

Daniel Town Council Meeting

Monday February 3, 2020 @ 6 pm
Wasatch County Service Complex,
Conference Room B
55 S 500 E, Heber City, UT 84032

Town Council Quorum: Mayor Chip Turner, Council members: Eric Bunker, Stefanie Grady, John Glodowski and Merry Duggin. Treasurer Sherry Price-present; Clerk Mary Snyder present for minutes.

Member of public: Shelly Bunker, Ryan Taylor, Gina Williams, Bret Williams, Paul Dinga, Lisa Dinga, Jill Bonner, Todd Bonner, Lynne Shindurling, Jaq Shindurling, Jeremy Bown (UDOT), Eric Rasband (UDOT), Bruce Olson, LeAna Olson, Wayne Mair, Kim Mair, Hugh Barker, Devin McKrola, Don Hyde, Penny Hyde, Marla Larson, Brandon Larson, Doug Crittenden, Larry Ward, Roger Pearson, Pam Skinner, Tom Rawlings

The meeting was called to order at 6:03 PM by Mayor Turner.

1) PUBLIC COMMENT:

No comments made

2) HIGHWAY 40 AGREEMENT AND ALIGNMENT:

Jeremy Bown and Eric Rasband were present to discuss the location and flexibility of the Highway 40, mile marker 20 signaled intersection location. The State would like to make sure that the location is going to work as planned and following the agreement. Maps were provided to Council indicating location of the signal intersection location per the corridor agreement. Mr. Rasband stated that they are looking to get some feedback from the Town. Eric Rasband stated that there was a joint meeting back in December with the Town of Daniel, Utah Department of Transportation, Town of Independence, and Wasatch County. Currently the Town of Independence is looking for some flexibility of the location of the signaled light.

Mayor Turner asked if the Council had any questions regarding the matter. He stated that the Council had discussed this at last months meeting and that Council had voted to keep the location at the 20-mile marker and asked if Council member Bunker had anything to add to this.

Council member Bunker stated that he addressed to the Council last month and explained that the location would be approximately two hundred fifty (250) feet south of 20-mile marker, which lines up with Ed Houston's Driveway, as well as where several properties meet. The reason that the item is back before Council today, is because this is an opportunity to bring Independence back into the agreement with UDOT and to help facilitate with Mountainland Association of Government and identify future locations that Town would like.

Eric Rasband stated that from the State's perspective this section through Highway 40 is a limited access highway, with higher restriction where access points are allowed for street and private accesses. The section of highway is a Category 5, which traffic signals are 2640 feet apart, minimum 660 feet street spacing, and 350 feet access spacing. There is a corridor agreement in place with multiple entities from 2017 and at this point are looking to Daniel for any flexibility to move the location. Based on what happens with the Town decision, UDOT will go back to Independence to hopefully bring them into the agreement. Mr. Bown stated that there really needs to be a 4-way intersection to avoid crippling the corridor with multiple in and out accesses. This is a matter of trying to service the Town's needs, UDOT's needs and try to bring Independence into the agreement, in which they are trying to request access to the highway.

Council member Duggin asked what the issue was with mile marker 20. Mr. Bown stated that this is in the current corridor agreement and there is a development that is proposed on the Independence side of the highway and are looking for flexibility to move it south for an entrance they have planned for their city. Council member Duggin asked if Independence had a good reason for not participating in the original discussion and asked if they were invited to participate. Mr. Bown stated that the answer he received from their Mayor was the meetings that he went to, he felt did not address his concerns and dropped out. Council member Duggin asked if the Town is being expected to accommodate Independence. Mr. Bown stated that this is a starting point and is asking for flexibility based on mile marker 20 and the question becomes whether to split property lines or not to accommodate a signal light. Council member Bunker stated that if there is flexibility, this is the opportunity to work with Independence and bring them back into the agreement. UDOT has indicated if the intersection does not exceed the two hundred fifty feet from the original agreement of 20-mile marker, it does not change the corridor agreement and it would not have to be re-drafted. Independence will still have to apply for an access point to the highway from the state.

