

**DANIEL TOWN COUNCIL SPECIAL MEETING  
WEDNESDAY, JANUARY 19, 2022 AT 6:00 PM  
WASATCH COUNTY SERVICES BUILDING  
55 SOUTH 500 EAST, CONFERENCE ROOM B  
HEBER CITY, UTAH 84032**

Quorum Present: Mayor Scott Kohler, Council members Robyn Pearson, Merry Duggin, and Barbara Norris. Council member Jon Blotter arrived at a later time. Planning Director Eric Bunker and Ryan Taylor of T-O Engineers (town engineer) were present, and clerk Lynne Shindurling to take the minutes. Mayor Kohler called the meeting to order at 6:00 PM.

Members of the Public: Gary Weight, Pam Skinner, Eric Bennett, John Glodowski, Stefanie Grady, Mick Kohler, Ryan and Amanda Simpson, Byron Horner, Bridger Wilde, and T.J. McGeean.

**1) PUBLIC COMMENT (PLEASE LIMIT COMMENT TO 2 MINUTES PER PERSON)**

John Glodowski asked if the Town's five-acre zoning was going to remain in place. Mayor Kohler stated in his opinion, the five-acre zoning would be kept. Council members Pearson and Duggin agreed.

**(2) DISCUSSION OF APPLICANTS FOR PLANNING COMMISSION SEATS AND CONSIDERATION OF DANIEL RESOLUTION 2022-02-19 APPOINTING MEMBERS TO SEATS 4, 5, 6, 7 OF THE PLANNING COMMISSION**

Mayor Kohler stated many applicants had submitted applications. He mentioned Lyndsey Lafay had applied for the Planning Commission secretary position, but the Council was not going to fill that position at this time. He reviewed her qualifications with the Council.

Next the Mayor spoke of letters of interest received to fill the Planning Commission seats. One was from Mr. Glodowski stating he served previously having been asked by former Mayor Duggin to be on the Planning Commission and then later the Town Council. He is pleased to see more interest taken in filling positions and is certainly willing to serve, if asked.

Mayor Kohler said Mark McAllister, whose term expired December 31, 2021, had expressed interest in serving for another term on the Commission. The

Mayor then read letters of interest submitted by T.J. McGeean and Bridger Wilde. Two other individuals expressing interest were Byron Horner and Jill Bonner.

Council member Pearson expressed excitement to have so many residents who are interested in spending time doing research and offering to serve Daniel Town.

At this point Mayor Kohler announced he was making appointments to the Planning Commission as follows: Byron Horner, Bridger Wilde, T.J. McGeean, and Mark McAllister. He then asked for a motion.

***Council member Pearson moved to adopt Daniel Resolution DR 2022-01-19 appointing seats 4, 5, 6, and 7 as recommended by the Mayor. Council member Duggin seconded the motion and asked Mayor Kohler to read the resolution into the record.***

Mayor Kohler read Daniel Resolution DR 2022-01-19 in its entirety for the record, naming those to fill the open seats 4, 5, 6, and 7.

***Council member Pearson repeated his motion to approve Daniel Resolution DR 22-01-19. Council member Duggin said the second stands. The vote was For: Mayor Kohler, Council members Pearson, Duggin, Blotter, and Norris. The motion carried.***

### **3) DISCUSSION OF ANNUAL FRAUD RISK ASSESSMENT**

Council member Duggin had been asked to discuss the Fraud Risk Assessment by Mayor Kohler. She had copies available for Council members, and stated that it is put out and required by the Utah State Auditor's Office and will become a part of each entity's annual audit, partially due to incidences of fraud being reported in some entities in the past. She said it is a 395-point basis with higher points indicating less risk for fraud.

Looking at the most recent assessment for 2021 produced for Daniel Town, she pointed out the score was 238, putting Daniel into the high risk category. The first question on the form asks if separation of duties or mitigating controls are in place, which she said are in place for Daniel Town. Council member Duggin then read through the nine areas on question #2 asking about written policies, and

stated the new Council will be working on each one to create policies over the next few months.

On question #3 regarding the entity having a licensed or certified expert as part of its management team, the answer is no. Question #4 regarding a written statement annually pertaining to ethical behavior, the answer is no, but this policy can be put in place.

Question #5 on training of municipal officers, Council member Duggin stated the previous Council did undergo the training and she encouraged the newly elected members, and the clerk, to do the same. After completing the training a certificate can be printed and kept in the Town records in the clerk's office.

Question #6 involving formal training, the answer is yes. Our treasurer, Sherri Price, does not have the degree but has frequent training offered by the State Auditor's Office and works in a CPA office. The answer to #7 is we have no fraud hotline, do we need one? On question #8 regarding a formal internal audit function, the staff is constantly monitoring and validating invoices, payments and purchases to keep things in line. The answer to question #9 is we do not have a formal audit committee.

Council member Duggin suggested dividing up the categories of written policies amongst the Council members using the templates offered by the Utah State Auditor's Office to create policies for the Town, resulting in a higher score on the next Fraud Risk Assessment filed.

Mayor Kohler thanked Council member Duggin for her presentation and stated the new Council will be involved in working on this in the future.

