

**Daniel Town Council Meeting  
Monday, May 2, 2011 at 5:30 PM  
Wasatch County Services Building, Room 126  
55 South 500 East, Heber City, UT**

Quorum present: Mayor Michael Duggin, Council members Eric Bunker, Kasey Bateman, Jon Blotter, and Chip Turner were all present at 5:30 PM when Mayor Duggin called the regularly scheduled meeting to order. Recorder Merry Duggin was present to record the minutes. Treasurer Sherri Price was also present.

Members of the public in attendance: Kim Norris, Lee and Tori Skinner, Ryan Taylor, Lambert Deegan, Doug Crittenden, Rory Singer, Hugh Barker, John Glodowski, Gary Walton, Kipp Bangerter, Shelly Bunker.

**1) PUBLIC COMMENT.**

There was no public comment.

**2) APPROVAL OF MINUTES FOR APRIL 4, 2011 MEETING. APPROVAL OF TRANSCRIPT OF COORDINATION MEETING HELD ON APRIL 5, 2011.**

*The motion to approve the minutes and transcript as presented was made by Council member Eric Bunker and seconded by Council member Bateman. The Council voted unanimously to approve the minutes and transcript.*

*Mayor Duggin proceeded to item number 6 on the agenda.*

**6) DISCUSSION AND POSSIBLE ACTION CONCERNING THE SALE/LEASE OF ABANDONED CULINARY WATER LINE ON LITTLE SWEDEN RD. TO DANIEL IRRIGATION COMPANY.**

Mayor Duggin introduced and read a draft proposal agreement to sell the old former Daniel Domestic culinary water line along Little Sweden Rd. to Daniel Irrigation which will be abandoned by Daniel Municipal Water once the new culinary line is put into operation. The Mayor insisted that there would be no cost to the Town, and since the line would be abandoned, it would be put to good use by the irrigation company. Hugh Barker, president of Daniel Irrigation, stated that the line would be very helpful to improve irrigation pressure in the system. John Glodowski sees this agreement as a win-win situation for everyone. Council member Blotter asked if any other irrigation company could use this line. He especially wanted to be sure that Town of Daniel was not showing preference to one particular company. But Mr. Barker told the Council that Daniel Irrigation is the only irrigation company in a position to use this line. Mr. Ryan Taylor suggested that Daniel Irrigation use the TNT General Contracting firm that is currently working on the new culinary line to make any improvements or modifications that the irrigation company required to the old line when it is abandoned. Epic Engineering, the Town engineering firm would oversee the modifications to be sure that they comply with Town specifications. Mr. Doug Crittenden, a member of the Daniel

Irrigation Board, believed that it would be foolish to not use them since they already know the line from their work on the system.

Council member Blotter stated that we could not *require* Daniel Irrigation to use Epic Engineering and TNT General Contractors for work in the future, so Council member Bunker suggested some changes to the wording of the draft transfer agreement to refer to *initial* work. He also suggested two other minor wording changes to be incorporated into the agreement. *There being no further discussion, Council member Bunker moved to accept the proposed sale or lease of the abandoned culinary line along Little Sweden Rd. based on his wording changes. Council member Blotter seconded the motion. The Council voted unanimously to approve the motion.*

### **3) DISCUSSION AND POSSIBLE ACTION CONCERNING EXPIRED BUILDING PERMIT FOR AGUIRRE RESIDENCE AT 2800 S DANIELS RD.**

Council member Bunker informed the Council that while the Town is holding a bond from the Aguirres for removal of their house, they have stopped building the new home for over a year. Mayor Duggin suggested that this family might have to start all over with a new building permit. Rory Singer, a neighbor, noted that the Aguirres have made no progress for 2 ½ years and might have to replace some siding. Council member Blotter hopes that the Town can provide some leniency to families trying to get their homes built and suggested sending a letter to the Aguirres. Council member Turner would like to find out officially where they stand. Mayor Duggin asked Mr. Bunker to send a letter to the Aguirre family to ask them to finish their house. No further action was taken.

