**DANIEL TOWN COUNCIL MEETING**

**MONDAY, JANUARY 8, 2018 AT 6:00 PM**

**WASATCH COUNTY SERVICES BUILDING, ROOM 126**

**55 SOUTH 500 EAST, HEBER CITY, UT**

Quorum Present: Council members Eric Bunker, John Glodowski, Jon Blotter, and Stefanie Grady were present when Mayor Turner called the meeting to order at 6:00 PM. Clerk Lynne Shindurling was present to record the minutes. Treasurer Sherri Price was also present.

Members of the public in attendance were: Shelly Bunker, Mary Snyder, Tracy Turner, Tiffany McClellan, John Hines, Brent Waterman, Kathy Jo Percy, Pam Skinner, Kim Norris, Todd Wall, Ben Probst, Mark McAllister, and Ryan Taylor and Kim Coburn with GDA Engineers.

**1) SWEARING IN OF NEW TOWN OFFICERS**

Recorder Lynne Shindurling administered the oath of office to Council member Stefanie Grady, Mayor Chip Turner, and Council member John Glodowski, each of whom begin a four-year term as officers.

Mayor Turner gave thanks to Kasey Bateman for serving as a Council member and always being willing to help the Town in any way he could. He also thanked Stefanie Grady for her willingness to serve as our newest Council member. The clerk reminded the Council members and the Mayor of the policy adopted by the Town in 2015 regarding their duty to report any perceived conflicts of interest as they serve for the next four years. This is Daniel Resolution DR-2015-01-05. Next the Mayor thanked Lynne Shindurling for serving as clerk/recorder for the past four years as her time in that position is coming to a close.

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

No one came forth with any comments.

**3) PRESENTATION BY GILBERT & STEWART CPA’S OF DANIEL TOWN 2016-17 FISCAL YEAR AUDIT (AGREED UPON PROCEDURE)**

Ben Probst of Gilbert & Stewart provided copies of the Agreed Upon Procedure his firm prepared for Daniel Town’s 2016-17 fiscal year, as our revenues and expenses were below the state audit requirement for a full audit. This requires certified financial statements being submitted to the State Auditor’s Office followed by test work and procedures. The CPAs found the Town was in compliance in all areas examined, such as within budgets submitted previously, that the fund balance was in compliance, necessary training had taken place throughout the year.

The back of the AUP report shows a summary of the financial positions of the Town. He mentioned that the Town had begun using the Pelorus Methods software in this fiscal year, which provides information to the accountants in a very efficient manner and keeps things in categories easily discerned by them. The AUP reported revenues received for the year and all operational expenses involved.

No questions were asked of Mr. Probst by the public or the Council, and he was thanked for providing the information and the written report.

**4) APPOINTMENT OF PLANNING COMMISSIONERS**

Planning Director Bunker mentioned four seats on the Commission were available beginning in January 2018 for a four-year term. Commissioner Diane Grose had resigned at 2017 yearend. Commissioners Bunker, Norris, and Rawlings agreed to serve for another four years. An application was received from Mark McAllister, who was approved by Director Bunker to fill the vacancy left by Ms. Grose’s resigning.

***Council member Glodowski moved to have Mark McAllister fill the vacancy and reappointment of Commissioners Norris, Bunker, and Rawlings. The motion was seconded by Council member Blotter and passed unanimously.***

At this point Mayor Turner stated there are two or three openings on the Board of Appeals within Daniel Town if anyone is interested in applying, as well as a seat on the Airport Advisory Board coming available. He asks that if anyone knows of a qualified individual for this position, to get in touch with him.

**5) BUSINESS LICENSE APPLICANTS**

Council member Bunker announced a new business applicant was present wanting to open a home business called All Lacquered Up Nails. Heather Poulsen, the owner, was present to answer any questions the Council might have. Council member Blotter asked if the Planning Commission was now reviewing the applications before the Council. Council member Bunker stated until the revised 8.25 code is passed, the Town is operating under the present code requiring applicants to come before the Council for approval.

