

**Daniel Town Council Meeting
Monday, February 3, 2014 at 6:00 PM
Wasatch County Services Building, Rm. 126
55 South 500 East, Heber City, UT**

Quorum present: Council members Eric Bunker and Kasey Bateman were present at 6:00 PM when Mayor Chip Turner called the meeting to order. Council member John Glodowski arrived later in the meeting. Council member Jon Blotter was absent. Recorder Merry Duggin was present.

Members of the public in attendance: Ryan Taylor, Sherri Price, Sandy Plummer, Bill Fairbanks, Jalayne Bassett, Gary Walton, Pam Skinner, John Hines.

After calling the meeting to order, Mayor Turner affirmed his appointment of Sherri Price as Treasurer and announced that Lynne Shindurling would now step into the role of Recorder, with Merry Duggin remaining on for a time as Deputy Recorder. The minutes were recorded by Ms. Shindurling.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

No public comment was received at this meeting.

Council member Glodowski arrived at 6:03 PM

2) BUSINESS LICENSE APPLICANTS

Renewal licenses will be mailed to Jill Bonner and Wes' Auto Repair. Two businesses, Classic Beauty Supply and Computer Nerds, Inc., which had not renewed in 2013, paid for renewal in 2014. Council member Bunker stated pursuant to the Town Code the Council can impose a late fee. Council member Gladowski suggested sending a letter in the future to those in arrears stating if not paid within 30 days after expiration, the license will be terminated. If a business continues operating after this period of time, they're in violation of the Town's business licensure policy. The two businesses in question were granted licenses for the current year.

3) APPROVAL OF MINUTES FOR JANUARY 6, 2014 MEETING

Council member Bunker moved to approve the minutes of January 6, 2014 as presented, but questioned whether Mr. Blotter was in fact present for discussion on item 10 in the minutes. Council member Bateman recalled Mr. Blotter was not present at the beginning of the discussion on the website costs, but asked a few questions later on in the discussion to clarify Mr. Anderson's services in his own mind. Council member Bateman then seconded the motion, and the minutes were approved by "aye" votes from Council members Bunker, Glodowski, Bateman and Mayor Turner. Council member Blotter did not vote as he was absent from the meeting.

4) PLUMMER PROPERTY DISCUSSION REGARDING LEGALITY OF THE SUBDIVISION AND THE BUILDABILITY OF ITS 4 LOTS

As this matter had gone before the Planning Commission, Council member Bunker read the Commission's recommendation into the record. "Please be advised that the Daniel Planning Commission *recommends to the Town Council that they recognize that the Plummer subdivision was legally created before the Town was created.*"

As to the buildable lots: "Please be advised that the Daniel Planning Commission *recommends to the Town Council that they follow the town code when determining if these four lots are 'buildable' lots.*"

After discussing Daniel Town Code Section 8.07.01, Purpose, the Council considered whether the Plummer subdivision meets Daniel Town Code.

Gary Walton pointed out the septic tank requirements today are much different than they were in the 1990s and earlier, and, in any event, the Health Department would have to sign off on any improvements to the lots.

Mr. Bill Fairbanks, representing the Plummer family, produced a document which was provided by Mr. Bunker at the Planning Commission meeting on January 15, 2014, referring to Daniel Code Section 8.22.08, Non-Conforming Lot of Record Determination. He feels, too, that the Health Department would oversee all issues regarding septic systems and culinary water use. Anyone building on these lots would have to follow their requirements..

Council member Bunker presented a timeline he created of events which have occurred in regard to this particular parcel of land. He feels the

County erred in the fact that approvals which were given in the 1990s should have expired one year later if they were not acted upon.

Mayor Turner pointed out any action taken in regard to this property is solely for this property and not to set precedence for future cases considered by the Council.

Council member Bunker referred to Daniel Code Section 8.22.09, Non-Conforming Lot of Record, where the last sentence states: "A non-conforming lot of record does not guarantee a building permit."

Gary Walton stated according to his understanding, anything that has changed pertaining to water, sewer, setbacks, et cetera, since the subdivision was recorded has to be brought up to today's standards. Council member Bunker read Code Section 8.22.10 Non-Conforming Subdivision in support of this.

After discussion amongst the Council, Council member Bateman moved as follows:

That the Council accept that the Plummer Subdivision is of legal lots, it's been recognized, and that the subdivision is buildable as long as it meets all of the Town's requirements and state safety standards or regulations. In other words, it's recognized as a legally recorded subdivision. The motion was seconded by Council member Glodowski. The motion passed by the following vote: Glodowski, aye; Turner, aye; Bateman, aye; Bunker, nay.

On buildability, after discussion amongst the Council members, the following was moved by Council member Bateman:

That the Council accept that the lots fall under Section 8.22.10, non-conforming subdivision, and, therefore, makes the lots a buildable subdivision as long as current building fire, health, and safety laws are met. Council member Glodowski seconded the motion. The motion passed by the following vote: Glodowski, aye; Bunker, aye; Turner, aye, Bateman, aye.

5) PLANNING DEPARTMENT REPORT

Council member Bunker reported there are two agricultural buildings under construction which are out of compliance with the permits. The one building which has gone on for over a year was being built outside of the plans. Agricultural permits are good for one year so as to prevent projects from beginning and not finishing in a timely manner. As planning director, Mr.