### **4) DISCUSSION AND POSSIBLE ACTION CONCERNING EXPANSION OF CONDITIONAL USE FOR KENNEL AT TEE J MUTT CUTS.**

Council member Bunker explained that the Planning Commission has received a request from the owners of Tee J Mutt Cuts, Lee and Tori Skinner for an increase in the number of dogs allowed at the kennel up to 50 dogs during holiday periods without expansion of the current facility. Lee Skinner told the Council that they would never take in the 50 dogs because they are not planning to expand. But because they can house more small dogs than big dogs, they were asking for the number 50 just to be sure that they don't exceed the number of dogs allowed at any time. They also have dogs being groomed, and they want to remain in good standing with the Town. In response to question about noise, Mr. Skinner described the construction of the building as solid grout concrete block and explained that they have also planted a row of trees to mitigate noise.

John Glodowski, a member of the Planning Commission, said that he had visited the facility and considered it a "first class operation". He sees no reason to not grant their request since he did not see a problem with noise or traffic.

Mayor Duggin asked Mr. Bunker to take this issue to the Planning Commission for an evaluation of this request.

## **5) DISCUSSION AND POSSIBLE ACTION CONCERNING EXTENSION OF DANIEL MUNICIPAL WATER LINE ALONG BIG HOLLOW RD. TO GUN RANGE BOUNDARY**

Mayor Duggin has received a request from John Fairchild of the Utah Division of Wildlife Resources (DWR) for Town of Daniel to provide water to the Gun Range on the south border of Town of Daniel. The culinary line currently ends at the property of Keith Bates on Big Hollow Rd., and it would be desirable to extend this line further south to provide fire protection to more residents and also offer an opportunity for additional water users to hook up to the system. Council member Blotter worries that providing water to the gun range will encourage more people to use the range, and he felt that several Big Hollow Rd. residents do not want the gun range to grow.

Mayor Duggin commented that this could extend the Town's fire fighting capability, and DWR would pay for it. If the line is extended, Mr. Bunker and Ryan Taylor pointed out that any extension of the line would have to be current code and the best available standards.

Council member Turner spoke in favor of the improvements made at the gun club and is not against extension of the water line to DWR if they pay for it. John Glodowski commented that we can't stop the growth of the gun club because DWR could drill a well and build their facilities without any assistance from Town of Daniel. Council member Bunker felt that the issue is not clear cut. Daniel Municipal Water would like to add water customers to the system.

Council member Bunker reported that the Planning Commission has recommended continuing negotiations with DWR. *Mr. Bunker then moved to allow Mayor Duggin to continue to negotiate with Division of Wildlife Resources to run the Daniel Municipal Water Line to DWR property south of Town of Daniel boundary. The motion seconded by Council member Turner passed by a unanimous vote.* Council member Blotter added that he would like the wishes of residents of Daniel to be considered in this process

## **7) DISCUSSION AND POSSIBLE ACTION CONCERNING ROAD IMPROVEMENT AT TEANCUM RD./DANIEL RD. INTERSECTION TO IMPROVE DRAINAGE.**

Mr. Rory Singer who lives at this intersection told the Council that when the new culinary water line was installed, he thought that the grade was reversed so that the road no longer drained properly. The runoff is all funneled onto his property.

Mr. Ryan Taylor, town engineer, having studied the problem suggests a dry well with gravel and a manhole with a smaller manhole next to it to act as a settling point for debris. He suggested that the two manhole sections currently stored at the Daniel Municipal Water pump house site could be used to lower the cost. Mr. Kim Norris, who owns the property on which the manhole would be constructed, said that he would grant an easement. Council member Blotter suggested that the Town should follow their capital facility plan priority list for projects unless this could be considered an emergency. Those present felt that the runoff situation could be considered an emergency due to the state of the road and shoulder.

*Council member Blotter then moved to proceed with the project with a licensed, bonded contractor if the cost will be under \$5,000. Council member Bateman made*

*the second, and the motion passed by the following vote: Turner, aye; Duggin, aye; Bateman, aye; Blotter, aye; Bunker, nay.*

Council member Turner pointed out that the intersection of South Field Rd. and Valley View Rd. also needs improvement and would like the Council to consider that project soon.

**8) REPORT ON CDBG AWARD. SCHEDULE SECOND PUBLIC HEARING.**

Merry Duggin reported that Town of Daniel's application for \$50,000 through the 2012 Community Development Block Grant Program has been granted. Ms. Duggin will attend the required workshop on May 24 in Salt Lake City to be educated about the program process. A second public hearing is required by CDBG, and the Council has approved this public hearing to be held on May 18 at 7 PM at the regularly scheduled Planning Commission meeting.

