

**DANIEL TOWN COUNCIL MEETING
MONDAY, DECEMBER 4, 2017 AT 6:00 PM
WASATCH COUNTY SERVICES BUILDING, ROOM 126
55 SOUTH 500 EAST, HEBER CITY, UT**

Quorum Present: Council members Blotter and Bunker were present when Mayor Turner called the meeting to order at 6:03 PM. Council members Glodowski and Bateman were excused. Treasurer Sherri Price was present, as was Clerk Lynne Shindurling to record the minutes.

Members of the public in attendance were: Shelly Bunker, Kim Norris, Brent Waterman, Randall Williford, Mark McAllister, and Ryan Taylor and Kim Coburn with GDA Engineers.

1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA (LIMIT 2 MINUTES PLEASE)

No comments were made.

2) CONTINUED DISCUSSION OF PROCESS FOR FILING MECHANIC'S LIENS IN COLLECTION MATTERS

Mayor Turner reported he had spoken with Town counsel regarding this and was told the water agreement with customers should contain a paragraph dealing with mediation measures in the event of nonpayment. Kim Norris presented the Council members with the current agreement given to new customers and stated approximately 40 percent of users have not signed an agreement. Mayor Turner stated the attorneys will write an additional paragraph to add the mediation remedies. Because the agreement states it is between the customer and Daniel Municipal Water, an additional agreement will be available with the same language for Storm Haven Water customers.

Kim Norris asked if the designation of a private versus a public road and waterline is handled in planning and zoning when a new subdivision is applied for. Council member Bunker stated it is handled at the time of subdivision creation and not addressed in the water agreement. If a road is determined to be private and the responsibility of the residents in the subdivision, an easement is created to allow Daniel Town to maintain the waterline servicing those customers. If the residents created a private water system to service the same homes, a vault would have to be installed allowing shut off of the water to prevent backflow and cross-contamination.

Next the water company agenda items were taken out of order.

9) DANIEL MUNICIPAL WATER MATTERS AS NEEDED

Along the same lines as mentioned above, the Three Farms Subdivision has a private road with a 50' right-of-way for the waterline to be installed and maintained. If its status was to change to a public road, the road would have to come up to Daniel's road standards.

Also dealing with Daniel Municipal Water issues, Kim Norris mentioned there are three new homes coming onto the system, those being Curt Clyde, Dan Brown, and the Grant Baird homes. He stated Scott Keele has not submitted an invoice for contracted work, and that the Bairds will be responsible for some of the installation costs.

10) STORM HAVEN WATER ISSUES AS NECESSARY

Kim Norris reported a water leak in the Crazy Acres area of Storm Haven thought to be caused by roots of several large trees in the area of the Hines home. He said when comparing water being metered and that being pumped from the well there is missing water unaccounted for. This has been seen for several months. He would like Ryan Taylor to fill out the State forms on water usage for both water companies as required. Ryan stated the only agreement with users is a prescriptive easement that is in place. Mr. Norris said the Town may want to move the waterline to several homes on Crazy Acres rather than remove the trees to find a leak or leaks. Mayor Turner said perhaps CDBG funds could be used to place new lines to go around obstructions.

Mr. Norris said Heber Light & Power has changed the policy of leaving pink slips at residences when intending to turn off the power for nonpayment. He wonders if the attorneys could look at the water companies doing the same as they review the customer agreements for update.

Council member Bunker added that Kim Coburn has passed her certification to become the water operator for the Town of Daniel.

3) BUSINESS LICENSE APPLICANTS

Planner Bunker reported there were no applications for a new license or renewals.

4) RECOMMENDATION LETTER FROM PLANNING RE BUNKER ZONE CHANGE

Mayor Turner read the letter as sent from the Planning Commission. The letter stated the Planning Commission recommended denying the zone change for which the Bunkers applied.

Council member Bunker said the Planning Commission wanted more information regarding the zone change and he had assembled several documents to provide to the Council in considering the zone change. These included the Town General Plan, Town Land Use Plan, 8.02.03 Zone Establishment, Daniel Ordinance DO 2008-02-03D and 8.10.01 explaining the purpose of the commercial zone and the authority to establish zones. He had highlighted

significant paragraphs in each pertaining to his application for a zone change to commercial. He explained that the present commercial and industrial zones are expected to occur near the boundaries of Daniel with adjacent properties.

Mark McAllister asked if the Council or Planning Commission could, on their own, make a zone change without a request from a property owner. Council member Bunker stated they do have that authority.