Bunker will issue a letter to both projects underway extending for one additional year, but they must be completed by the end of the second year.

6) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY. DISCUSSION REGARDING OVERUSE CHARGES, LATE FEES AND INTEREST CHARGES ALLOWED PURSUANT TO RESOLUTION DR 2013-06-10D. POSSIBLE CLOSED SESSION FOR DISCUSSION OF WATER USERS IN ARREARS.

Customer names were provided to the Council enumerated as letters A through I so their names do not have to be mentioned. That being the case, Mayor Turner does not see the need to go into closed session.

Gary Walton, the water manager, states the individuals dealing with reading water meters and charging customers have agreed to start charging 2% on any billing not paid in 30 days. When the monthly billing goes out at the 60-day mark and no payment has been received, 2% will be tacked onto the bill.

Mayor Turner asked that an amended resolution be drawn up stating the specific late fees. Merry Duggin suggested also stating the date of implementation of new policy and clarifying there are no longer shareholders but only customers on the water system. Along this line, the Daniel Domestic Water Company certificates are not valid certificates since Daniel Town was incorporated. Council member Bunker stated some certificates were issued for a hook-up, and if the hook-up has not occurred, it is valuable to that particular customer.

Gary Walton, in reviewing the list of customers in arrears, stated water users feel the Town will not shut their water off in the winter months for fear of freeze-up and go for months without paying. Council member Bateman suggested perhaps a spring and fall time period where customers must be current on the bills going into the next season or their water will be shut off. Joyce Anderson who handles the water billings stated those in arrears rarely, if ever, get completely caught up.

The Council concurs in the fact that we need to operate Daniel Municipal Water as a business, as any other water company in the state, requiring customers pay or their water is shut off.

John Hines inquired about the cost of DMW water. Council member Bateman replied \$35 for 20,000 gallons of water. Mr. Hines feels this is quite a bargain and users should appreciate receiving water at such a low price. Mr. Walton stated there are currently 154 homes on the system.

Ryan Taylor suggested perhaps a Standard Operating Procedure would be a way to handle such an involved subject dealing with water issues.

After discussion amongst Council members on specific water usage policies pertaining to DMW users, and an attempt at a motion for the Council to consider Council member Glodowski moved as follows:

That delinquent accounts will be shut off during the months of October or April. It will cost a user \$25 if the water is shut off and an additional \$25 to have it turned back on. If the meter is pulled for payment reasons, \$100 will be assessed. There is to be a 2% monthly interest charge added on a balance remaining after 30 days. Customers would be mailed a notice as well as a 48-hour red tag notice hung on a resident's door notifying of impending water shutoff. Any leaks would have to be reported to the water company, but be the responsibility of the customer to rectify the situation. Afer a second by Council member Bateman, the motion passed by the following vote: Bateman, aye; Turner, aye, Glodowski, aye, Bunker, nay.

Council member Bunker inquired what effect a new policy would have on a water user coming before the Council on the basis of hardship. That policy would remain in effect and perhaps result in more townspeople coming before the Council with an inability to pay for water.

7) DISCUSSION OF POSSIBLE FUTURE NEED FOR INDIVIDUALS WILLING TO PERFORM PUBLIC WORKS DUTIES FOR THE TOWN

Mayor Turner asked that the Council consider the notion that it might be time for the Town of Daniel to consider hiring someone to come in and perform duties such as replacing signs and weed spraying. Council member Bateman was concerned about the liability of an employee for insurance purposes versus continuing to use independent contractors. The cost of such a person needs to be in conformance with the need, perhaps begin on a part-time basis. Also, many things such as weed spraying require a state certification to be performed by an individual so the Town needs to be in compliance..

On the necessity to replace our current road signs with the new ones providing reflectivity pursuant to a new federal mandate, Ryan Taylor stated he would look into getting them ordered. Who does the actual replacement will be determined later.

Council member Glodowski suggests a list be made of duties needing to be performed come spring, and the issue will then be readdressed.

8) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS

Clerk Lynne Shindurling presented the warrants. Mayor Turner inquired of Mr. Taylor of Epic Engineering what the invoice for \$29.25 delineated under the general roads represented. Mr. Taylor explained it was the Storm Haven project.

Merry Duggin stated on the invoice to Chris Anderson for computer work for DMW the program is finished and working, and his cost does include the first year's maintenance of the website.

Council member Bunker asked that the warrants approval be divided into two motions, one for the Town of Daniel and one for the water fund. Council member Glodowski moved to approve the warrants as presented for the Town of Daniel for January 2014 . Council member Bateman seconded the motion. The motion passed by the following vote: Bunker, aye; Glodowski, aye; Turner, aye; Bateman, aye.

Council member Glodowski then moved for approval for the warrants presented in January 2014 for Daniel Municipal Water Company. Council member Bateman second the motion. The motion passed by the following vote: Bunker, aye; Glodowski, aye; Turner, aye, Bateman, aye.

9) ADJOURN

Council member Glodowski moved to adjourn. Council member Bateman seconded the motion, and the Council voted unanimously to adjourn. Merry Duggin made several announcements about upcoming events, after which Mayor Turner adjourned the meeting at 8:28 p.m.

Approved 03-03-2014