***Council member Glodowski moved to accept the new business and provide a license to the applicant. The motion was seconded by Council member Blotter and passed unanimously.***

Council member Bunker then produced renewal applications for the following businesses: Classic Beauty Supply, Jill’s Hairstyling, Coleman Trucking, Wes’s Auto Repair, and Computer Nerds. As no complaints had been received and the businesses were in good standing, the Council approved their renewal licenses. Under the new code, when adopted, renewals will take place every two years rather than annually.

Next Planner Bunker produced his monthly planning report for December 2017. He asked if a recent inspection had been done by Epic Engineering as an invoice involving the Clyde residence dated December 2017 had been received. Ryan Taylor reported they are no longer conducting inspections and does not understand production of a new invoice.

Mayor Turner asked about the police action and parking issues at the trailer park on the corner of Daniels Road and 3000 South. Council member Bunker stated he heard a meth drug bust had occurred there.

Kim Coburn reported that the new speed limit signs had been installed along 3000 South, as well as all other traffic signs discussed previously and approved by the Council. The invoice will be approved by the Council in February.

**6) DISCUSSION OF NEW CLERK AND OFFICE SPACE FOR DANIEL TOWN**

Mayor Turner stated the larger space in the building Daniel Town was looking at leasing had been taken by another tenant, leaving a single room with a desk and filing cabinets for storage of records the Town would like to lease at a cost of $200 per month. Records will be gathered from other places where records are being stored to consolidate them in one place.

Along with leasing the facility, Mayor Turner would like the Council to appoint Mary Snyder as the new clerk/recorder and appoint Lynne Shindurling as the deputy clerk during the transition period. Clerk Shindurling mentioned other equipment would need to be purchased, such as a new computer, as well as installation of a phone line into the Daniel room.

***Council member Glodowski moved to approve the appointment of Mary Snyder as the new clerk/recorder with Lynne Shindurling becoming the deputy clerk; also, for authorization to lease the office space and purchase of necessary equipment and furnishings. The motion was seconded by Council member Grady and passed with all “ayes” from the Council.***

Mayor Turner welcomed Ms. Snyder as the clerk. Her office hours will be posted on the website, and the address of the building is 1375 S. Daniels Road, Suite 8, in Heber City, Utah.

Ms. Coburn asked if the records being stored at the DMW pump house will be moved to the new location, which was responded to by Clerk Shindurling in the affirmative. For documents which should be maintained but have not been digitized, scanning will take place to complete electronic storage of records. The engineers will cull through the old Storm Haven records to see what should be maintained and what can be destroyed pursuant to the State Archives retention schedules. The Town officials will consider providing access to the dropbox to the engineers for easier availability. Kim Norris stated older Storm Haven records being maintained at the pump house are probably included in records and GIS documents elsewhere.

Clerk Lynne Shindurling administered the oath of office of clerk/recorder to Mary Snyder.

**7) DISCUSSION OF BUNKER ZONE CHANGE, RECOMMENDATION FROM PLANNING COMMISSION**

Council member Grady opened the discussion by asking if the two parcels to the west of the Bunker property are commercial. Council member Bunker answered no. Ms. Grady then asked why the Planning Commission recommended against changing the zoning to commercial.

As Commissioner Skinner was present, she responded that she didn’t feel it fit in with what already existed in the area. She recited a comment from the public hearing that a close neighbor stated they would like the lot to stay residential.

Council member Glodowski stated the County complex across from the Bunker property is a commercial endeavor. Council member Bunker stated the surrounding properties to his north are zoned I-1 , heavy industrial, as well as property across the street. Todd Wall stated he has purchased property zoned industrial at the northern boundary of Daniel off Daniels Road. The Mayor mentioned some County property and some Daniel property is zoned industrial in the location to which Mr. Wall referred.