In the documents produced, Mayor Turner asked about 8.10.01 Purpose stating “provide access to commercial zones off major roadways,” inquiring if 3000 South is considered a major roadway. Mr. Bunker stated it is a major roadway for accessing commercial businesses in Daniel Town and has been designated as such in an evacuation situation.

Brent Waterman asked where the Bunker property is on the map. It was pointed out. Mr. Waterman also asked if the Weyandt property is still commercial. The Council had changed that property back to the RA-5 zone in 2015. Mr. Bunker stated the future plans for the 3000 South intersection with US 189 is to place a semaphore there, and that may occur sooner now that the Charter School has relocated toward the west end of 3000 South in Charleston.

Shelly Bunker expressed surprise that the Planning Commission recommended denying the zone change without giving a reason for such. Although the Commission asked for more information in making their decision, Planning Director Bunker stated as commissioners they should be aware of the General Plan and other documents he presented to the Council. Council member Blotter added he had attended the Commission meeting and felt they considered the matter but concluded it didn’t fit within the General Plan.

Mayor Turner asked Council member Bunker if he intends to vote on the matter this evening since there is but a quorum of three. Mr. Bunker stated he does not have to recuse himself but certainly has a conflict of interest on the matter. Mayor Turner said he would like more time to review the documents before taking a vote. Council member Blotter asked if Council member Bunker felt the matter should be returned to the Planning Commission along with the additional information. Because Mr. Bunker is the Planning Director, he does not want the matter to return there as questions on the matter could arise at a later time.

Brent Waterman expressed his opinion that that is unfair to the Bunkers because Eric is the Planning Director. Mayor Turner would like the full Council to consider the matter next month, with a new Council member, Stefanie Grady, there to vote on the issue as well. Council member Blotter stated he hates to go against a recommendation from the Planning Commission, but once the zone is changed at this location, others may follow suit now that the door has been opened. He asked how traffic would increase with commercial uses coming in.

Mr. Waterman asked how far east on 3000 South does the Town intend to allow commercial zoning. Council member Bunker stated Binggeli Rock (or Jack B. Parsons) would like to have a surface pit on the 60 acres on the south side of 3000 South all the way to Southfield

Road. The Town needs to have a plan in place and be prepared to handle additional applications for zone changes in the future with a buffer zone in place. Kim Norris stated if the Weyandt property had remained commercial, he thinks the Bunkers would have an easier time with a rezone to commercial.

Council member Blotter stated he would like to send it back to the Planning Commission and have them give a reason for their recommendation, either for or against. Mayor Turner wants more time to consider the matter and have the full Council present to vote on the matter in January.

Because the Planning Commission recommended denial of the zone change without giving a reason for such, Mr. Williford suggested adding a requirement that a reason be given for such a denial, or even approval, in the future. Mayor Turner asked that the Bunker zone change be placed on the January agenda.

5) RECOMMENDATION LETTER FROM PLANNING RE ADOPTION OF CODE 8.25 HOME OCCUPATION OFFICE AND BUSINESS AMENDMENT A

Mayor Turner read the recommendation regarding the Home Occupation code and stated he likes the recommended changes in the paragraphs noted, specifically Section 8.25.08, Take out the sentence "Existing permits shall be renewed when applied for." Section 8.25.11, after the first sentence add the sentence, "Permits must be renewed on a biannual basis."

A lengthy discussion ensued regarding Section 8.25.12 (k) through (o), and the Council concluded with the following language:

"(k) Large industrial equipment such as backhoes, trackhoes, mini trackhoes, skidsteers, and lifts are allowed, no more than 4 pieces total."

"(l) Businesses requiring large facilities for warehousing and wholesale distribution are not allowed."

The existing paragraph (m) was omitted and replaced with: "Shipping, transport, and trucking businesses are not allowed except for owner/operator with a cap of 2 combinations. A combination consists of a tractor and a trailer, whether attached or separate."

The existing paragraph (o) became paragraph (n) reading as follows: "Short-term rentals, motels, and reception centers are not allowed."

Additional language was added to Section 8.25.07, Purpose and Definition, so it reads as follows: "For the purpose of the chapter, the definition of a home occupation and business in an RA-5, P-160, or Mountain Zone shall be as follows:"

Council member Bunker suggested with the noted changes, the document be sent back to the Planning Commission for review and writing of definitions which pertain to this section of

code. This will include both sections of the Home Occupation code running from Section 8.25.01 through 8.25.12.

In closing, Council member Bunker asked if the Town attorney had advised whether regulation of home occupations is still available to cities and towns, and if a fee for a license can be charged. Mayor Turner replied our attorney advised regulation is still an option and the legislature will most likely decide in the January session if license fees can legally be charged.

