

Daniel Town Council Meeting
Monday, December 5, 2022, at 6:00 PM
Wasatch County Services Building, Conference B
55 South 500 East, Heber City, UT

Meeting Minutes

Quorum Present: Mayor Scott Kohler, Council members Jon Blotter, Merry Duggin, and Barry Dixon. Council Member Robyn Pearson was absent. Also present was Amelia Pays of T-O Engineers, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Gary Weight, Taylor Larson, and Kipp Bangarter

Mayor Kohler called the meeting to order at 6:00 pm.

1) Public Comment: (please limit to 2 minutes per person)

A public comment from Lisa Dinga was read into the record stating that she would like to have meetings available to participate in an online forum such as Zoom.

2) DO 2022-12-05A: 2023 Meeting Schedule for Town Council, Planning Commission, and Board of Appeals

Mayor Kohler read the ordinance into the record. See attached. He called for a motion.

Council Member Duggin made a motion to adopt DO 2022-12-05A Meeting Schedule for the Town Council, Planning Commission, and Board of Appeals. Council Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The ordinance was adopted.

3) DO 2022-12-05B: Planning Commission and Board of Appeals Establishment

Mayor Kohler read the ordinance and current code that it was intended to replace in the record. See attached. He called for a motion.

Council Member Duggin asked for some discussion and to provide some clarification on the current code before voting on the motion. She stated that at the end of the current ordinance the phrase "and for removal from office" had been removed and she was unclear as to why. Commission Chair Weight, who was present in the audience, also asked for clarification about where the authority to remove a Planning Commissioner rested. After discussion, it was determined that the authority to remove a Planning Commissioner rested with the Planning Commission and that the appointment authority to fill a vacant Planning Commission seat rested with the Mayor with the approval of the Town Council.

Commission Chair Weight asked if he could speak to his concerns about the ordinance change. He stated that after much consideration having two alternates would ultimately add complications to the Planning Commission meetings and their work process, rather than help them. He stated that having two alternates might make the Commissioners feel that it would be okay to miss or skip meetings and that bringing alternates up to speed on ongoing discussions,

and issues could further belabor the meetings and work process. He stated that he felt that it would be better to get an increased commitment from the seven Commissioners rather than relying on alternates. He further contended that potentially having nine Commissioners asking questions and adding to discussions could potentially add to meetings that were often already running long.

Council Member Duggin stated that she would advocate for decreasing the Planning Commission to five members with two alternates. She explained that her reasoning was that it was difficult to recruit people to serve in offices such as the Planning Commission. Council Member Blotter asked for Commission Chair Weight's opinion on the size of five or seven Commissioners. He stated that while a five-member Commission would be easier he was fine with the current seven-member Commission. He further stated that regardless of the size of the Commission, he was opposed to alternates for the reasons he stated previously.

It was noted that there was a change that stated "no more than one member of the Planning Commission may also serve in the Legislative Body" was left out. It was noted that Mayor Kohler had approved this change because of previous Town Council discussions that it was prudent to have no member of the Legislative Body concurrently serve on the Planning Commission.

Mayor Kohler discussed his reasoning for adding the opportunity to have alternate Planning Commissioners which included having to have businesses come back multiple times to meetings because all of the Commissioners were not present and voting was tied or did not meet a quorum. Commission Chair Weight stated again that while initially, he thought alternatives were a good solution, he had come to think that at least currently this would not help but rather hinder the Planning Commission. After much discussion, it was decided that it would be wise to leave the opportunity to appoint alternates in the ordinance but not to appoint any at this time.

It was stated that the Board of Appeals currently has only three members of the available five positions, but that it would still be wise to appoint the two additional alternate positions.

Council Member Blotter made a motion to adopt DE 2022-12-05B Planning Commission and Board of Appeals Establishment with the modification of 2.01.01.03-2 reading "The planning commission shall consist of seven (7) members, with the chair and vicechair being voted from the members of the commission, and an option of appointing up to two (2) alternates" and addition of "No member of the Legislative Body may serve concurrently on the Planning Commission" as the last sentence. Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The ordinance change was adopted.

4) DR 2022-12-05: Appointment of Planning Commission Member and Alternates

Mayor Kohler read the applications from Gary Walton, John Glodowski, and Kipp Bangarter into the record. He stated that he had reached out to the three applicants and invited them to the meeting. He asked for the Council to elect Kipp Bangarter to fill the Planning Commission vacancy from the resignation of Planning Commissioner Mark McAllister. He called for discussion or a motion.

