, whether the Town paid for the extension or the new users paid for it. Council member Bunker informed him the new users would be responsible for bringing the water from the existing line to a place where they could hook in and all costs to bring it on and off-site to their property.

Mayor Turner continued reading the proposed resolution: "A finance charge of 2% shall be added to any unpaid balance on a monthly basis." With all figures plugged into the document the Mayor read the resolution in its entirety.

Council member Bateman mentioned that a new sewer rate had not been included in the resolution. Kim Norris mentioned the LDS Church on Daniels Road uses the amount of water used on a monthly basis at the church to determine their sewer charges. He's certain the

amount of water varies among the 17 users on the Storm Haven sewer system, but it cannot be regulated as tied in with water usage. Mr. Taylor suggested using a six-month average of water usage in the winter months to establish the amount of water used for sewage when no watering is taking place outside. Sewer rates can be adjusted on a yearly basis, if necessary, using this method.

A rate of \$19.00 was discussed as a necessary charge per the study performed by Epic Engineering. Todd Johnson mentioned that is a large jump, obviously more than double the current rate. After discussion amongst council members, Council member Bateman proposed a rate of \$16.00 per month be included in the resolution, which allows for some savings to accumulate for repairs.

Council member Bateman moved to adopt the resolution as created, seconded by Council member Glodowski. The resolution was adopted by unanimous "aye" votes.

6) PLANNING DEPARTMENT REPORT

Planning Director Bunker reported he spent 32 hours during the month of October doing Blue Stakes work. He provided the Council with a list of permits for building underway within Daniel. Ryan Taylor added two residents had inquired about solar panels, which require a permit but are not charged per state law. Director Bunker informed the Council it is required of someone adding the panels to obtain a letter from Heber Light & Power stating they acknowledge they are tying into the grid.

Mr. Bunker also provided the Council some information from ULCT where discussion is taking place for municipalities participating in costs of fighting wildland fires within the vicinity of the Town if not within its boundaries. He recommends the Council members keep abreast of the discussions taking place on a legislative level.

Next Director Bunker supplied a pamphlet entitled "Water We Doing For You," both in English and Spanish, which explains to homeowners where meter replacement has taken place, in a situation where backflow preventers have been installed, it has created a closed system in the lines and they may need to take measures within their homes to protect their water heaters from being over-pressurized. Kim Norris stated all residents in the Storm Haven area where new meters have recently been installed received the pamphlet and inquired whether one should be sent to the Daniel Municipal Water users as well. The pamphlet explains a thermal expansion tank can be added to protect their system. New construction already includes these tanks. Mr. Bunker recommended including a copy of the pamphlet with the next water bills for both water systems.

Council member Glodowski moved that a copy be included with the next water bills to customers, seconded by Council member Bateman. Council member Bunker asked if included within the motion should be a statement to post it on the website, which Council member

Glodowski added to his motion. Council member Bateman renewed his second with the addition. The motion passed with unanimous "aye" votes.

Cindy Wilde asked if the work spoken of in the pamphlet would require a plumber. The Council answered no, that the homeowner or perhaps a neighbor could help with the installation.

Council member Blotter suggested having someone instruct the homeowner at the time of meter installation what needs to be done and how to do it. Council member Bunker stated the workers are under time constraints doing the installation. Since Gary Walton's phone information is provided on the pamphlet, residents can place a call to him, or Council member Bunker mentioned there are several websites cited also which can provide more information. Director Bunker will provide the clerk with a template to print copies to be sent with each water bill. He also mentioned the new water secretary, Kathy-Jo Percy, has installed an extra mailbox at her home for receipt of water payments.

7) REPORT OF CODE VIOLATIONS AND ENFORCEMENT

Council member Bunker referred again to a document he produced regarding permits, noting the last item refers to a complaint of a mailbox within the Town right-of-way. Mayor Turner opened dialog regarding vehicular equipment and trailers parked at many homes within the Town of Daniel, noting he has received comments from individuals wondering if Daniel is becoming an industrial town because of excessive equipment in yards. Some individuals have business licenses for home-based businesses, but appear to be taking advantage of this by parking all sorts of vehicles at their homes.

Council member Blotter stated he has received complaints of equipment stored at individual homes, though it's located behind these homes, is offensive to neighbors, and the presence of diesel fumes from semis warming up in the morning infiltrates into the neighbors' homes. He looks to the Council to provide some answers.