Mayor Turner stated that he would like to see Independence brought into the agreement and this will help finalize the Towns agreement. Council member Grady stated it will help to see who will be affected as well. Council member Bunker asking for permission continue negotiating on 20-mile marker and try to get what is needed for the agreement.

3) HEBER VALLEY FLIGHT PATH: MEETING UPDATE:

Council member Grady stated that there was a recent meeting and discussed the option of how the public can receive the information on updates. She stated that social media, their website as well as a link on the Town website. If anyone has any questions they wish to address with the board, Council member Grady stated that they can be emailed to her and she will present them. There are six more upcoming public meetings.

4) DISCUSS DANIEL IRRIGATION- PIPE LOCATION:

Hugh Barker, President of the Daniel Irrigation Board was present and thanked the Town for the opportunity to be there. He explained there is a new subdivision North Heber Meadows that is being developed and an irrigation trunk line runs through the area that needs relocated. He stated that they would like permission from the Town to move the line to 3000 South between 1200 East to approximately 700 East. He stated that there was a meeting to talk about issues and would like to know at this time where the decision stands.

Mayor Turner stated that there is a draft of an agreement between the Town and Daniel Irrigation Company and is hoping to work through the other issues discussed at the meeting, as well as future use. Mr. Barker stated that they need to get issues resolved as Daniel Irrigation is hoping to start the project soon and are in hopes of having it completed by April 15. Ryan Taylor stated that the agreement includes future use, working together and is modeled around a generic agreement for sharing right of ways. At this time, it was agreed to set up another meeting between the Town, Ryan Taylor and Daniel Irrigation to discuss the agreement and issues further.

Council member Bunker made a motion to enter the Public Hearing for Storm Haven sewer codes and rates, seconded by Council member Duggin at 6:37PM. All members in favor.

5) PUBLIC HEARING: STORM HAVEN CODE ON SEWER STANDARDS/COLLECTION BOXES & RATES:

Ryan Taylor stated that there have been multiple issues with sewer back-up and breakages. When a pumper company is called, it is costing around \$3000.00 per time. Currently, he is not able to provide an analysis of cost, as he is trying to separate out the repair costs. He stated that its roughly \$12,000 per year, approximately \$54 per connection and forcing the Town into the red. Therefore, Council thought it was necessary to start the discussion on rates for the system. It does not seem the issues will decrease anytime soon, plus the capital improvements that are necessary for the system. He has looked at grant options but were unsuccessful. He stated there are loans options available, but those require re-payment and increase of monthly billing.

Another issue is the clogs. The back-up issues have resulted from rags, feminine napkins, trash and other debris that are clogging the system. It is being proposed to adopt a trash trap like a grease trap. This would be required on lateral lines or upgraded lines to collect the debris on the lateral, stopping it from entering the main line, in hopes of extending the life of the system. He stated this is not a common practice on residential and is more common in commercial use but is a viable option.

Susan Goodfellow stated that her dad was the one that put the system in and followed state requirements at the time. She stated that she has never received notice of what is not allowed in the sewer system. She stated that when she was running the system, they were required to send notices once per year. She asked

if they Town has been sending those notices with billing. Mayor Turner stated that he thought this was occurring. Miss. Goodfellow stated that she only recalled about two clogs the whole time that she owned the system. She wondered with the influx of new residents not realizing what can be put in the system is part of the issue. She stated sending out a letter explaining, might help the situation. Council member Bunker asked if she had received the notice with her last bill. She stated that she had not received anything, and that Storm Haven has social media page where she obtained the information for the meeting. Council member Bunker stated that it's also available on the Town website as well as the State website.

Bruce Olson stated that he has elderly parents that reside in the neighborhood and representing them. He is concerned with raising the cost. He stated that it has gone up about 5 times over the years and is now around \$100.00. He asked Council why one neighborhood was responsible for a system that is under the city. He stated that as a West Jordan resident, he is responsible for his line out to the main and then the City is responsible for the rest. He feels that the City as a whole, should be paying for the system. He feels that everyone should be paying the same rate for water and sewer within the City.

