

Daniel Town Council Meeting

Monday September 14, 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, John Glodowski and Stefanie Grady. Clerk Mary Snyder online for minutes; Treasurer Sherri Price present. Council member Merry Duggin via electronic

Member of public: Shelly Bunker, Ryan Taylor, Phil Mattingly

The meeting was called to order at 6:01 PM by Mayor Turner.

1) PUBLIC COMMENT:

No public comments were made.

2) DISCUSSION OF POSSIBLE RENEWAL OF HEBER POWER & LIGHT FRANCHISE AGREEMENT:

Jason Norlen with Heber Power and Light was present to discuss the franchise agreement. Phil Mattingly stated that in his contact with customer service, representatives are always very pleasant and thanked Mr. Norlen for their services. As well, Council member Glodowski stated that with the recent high winds, he experienced an outage for 45 minutes before power was restored compared to the Salt Lake area that went for days and appreciated their services.

Mayor Turner addressed the issue with power surges and stated that it does not seem to occur as much but asked if there is any recourse for the consumer. Mr. Norlen stated that in those instances if the power company is directly at fault, they will work with those consumers and their insurances to resolve issues. To protect the public, the system is set up to trip a relay, it will reset the first time, the system comes back on-line automatically. If it trips again the system attempts to clear the fault and rest again. On the third trip, the system locks out and must have a manual reset to determine the cause of the trip. Because of those power bumps, this is what is causing the surges and what it is programmed to do. Surge protectors are important to have in place due to the trips. Council member Glodowski stated that California, they have brown out occurrences and asked if our community is susceptible to these same occurrences. Mr. Norlen stated that it is possible and is due to a transmission issue. Currently, Heber Power & Light is trying to upgrade the transmission system over the next five to seven years to accommodate the growth. He also stated that the power company cannot control the growth and have an obligation to serve as an electric utility in service territory.

Mayor Turner addressed the on-demand charges, stating that when the charges went up there is about \$100,000 that is dispersed to different cities such as Heber City, Midway City and Charleston and asked how that works. Mr. Norlen stated that as the owners of Heber Power & Light, they have that authority. He stated that the dividend is a payment in lieu of taxes. Heber City owns 75% of the company, Midway City and Charleston both own 12.5% and stated that they do not pay taxes, therefore a dividend is paid to Heber City Corporation. He also indicated that there have been no changes in the dividend since 2009 and is included in the annual budget every year. It is very important for the public to pay attention to the annual budget, as well as come to meetings to address concerns or matters. If there are issues that do not seem to be addressed, a complaint can be filed with the ombudsman to get an additional meeting in place with the Board of Directors to discuss the complaint.

Back in 1909, Heber, Midway and Charleston were wanting street lighting. At that time, those entities bonded together to put a plant on the Jordanelle access road to bring in power for the streetlights. Later, the entities built a hydro power plant in Snake Creek Canyon to continue power.

Mayor Turner also address that the town has been unable to place any type of signs on the power poles, but at some point, Heber Airport was given authorization to hang signs and asked how to get signs removed. Mr. Norlen stated that he would resolve the issue. He also stated that the town can hang signs from the power poles, but they do not want items on the poles, such as yard sale signs.

Ryan Taylor stated that before the Franchise agreement is adopted again, there are a few items that need revisions and others need clarification, as well as some additional items added. He stated that over all things are going well but feels some items such as easements need to have minor updates. Mr. Norlen stated that because certain notification did not occur within the time frame of the renewal, the franchise agreement automatically renewed. He is present today to address the requests needed or wanted, get them approved and amended per the agreement.

Council member Bunker stated that he wanted to address how the franchise agreement is administered. The agreement states that upon renewal, once a year someone would be present at the meeting and that has not occurred.

The next issue is the equal treatment of the franchise and there is a short fall with some issues that have arose and not been resolved. There has not been a particular person appointed as the ombudsman or notified to the town who to contact. Mr. Norlen provide his owncontact information for future use.