Council member Bunker went on to state the Weyandt property on his west side to the highway is currently zoned RA-5. At one point Harry Weyandt had had the lot zoned commercial and submitted a concept plan for his proposed project on the property. Because he did not follow through with the proposed development in a timely fashion, the Council in 2014 elected to rezone the property RA-5 again.

A map of the proposed airport expansion no-build zone was discussed, which encompasses all of the Bunker property as well as property to the east and west of his. However, the FAA still has to conduct environmental assessments and impact studies before committing to an expansion. It has also been indicated on future maps that 3000 South may be relocated further south behind the current county facilities.

Council member Bunker once again produced a copy of the Daniel General Plan, citing specific areas to support the rezone of his RA-5 lot to commercial. He also cited sections in the Daniel Town Land Use Plan prepared in 2009 in support of his requested zone change in the Intent section of the document, Commercial Land Use, and Industrial Land Use. He noted for the Council’s benefit that the Heber City commercial zone has moved south on Highway 40 to the trailer park, then crossing the highway and continuing to move along Highway 40 to where it abuts Daniel.

Mr. Bunker stated at times an applicant will come with a concept plan at the time they apply for a zone change, but this is not a requirement. The Bunker application asks for the zone change and, if approved, he may present the Council with a concept at a later date. Any business listed in the commercial use section of the Daniel Code can be established if approved by the Council.

Shelly Bunker stated she and Eric have no plan at this time for a specific commercial endeavor, but ask for the zone change as they feel this is what they need to do.

***Council member Glodowski moved that the Council approve the zone change on the Bunker property to commercial. The motion was seconded by Council member Blotter.*** Council member Blotter stated he thought the Planning Commission did a good job in their deliberations regarding the property. He stated looking at what the future probably holds for the area, rezone of this property is a good idea. Commissioner Norris stated he too felt the Commission looked at all aspects of the rezoning of the property.

As Council member Blotter quizzed Commissioner Skinner further about her comments regarding neighbor concerns, he said it appeared to be more questions rather than actual concern about the rezone. Ms. Skinner stated she did press them further at the time, and comments were made to her that they did not want a commercial zone there. Kim Norris reiterated in his perception concern was expressed about what particular business would be going in rather than a rezone, per se. Again, no concept has been submitted thus far.

Council member Grady asked if there exists an airport overlay zone showing what can be built within a specified area surrounding the airport. Council member Bunker stated an overlay had been presented but Daniel Town did not sign such a document. Heber City went ahead and formulated one with no input or agreement from the Town. He stated there was nothing in it for Daniel except restriction, no give and take. It appears that Charleston Town is more affected by airport traffic than Daniel, and they are voicing their concerns.

Council member Blotter asked if the Council had any thought on how to limit the move eastward on 3000 South once the zone changes begin to occur. Mayor Turner stated no precedence is set by the Council’s actions tonight, and the Town will have the authority to approve or disapprove future applications. Todd Wall asked if any of the Bunkers’ neighbors had stated to them an interest in changing their zoning as well, to which Council member Bunker replied no one had made any statements to him on the issue.

***Mayor Turner called for a vote on the motion on the table. The vote was “ayes” from Mayor Turner and Council members Glodowski and Blotter with a “nay” vote from Council member Grady, stating she was on the fence. Council member Bunker abstained. The motion passed.***

Council member Bunker stated, particularly to the Commissioners present, that the Council in the December meeting talked about sending the matter back to the Planning Commission, but Director Bunker did not want to do so as it may appear he was asking them for a second look on his behalf.

Brent Waterman stated Weyandt may want to look at a rezone to commercial once again. Mayor Turner said he has spoken with Mr. Weyandt and he may do so in the future. Council member Blotter mentioned he is not a strong supporter of commercial in the Town, but the future of this particular area probably is looking at commercial use. Council member Bunker added even though a piece of property is zoned industrial or commercial, the use is still residential until a concept is presented and approved.

Next Storm Haven Water, item #9 on the agenda, was taken out of order.

