

**DANIEL TOWN COUNCIL MINUTES  
MONDAY, JUNE 6, 2016 AT 6:00 PM  
WASATCH COUNTY SERVICES BUILDING, ROOM 126  
55 SOUTH 500 EAST, HEBER CITY, UT**

Quorum present: Council members Bunker and Bateman were present when Mayor Turner called the meeting to order at 6:06 PM. Council member Glodowski arrived at 6:25 PM. Council member Blotter was excused. Treasurer Sherri Price was present as well as clerk Lynne Shindurling to record the minutes.

Members of the public in attendance were: Shelly Bunker, Charleston Mayor Bob Kowallis, Charleston Council member Rob Shallenberger, Tom Rawlings, Pam Skinner, Nick Lopez, Kim Norris and Ryan Taylor.

**1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA**

Mayor Bob Kowallis of Charleston Town commented on a proposed development by Mike Petersen on Highway 189 at 3000 South in Wasatch County and Daniel Town's consideration of annexation of the property into the Town. It is currently owned by Ed Golub. Charleston Town was asked if they would consider annexation of the property into their Town for this same development. He stated the Board of Charleston felt the proposed commercial use of the property went against the Charleston lifestyle and their General Plan of maintaining a rural atmosphere. He also stated if a petition for annexation is completed for Daniel Town's consideration, that Charleston Town would oppose it. He feels the proposed development for the Golub property leaves two other parcels in the county, creating an island, which Wasatch County would have to approve and which the State tries to discourage. He stated in his conversations with County Commissioners Wasatch County would not approve such a proposal. He cited Title 10-2-401 and 402 in the Utah State Code as a reference.

Mr. Kowallis feels U.S. 189 serves as a separator and that the Town of Daniel should not annex properties west of the highway. He did acknowledge the property in question is in Daniel's 20-year annexation plan, but feels it overlaps onto Charleston's planned annexation boundary. He does appreciate the realignment of 3000 South across U.S. 189 in Mr. Petersen's proposed plan, but stated if the annexation does not occur, UDOT has an alternate plan for the misaligned intersection. He suggested Daniel Town not present a Mylar leaving the two homes in the County as islands.

Rob Shallenberger, a resident of Charleston and member of the Charleston Town Council, spoke next in opposition to the proposed annexation. He too wants to keep the area rural with no commercial buildings. He stated too often plans presented by a developer for consideration look great, but the reality is once built, the actual cite is different. He asks that the Daniel Town Council seriously consider the long-term impact of the annexation decision.

Mayor Turner asked what Mr. Shallenberger envisioned being done with the property if not a commercial development. He replied perhaps a home, a park. Mayor Kowallis added perhaps farmland or a pasture. He also stated there is pressurized irrigation on the land.

**2) PUBLIC HEARING TO OPEN THE 2015-16 BUDGETS TO ALLOW CHANGES IN REVENUES AND EXPENSES. POSSIBLE ADOPTION OF AMENDED 2015-16 BUDGETS**

***Council member Bunker moved the Council go out of regular session and open the Public Hearing on the 2015-16 budgets, which was seconded by Council member Bateman. The motion passed unanimously and the hearing was opened.***

Clerk Lynne Shindurling reviewed with the Council the Amended General Operations Budget for the current fiscal year, adding that \$230,000 will be transferred to the Capital Projects – Land Fund. Next reviewed was the Water Enterprise Fund Amendment for Daniel Municipal Water for 2015-16 as compared to the adopted fiscal year budget. She noted the Impact Fee was paid by the School District as agreed and construction of the Ranch Drive waterline could commence. Mayor Turner pointed out the bond and interest payments that were paid this year. The third and final budget is for the Storm Haven Water Fund Budget. Included is the DEQ engineering grant obtained by Epic Engineering for the continuing project.

