

**DANIEL TOWN COUNCIL MEETING
MONDAY, JANUARY 3, 2022 AT 6:00 PM
WASATCH COUNTY SERVICES BUILDING,
CONFERENCE ROOM B, 55 SOUTH 500 EAST
HEBER CITY, UTAH 84032**

Quorum Present: Pro Tempore Mayor Eric Bunker, Council members John Glodowski, Merry Duggin, and Barbara Norris.

Also present: Mayor elect Scott Kohler, newly elected Council members Robyn Pearson and Jon Blotter. Treasurer Sherri Price was present, and Lynne Shindurling to take the minutes. The meeting was called to order at 6:05 PM.

Members of the Public: Ryan Taylor of T-O Engineers (town engineer), Ryan and Amanda Simpson, Stacy Kohler, Edwin and Peggy Thacker, Kim Crittenden, Karen Pearson, Gary Weight, Jace and Josslyn Spencer, Pam Skinner, Erin and Jeremy Charchenko, Lisa Dinga, Tristi Bunker, and Jolene Munford.

1) PUBLIC COMMENT

No comments were made.

11) APPROVAL OF MEETING MINUTES OF DECEMBER 6, 2021 taken out of order.

Council member Duggin moved to continue approval of the minutes, seconded by Council member Glodowski. Roll call vote taken: Council member Duggin Aye, Council member Glodowski aye, Council member Norris aye. The motion carried.

2) OATH OF OFFICE, SWEARING IN OF COUNCIL MEMBERS

Amanda Simpson, a Notary Public in and for the State of Utah, administered the oath of office to Mayor Kohler and Council members Pearson, Blotter and Norris. Mayor Kohler and Council members Blotter and Pearson begin a four-year term as officers. The new officers took their seats on the Council and Mayor Kohler took charge of the meeting. Eric Bunker thanked the new Council members for their interest in serving the Town.

3) CONFLICT OF INTEREST STATEMENTS

Mayor Kohler and Council member Pearson read their Conflict of Interest statements into the record. Council members Blotter and Norris will provide theirs at a later date.

4) APPOINTMENT OF PLANNING COMMISSION MEMBERS

Mayor Kohler read the name of one applicant for the Planning secretary position but said he knew of others interested in submitting an application so he did not want to fill the position at this time. He stated the importance of selecting Planning Commissioners immediately so there is an active Commission in place.

Council member Pearson expressed his discomfort at voting on applicants without more research or knowledge of the individuals. Eric Bunker stated there are four openings currently for a four-year term. The previous Commissioners' terms expired at the end of 2021. Mark McAllister is the only former Commissioner who has expressed his desire to serve another four-year term.

Mayor Kohler stated, as he understands, the Planning Commission must take action within 14 days of receipt of an application. Ryan Taylor stated there are no applications pending but that one could come in at any time requiring action.

Discussion ensued inquiring where the position openings are advertised. Currently the Town posts the openings on the Town website, danielutah.org, in The Wave newspaper, and in all meetings. The public suggested perhaps creating a Daniel Facebook account, posting on the Ask Heber Facebook site, or an email sweep to Daniel residents.

Council member Pearson asked if the Planning Commissioners whose terms are expiring could serve for one more month. Eric Bunker stated their terms had already expired, and a resolution would be required to reinstate them. He also mentioned the Board of Appeals currently needs two more individuals to be complete.

Gary Weight suggested the Council appoint the new members at the next Planning Commission meeting on January 19th so there would be a quorum.

Council member Pearson moved to convene the Town Council on January 19, 2022 in a joint meeting with the Planning Commission, having obtained the names of more applicants, to fill the vacancies on the Planning Commission. The motion was seconded by Council member Blotter.

In discussion Council member Blotter asked to have a plan created as to how to obtain more names to expand the pool of applicants.

