

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

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

Members of the public in attendance: Ryan Taylor, Sherri Price, Merry Duggin, Lambert Deegan, Douglas Crittenden, John Hines, Gordon Hines, Kim Norris, Ron Hinckley, Pam Skinner.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA

John Hines expressed his concern for the Town of Daniel putting shareholders/taxpayers on the hook for the cost of possible litigation with the CUP over recycled water from the Jordanelle for Daniel irrigation purposes. Mayor Turner informed him this has been a topic of discussion since 2009 when the treatment plant was built. However, this discussion should be saved for tomorrow night's assembly of shareholders at the special meeting called by the Daniel Irrigation Water Board.

Council member Jon Blotter arrived at 6:05 PM

Ron Hinckley, after having read aloud from a letter dated 2/19/2014 issued by a group of shareholders regarding the vote to be taken on March 4, feels the Town of Daniel is at risk for having to pay an enormous amount of money to pursue litigation, which ultimately would have to come from residents of the Town. Because Daniel is not a party to the contract with the CUP and JSSD, he feels the Water Board of the Irrigation Company could leave Daniel Town in a precarious position. Mayor Turner, once again, asked to save this discussion for a time after the vote is taken at the shareholders' meeting tomorrow.

2) BUSINESS LICENSE APPLICANTS

No new applications have been applied for since last meeting.

3) APPROVAL OF MINUTES FOR FEBRUARY 3, 2014 MEETING

Council member Bunker asked that the language in Item 6 of the minutes regarding a motion from Council member Glodowski to assess \$100 if the meter is pulled "for any reason" be changed to "for payment reasons." ***Council member Glodowski moved that the language be so changed. Council member Bateman stated his second of the motion of February 3rd still stands. The vote on that motion remained as Bateman, aye; Turner, aye; Glodowski, aye; Bunker, nay.*** The correction was made by the recorder.

Council member Glodowski moved that the Council accept the minutes as corrected. The motion was seconded by Council member Bateman. The Council voted to approve the minutes by the following vote: Bateman, aye; Turner, aye; Glodowski, aye; Bunker, aye. Council member Blotter abstained as he was absent from the February 3rd meeting.

4) PLANNING DEPARTMENT REPORT/DISCUSSION OF POSSIBLE PURCHASE TO UPGRADE PLANNING DEPARTMENT EQUIPMENT

Council member Bunker reported he needs a new laptop computer for the Planning Department as his has quit operating. Mayor Turner asked if he'd looked into a cost. Mr. Bunker reported around \$600. Mayor Turner stated the Board must approve an expenditure over \$500, which was affirmed by Merry Duggin who stated for a preauthorization, the Council must approve any amount over \$500. Council member Bunker has had the town's IT person, Chris Anderson, look at the old machine who concurred that he needs a new one. Council member Bateman inquired if it is necessary for the Board to obtain three bids before making such a purchase. Mr. Bunker will look at computers from three different vendors before deciding which one to purchase.

Council member Glodowski moved to let Council member Bunker make his choice of computers, after looking at at least three, which will fill the needs of the Planning Department. He then added up to the amount of \$600. The

motion was seconded by Council member Bateman, and passed by the following vote: Bateman, aye; Glodowski, aye; Blotter, aye; Turner, aye, with an abstention by Mr. Bunker.

Council member Bunker then presented the Council with an invoice for a conference he attended with approval of the Council to obtain reimbursement. It will be added to next month's warrants.

5) DISCUSSION REGARDING PETITION OF DONALD ROBERTSON FOR ANNEXATION INTO CHARLESTON TOWN OF PROPERTY LOCATED AT APPROXIMATELY 2113 WEST 3000 SOUTH ALONG HIGHWAY 189 IN WASATCH COUNTY.

Mayor Turner stated the Town of Daniel had received a letter from Donald Robertson petitioning Charleston to be annexed into their town. The property location is one which is in the 20-year plans of both Daniel and Charleston for future annexation. It is currently within Wasatch County's boundaries.

Council member Blotter stated it is never Daniel Town's intent to cross another town's boundary to provided services so he may not be able to get water to his property. Council member Bunker stated that he attended a conservation meeting with citizens from various towns in Wasatch County last year, and Charleston made it clear they have no intention to cross Highway 189 to the east with services for residents.

Mayor Turner stated Daniel Municipal Water Co. is currently providing water to the county facility next to the Robertson property on 3000 South, and the Town may want to consider a different rate for services provided to non-residential dwellings.