Mayor Turner stated that there are two separate water systems. Storm Haven residents are only on sewer system which is a unique situation. He stated that is why the discussion is happening and thanked Mr. Olson for his comment.

Mr. Olson further asked if it was possible for each individual house to have their own septic system. Susan Goodfellow stated that when the system was installed in 1969 or 1970, the stated required a septic system for Plat A Subdivision with ½ acre lots.

Don Hyde asked where the issues with the leaks are occurring and wondered if they have been isolated. Ryan Taylor stated that thus far they drain field and tank are ok. He stated many of the issues are with the collection network, mainly in the lower part of Cove Lane. There is a 4" pipe that is collapsed in sections and this is allowing the clots to build. Mr. Taylor stated that he could provide a map with the locations of the issues and indicated that the debris is coming from upstream. Wayne Mair stated that instead of band aiding the system, he would like to see the issue fixed right.

Tom Rawlings stated that he lives half-way down on Little Sweden and is not on either of the Town's systems. He stated a few years ago the Billy Bether's water system was condemned due to collapsing pipes and other issues. He stated that Wasatch County talked Twin Creeks into taking over to rehabilitate the system. Twin Creeks went around to the 19 services on this system with a document indicating that those individuals were now responsible for the repayment of the loan to put in a new system. He stated that it is a very significant amount that must be paid every month, whether he takes one drop of water or not. The loan is a 30-year loan and if his children inherit his property, they will be responsible for the repayment at that time. His stated his second point was his sewer system. His house was built in 1929 and has a septic system that recently failed. The cost was

\$12,000.00 to have the drain field dug out and reconstructed. He stated that he would like to have a system that worked and only pay \$40.00 per month. He also addressed Mr. Olsen's comment, stating that Storm Haven is not like any other system and looks like it could be unfair to the participants. He stated that there is a flip side. He comes to the meetings and hears about expenditures and asked how it is fair to have community funds spent on this system. He stated that the Town has stepped up and taken over the system and trying to solve the problems. He feels that there needs to be a heartfelt thanks to the Town. He stated that if he was not able to do his drain field, the next step would have been a de-habitation order, and that everyone needs to be a little understanding that it takes money and time to repair a failing system.

Bruce Olsen asked to rebut. He stated that the Town is doing their best and that it is an old system. He stated that he and his parents appreciate the time and efforts of the Town. His youngest parent will be 89 next week and worries about the set income. He understands that costs are different, and the system is different. He addressed his concerns of the fixed income that his parents and the bind that it could create. Mayor Turner stated that he knows that there are a lot of individuals with fixed incomes in the community and he knows that there was a potential for cost to go up and stated that it has been at the top of the list not to make significant increases in billing.

Susan Goodfellow asked how much the new trash collector system would cost per residents. Ryan Taylor stated that for a remodel, it would run between \$500.00 to \$1,000.00 to have installed depending on the way that it is constructed.

Brandon Larson asked about the possibility for a grant. Ryan Taylor stated that it is almost zero possibility. He stated that he has applied for every grant that is available. He stated that there are options of a mixed grants, but the Town would have to come up with 50% of the monies. He stated that the CDBG Grants have been a success in the past, however they prioritize water projects over sewer projects. Council member Duggin asked if the community would like to get a loan what are the options. Mr. Taylor stated that it would depend on the interest rates, which could vary between 0-2%, and the loan could vary between \$50,000 for repairs in per specific sections to \$2,000,000 for a new system requiring re-payment. Council member Duggin asked the community individuals who are present who expressed some interest how they felt about this option. Brandon Larson stated that the prior year, Ryan had indicated that a new system would cost roughly \$1,000,000.00 per the quotes last year. Mr. Taylor stated that there were 4 options presented and it was plus or minus \$1,000,000.00. Mr. Larson stated that divide up between the residents, this is a little much. Tom Rawlings agreed and stated that when their new system went in, Twin Creeks went to each resident and required a signature to guarantee the repayments, as though it was their loan. Ryan further stated that there are two places that are major problems if he had to isolate a start point.