**9) BONDING**

Merry Duggin reported that she had discussed our situation in a phone conference with the bonding attorney and Michael Grange of the Division of Drinking Water. DDW will allow Town of Daniel to pursue a generic bond which would be a shorter, less expensive way of bonding for the money needed to complete the Daniel Municipal Water improvement project. It is important to secure the funds as soon as possible to allow the town to sign contracts at lower rates for fuel and PVC pipe. Council member Bunker asked how this would affect water users. Ms. Duggin replied that she believed that Daniel Municipal Water current revenues could cover the additional bond payment for at least a couple of years without raising rates. The water system is trying to add new customers which would help with the additional cost.

*Council member Bateman moved to pursue the generic bond for \$340,000 in water revenue bonds. Council member Blotter seconded the motion which passed by the following vote: Turner, aye; Duggin, aye; Bateman, aye; Blotter, aye; Bunker, nay.*

Ms. Duggin received approval to schedule a special meeting or public hearing as necessary for the bonding process.

**10) PRESENTATION OF TENTATIVE BUDGET FOR FISCAL YEAR 2011-12. SCHEDULE PUBLIC HEARING.**

Recorder Merry Duggin presented the tentative budget for fiscal year 2011-12 pointing out several areas of concern including lower than anticipated revenues from the telecom tax and lower property valuations which will result in a higher certified tax rate. But the 2010 Census has shown our population increased from 619 to 938 which allows the Town increased per capita state sales tax distribution. As legal costs diminish, the Town should be able to spend its funds on other priorities such as road repair and maintenance. Water revenues have been as predicted, but expenses of the system were higher than budgeted in fiscal year 2011. It is hoped that some of those expenses will be diminished once the improvement project is completed. Copies of the tentative budgets are attached to these minutes.

*Council member Turner moved to schedule the required public hearing for the budget at the next regularly scheduled meeting of the Town Council on June 6, 2011.*

*Council member Blotter seconded the motion, and the Council passed the motion with a unanimous vote.*

## **11) DEPARTMENT REPORTS**

**PLANNING:** Council member Blotter reported that Wasatch County Health Department is looking at trailers on South Field Rd. which appear to be hooked into a septic system of which there is no record. Mayor Duggin asked Mr. Bunker to ask the Health Department to investigate the matter as they think necessary.

Mr. Bunker also reported that a property owner in the Storm Haven subdivision has asked for approval for placing a trailer on her lot. She has provided documentation of a variance granted by Wasatch County, but she has not provided a “lot of record” certificate. It was determined that the owner should continue to work with planning to try to resolve the problem.

**DANIEL MUNICIPAL WATER:** Mr. Gary Walton, water manager, asked the Council for guidance on what kind of meters should be purchased for the system. After discussion, it was decided that the SRII meters that the system has been using has many options and is the best choice for now.

*Council member Blotter moved to put in new SRII meters on the replaced water line. Council member Turner seconded the motion, and the Council passed the motion by a unanimous vote.* It was suggested that at the end of the project, the Town could put out to bid the work for new meter heads and their installation when we know what funds are still available for this purpose.

Ms. Duggin asked for guidance on how to proceed on the handling of the water connection at 1001 Little Sweden, a home now owned by Fannie Mae. This connection was never properly paid for by the previous owner. After discussion by the Town Council, it was determined that Fannie Mae, or the next new owner, should secure a Daniel Domestic Water Share Certificate from the former owner. If this certificate is presented to Daniel Municipal Water, we will consider a reduced hook up fee based on the payment record of the former owner. If no certificate can be produced, this residence will be treated as a new connection and will have to pay the entire connection fee.

### **RECORDER’S OFFICE; WARRANT APPROVAL, COURT LITIGATION UPDATE:**

Recorder Merry Duggin presented warrants for the month and requested approval. Council member Blotter moved to approve payment of the warrants. Council member Turner seconded the motion, and the warrants were approved by a unanimous vote.

WDLA missed their filing deadline and requested an extension until May 9, 2011.

### **COORDINATION UPDATE: DISCUSSION OF PENDING ACTION. POSSIBLE CLOSED SESSION TO DISCUSS LITIGATION STRATEGY.**

The Council did not go into closed session. Mayor Duggin reported that he is still waiting for information before proceeding.

## **12) ADJOURN**

*Council member Turner moved to adjourn. The motion seconded by Council member Blotter passed by a unanimous vote, and the mayor adjourned the meeting at 8:53 PM.*

Merry Duggin,  
Recorder

Approved 6-6-2011