***Council member Bunker moved to approve and adopt the amendments to the three budgets for fiscal year 2015-16, with a second by Council member Bateman. The motion passed unanimously and the budget amendments were adopted.***

***Council member Glodowski moved to close the Public Hearing regarding the FY 2015-16 budget amendments and open the Public Hearing on the FY 2016-17 budgets to consider for adoption. The motion was seconded by Council member Bateman and passed unanimously.***

**3) PUBLIC HEARING CONCERNING 2016-17 TENTATIVE BUDGETS PRESENTED ON MAY 2, 2016, POSSIBLE ADJUSTMENT AND ACTION BY THE COUNCIL TO ADOPT FINAL BUDGETS FOR FISCAL YEAR 2017**

Clerk Lynne Shindurling went over the FY 2016-17 General Operations Budget in comparison to the amendments just adopted by the Council. She mentioned in addition to completing the roadwork of \$160,000 in the current fiscal year, \$50,00 was added to the new fiscal year budget and will be handled through a change order prepared by Epic Engineering to just continue on with the project underway. Ryan Taylor presented to Mayor Turner the change order to be signed once the new budget is adopted.

The next budget for consideration was the Water Enterprise Budget for FY 2016-17. Clerk Shindurling mentioned though an equipment lease amount was included in the tentative budgets, because no figures have been decided upon for leasing to municipalities for the coming year, the line item was eliminated for the time being. The Council then reviewed the FY 2016-17 budget for Storm Haven, which at this time shows a loss. Grants will be applied for

in the future in hopes of continuing needed work in the Storm Haven area on waterlines and well facilities. Council member Bunker is concerned about the legal cost of only \$2,000 in the budget, but Mayor Turner explained some of the work currently being handled will be funded by the general budget.

Ms. Shindurling explained both water companies anticipate having to conduct expensive testing per State requirements this new fiscal year, and this has been budgeted accordingly. She also noted the variance in the power bills for both water companies from month to month. Ryan Taylor stated he has tried to contact someone at Heber Light & Power to arrange for monitoring of the demand charges for Daniel Municipal Water but has not had a return phone call.

Kim Norris mentioned he would like the water department to have authority to hire independent contractors for amounts over \$2,000 on a single project, up to perhaps \$3,000. Council member Bunker stated the State legislature has enacted code requiring a municipality get two bids for projects over \$2,000 before a municipal Council can give approval. Emergency situations would be an exception and handled by Mayor Turner through phone calls to Council members.

Mayor Turner asked for further comments on the Storm Haven Budget. Agenda item #7 was taken out of order.

#### **7) STORM HAVEN WATER ISSUES AS NEEDED, POSSIBLE ADDITION OF PERSONNEL**

Kim Norris stated Lisa Dinga, who lives in Storm Haven, has assembled a customer contact list and would like to be involved in the notification process to Storm Haven customers. Mr. Norris wonders if she and perhaps others could be put on the payroll to handle matters for this water company. Council member Bateman stated he would speak with her and see if some of the matters could be handled on a volunteer basis to keep costs down for the water company. Council member Bateman would like to have a list of projects and duties needed assembled and reviewed with the current water personnel to brainstorm on an action plan with specified individuals and get the work completed and checked off.

Council member Glodowski wondered if the Town's liability insurance policy would cover people and equipment. The clerk will check with the Town's ULGT representative to see how this should be handled from an insurance standpoint.

***Council member Glodowski moved to approve the three FY 2016-17 budgets as prepared, with a second from Council member Bateman. The motion passed unanimously and the budgets were adopted.***

Because no written resolutions were prepared for this Council meeting, the clerk will prepare them for official recordation at the July Council meeting. They will be numbered DR-2016-0606A, for the amended FY 2015-16 budgets, and DR-2016-0606B, for the new FY 2016-17 budgets.

***Council member Bunker moved to close the Public Hearing and go into regular session. The motion was seconded by Council member Bateman. The motion passed unanimously and the meeting returned to regular session.***

#### **4) BUSINESS LICENSE APPLICANTS**

Planning Director Bunker reported there were no applications for license renewal and no new applications.

