

**Daniel Town Council Meeting
Monday, December 7, 2015 at 6:00 PM
Wasatch County Services Building, Room 126
55 South 500 East, Heber City, UT**

Quorum present: Council members Bunker and Glodowski were present when Mayor Turner called the meeting to order at 6:02 p.m. Council member Blotter arrived at 6:07 p.m. Council Member Bateman was excused. Treasurer Sherri Price was present and Lynne Shindurling to record the minutes.

Members of the public in attendance were: Ryan Taylor, John Hines, Derek Gressmen, Pam Skinner, Kim Norris, and Ben Probst.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

No comments were made.

2) PROGRESS REPORT BY MIKE PETERSON ON HIGHWAY 40 DEVELOPMENT

Mr. Peterson was not in attendance but had asked Ryan Taylor to relay a message from him that he is going to try to have an application in to the Planning Department by the end of December and is looking to move forward on the project on Highway 40.

3) PRESENTATION OF DANIEL TOWN 2014-15 FISCAL YEAR AUDIT (AGREED UPON PROCEDURE) BY BEN PROBST, CPA, OF GILBERT & STEWART

Mr. Probst presented the Council with the Agreed-Upon Procedure Report for year ended June 30, 2015, explaining that a full audit was not necessary for Daniel Town as their revenue fell between \$350,000 and \$750,000. This procedure is less in scope and follows testing requirements laid out by the State Auditor's Office. The report does not include financial statements. An online financial survey was conducted. Twenty-two questions and results were listed, followed by Findings and Recommendations.

Exceptions noted were that the Town has no policy on nepotism, number one; and number two, more than 75% of the Town's annual revenue was retained in the general fund balance. He mentioned monies could be transferred to a capital projects fund or transfers made to the water enterprise fund. Mayor Turner inquired by what date the adjustment had to be made. Mr. Probst replied by June 30, 2016.

He mentioned when Daniel Municipal Water came into being, some of their expenses were paid by the Town of Daniel and is showing as due to Daniel Town from Daniel Municipal Water. The due to/due from issue should be resolved. Council member Blotter expressed his desire not to transfer from the water fund but, rather, into a capital projects account.

He thanked Ms. Shindurling and Ms. Price for supplying the requested documents to his office in a timely manner to accomplish his audit review. He explained that as long as the revenues for the Town stayed under \$750,000, the State should accept the agreed-upon procedure and not require a financial audit. As the Town receives grant monies to go toward improving the Storm Haven Water system, this needs to be kept in mind as the revenues could then require an audit. Mayor Turner thanked Mr. Probst for his presentation.

4) ADOPTION OF DANIEL ORDINANCE DO 2015-12-07 ESTABLISHING MEETING SCHEDULES FOR PUBLIC MEETINGS IN 2016

The meeting date schedules were provided to Council members in the November Council meeting and reviewed. Council member Blotter moved to adopt the ordinance as written, seconded by Council member Glodowski. Council member mentioned the Planning Commissioners had also looked at the dates for their monthly meetings. *The motion passed unanimously.*

Mayor Turner then read the ordinance into the record. Council member Bunker stated if meeting dates are moved or meetings cancelled, they should be noticed on the Public Notice Website.

5) PRESENTATION AND DISCUSSION OF PLANNING COMMISSION RECOMMENDATIONS, POSSIBLE ACTION BY THE COUNCIL TO ADOPT

a) US-189 corridor from SR-113 to US-40

Mayor Turner read the recommendation from the Planning Commission dated 18 November 2015 and added further changes had been made to the agreement as late as the current day. Council member Bunker noted the first version of the agreement had been presented to all parties in April 2015 and still no document in place. Officials wanted the agreement signed by February 2016. He is concerned with “recommended” language having been replaced with “shall,” and Mr. Bunker noted Mayor Kawalski of Charleston has designated the intersection rendering as “preferred design” in regard to the 3000 South Highway 189 intersection. The next meeting on the document is scheduled for 12/21/2015 and UDOT officials would like to use this same template to start on the Highway 40 agreement dealing with similar issues. Council member Blotter stated he would like to see the final agreement.