**9) STORM HAVEN WATER MATTERS AS NEEDED**

Kim Norris stated there is a water leak on Crazy Acres Lane which has been there for approximately four weeks and removal of a large pine tree on the Hines property may be necessary to locate precisely where the leak is. He thinks the tree is located over the waterline. Mr. Hines was present at the meeting and stated if the tree needs to come out to fix the leak, he is in agreement to do so. Mr. Norris stated he had obtained two bids for the tree removal, which amounted to a cost of $1,120 or $950.

Kim Coburn brought up on her laptop the original plans for the home and the approximate location of the waterline. It is hard to pinpoint it in relation to the trees.

Mark McAllister asked if the bid was to remove the tree and the root ball entirely. Kim stated it was to remove the tree and grind the stump, so as to disturb the ground as little as possible.

In an attempt to explain the location of the leak in relation to the Hines home, large trees, and location of the waterline, Ryan Taylor drew a depiction of the property on the white board. Todd Wall asked if the line could be rerouted and the trees saved. Because the ground is so saturated from the water leaking, Mr. Norris feels permanent damage would be done to the tree or perhaps it could fall over if the ground around and underneath it is disturbed.

Kim Norris recommends that the Town pay for the removal of the tree, and then excavation would have to be done for repair of the waterline. Mr. Wall volunteered to do the excavation, as that is his vocation, at a cost of approximately $4,000. Council member Bunker stated he would like to assess the situation before the Council approves removal of the tree to be sure that is a necessary endeavor. He would like to see if he can winch the line.

**8) DANIEL MUNICIPAL WATER ISSUES AS NECESSARY**

Kim Norris produced a collection letter he had written to send to delinquent water customers. Several others have been used in the past. Council member Bunker would like Town counsel to review the combination of letters and come up with a version that can be used on a continuing basis. In addition, counsel is working on adding a paragraph to the water user agreement for remediation of delinquencies. Daniel Resolution 2014-03-03 dealing with shutting off of water because of nonpayment will also be reviewed in the process. Mayor Turner quizzed Mr. Norris about the practice of having customer accounts brought current in the spring and fall of each year or their water is shut off, if this has been effective. Mr. Norris stated it has been a useful practice, but customers are not staying current on an ongoing basis. He thinks the process could be simplified with a short, to-the-point collection letter.

Mr. Norris asked about the certified letter sent to Brad Fabrizio who owns a lot in Storm Haven. The letter was never signed for proving receipt by him. He is not paying the monthly charge, which continues to increase. He had not signed a user agreement at the time of purchasing the lot. Kim asks where that leaves the water department as far as a means to collect overdue amounts. Council member Glodowski inquired if the water can be shut off where a customer has not signed a user agreement, and can you force all users to sign an agreement at this time to maintain water service. Brent Waterman stated his opinion that Daniel Water does not need to provide service to those who refuse to sign a contract. Council member Bunker would like to ask for a legal opinion on this issue.

Council member Bunker produced the water sampling results for DMW and Storm Haven for the month of December, which were both good results.

Council member Blotter asked if there is a hardship clause contained in the user agreement signed by water customers. Mr. Norris stated he thought it was included as he reviewed the document, but came to the conclusion it is not included therein. The water secretary, Kathy Jo Percy, stated it is not included; that she thought it was left to the water users to contact a council member if they wanted to come before the Council to plead a hardship. Council member Bunker stated Daniel Town has a number of elderly people on a fixed income who may need assistance in this area.

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

Council member Bunker asked about a statement attributed to Ryan Taylor at the top of page 7 dealing with item 9, Daniel Municipal Water issues. The sentence was changed to read, in part, “they are then responsible for installation of the water lateral and meter.”

With that correction being made, ***Council member Bunker moved to approve the minutes of November 6, 2017, which was seconded by Council member Blotter. The motion passed with “ayes” from all present, except Council member Grady who was not a council member at the time.***

**11) APPROVAL OF COUNCIL MEETING MINUTES OF DECEMBER 4, 2017**

A spelling correction of Scott Keele’s name was made on page 2, item 9, dealing with Daniel Municipal Water issues.