Council member Bunker stated the next issue is notice of cure, falls to the notice of the complaint and the need to understand the process as a Council. As recent, the pump station was out of operation for three days and is supposed to be jointly monitored by Heber Power & Light. There is also fluctuation issue. Based on some of the issues, it is unknown how to address issues due to missing information in the agreement. He further stated that he loves what Heber Power & Light does for our valley. He loves the transmission lines and what they do as well. There are a few conditions in the agreement that need clarification or additional information. Mr. Norlen stated that is why he is present and would like to work with town to make necessary adjustments where fit.

3) DISCUSSION OF SUPPORTING POLICE OFFICERS:

Council member Glodowski presented a draft of the resolution for supporting Police Officers. Mayor Turner opened a discussion for comments. Council member Bunker stated that this is a good starting point and that it would be a good idea for Council to review for any changes, as well as let the public review for further comment and drafting the final resolution. Council member Grady stated that she agreed to get public comment and that she is in favor of the resolution. Council member Duggin stated that she is in favor and would like to see the addition of Fire, Emergency Medical Services and Search and Rescue as well as additional first responders.

Council member Glodowski made motion to continue to October meeting for further drafting of the Police Support Resolution, adding Fire, Emergency Medical Services, Search and Rescue, additional Fire Responders and further public input, seconded by Council member Grady. For: Mayor Turner, Council members: Bunker, Grady, Duggin and Glodowski. Motion passes.

4) DISCUSSION/POSSIBLE APPROVAL OF EMPLOYEE COMPENSATION:

This item has been continued for a couple months and the Mayor would like to have a vote tonight with a full quorum and opened for discussion. Council member Glodowski stated that for the employees of the town, he would like to see more pay as some staff are underpaid. He stated that the Council members could go without. Phil Mattingly stated that he is unaware of the pay as well as hours that are put in and would like some dynamics of this issue as this is a delicate discussion.

Mayor Turner stated that the discussion is to provide a 3% cost of living. He addressed the time that is spent and stated that we do not use a timecard system. It is subjective in that there are phone calls and other duties that make it difficult to keep an actual time. Also understanding that these are tough times this year with the recent COVID-19 and believes that people work hard and feels the need to support a 3% increase, as it is a small token of appreciation as jobs that are continuing to be busier. At the original discussion, there was only one public comment against any increases.

Council member Bunker was able to provide some data to reflect that the COVID-19 virus has not impacted the Town revenue sources. This data reflected the 2019 and 2020 comparisons of revenues and stated that our sources come from a different streams other than what the COVID-19 is affecting. He continued to state that we have an outstanding staff that continues to work all hours and feels that several people are under paid for the industry standard.

Council member Duggin stated that she appreciated what everyone does for the town and is thrilled with the revenues to see that we are not being impacted. With looking at hiring a new water manager, she would like to wait to finalize increases until the town has an opportunity to review revenues to cover this position. She has reviewed the prior year wage increases; feels they were good increases and feels that waiting another year may be in the best interest. She stated that several individuals who reside in the town are on social security. It is known that you are not guaranteed a 3% cost of living increase each year and this could have an impact with those on fixed income. She stated that she feels that waiting to fill the water position and then determining what increase can be made at that time could be better timing.

Mayor Turner stated that this item has been in review for the last 3 months and hoping for a vote this evening. He stated this is not a raise per say, but more a token of appreciation of 3% increase. He also stated that he does not see hiring a water person in the next month or so as there is a lot work to be done in the hiring process and does not feel that it is fair to make other employees wait for a small increase in pay. Council member Grady stated that last year the clerk was increased by 50%, Eric increased 10%, the Mayor, Treasurer, Council and Commissioners increase 3%. Council member Glodowski stated that we would play hell trying to replace individuals for what they are currently paid.

Mayor Turner called for a motion.

Council member Glodowski made a motion for employees to receive a 3% cost of living increase, elected officials receive no increase. Council member Bunker seconded for the purpose of discussion.

Council member Bunker stated that he feels this should be across the board and include elected officials. Mayor Turner stated that the appointed officials do a lot more work than the elected officials and that he personally did not need the raise. Council member Bunker stated that with the COVID-19 and other issues, there has been more work that has needed to be done and will continue.