#### **5) PLANNING DEPARTMENT REPORT, CODE VIOLATIONS AND ENFORCEMENT**

Director Bunker reported when he contacted Wasatch Mobile Home Parks about the continued violation by one of the tenants, he was told Ryan Taylor had okayed the addition. Mr. Taylor has subsequently tried to contact the owner to dispute the report and has been unable to get in touch with them. Since the Stop Work Order was issued and work stopped, it has once again been under construction without a building permit. Council member Bunker requested dates of attempted contact and will write a second letter to the owner of the park.

#### **6) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY**

Kim Norris stated every time the well kicks on, the demand charge begins and our electric bill continues to rise. There is a soft start in place and the Town thought this would reduce the monthly bill. Tom Rawlings, who has a background with electric power suppliers, explained there is not only the demand charge but the kilowatt hours in addition. He thinks perhaps HL&P is charging in excess for hours used also. He suggests Daniel perhaps have an electrical engineer check the power factor on the motor. Council member Glodowski suggested switching to Rocky Mountain Power when the current contract expires with HL&P, or see if there is a cost saving by switching to propane and a generator at the well house. Ryan Taylor stated where the monthly test causes the demand charge to increase, let's perform the test every other month, which would generate a higher bill only every other month. He has called HL&P about putting a lock on the gate the power company could access to monitor the demand charges to no avail. He will continue calling until he can set an appointment to meet with someone onsite.

#### **8) DISCUSSION OF RAISING COMPENSATION FOR WATER UTILITY PERSONNEL**

Council member Glodowski suggested taking an average of the hours personnel work over a several-month period and figure out what a fair wage rate would be if on a salary. Mayor Turner is certain all hours worked are not turned in for compensation, as volunteers donate much of their time.

Council member Bunker stated in reviewing the April meeting minutes, Council member Blotter had requested a compilation of information regarding wages paid to Daniel Town

personnel and other water departments in nearby communities. This information has not come forth yet. Council member Bateman mentioned his employer bases wages to a certain extent on the expertise and certifications held by various personnel. The current water operators for the Town, being Mike Duggin and Eric Bunker, have the credentials to perhaps qualify for higher wages in performing the sampling tests as opposed to meter readers or those performing repair duties.

Ryan Taylor of Epic Engineering will bring a proposal for compensation for various positions to the July meeting. He is certain performance of labor jobs would be more expensive for Daniel Town than using personnel currently on hand. A level 4 water operator, on the other hand, to do water sampling and testing per the State schedules would be something Daniel officials could consider.

Kim Norris suggested a wage of \$20 per hour for individuals doing the water sampling and testing and leaving the others at the current \$15-per-hour rate.

Council member Bateman again suggested a punch list of items to be done and checked off as accomplished on a set schedule would benefit the water department. Ryan Taylor asked the Council to consider using the Epic employee as the water operator who would do all of the sampling and send them in to an independent lab as per the State schedule for each of the two water companies. He will have that pricing available at the July meeting.

Shelly Bunker opined workers under the supervisors who hold certifications may not be as diligent in performing duties as they are not ultimately responsible and would like to see everyone get the needed credentials so that the work is performed properly.

***Council member Bunker moved to continue the discussion of water personnel compensation until next month when Council member Blotter could be present. The motion was seconded by Council member Glodowski and passed unanimously. The matter will be on next month's agenda.***

#### **9) FURTHER DISCUSSION REGARDING HOME OCCUPATION CODE 8.25**

After the work meeting held on June 2<sup>nd</sup>, a redlined copy of the Code 8.25 was provided to the Council members to indicate the changes made in the meeting. Mayor Turner asked the Council members what the next step should be. Council member Bunker asked the other members if they had looked at Title 3 of the Daniel Municipal Code which directs the writing of the code in question.

Council member Bunker suggested that since the Council is at a standstill on the update, let's have the matter go to the Planning Commission for their input. He tries to keep up-to-date with State legislative changes on the land use issues and keep the Council informed. Council member Bateman stated one matter of concern for this Council is where materials should be stored, whether inside a building or visible outside at a residence. Mayor Turner stated he would entertain a motion to send this on to Planning.