***Council member Bunker moved to approve the minutes as corrected, with a second from Council member Blotter. The motion passed with “aye” votes from Mayor Turner and Council members Blotter and Bunker, as they were the only members in attendance at the meeting.***

**12) RECORDER’S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, FY 2017-18 BUDGET UPDATE**

Clerk Lynne Shindurling reviewed invoices with the Council which were submitted during the month of December. On the GDA invoices listed, one for Matthews inspections of $152.50 was deducted as they have their own arrangement for inspections handled by a third party. She mentioned also the Blue Stakes quarterly invoice included the annual dues of $50.

On the Wasatch Property Maintenance invoice, the clerk mentioned though the bill is for a total of $900, the Bairds have been billed $300 of it for patching of asphalt at their home after the waterline installation.

Warrants for both waterline companies were reviewed, no questions from the Council.

Ryan Taylor said an invoice from Wasatch County Public Works for traffic sign replacement and/or installation was received this very day and will be approved for payment next month. The invoice was slightly more than the quote originally given.

***Council member Grady moved to approve the warrants. The motion was seconded by Council member Glodowski and passed unanimously.***

Next the quarterly budget update was presented by the clerk. In the general fund figures show 65% of revenues received at the six-month mark, and 34% in expenditures. The Water Enterprise Fund (Daniel Municipal Water) shows revenues at 44% and expenditures at 28%. The Storm Haven Water fund shows nearly 61% of revenues received with a total of expenditures to date at 40%. The projected figure for “engineering” in this fund is presently over budget due to increased expenses involved with water sampling. The Council may want to amend the budget to more accurately represent figures as the year progresses.

Also on the Storm Haven fund, the CDBG application will be filed by January 31st, and GDA has also applied for an SRF grant/loan from the State Division of Drinking Water to enable Daniel to do as much construction toward replacement of the water system as possible.

The clerk also provided ptif savings account statements for the Council’s benefit to see the amount held in each of the five accounts.

Council member Bunker asked where the funds obtained from impact fees are held. Since this software program is fairly new for the clerk, an answer was not readily apparent and more information will be sought to answer this inquiry. If not held in a savings account at this time, perhaps an account should be opened as this money is held for a period of time before spent on a project and interest could be accruing.

Council member Bunker also inquired about the account from which the weed sprayer was purchased and stated Wasatch County has cut their weed spraying budget for the year by $14,800, which is quite a drop from years past, because they lost two grants they had previously obtained.

**13) POSSIBLE CLOSED SESSION**

***Council member Blotter moved to go out of regular session of the meeting, which was seconded by Council member Grady. The motion passed unanimously.***

***Council member Glodowski moved to go into closed session, which was seconded by Council member Grady and passed unanimously.***

(Present for the closed session were the five-member Council, Ryan Taylor and Kim Coburn of GDA Engineers, Shelly Bunker, Mary Snyder and Lynne Shindurling.)

***Council member Glodowski moved to go out of closed session, which was seconded by Council member Blotter and passed unanimously.***

***Council member Glodowski moved to go back into regular session of the meeting. The motion was seconded by Council member Grady and passed unanimously.***

Mayor Turner asked Council member Bunker to send a letter on the red tag stop work order on the Todd Wall ag building to counsel for his approval. A subsequent application and check for an excavation permit will not be accepted by the Town and be returned to Mr. Wall until the first issue is resolved.

Council member Bunker mentioned a second building application for a shop to an individual on Little Sweden where a red tag is still in place for prior construction. He asks if the same instruction from the Council applies to this property, that being refusal to accept a new application until the prior red tag issue is resolved. The Council answered yes.

**14) ADJOURN**

***Council member Glodowski moved to adjourn the meeting, which was seconded by Council member Bunker. The motion passed unanimously and Mayor Turner adjourned the meeting at 9:05 PM.***

Lynne Shindurling

Clerk/Recorder