Motion stands and Mayor Turner called for the vote: For: Mayor Turner, Council member Bunker and Glodowski. Against: Council members: Duggin and Grady.

Council member Bunker stated that we would like to have some clarification and asked if we needed to hold a public hearing. Council member Duggin stated that she would check the code, she felt that it was more for the elected officials only and would get back to Council.

Shelly Bunker asked to make some comments. She stated that as an employee she has never been treated so poorly and is ready to give her notice of resignation. She stated that she would never advise anyone to work for the town. She stated that those that were opposed have no idea what some employees deal with and feels they do not care. She feels it is disgusting the way employees are being treated and does not feel that employees should have to fight to get paid.

5) DISCUSSION OF CARES FUNDS:

Council member Duggin stated that she serves on the Fire Board and there was recent discussion of the CARES Funds, which stands for Coronavirus Aid, Relief and Economic Security Act. This is federal funding that is issued to all the states, in which Utah has been issued \$1.2M. Of that Daniel has been allocated \$97,553.00 which can be paid in three installments. The first installment was \$32,518.00 would have been dispersed back in June, had the Town know about and applied for it. The full amount is not guaranteed and can only be used for pandemic issues, necessary expenditures due to the COVID19 relief, not for budget shortfalls. There is a list of eligible expense that the funds can be used for in the time frame of March 1, 2020 to December 2020. Any funds not used, will have to be returned to the Federal Government. She stated that she has narrowed the eligibility list down to items she felt would apply to the town.

The first is emergency medical response. Currently, there are a couple ambulances that are out of service and the district is in the process of trying to purchase a transport van. This van is not a full equipped ambulance, but more for transporting patients from facility to facility. Multiple calls within the district are transfers from facility to facility, which do not require full services of an ambulances, thus would be a cheaper means of transportation as well as save on resources.

Currently, Heber City, Charleston and Midway City have obligated CARES funds to the Fire District, which can help with this purchase. If the Council agrees, she will advocate for this.

Second, if office equipment, computers or additional items are needed; or if additional items are needed to hold meetings, CARES Funds could help with this as well, as we are not out of the COVID-19 pandemic yet. Small business with

interruption is another avenue that funds could be used for, as well as individual to help cover utilities due to illness of COVID-19.

There is an agreement online that will need to be signed if the Town wishes to proceed. Any funding received would be directly wired to the PTIF account and then town would be responsible to keep accurate records of eligible disbursements of those funds as well as complete audits.

Mayor Turner stated that as a member of the CDBG funds, he found it to be incredibly difficult to understand all the criteria as it was very difficult and comprehensive. He stated that he sees the Town helping the Fire District with their request as it is clear, but things change and there is concern that items that are eligible may become ineligible. His concern is getting the money, doing things that were thought to be eligible and then finding that the Town was incorrect and having to repay those funds. His concern is making sure that we have the capability to manage the paperwork and wonders how burdensome this could be. Council member Duggin stated that Charleston, Midway and Heber City are all doing it and would be happy to follow up with other entities to see about the technicalities and how burdensome the process is. She further stated that she will reach out to the State Officials as well and would report back to the Mayor of her findings. The application needs to be completed and signed and there is a quarterly report that would need to be sent to the State. Council member Duggin stated that Treasurer Sherri Price would be a great candidate to assist as she handles the state reporting and is familiar with that system.

Council member Duggin stated that we missed the initial deadline as well as a second deadline and we now may not be eligible for the full funds. We would need to send the application with authorized signatures to determine status of funds at this time.

Council member Duggin asked for direction the council would like to proceed and stated that the Fire District would like to proceed with indication from the town for fund contribution. Council member Bunker asked whether Council member Duggin was willing to administer this project. Council member Duggin stated that she is looking at the application on-line which would have to be signed by the Mayor or Treasurer and feels that if Sherri is willing to work with her on this project that they could handle it. It does require someone who is able to sign the contract as well as a contact person and is willing to be that person.