Lisa Dinga stated it is unpleasant to wake up on Christmas morning to see raw sewage filling the neighbor's yard and the street. She stated that she appreciates the Board and is begging for more than band aiding the system.

Joe Richins stated that he is looking to purchase a building lot and stated that this could affect his decision. He asked if there was a way to find out if he is going to be able to hook up to the system or if he could possibly have a septic system. He asked if he were able to have a septic system if would still be considered part of the 18 as far as sewer billing each month. Mayor Turner stated that Ryan Taylor or Council member Bunker would be able to assist in answering those questions. Council member Bunker stated that as far as the septic system, he would have to address that with the Wasatch County Health Department.

Mayor Turner asked if there was any further comments or questions and entertained closing the Public Hearing. Council member Bunker stated that he would like to further discuss, due to nothing being resolved. He stated that \$9,720.00 is the revenue from the system and the cost to pump is more then the system is making. He stated that this was why the Hearing is being held and there is no money to repair the system. If the cost is not raised, he asked what else there is to do. Marla Larson stated that without numbers for actual cost, it makes it hard to decide. She asked what it would cost to do in section. Council member Bunker stated that it will cost more to run a section at a time for repairs, mainly because of each time they move equipment on-site to work. He stated that until there is compliance on the system, this will continue to be an issue.

Tom Rawlings stated that he hopes this goes on record, he feels that the Town would be money ahead to go with a sewer connection through a sewer plant, rather then trying to repair a septic system that is no longer legal. Council member Bunker stated that a new 20-year plan was just sent out and the sewer connection is \$79 with Twin Creeks.

Mayor Turner asking a direct question regarding solving the issue. Susan Goodfellow made a recommendation to fix the worst breaks first and to encourage residents not to dump foreign debris. Don Hyde stated that he feels starting at the lowest point, possible by Digna's to begin repairs. Ryan Taylor stated that this area has been the biggest problem. Mr. Hyde stated that they should get together as a community to discuss the options. At this time, Lisa Dinga will make contact for a community meeting a report back at next month's meeting.

Council member Bunker made the motion to continue for March meeting, seconded by Council member Grady. All members in favor.

Council member Bunker made the motion to enter the Public Hearing, seconded by Council member Glodowski at 7:49PM. All members in favor.

6) PUBLIC HEARING: GUN SANCTUARY:

John Glodowski stated let's do it.

Todd Bonner asked who is going to be there if someone decides to push this. Mayor Turner stated there is a lot of movement on this issue and feels it could be pushed as a resolution and therefore that's why the Town is holding a Public Hearing. Mr. Bonner stated that he doesn't feel it is going to be a problem but feels that it would be good to have the County Law Enforcements involvement. He stated that he knows where he stands on the issue as well as the Utah Sheriff's Association. Mayor Turner stated that he would like those opinions, if he was willing to share. Mr. Bonner stated that the Utah Sheriff's Association would be there. He stated that if the Federal Government decided to show up and start taking individuals weapons, he believes they would step in. He further stated that if they did not show up, then it would fall to the Town itself for the law enforcement. He stated that he believes that the local Sheriff's Office would have to sign off on the Town's resolution. Mayor Turner stated this was a great comment and would be speaking with the Sheriff's Office. Mr. Bonner stated that he supports the sanctuary and thinks it is great.

Jaq Shindurling stated that Uintah County recently passed an ordinance, not by resolution making it a law. Mayor Turner stated that by having a Sheriff's Office under them as a county, versus the Town not having law enforcement would make the difference. Todd Bonner indicated the difference is with the ordinance the Sheriff's Office would fall under, where is with the Town's resolution, the town would be the law enforcement. Therefore, he is recommending getting the local law enforcement on board.

Council member Duggin stated that she has had a lot of feedback that she would like to share. Last month when this was discussed, she also stated that we needed to talk to local law enforcement. She stated that until it is known how the Sheriff's Office feels about this, she would not want to proceed. The citizens that had talked to her about this item stated that they do not see a need for this resolution at this time.