Council member Bunker noted the other Councils involved in agreeing to the document have not had their Planning Departments look at the document; it is only going to the respective Mayors. Mr. Bunker asked what he should report as the desires of Daniel Town at the next meeting. 1) Stop being a moving target. 2) Alignment of the proposed intersection locked in. 3) Absolute wording. He will send an email to those involved in the meeting beforehand so they are aware of Daniel’s concerns and will be in a position to address them at the meeting.

Council member Bunker moved to continue discussion on the US-189 corridor agreement, which was seconded by Council member Glodowski. The motion passed with unanimous "aye" votes.

b) Request from Daniel Irrigation for easement in Storm Haven

Mayor Turner read the recommendation from the Planning Commission dated 18 November 2015. The Council members inquired where the language would be inserted into the document which Daniel Irrigation requested be signed. Ryan Taylor suggested sending the changes from the Planning Commission to Daniel Irrigation to generate a new document, preferably a map, to be sent back to the Town for review. He would like the irrigation company to produce a document showing the existing canal as it relates to the requested pipeline for easier review.

Kim Norris stated if you had a map of the pipeline with the legal description, it would identify the 25' on the upper side and the 10' on the other side of the proposed pipeline. Ryan Taylor also stated with the building of the pipeline will come needed work on the existing bridge over the canal, which is deteriorating and could easily be eliminated and filled in.

Mayor Turner inquired if other property owners and municipalities had already signed the document. Ryan Taylor replied some are asking questions before signing, others had already signed it. He stated concerns of some deal with mortgage companies calling their note due now that an easement runs through their liened property. Other property owners are concerned that signing the easement could affect the health and life of the trees on their property. No surface water can lead to them losing the trees. Others will be lost in the construction itself. Some landowners feel the 50' proposed easement is much too invasive and should be able to be accomplished in 10'. A more realistic number may be 35'.

Mr. Taylor mentioned he has advised the irrigation company that changes will be forthcoming for their legal counsel to look at. Council member Blotter asked how the changes will be transmitted to them. Council member Bunker suggested sending the recommendation from Planning on to them under the authority of the Town Council requesting that they send a new document back for the Town's review.

Council member Glodowski moved that the Council accept the Planning Commission's recommendation and send the changes on to the irrigation company, which was seconded by Council member Blotter. Council member Bunker asked if that includes sending a letter requesting a new easement agreement be forwarded to the Town. Council member Glodowski added that language to his motion. The motion passed unanimously.

c) Flag lot provision in Daniel Code

Mayor Turner read the recommendation from the Planning Commission dated 18 November 2015. Council member Blotter noted there are two #8s included in the document. Council member Blotter stated he does not want flag lots included within Daniel Town. He is

concerned it “opens a can of worms.” As far as landscaping being maintained in an attractive manner, attractive to whom and who is going to police that. Adjacent poles not being allowed, if you’ve given it to the first applicant it’s not fair that the second applicant is denied. If circumstances arose to have two poles of flag lots adjacent to one another, the current code would require a road built to Town standards and building could occur on the rear of the lots for both property owners.

Kim Norris commented the general plan and Daniel Town wanting to maintain a rural atmosphere is founded on the 5-acre lot principle. If new road standards can be formed which allow for building out of large acreages into the 5-acre lots now, it would diminish the possibility of a new council with different desires perhaps splitting 20-acre parcels into 20 one-acre lots in the future. He advises that the Council keep this in mind in formulating road standards. Derek Gressmen asked what type of road would be required under the proposed flag lot standard, if it had to be to the current Town road standards. The recommendation from the Planning Commission sets out the requirements, which are less stringent than the current road standard and would be less expensive to build. The next recommendation to be discussed sets forth the requirements for a new road standard and would perhaps eliminate the need for a flag lot, per se, as it would allow the building of three ERUs using the same road, incorporating asphalt rototill tailings for the surface material. Planning Director Bunker mentioned the flag lot does provide a low impact way for an individual landowner to build a home on back acreage at minimal cost. Council member Blotter clarified that a landowner must have five acres on which to build a home plus the land on which the flag lot pole is built, whereas under the new road standard a landowner with five acres can build a road under the new standards with five acres total and dedicate the road back to the Town as an easement, thus requiring less acreage total.