Mayor Turner stated that he would like to see the Town move forward with applying for the funds and would like to help identified uses such as the Fire District that could benefit from the funds and asked for direction from the council. Council member Duggin has asked the Mayor if she could reach out to state officials about deadlines etc. and report back to him with findings.

Council member Bunker made the motion to have Council member Duggin move forward with finding more information about the process for the CARES funds, seconded by Council member Glodowski. FOR: Mayor Turner, Council members Glodowski, Bunker, Grady. Abstain: Council member Duggin.

Council member Duggin requested that after receiving answers and the Mayor authorizes to proceed, that she be able to move forward without waiting for the next meeting. Council member Bunker requested to please forward findings and answers to all Council for review as well. Mayor Turner stated that he felt with the answers that her requested should be able to be approved.

6) DISCUSSION/POSSIBLE APPROVAL OF TRC CONSTRUCTION CONCEPT/ZONE CHANGE:

Council member Bunker stated that the applicant ran into an issue with Planning and had missed the deadline for the application of the zone change. He is asking Council to initiate the zone change so that when the application is received by Planning, notifications for a public hearing are able to go out. He stated this property is for the Harry Weyandt property located at 3000 South and SR189 and the information has been provided in the packet. The applicant is looking at placing a high-end boat dealership, gas station and miscellaneous retail outlet on premises.

Council member Duggin provided some background for this property. In 2008, the former council converted this to a commercial zone. Then in 2013 due to the recession the previous owner could not proceed with plans and was property was reverted to RA-5(residential-agriculture- 5 acres).

Council member Bunker stated that for tonight, Council is being asked to move forward with the initiation process. Mayor Turner stated that he would think that we would want to.

Council member Glodowski made a motion to move forward with the application and zone change for Planning Commission initiation process, seconded by Council member Duggin. FOR: Mayor Turner, Council members Bunker, Grady, Glodowski and Duggin.

Council member Duggin asked if this was for two separate properties. Council member Bunker stated that this is all for one property and is owned by the same person. Council member Duggin asked to state designation of which property this applies to for clarification. The process is a public hearing and notification within 500 feet and requires a Planning Commission or Town Council hearing. Council member Bunker stated that the process has been a joint hearing in the past. Council member Duggin further stated to please establish the parcel number(s) and is reflected in minutes so there are no questions. Council member

Bunker stated that it is two parcels and are owned by the same person. Per her request, those parcel numbers are: 20-2403/20-4525.

- 7) APPROVAL RESOLUTION DR 2020-09-14 INTERLOCAL SNOW REMOVAL AGREEMENT:**
Council member Glodowski made a motion to approve DR 2020-09-14 for the Interlocal Snow removal with Wasatch County for the winter of 2020-2021, seconded by Council member Grady. For: Mayor Turner, Council members: Grady, Bunker, Duggin and Glodowski.

Council member Glodowski requested to seek out additional proposals for the following year to see what is available. Mayor Turner stated that it may be worthwhile.

- 8) DISCUSSION OF POSSIBLE AMENDED ROAD PROJECT FEES:**

The originally bid for the road projects was \$100,00.00 and with the additional cost of mobilization the current bid is around \$130,00.00, therefore this is back in front of council to discuss a new approval for the fees.

Amelia Pays stated that there were two bids and the recommended bid from TKC was \$129,749.74. The original bid was for the following roads: all of Storm Haven, Little Sweden, South Daniel Road, Southfield Road and 1200 West. Ryan Taylor stated that in the bid there is a higher cost for mobilization and then \$.28 per square foot for the project. To obtain the original amount of \$100,00.00 the areas that were deleted are: all of Storm Haven, 1200 West, and South Tammy Lane. This reduced half the square footage that was originally in the bid to get back to the \$100,00.00. Mayor Turner stated that the Town currently has the funds in the PTIF account and would be able to complete the project in whole. He also stated that he would like to move forward and asked if council would like to amend the budget to cover road project. The amount \$135,000.00 would cover all road except Teancum and Ranch Drive.