Mayor Turner asked if there were any other comments. Council member Bunker stated that he has had the opposite feedback from the public. He stated that they feel that we need to be in front of the issue, due to event in the media. He also stated that he agreed that we need to speak to law enforcement to have them on board. Bret Williams stated that he is also on board.

Council member Glodowski made the motion end close the public hearing, seconded by Duggin at 7:57PM. All members in favor.

Council member Grady made the motion to continue item upon review with the Wasatch County Sheriff's Office, seconded by Council member Glodowski. All members in favor.

7) BUSINESS LICENSES:

Renewals: Coleman Trucking, Out West Accounting & Tax Services, Givens Grooming, Classic Beauty Supply & Nail Salon

Council member Grady made a motion to approve the renewals, seconded by Council member Duggin. All members in favor.

8) DISCUSS ACQUISITION of WATER SHARES:

Council member Bunker stated that the Town is still actively pursuing shares. Council member Duggin asked about the people that have excess water shares and may be in danger of losing some of those shares. She suggested if there aren't funds to purchase shares, accepting a donation with the town issuing a tax-deductible letter to the holder. She stated that when the Town first became incorporated, they did a fundraiser accepting donations. Council member Grady stated this is a great idea.

Council member Duggin stated that she believes that Storm Haven needs 60 shares of Daniel Water to make up for the 60-acre feet. Council member Bunker stated that on the main system, at build out will need 600 acre-feet and that there is a large deficit in what the town needs.

Roger Pearson stated that he is new to this and does not understand the water acquisition issue. Mayor Turner explained that from a new build you obtain a water right to get service from a system. He also stated that at build out there needs to be water available for future use. Ryan Taylor further explained the purpose of having the water shares available. Mr. Pearson asked where the town stood today as far as beneficial use and deficit. Mr. Taylor stated that as of last year we were close. He will have to recalculate for March for his annual report. He stated that we have had a little surplus and the springs have had good overflow, but in terms of water rights we are using most of that. The desire is to continue to have more water rights. Mr. Pearson stated that as a resident of the town, he wants to make sure he is not funding someone else's future growth by pursuing water rights, so when someone comes in to develop taxpayer dollars have paid for their water. Mr. Taylor replied stating that with a surplus, the Town can sell those water rights to property owners in need of the water.

Council member Duggin asked to respond to Mr. Pearson's comment. She stated that she was the Clerk/Recorder at the time the town took over Daniel Domestic Water, which was in almost total failure, as well as Storm Haven that was in almost total failure. The town residents stepped up, with their tax funds to secure the system as well as water right itself. She indicated that it was a lot of money that was spent and not a lot of the residents were on the Daniel Municipal Water or Storm Haven system. As a Town, it was developed and now everyone is a beneficiary of the fire flows that were not present before. She stated that when she hears someone saying that they don't want to sacrifice their taxes for someone else coming in she agrees to a point, but she would like everyone to recognize the contributions that everyone has made to get the town where we are today. She understands that this is a sensitive issue and Daniel is trying to keep tax as low as possible but would like to see everyone work together. Roger Pearson stated that he agreed.

9) DANIEL MUNICIPAL WATER:

No issues per Shelly Bunker

10) STORM HAVEN WATER:

No issues per Shelly Bunker. She stated that with the last billing it includes a list of items not to be placed in the sewer.

11) APPROVAL of COUNCIL MEETING MINUTES: January 6, 2020

Council member Bunker made the motion to approve the January 6, 2020 meeting minutes, seconded by Council member Grady. All members in favor.

12) RECORDER'S OFFICE: Warrants approval, announcements, etc.:

Council member Glodowski made a motion to approve the warrants, seconded by Council member Grady. All members in favor.

13) POSSIBLE CLOSED SESSION: Legal issues, Property acquisition

No closed session was held

14) ADJOURN:

Council member Duggin made a motion to adjourn, seconded by Council member Grady. All members in favor at 8:16PM.

Mary Snyder
Clerk/Recorder