At this point Mayor Turner suggested tabling the flag lot issue. ***Council member Bunker moved to continue the discussion, which was seconded by Council member Glodowski. The motion passed unanimously.***

d) New road standard

Mayor Turner read the road standards recommendation from the Planning Commission dated 18 November 2015. Ryan Taylor suggested adopting an entirely new section of the Daniel Code 8.32 rather than delineating language throughout, some new, some the same. New language begins at Section 8.32.07 General Road Design Standards with new figures 1 through 11, rather than the previous 10. Section 8.32.07(3) is the new road standard being considered. Council member Blotter inquired where the CBR values originate, if it comes from AASHTO. Mr. Taylor explained they start from the AASHTO standards and are then modified for the area using geotechnical recommendations.

Although changes dealing with sidewalks within the code were considered, the Planning Commission suggested simply adopting a new road standard for now and address the sidewalk issue at another time. The language on sidewalks within Section 8.32 remains the same.

A public hearing was held on an unpaved road standard on November 2, 2015, meeting state requirements. ***Council member Blotter moved to finalize the road standard in a resolution which will be adopted in January 2016, seconded by Council member Glodowski. The motion passed unanimously.*** Council member Blotter asked if the flag lot recommendation will be addressed in January as well. Mayor Turner would like Council member Bateman to be present if it is considered for adoption.

6) BUSINESS LICENSE APPLICANTS

Director Bunker presented one application for renewal, that being the business of Fabulously Freaky. It was approved for renewal. Mr. Bunker also reported Sundance Canyon had moved with no forwarding address.

7) PLANNING DEPARTMENT REPORT

Planning Director Bunker reported spending 15.25 hours on Blue Stakes matters in November. He spent 119.50 hours on planning issues. Mayor Turner inquired how the hours were expended. Mr. Bunker reported most are dealing with real estate agents on properties within Daniel and zoning questions. He explained several specifics for individuals under Permits on his report, one of which inquired about reasonable accommodation and possibility of building two homes on less than 10 acres, once of which dealt with continued use of a specific property within Daniel. Council member Blotter thanked Director Bunker for his continued efforts in dealing with these planning issues and his time involved.

8) REPORT OF CODE VIOLATIONS AND ENFORCEMENT

A complaint had been made of accumulating diesel fumes in residential areas. Also, an addition being made onto a trailer in the trailer park at 3000 South and Daniels Road had a stop work order placed as a permit had not been obtained. Though a resident at the trailer park is doing the addition, the landlord/owner of the park is ultimately liable. If no permit is issued, the renter will be asked to tear the addition down. Director Bunker suggests waiting till the end of December to see if an application for a permit is forthcoming. The matter could well end up in a court battle. Council member Glodowski asked if the Town could attach fines to the property taxes on the property. Director Bunker stated Daniel Town could do so.

Additionally on complaints, Director Bunker had noted commercial uses within the RA zones. The Planning Commission has begun discussion on the issue and will continue looking at the issue in the coming months and what can be done to curtail the activity. Mr. Bunker mentioned issues dealing with dust, noise, smoke, and odor are nuisance items that can be dealt with immediately. Uses of the property become more complicated. The Mayor suggested possible changes in the Daniel Code dealing with home-based businesses. Council member

Blotter inquired about action on diesel fumes. Council member Bunker replied if he receives a formal complaint in writing dealing with the fumes, a violation notice will be given to the resident.

Mayor Turner was in receipt of a letter from Mary Wynne on Big Hollow Road this day of the meeting complaining of land use of a neighbor, and Mr. Bunker will investigate the complaint and circumstances and take the appropriate action.

Council member Bunker then presented the Council with a letter dated November 6, 2015 addressed to Wasatch County dealing with their request for waterline upgrade at the transfer station on 3000 South. The writing of such a letter was discussed in the Town Council meeting on November 2nd. The Town awaits a reply from them outlining exactly what they want and what they are willing to pay for the services. They were informed of State requirements in supplying fire suppression needs and a number of websites to research to educate themselves on the subject.