Phil Mattingly asked if it was possible to rotate on a yearly basis to complete the road project. However, because of the mobilization cost, it is recommended to complete the project all at once. Ryan Taylor stated that there is still time to complete the project this year, but Council needs to decide what direction to proceed.

Council member Glodowski made a motion to increase the road budget to \$130,000.00 cover the outlined project.

Ryan Taylor asked if it was possible to include a contingency in case there are any additional costs.

Council member Glodowski amended his to motion to increase the road budget up to \$135,000.00 to cover the outlined projected. This was seconded by Council member Duggin. For: Mayor Turner, Council members Duggin, Bunker, Grady and Glodowski.

Council member Glodowski addressed the issue of speeding especially on 3000 South, Little Sweden, etc. He suggested to add speed bumps, speeds at 35MPH, and road access possible adding a three-way stop. Mayor Turner stated that he also seen the same issues as well as running stop signs. Council member Glodowski stated that in the winter, the speed bumps would be removed from snowplows. He had a discussion with the Wasatch County Sheriff's Office. He recommends speaking to the County Public Works, as well as County attorney to see if they are also in favor. They are willing to enforce the speeding issues, as well as those that are running stop signs. Another recommendation is the speed monitor signs. Phil Mattingly asked if it is possible to restrict big trucks from the town roads. Council member Bunker stated that if the Town regulates big trucks by weight, the Town could lose their Class C tax monies. Council member Glodowski stated that by placing additional stop signs and speed bumps, this could potentially reduce big trucks from wanting to drive on town roads. Council member Bunker also stated that there is a State Matrix that must be followed with the stop signs that could also jeopardized the road funds, therefore the town must follow the state rules. This would require a traffic count to be completed before a determination could be made to implement stop signs at cross intersections. Ryan Taylor stated that road stripping lines is another option, whether double yellow or dashes, as well as narrowing lanes.

Council member Glodowski made a motion to added traffic control measures to the October agenda for further discussion, seconded by Council member Grady. For: Mayor Turner, Council members: Grady, Glodowski and Duggin.

9) BUSINESS LICENSES:

NEW: None

RENEWALS: Tender Touch Massage, Housekeeping by Dawn, Splash & Bounce, Suburban Propane

Mayor Turner stated that the prior issues and complaints with the Suburban Propane renewal have been resolved at this time.

Council member Grady made a motion to approve all business license renewals presented, seconded by Council member Glodowski. For: Mayor Turner, Council members Grady, Glodowski, and Duggin. Nay: Council member Bunker.

10) DANIEL MUNICIPAL WATER:

Water secretary Shelly Bunker stated that there are several accounts that are past due or have high water usage and she has been issuing shut off notices.

Mayor Turner stated that if they are more than two months, he would like to continue issuing those notices.

Mayor Turner stated that the Charleston water has been discussed in prior meetings and there is a letter of intent that was presented to Council. He asked for the direction that the Council would like to take at this time.

Council member Glodowski made the motion to issue the letter of intent to the Town of Charleston, seconded by Council member Grady. For: Mayor Turner, Council members Bunker, Grady and Glodowski. Abstain: Council member Duggin.

11) STORM HAVEN WATER:

Ryan Taylor stated that he has been working on grant application for water improvement projects.

12) APPROVAL of COUNCIL MEETING MINUTES: August 3, 2020

Council member Bunker made a motion to approve the August 3, 2020 meeting minutes, seconded by Council member Grady. For: Mayor Turner, Council members Bunker, Glodowski, and Grady. Abstain: Council member Duggin.

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

Council member Glodowski made a motion to approve the warrants for August 2020 to include payroll totals, seconded by Council member Bunker. For: Mayor Turner, Council members Bunker, Glodowski, Duggin and Grady.

14) POSSIBLE CLOSED SESSION: Legal issues, Property acquisition

No closed session was held

15) ADJOURN:

Council member Bunker made a motion to adjourn, seconded by Council member Glodowski. For: Mayor Turner, Council members Bunker, Grady and Glodowski. Council member Duggin abstain.

Mary Snyder
Clerk/Recorder