#### **4) CLERK'S OFFICE: APPROVAL OF DECEMBER 6, 2021 MINUTES, ANNOUNCEMENTS, ETC.**

***Council member Duggin moved to approve the minutes of December 6, 2021, seconded by Council member Pearson. With no discussion, a vote was taken. The motion passed with all "ayes."***

The clerk stated she had received in the Town mail a letter announcing the Daniel Irrigation Company annual shareholders' meeting on February 2<sup>nd</sup> with a proxy for all shares owned by Daniel Town. She asked for a volunteer to take the proxy to the meeting and be in attendance. Mayor Kohler said he would attend and would assess how many shares are owned by the Town. He mentioned the shares are maintained in a safety deposit box at Zions Bank. He will check to see how many each of Daniel Irrigation and Timpanogos shares are at the bank.

Council member Duggin mentioned the Interlocal meetings which take place quarterly, and the next one is being hosted by Midway City on January 26<sup>th</sup>. People may attend in person or participate through Zoom. Interested parties can give her contact their information, and she will make sure they can participate. These are informational in nature keeping citizens up-to-date on various subjects.

Council member Duggin also brought those in attendance up-to-date on the current CDBG application. She mentioned that five individuals had canvassed the Storm Haven area conducting the required LMI (low to moderate income) survey, which the MAG office recently confirmed the Town does qualify for the grant monies. Amelia Pays with T-O Engineers is handling this application, along with Merry Duggin's input, and will be filing the application by January 31<sup>st</sup>. MAG will be notifying applicants in March sometime as to whether or not their project will receive funding.

Council member Pearson inquired about the purpose of the grant and how the money will be used. Council member Duggin explained that Summit and Wasatch Counties are in the same jurisdiction applying for a grant pool of approximately \$500,000. Our application is for \$268,000 to replace and upgrade to an 8" line approximately 1,300 linear feet of sewer line in the Storm Haven area. This was formerly a private system installed many decades ago and has required a lot of work to maintain.

Ryan Taylor of T-O Engineers stated CDBG pays 100% of projects awarded funding. This is the first phase of a large project to upgrade all of the sewer line in Storm Haven. The section on this application is to address the lowest part of the line which currently meanders under three homes and across back yards and is hard to get to for maintenance, so the new line will be straighter and go underneath the road. Council member Pearson asked what the cost of upgrading

the whole system would be. Mr. Taylor stated he has not designed the complete system as grants usually only cover smaller portions. In addition to the CDBG grants others are available from time to time and are researched and applications made. CDBG grants are preferred because they pay 100%, where others require a 30-50% match from the municipality. He also stated forming a Special Service District in Storm Haven has been discussed.

Inquiry was made how many homes are on the system. Mr. Taylor said about 20 homes are on the septic/sewer with 54 homes on the water system. Gary Weight wondered about having each home put in their own septic system. But because of the proximity to the creek, many cannot have a septic installed and, where allowed, it is very costly. Council member Pearson asked if, once improvements are completed, Daniel Town is responsible for the maintenance. Mr. Taylor explained that since the time Daniel took over the system, it has been and will continue to be responsible for both water and sewer. The State Division of Water Quality has approved the plan. Council member Duggin said she will keep the Town apprised of the status as the application process continues.

Mayor Kohler asked if we do receive an award of either all or a percentage of what we're asking for, how much time is allowed to complete the construction. Council member Duggin stated more likely than not, we will receive either all or none of the money, as the agency seldom funds just a portion of a given project. Mr. Taylor agreed. All projects will be ranked in order of priority and as many as can be funded will be, but funding just some of a project usually does not happen. But if that should occur and a smaller amount is awarded, you can conceivably construct a smaller portion of your project and keep applying for more grants.

Mr. Taylor stated 50% of the monies must be spent on construction before you can apply for more, and all of the money must be spent within a two-year period. Engineering design of the project will not be completed until we receive the grant, as grant funds will include design of the project as laid out in the proposal.

Mayor Kohler stated the Board of Appeals is not fully staffed and applications will be taken to fill two or three positions sometime in the future. The clerk mentioned that the Council seat vacancy is posted online and letters of interest will be accepted through February 1st. The clerk position is advertised as well and applications can be sent to the clerk's office as instructed on the Town website.

Council member Norris stated she does have a Daniel Town Facebook page created. There was one up previously, and she was hoping to combine the two, but the result is we are just dealing with the new page.

Mayor Kohler thanked her for the effort of bringing the Town into a social media standing, which is recommended by many state agencies.

Gary Weight mentioned that the Daniel code says: "For purposes of this title, Planning Director shall mean the chair of the Planning Commission, or his delegate as approved by the legislative body of the Town of Daniel." With a new Planning Commission being assembled, he would like a job description set forth for the Planning Director so the Commission understands how it is to interact with the Director, what responsibilities each one has. Up to this time the Planning Director has been the chair of the Commission, and that is no longer to be the case. Council member Duggin asked that this discussion be held over to the 7:00 meeting with the Council and Planning Commission present.

Mayor Kohler said he would still be in charge of the joint meeting beginning shortly as, at present, there has not been a chair of the Commission selected.

Council member Blotter thanked the newly appointed Commissioners for their willingness to serve the Town. Byron Horner thanked Eric Bunker for wearing so many hats over the past years, and filling so many positions. Mayor Kohler stated he hopes the current interest in serving on the various boards will continue.

#### **5) ADJOURN AND MOVE TO 7:00 PM JOINT MEETING**

***Council member Duggin moved to adjourn the meeting, with a second from Council member Blotter. The vote was unanimous with all ayes and the meeting was adjourned at 6:52 PM.***

Lynne Shindurling  
Clerk/Recorder