Council Member Blotter made a motion to appoint Kipp Bangarter to the Daniel Planning Commission. Council Member Dixon seconded the motion. The roll call vote was Duggin abstain, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

Council Member Blotter noted that Mr. Walton and Mr. Glodowski were also excellent candidates with multiple years of service to the Town of Daniel and perhaps would be good candidates for the Board of Appeals. Council Member Duggin concurred and stated that was the reason she abstained from the vote. She also noted that the resolution title and body would need to be amended to reflect that no alternates were appointed. Mr. Bangarter was welcomed to the Planning Commission by members of the Town Council and the audience.

It was noted that the term of Commissioner Bangarter would run the remainder of Commissioner McAllister's term which is January 1, 2023, through December 31, 2025

5) Letter from Planning Commission to Town Council Regarding Zoning Path for Town of Daniel General Plan

Commission Chair Weight presented a letter to the Town Council. Commission Chair Weight stated that there have been several discussions about changing the zone on a parcel of land that lies along HWY 189 and 3000 South. He stated that he was bringing this to the Town Council for clarification. He stated that generally once annually zone changes are considered unless requested by property owners. Planner Bunker stated that this was generally in July. Commission Chair Weight stated that the purpose of the letter was to clarify the process and to avoid extra and/or unnecessary meetings. It was discussed that the property in question has had several interested developers who have turned in applications with the latest just being rescinded, but that another developer was likely to initiate an application imminently.

It was stated that the Planning Commission and the Town Council can both initiate a zone change upon request from a property owner, however, it would be best to have the Town Council initiate the zone change. There was a discussion about current commercial zones bordering US HWYs 189 and 40. The discussion then moved to the Town of Daniel General Plan which designates enterprise zones along US HWYs 189 and 40.

It was stated that there was no need to make a motion and that the letter was just to confirm the preferred process be that the Town Council initiate any property owner-requested zone change outside of the normal annual deadline.

6) CMC Rock Waterline Concept and Service Proposal to Town Council

Taylor Larson from CMC Rock addressed the Town Council. He stated that now the Conditional Use Permits had been approved in last month's public meeting during the Planning Commission Meeting CMC would like to "hit the ground running" with their plans.

He referred to handouts of renderings from their engineer. He stated that the estimate from their engineer for constructing the waterline is \$215,000 which did not include the value of the approximately 1-acre easement that the property owners would be gifting to the Town of Daniel as well. There was a discussion about how to value an easement. It was stated that this would likely be a public utility easement, which affects the value of the easement. It was stated the

easement would need to be valued at least \$35,000 to make up the equivalent of the estimated \$250,000 impact fee that the Town would assess.

The waterline plans, site maps, and zoning maps were referred to and discussed. The discussion moved on to securing water rights from the irrigation companies. Mayor Kohler asked where CMC was in securing the necessary water shares and if the irrigation shares had been turned over to the State of Utah to be converted to culinary shares. Mr. Larson stated that Todd Cusick had met with the Extension and Timpanogos Irrigation Companies who had approved transferring the shares he had secured. He further stated that Mr. Cusick had been directed to attend the Daniel Irrigation meeting the following evening. There was some confusion about this request since CMC was not planning on converting any Daniel Irrigation water shares at this time. Mayor Kohler stated that he would also be attending this meeting. It was pointed out that Daniel Irrigation and Daniel Culinary are two different water systems. Mayor Kohler stated that he had some concerns about any approvals may be premature without securing all necessary water rights and turning those over to the State of Utah to be converted.

Planner Bunker's concerns included: having a fire hydrant every 500 feet with the turn-off valves on the main line, the one-inch meter needs to meet the Town's culinary water system specs (it was later noted that these would be two-inch meters), having a reduced pressure back-flow preventer, the three valves on Daniel Road be isolated, exchanging M.J fittings for Mega-Lug fittings, changing the current plans 90-degree angles to 45-degree angles to assist with a consistent water pressure and flow, and the proposed turning into the property near the berm and allow a minimum of a six-foot distance on the interior side of berm so that any repairs they will not be interfered with by the berm's trees, rocks, and soil. Mr. Taylor stated that CMC would incorporate all of the suggested changes from T-O Engineering.

It was stated that the concept approval would allow CMC to pursue construction bids.