Council member Blotter moved that the Council accept the changes made and send the code back to the Planning Commission for the writing of definitions. The motion was seconded by Council member Bunker and passed unanimously.

6) PLANNING DEPARTMENT REPORT, VIOLATIONS AND ENFORCEMENT

Planning Director Bunker presented his planning report for the month of November. Mayor Turner commented on the Ranch Drive repair options item. Assigning a value to the road damage created by trucks over time may not be finished until spring and discussions continue with the school district and its contractors.

The Heftel zone change application is not completed and fees paid so it is on hold. Council member Bunker stated with the information provided thus far the application for a change to RA-5 zone change probably would not pass, partly due to its close proximity to Daniels Creek. There is also a question if the smaller lot was legally created.

Some of the remaining items on the report were discussed in generalities. Council member Bunker also discussed the County budget, Heber Light & Power and Fire Department budgets and associated public hearings coming up soon.

7) ADOPTION OF DANIEL ORDINANCE 2017-12-04 ESTABLISHING MEETING SCHEDULES FOR PUBLIC HEARINGS IN 2018

Mayor Turner read Daniel Ordinance 2017-12-04 into the record, noting the scheduled meeting dates are attached.

Council member Blotter moved to approve and adopt the ordinance as written, with a second from Council member Bunker. The motion passed unanimously.

8) DISCUSSION OF NEW CLERK AND NEED FOR SPACE TO STORE TOWN RECORDS

Mayor Turner stated he has found a clerk to replace Lynne Shindurling. Her name is Mary Snyder and she works for Bowthorpe Insurance on Daniels Road. There is additional space available in the building and the Mayor would like Daniel Town to lease the space, which contains a conference room and an office room in which to store Town records. The cost of Internet and utilities would be included in the monthly charge, but a phone line for the Town would have to be added with a monthly charge.

Council member Bunker said it would be convenient to have a conference room in which to meet with the engineer and residents. Mayor Turner mentioned a cost of \$600 per month plus phone service. He will solidify the costs and report back to the Council next month. After discussion it was decided at a minimum a six-month lease should be sought so there is not an increase in the payment before that time. A yearly lease will be looked at as well. Mary Snyder will be present at the January meeting.

Council member Bunker moved to approve the funding to secure the office and finalize the agreement with Ms. Snyder to serve as the Town clerk and maintain the Town records in the new office space. The motion was seconded by Council member Blotter and passed with all "aye" votes.

11) APPROVAL OF COUNCIL MEETING AND PUBLIC HEARING MINUTES OF NOVEMBER 6, 2017

Because there were not three voting members ready to approve the minutes, Council member Bunker moved to continue the November 6th minute approval to the January meeting. The motion was approved by Council member Blotter and passed unanimously.

12) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, OPEN AND PUBLIC MEETING TRAINING

The clerk presented the warrants submitted during November 2017. Postage reimbursement was sought for a certified letter sent to Bradley Fabrizio for which the return receipt was not received back, meaning he was unavailable to sign or refused to sign. In either case it must be presumed Mr. Fabrizio has not seen the letter.

It was mentioned by the clerk also that no figures had been submitted from Wasatch County for sign replacement discussed in November. Ryan Taylor stated he and the County representatives had not been able to connect by phone and he will continue to contact them for a commitment on both signs and labor costs.

Council member Blotter moved to approve the warrants, which was seconded by Council member Bunker and passed unanimously.

For the required Open and Public Meeting Training, Mayor Turner reviewed with the Council a section from the Utah League of Cities and Towns' Handbook on Powers and Duties entitled "Resources for Conducting a Public Awareness Campaign in Your Community." This section deals with improving public awareness on what services are provided by each city or town. The Town logo comes into play here.

13) POSSIBLE CLOSED SESSION

Council member Blotter moved to go out of regular session and go into closed session of the meeting. The motion was seconded by Council member Bunker and passed unanimously. The closed session proceeded to discuss litigation.

(Present for the closed session were Shelly Bunker to run the video, Council members Bunker and Blotter, Mayor Turner, and Clerk Lynne Shindurling.)

Council member Bunker moved to go out of closed session and back into regular session, which was seconded by Council member Blotter and passed with all “aye” votes and the public meeting was reopened.

14) ADJOURN

Council member Blotter moved to adjourn, which was seconded by Council member Bunker. The motion passed unanimously and Mayor Turner adjourned the meeting at 9:47 PM.

Lynne Shindurling
Clerk/Recorder