Mayor Turner stated this is a planning issue and he would like the Planning Commission to discuss this problem and come up with some parameters on what is and is not allowed at a residence. He suggests perhaps a time limit for leaving parked vehicles could be attached. Council member Blotter would like to see this addressed by planning. Mayor Turner asked that they look at guidelines of what is and is not reasonable. Council member Bateman stated it's not just the equipment that is of concern, but the "garbage" that comes along with it. Council member Bunker stated where it affects a person's property rights, it is difficult to find a solution.

Kim Norris asked if the excessive diesel fumes aren't a health hazard. The answer is yes. Others are offended by the smell of manure, which is nearly always present in a farming community. The other four Council members asked Council member Bunker to have the Planning Commission look at the issue and come back with a recommendation. In addition to

the industrial uses in a residential zone, Mayor Turner would like included any non-conforming uses and illegal business practices.

Council member Bateman would like consideration of violation notices given to people living in trailers on lots where a residence exists beyond the 20 days included in the code.

8) DISCUSSION OF STORM HAVEN IRRIGATION EASEMENT ASKED FOR BY DANIEL IRRIGATION

Where an existing canal has historically pulled water out of Daniel Creek above Storm Haven into a pond, which starts around April 15th each irrigation season, Daniel Irrigation has received a grant to pipe that water in an enclosed pipe rather than the open canal. It will run for approximately one mile. The irrigation company has asked all property owners along the canal for a written easement to construct the pipe and the ongoing maintenance of the pipe. The current easement is prescriptive and dimensions and use are not laid out precisely. They would also like to obtain permission to deviate from the canal in a few areas for various reasons. The Mayor expressed concern that the 50-foot easement requested may encroach on ground where Storm Haven Water may place a pump or a well in the future.

Mayor Turner presented a document given to him by Doug Crittenden of Daniel Irrigation requesting his signature. As it appears to be a standard template as far as width, Council member Bateman inquired if they could customize the easement in the referred area to be a smaller easement. He also mentioned his neighbors have expressed concern about future plans for their properties if the easement becomes a reality. Tim Jones stated his property could be damaged by removal of existing trees if not constructed properly. Mr. Bateman stated property values could lower, causing some owners to have to pay outstanding notes immediately. Mr. Jones raised the issue of is it a gross improvement to the value of the property.

The Mayor would like counsel to review the document as presented. Council member Blotter is concerned about the legal cost in doing so. Council member Bunker stated he began to draw out the easement from the descriptions provided and finds it to encompass a much broader area than the Storm Haven Water encompasses. Council member Bateman asked if the Town of Daniel would need to file an easement of their own before this is committed to Daniel Irrigation. Council member Bunker said it would be recorded in the same easement.

Kim Norris mentioned a recent canal situation where only 8' was taken on each side of the pipe and feels the same should be done here, not the requested 50' from center, which is the State standard. Council member Bunker feels this would be very close to the existing tank. Mr. Taylor clarified the legal description presented is for the entire distance of the proposed pipe. Council member Bunker would like just the legal description for Storm Haven Water pulled out of the document for ease of reference. Mr. Norris also expressed concern that upon sale of property where an easement exists, is the value of the property diminished because that particular piece is not usable.

Council member Bunker referenced other parts of the proposed easement agreement with which he takes issue. He opines that the verbiage needs to be changed in several aspects. He states limitations can be specified in the document, such as the width, to make it a positive for the Town and in their best interest. Council member Blotter expressed his opinion that the water is better flowing through a pipe than the open canal. Ryan Taylor stated the details of the easement are significant and need to be worked through.

Tim Jones stated he signed a similar agreement because it seems to benefit the property in the short term, but is concerned that if the value of properties is significantly diminished in the long term, preconstruction revision of the easement is necessary to determine if some of the damages could have been avoided. Once signed, he states no one is liable for future damages. As presented, Council member Bunker mentioned it appears to be a boilerplate easement used by the Bureau of Reclamation throughout the Heber Valley.

At this point Mayor Turner plans to send the document to the Town's attorney for review. Council member Blotter asked if planning should review the document also as it involves land use. He and the other Council members would like Planning's concerns enumerated and suggested changes to the document for the Council to look at as a recommendation from them. It will be discussed in the Planning Commission at the November 18th meeting.

9) ADDITIONAL STORM HAVEN ISSUES AS NECESSARY

No more discussion as the concerns were discussed in the public hearing.

10) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY

Kim Norris reported the water personnel are working with County officials at the transfer station to finalize the plans to move forward with their requested upgrade. Mayor Turner stated his understanding is the County is to pay for the upgrade. Mr. Norris asked the Council if they would be willing to bear perhaps half the cost, or what is their position. Council member Bunker stated the Town's position is we are responsible for the line to the meter, and beyond that it is County responsibility. Mr. Norris reiterated there are two issues at hand here; one being fire suppression inside the transfer station building and the other washing out trucks.

Chris Anderson stated the County does help the Town with signage and snowplowing, but it is not free. Why should we supply water or upgrades in the system for free? Kim Norris would like direction from the Council regarding meter installation and extension of the waterline. Prices for a new meter have already been supplied to them so the final number needs to be determined and the Town will expect them to pay for the service provided.

Council member Bunker has researched the fire suppression issue and would like the County to be aware of state requirements regarding safe drinking water standards and Utah code regarding fire sprinkler isolation from drinking water. As the purveyor of the water, the

Town assumes some liability in educating the County. He cited several rules and codes to the Council from different agencies. The Mayor requested the clerk to work with Council member Bunker in writing a letter to the County citing these requirements. Mr. Bunker also has knowledge of websites which provide information in this regard and will include these resources in the letter.

a) PRESENTATION OF SOFTWARE OPTIONS BY CHRIS ANDERSON

Mr. Anderson reported because the Town is no longer paying for maintenance on the water programs dealing with meter readings, no updates are being installed and the computer is still operating with Windows 7. An upgrade to Windows 10 ought to occur while the download is free. Council member Glodowski inquired about the cost per year for a maintenance contract. Ryan Taylor replied it is \$750 annually. The Town's practice has been to get a maintenance contract for a year and get the updates during that time, and if no problems occur to discontinue the contract as a cost savings. Mr. Taylor thinks it will be necessary to contract for 2016 to get the latest updates. Mr. Anderson stated he can't predict when the unit will go down, but the Town ought to plan on getting a maintenance contract soon.

Mr. Anderson also stated he would like to get Windows 10 installed on all Town computers while there is no cost attached. He would like to wait until next May or June as Microsoft fixes more bugs in the system. The Council agreed to have Mr. Anderson enter into a contract beginning in 2016 at the latest and update Windows on all computers thereafter. Clerk Shindurling mentioned there is IT expense provided for in the water budgets which can be used for these programs.

11) APPROVAL OF COUNCIL MEETING MINUTES OF OCTOBER 5, 2015

Council member Glodowski moved to approve the minutes as written, which was seconded by Council member Blotter. The motion passed with the following votes: Mayor Turner and Council members Glodowski, Bunker, and Blotter "aye," with an abstention by Council member Bateman as he was not present at the meeting.

12) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, FIRST CONSIDERATION OF MEETING SCHEDULES FOR 2016

Clerk Shindurling presented the warrants to the Council for the month of October. She produced an additional receipt for reimbursement to Council member Bunker, bringing his total reimbursement to \$239.96.

Upon review of the Storm Haven Water expenses, Ms. Shindurling asked Ryan Taylor if, after the recent work performed in the Storm Haven area, there will now only be one bill received from Heber Light & Power. He replied yes and that there will now be a monthly bill from Questar where they installed a line to run the generator onsite. Council member Bateman

suggested possibly putting a small heater in the facility if the Town is being billed the minimum on a monthly billing anyway. This will be discussed later on.

The clerk then reviewed with the Council the billings from suppliers and water personnel for work on the water meter replacement and pump house construction. She reviewed that the Town had given Storm Haven \$8,000 as part of the CDBG application, and total expenses for the work thus far has totaled \$9,609.97, excluding those items funded by CDBG. As the work has not yet been completed, there may still be expenses to be paid from the Storm Haven account.

Council member Blotter moved to approve the warrants as presented. The motion was seconded by Council member Bateman and passed with unanimous "aye" votes.

The clerk then presented the Council with the schedule of meeting dates for 2016 for their perusal. An ordinance will be presented to the Council at the next meeting.

13) ADJOURN

Council member Glodowski moved to adjourn the meeting, seconded by Council member Blotter. Mayor Turner adjourned the meeting at 10:14 PM.

Lynne Shindurling
Clerk/Recorder