Council Member Duggin made a motion to approve the waterline extension design concept with the addition of Planner Bunker's suggestions and subject to approval by T-O Engineering. Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

7) Business Licenses recommended for approval by the Planning Commission:

- a. New:
- b. Renew:
 - i. Tender Touch Massage, Kenda Giles
 - ii. Daniel's Academy

Council Member Blotter asked if there had been any complaints on either business. Mayor Kohler stated that there had been a complaint about Daniel's Academy. He stated that three of the youth were out late at night and stole a bike from the Walton's. The youths rode the bike to the LDS Church on Daniel Road and then got into a fight. The youth that stole the bike knocked on the Walton's door at 3:00 am. Law enforcement became involved in the incident. The Mayor requested that the Sheriff's Office alert the Town anytime there was a law enforcement incident in the Town and the Sherriff's Office agreed. Council Member Duggin volunteered to go and visit the group home. Council Member Dixon stated he would also like to go and speak to the

administrator and visit the facility. It was also stated that it might also be a good idea for the administrator to visit

Council Member Blotter made a motion to approve the renewal of the Tender Touch Massage. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

Council Member Blotter made a motion to continue the Daniels Academy Business Application renewal until the next meeting. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

8) Council Reports/Updates

Council Member Duggin stated that Eric Hales had been selected as the new Fire Chief and would be sworn in next week.

9) Engineer Reports/Updates

T-O Engineers had nothing to report

10) Planner Report

Mayor Kohler noted that there was quite a bit of construction in the Town currently and thanked Planner Bunker for all of his efforts. Planner Bunker noted that the Town had granted two out-of-season trench permits to accommodate utility installation for the Richen's home in Storm Haven and the Welsh home on Mill Road.

11) Daniel Municipal Water

Planner Bunker reported that the chlorinator valve has failed so he has had to turn on the pump manually. He reported that the Town is "on the list" for replacement and the funding has been improved and we are just waiting for parts to come in. He stated that his hours would be increasing as well as the power bill due to having to manually turn on and off the chlorinator.

12) Storm Haven Water

Storm Haven had no issues to report.

13) Recorder's Office: Warrants approval, Announcements, etc.

Clerk/Recorder Crittenden discussed the addition of Adobe on the warrants and requested permission for the \$14.99 per month payment on the credit card. It was noted that this should be caught up on the next warrants and then just be a monthly subscription cost. Council Member Duggin noted the missing quarterly payment to the State of Utah Department of Commerce Payment.

Council Member Blotter asked if a representative from T-O needed to attend the entire meeting. It was noted that all items that required T-O could be put together at the beginning of the agenda to allow those representatives to leave as soon as their business is concluded.

Council Member Blotter made a motion to approve the November 2022 Warrants. Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

14) Approval of Meeting Minutes for November 7, 2022

Council Member Duggin suggested the following changes. Under #8 fourth line down change "Special Interest District to Special Service District" and on page one take out the redundant "in changes"

Council Member Duggin made a motion to approve the November 7, 2022 meeting minutes with the noted changes. Council Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon abstain. The motion passed.

Council Member Blotter stated that Clerk/Recorder Crittenden was doing a good job with the meeting minutes and he appreciated her efforts.

15) Town of Daniel Policies and Procedures Discussion and Possible Action

It was discussed that information about policies and procedures had been distributed and Council Member Duggin stated she had been hoping to adopt some prior to the end of the year. It was asked why this is important and it was stated that a checklist is required by the State Auditor's Office for our "Agreed Upon Procedures" accounting. Discussion about understood and written policies were discussed and how applicable these were to our small town. Examples of credit card limits, spending, and procurement were touched on.

Mayor Kohler suggested a work meeting to discuss policy and procedure items. Council Member Duggin agreed and stated that she had adapted the State templates to meet the Town's needs.

A meeting was scheduled prior to the Planning Commission Meeting at 5:30 pm on Wednesday 21, 2022.

Council Member Dixon made a motion to schedule a work session on Wednesday, December 21st at 5:30 pm to discuss procurement and conflict of interest policies. Council Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

16) Possible closed session as permitted by UCA 52-4-205

No closed session.

17) Adjourn

Mayor Kohler made a motion to adjourn. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, and Dixon yes. The motion passed.

The meeting was adjourned at 8:20 pm

Kim Crittenden
Clerk/Recorder