At this point Tom Rawlings offered his opinion that although complaints have been voiced by some Daniel residents to their neighbors and/or council members, he wants the Council to keep in mind there are many more people who have not complained about perceived business use of RA-5 properties and are very happy with what is happening within Daniel Town... the silent majority. His perception is Daniel residents give and take in matters affecting others.

***Council member Glodowski moved to pass the revision of Code 8.25 on to the Planning Commission, which was seconded by Council member Bateman. The motion passed unanimously.***

#### **10) DISCUSSION OF SIGNAGE ON RANCH DRIVE CONCERNING CONSTRUCTION OF NEW ELEMENTARY SCHOOL**

Mayor Turner reported he had not spoken with legal counsel on the matter and was not planning to discuss this issue this evening, asking if any other Council members had any comments. Council member Bateman refreshed memories that Merry Duggin had asked for signage at or around the intersection of Ranch Drive and Teancum Road advising drivers there was no school access heading north on Ranch Drive. Mayor Turner stated he will look into this matter further for comment next month.

#### **11) APPROVAL OF COUNCIL MEETING MINUTES OF MAY 2, 2015**

Council member Bunker stated he had redlined some changes on his draft copy of the minutes but did not have those with him. The changes dealt with the subject of the annexation. The Council would like to have an opportunity to hear those changes, and after further discussion on logistics, ***Council member Glodowski moved to postpone approval of the May 2, 2016 meeting minutes until the July meeting. The motion was seconded by Council member Bateman and passed unanimously.***

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

Clerk Lynne Shindurling reviewed the warrants presented to the Town during the month of May to be paid from the general fund and the two water companies.

**Council member Glodowski moved to accept the warrants as presented, with a second by Council member Bateman. The motion passed with unanimous "aye" votes.**

Next the clerk discussed a software program she would like the Town Council to consider purchasing for keeping Town records. She produced examples of other towns' budgets using this software and showed how much more detailed they are compared to what Daniel Town is currently using. She feels this would be time saving for the clerk/recorder as well as the treasurer and water secretary as the Town continues to grow and move forward. She has asked for a demonstration from the Pelorus company which she and Sherri Price could

attend. Approval from the Council to move forward is being requested, and then Ms. Shindurling could provide cost figures to them at the next meeting.

***Council member Glodowski moved to proceed forward on looking into obtaining the Pelorus software program. The motion was seconded by Council member Bateman and passed unanimously.***

Clerk Lynne Shindurling at this time asked if the Council would agree to move the August 1 meeting to August 8, 2016, because of a personal conflict. The meeting room is available on the 8<sup>th</sup>. **Council member Glodowski moved to change the date of the August meeting from August 1<sup>st</sup> to the 8<sup>th</sup>. The motion was seconded by Council member Bateman and passed with all “aye” votes. The date change will be posted as required.**

Mayor Turner stated the Town is still in discussion with Daniel Irrigation Company’s counsel on the easement through Storm Haven as the matter has not been finalized.

Council member Bunker next mentioned the County Council is wanting to move forward with a county-wide weed compliance officer, once again attempting to take authority away from the municipalities. It is assumed this person would issue citations where warranted.

Also, mention was made that two roads within the Town of Daniel are on the county biking trail system, where no notice was given to the Town and no discussion had taken place beforehand. Council member Bunker expressed his concern of liability on the Town for bikers riding the specified trail. Nick Lopez inquired if the Town could pass an ordinance requiring bikers ride single file while on these roads. Mayor Turner explained working with the State at times is cumbersome in trying to find remedies to the problems created by the bicyclists. Daniel residents are forced to comply with rules proposed to cities such as Salt Lake which don’t always fit within the rural lifestyle. Council member Bunker stated the exposure to the Daniel residents is huge.

### **13) AJOURN**

***Council member Glodowski moved to adjourn the meeting, which was seconded by Council member Bateman. The motion passed unanimously, and Mayor Turner adjourned the meeting at 8:20 PM.***

Lynne Shindurling  
Clerk/Recorder