Council member Norris volunteered to create and administrate a Facebook account for the Town. Council member Pearson stated he will try to come up with a way to obtain email addresses of Daniel residents. Jeremy Charchenko stated that in 2022 there are platforms available to accomplish this, as well as obtaining phone numbers to send text messages, alerts and notifications of meetings, etc. Privacy rights need to be addressed in obtaining this information.

Council member Duggin suggested convening a special meeting of the Town Council on January 19th at 6 PM just prior to the Planning Commission at 7 PM to discuss these issues.

Council member Pearson amended his motion to include a 6 PM meeting time of the Council on the 19th. After discussing whether the noticing requirements would be met for a special meeting, Council member Blotter said his second stands.

Eric Bunker asked if continuing Item 4 on the agenda is included in the motion. Council member Pearson said yes, it is.

The motion carried with “aye” votes from Mayor Kohler, Council members Pearson, Duggin, Blotter and Norris.

5) APPROVAL OF DR 2022-01-03: APPOINTING TOWN PLANNING COMMISSIONERS

The resolution was dismissed.

6) APPOINTMENT OF OFFICERS

Mayor Kohler stated he would like to appoint Lynne Shindurling as the Clerk/Recorder, with help from Merry Duggin, for several months until a clerk is hired to fill the position permanently. Council member Duggin stated it would be prudent to readvertise the position in a wider net to get as many applicants as possible. There are two applicants at this time.

Council member Norris moved to appoint Lynne Shindurling and Merry Duggin as temporary clerk/recorders and continue to advertise the position.

Mayor Kohler stated he would hope to have applications submitted in time to interview individuals for the position as early as the February 7th meeting. Council

member Pearson said it may take more time than that. The Mayor doesn't want to stretch out the process longer than necessary and explained he had asked Lynne and Merry to do the training of the new person. Council member Blotter asked about compensation for the temporary clerks. Mayor Kohler asked that this issue be placed on the agenda for February. Ms. Shindurling stated she would like to see how much time is involved in getting up to speed once again in the position and the hours involved in doing the work, discuss compensation at a later date. Council member Duggin stated the Town has in place an ordinance that defines the salaries for various positions, and that some individuals serving in these positions have declined receiving compensation.

Council member Pearson seconded the motion. The roll call vote was: Council member Duggin abstains, Mayor Kohler and Council members Pearson, Norris, and Blotter "aye". The motion carried.

John Glodowski stated when Mr. Bunker took the Mayor Pro Tem position, he understood Mr. Bunker would be returning to his Council seat at the end of the three-month period. He inquired what happened. Ms. Norris expressed her surprise at being sworn in as she had not received any communication stating she was still on the Council, but is happy to serve. Pam Skinner also stated she thought that the Council seat was only being filled for the short term.

Mayor Kohler asked Mr. Bunker if he wanted to address the subject. Mr. Bunker said there would be discussion on Item 8, the Planning report.

7) BUSINESS LICENSES: NEW AND RENEWALS

There were no licenses presented for the month.

8) COUNCIL/PLANNING REPORTS/UPDATES

Council member Duggin reported that she and Amelia Pays of T-O Engineering are working on the CDBG application. An income survey must be taken of every household in Storm Haven to submit to MAG to see if Daniel qualifies for grant monies. That survey will take place over the weekend. Fifty-one of the 60 homes in Storm Haven are required to participate in the survey.

Planning Director Bunker presented the month's Planning report to the Council members. He cited Utah State Code 20A-1-510 dealing with vacancies in

municipal offices. He stated according to the code, Daniel Town did not follow proper procedure in appointing Barbara Norris to the vacant seat. The Town's attorneys suggested leaving it the way it is for now, and it is under review by the Lt. Governor's Office to inform the Town what procedure needs to take place to remedy the situation.

Jeremy Charchenko inquired what happened in the appointment that was improper. Director Bunker then read the code he referred to above, stating that the procedure the Town followed to appoint Ms. Norris was not proper, and it is under advisement currently. Further discussion on the legal ramifications should take place in a closed session.