Council member Bunker noted that the letter the Town received was from the applicant to Charleston Town, not from Charleston notifying our Town of his application. Merry Duggin stated that is the normal procedure for Charleston residents to notify others of their intentions, even though we have no answer to the question if Charleston is, indeed, going to annex the property.

Council member Blotter inquired if Daniel Town should notify Mr. Robertson of our interest in having the property within our Town. Mayor Turner is going to contact the mayor of Charleston to see where the matter currently stands with them and will also call the applicant Robertson, as he has his contact information on his letter.

6) DISCUSSION AND/OR APPROVAL OF RESOLUTION DR-2014-03-03 ON PUTTING NEW MUNICIPAL WATER POLICIES IN PLACE

Resolution DR 2014-03-03 was read aloud by Mayor Turner. The Council discussed the three items enumerated in the proposed resolution and resolved to leave the wording and conditions as stated.

Kim Norris, who does meter reading and collections for the DMW, stated with the number of users on the system, it is easy to have personal contact with each one, and they often do, so notification to a customer is done multiple times before action is taken currently. He thinks the 48-hour notice by mail with the personal contacts water company individuals have with customers is sufficient.

Council member Blotter moved to approve the resolution. Council member Bateman seconded the motion. The council adopted the resolution by the following vote: Turner, aye; Bateman, aye; Glodowski, aye; Blotter, aye; Bunker, nay.

7) CONTINUATION OF DISCUSSION ON PUBLIC WORKS PLAN FOR TOWN

Council member Bunker suggested the Town begin writing a job description for an individual whose duties are yet to be determined, what type of licenses and/or certifications are going to be needed. In the past the Town has relied on volunteers to perform many duties, but it has become necessary to use individuals with credentials in particular fields so as not to run into problems with people providing services they are not “qualified” for from a legal standpoint. Hiring licensed individuals in various arenas as subcontractors seems prudent.

Mayor Turner would like to see a description in place and then set up subcontractors to perform services perhaps on an on-call basis. Two or three companies on a list in any given field would be optimal. As far as water valves for

culinary and irrigation lines, Ryan Taylor will work on creating a map of locations of same, particularly to have on hand in case of an emergency. More than one person should have access to valve locations at their disposal. Ryan reports the survey is already completed so with GPS should be readily available. The law requires use of licensed and bonded individuals within the state and Town of Daniel. If necessary, the Town could lease and/or rent equipment to accomplish a particular task. Council member Bunker reported the Town of Midway has offered resources we can use in an emergency.

Ryan Taylor stated Lyndon Jones Construction does contract out to towns on an on-call basis, as do other companies. If the Town wants to assemble a list of contractors, it can get bids and know ahead of time what the rates will be – no surprises on cost.

(Agenda item 8 was moved to follow item 9.)

9) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS

Clerk Lynne Shindurling presented the warrants for February 2014. Council member Blotter inquired how costs are going on the Witt residence construction. Ryan Taylor reported it's going well. There has been a 5% raise instituted on the broad spectrum to try to make up for projects where the building permit costs exceed what the resident paid, hoping to reach an overall break-even. This issue will be revisited at end of summer to see how the overall picture looks at the time construction is underway and completed on current projects.

Council member Blotter moved to approve the warrants as presented, and Council member Glodowski seconded the motion. The motion passed with the following vote: Bunker, aye; Turner, aye; Glodowski, aye; Blotter, aye; Bateman, aye.

8) POSSIBLE CLOSED SESSION FOR DISCUSSION OF REASONABLY PENDING LITIGATION

Council member Blotter moved to go into closed session to discuss reasonably pending litigation. Council member Glodowski seconded the motion,

and aye votes were received from members Glodowski, Bateman, Turner, and Blotter. Council member Bunker abstained.

Council member Blotter moved to come out of closed session. Council member Glodowski seconded the motion, and aye votes were received from Council members Glodowski, Bateman, Turner, and Blotter. Council member Bunker abstained.

Back in open session at 8:05 PM

10) PRESENTATION BY MERRY DUGGIN, DEPUTY CLERK/RECORDER

Deputy Clerk/Recorder Merry Duggin tendered her resignation and presented the council with parting gifts.

11) ADJOURN

Council member Glodowski moved to adjourn. Council member Bunker second the motion, and the Council voted unanimously to adjourn. Mayor Turner adjourned the meeting at 8:18 PM.