Council member Bunker reported on a discussion he had with Heber City Planning regarding the extension of Wheeler Road out to Highway 40 running in front of the proposed elementary school on Ranch Drive. They are pushing this through because Heber City has informed them they will not supply utility services unless the road continues east. They are playing Heber City against Daniel as far as supplying water and sewer needs for the school. As it stands currently, Heber City services cannot cross boundaries to come into the Town of Daniel without approval from the Mayor and other Town officials. Daniel Town was not aware of consideration by the School District of bringing Heber City services to the proposed school until the Council meeting on August 3, 2015, where a presentation was made by the School District. Costs for Daniel supplying the culinary water to the school have yet to be determined.

Pam Skinner had spoken with the Fire Department in Salt Lake regarding water needs at the school, and they made no commitment to anything, stating they don't have enough information and have seen no plans. Fire officials stated there needed to be an emergency access, a total of two accesses. Mayor Turner clarified the loop in front of the school would provide the two required accesses. Council member Bunker reported through the engineer's letter, they are wanting the \$180,000 impact fee waived due to some offsets.

Council member Bunker also discussed the school's need for fiber optic cable, which currently exists on 3000 South. The County has pairs available for School District use.

Council member Bunker reminded the Council of a legislative issue coming up next month regarding cities' and towns' monetary responsibility in fighting wildland fires. He also mentioned a bill coming before the legislature requiring metering of secondary water throughout the state. Each landowner would be required to install a 3" meter on the three-inch waterlines used for irrigating property. This could open the door to acre-feet fees and the state reducing the number of shares or reducing the value of shares a landowner owns through a process of delineation.

9) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY

Kim Norris reported there has been no word from the County at the transfer station and the existing meter has not been repaired.

10) STORM HAVEN WATER UPDATE AND/OR ITEMS

Mr. Norris reported all the meters in the Storm Haven area have been changed out and upgraded, with only a couple having problems. He thinks this may be due to low usage or a faulty meter having been installed. Generally, everything seems to be working well. There is a used well pump being refurbished and will be installed as a backup pump. A blanket has been placed around the tank to prevent freezing during the winter. Mr. Norris complimented Epic Engineering on the implementation of their suggestions in upgrading the system. He mentioned perhaps an Eagle Scout project of burying some of the surface conduit located in the Storm Haven area for safety reasons.

As far as the new generator installed on site, Mr. Norris reports it should become operational during the week of December 14th. The gas line is currently being installed. Council member Bunker reported Blue Stakes could not be utilized in the installation because the old buried lines have no locators on them. Mr. Norris opined the Daniel Municipal Water system should eventually have a generator installed to kick in when the power goes out, although the lines can be gravity fed for a period of time.

The clerk inquired of Mr. Norris if the software from Master Meter had been acquired by Chris Anderson when the auto-read device had failed. He stated they did acquire the software for a year at a cost of \$750, whose invoice should be forthcoming. Without getting updates on an annual basis, the metering should work for a number of years.

11) APPROVAL OF COUNCIL MEETING AND PUBLIC HEARING MINUTES OF NOVEMBER 2, 2015

Council member Bunker moved to approve the minutes as written, which was seconded by Council member Blotter. The motion passed with unanimous "aye" votes.

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

The clerk presented the warrants for Daniel Town, Daniel Municipal Water, and Storm Haven Water. She mentioned a check had been sent to Questar Gas as they would not install the gas line in Storm Haven without a signed contract and payment. The check was sent on November 20, 2015. This has been included in the warrants.

Council member Blotter moved to approve the warrants, seconded by Council member Glodowski. The motion passed unanimously.

The clerk asked that Council members Bunker and Blotter be in attendance at the January 4, 2016 meeting as they will need to be sworn in. She mentioned since the Town of

Daniel passed a conflict of interest policy, it would not be necessary for the two newly elected officials to provide individual letters, though they can do so if they would like.

13) ADJOURN

Council member Blotter moved to adjourn the meeting. Council member Bunker seconded the motion and asked for a discussion. He announced that on January 23, 2016, the annual training from the Utah League of Cities and Town will take place in Provo from 8 AM to 12 noon. ***The meeting was adjourned by unanimous "aye" votes at 8:50 PM.***

Lynne Shindurling
Clerk/Recorder

Approved January 4, 2016