Director Bunker then reviewed the topics outlined on his Planning report by giving a brief overview and suggested remedies. He mentioned a Notice to Remove was issued to the Reeders involving a fence and trees in the Town right-of way; that the Charchenkos have requested a hearing before the Council. The Jeremy Keele home has a Stop Work Order in place, but it is already occupied. Further action should be taken. He stated the goal of the Town is to bring everyone into compliance by whatever means are necessary. The Gebo matter has gone before the Court, and the Court sent it back to the Council. The Council determined to hold another public hearing as we now have a new Mayor, and none of the current Council members heard the matter before. Proper notice will be given when the Council determines a date to hold the hearing. Further detail can be given in a closed session of the Council.

Mayor Kohler asked if the Charchenko hearing could be scheduled at this time. Mr. Charchenko stated he does not have any of the details on why a Stop Work Order was placed on his project. He wants to know who his accusers are and the evidence in support of the Town's position, which he thinks should be available to him before the time of the hearing. Mayor Kohler stated he would like to hold the hearing during the February Council meeting. Planning Director Bunker informed the Charchenkos he conducted the investigation and determined there was a building violation.

In conclusion Director Bunker highlighted items on his report, those being the Fraud Risk Assessment had been done, the Worker's Compensation Audit was completed, the LMI survey is to take place, Chemtech is raising their prices for

processing water samples, more sampling is to be conducted on the Storm Haven water system.

Council member Blotter thanked Planning Director Bunker for the work he is performing on the Town's behalf.

9) DANIEL MUNICIPAL WATER:

Director Bunker mentioned Chemtech Ford is raising their prices, which they have not done in some time. Some of the water meters are failing but winter is not a time for them to be replaced. If necessary they can be read manually for now. He stated there are three overdue bills which he will attempt to collect.

10) STORM HAVEN WATER:

Director Bunker said the Town has received notice of an exceedance of copper at Storm Haven, requiring more sampling of water for the next year. Ryan Taylor stated it has been determined the high levels are not coming from the source but, rather, somewhere on the system. They will continue to monitor five homes in the area and the water source monthly for the year period of time to try to find the source of copper. It could be old copper pipes in one or more homes being put into the system.

12) RECORDER'S OFFICE: WARRANTS APPROVAL, ANNOUNCEMENTS, ETC.

The clerk briefly reviewed the warrants with the Council, telling them about the Series 2009 and 2011 bond payments annually. Warrants for the two water funds were reviewed as well.

Council member Blotter requested more detail on some of the invoices, such as T-O Engineering. The clerk said she would provide the individual invoices listing each project for the Council to see.

Council member Blotter moved to approve the warrants for December 2021, with a second from Council member Norris. The vote was unanimous and the motion carried.

Council member Duggin mentioned that in January the second quarter budget update is presented. Because of the turnover in the clerk's office the

report had not been prepared, but the hope is to have the financial information available to prepare the Q2 report for the February meeting.

Council member Duggin also informed the Council as the fiscal year progresses, if there are areas in the budget which have overspent in certain categories, a public hearing will have to be held to amend the initial budget figures. The current amounts spent in Public Works indicate it could require an adjustment there.

13) POSSIBLE CLOSED SESSION: LEGAL, PERSONAL, PROPERTY ACQUISITION

Mayor Kohler indicated the Council would like to go into a closed session.

Council member Duggin moved to close the regular session and go into closed session and discuss pending and imminent litigation. The Mayor and Council members all voted "aye." The motion carried.

(Council went into closed session at 7:45 p.m. Present were Mayor Kohler, Council members Pearson, Blotter, Norris and Duggin, Planning Director Eric Bunker, and the clerk Lynne Shindurling.)

Council member Duggin moved to come out of closed session and into open session, seconded by Council member Blotter. The vote was unanimous and the motion carried.

14) ADJOURN

Council member Blotter moved to adjourn. The motion was seconded by Council member Duggin. The vote was unanimous and the meeting was adjourned at 8:32 p.m.

Lynne Shindurling
Clerk/Recorder