

**DANIEL TOWN COUNCIL MEETING MINUTES
MONDAY, MARCH 7, 2022 AT 6:00 PM
WASATCH COUNTY SERVICES BUILDING,
CONFERENCE ROOM B, 55 SOUTH 500 EAST
HEBER CITY, UTAH 84032**

Quorum Present: Mayor Scott Kohler, Council members Robyn Pearson, Merry Duggin, Jon Blotter, and Barry Dixon. Ryan Taylor of T-O Engineers (town engineer) was present, and clerk Lynne Shindurling to take the minutes. Mayor Kohler called the meeting to order at 6:00 PM.

Members of the Public: Kim Crittenden, Shelly Bunker, Jaq Shindurling, Donald Lundwall, Tim Pack, David Gebo, Gary Weight, Pam Skinner, Eric Bennett, John Glodowski, Gina Williams, Lisa Dinga, Fred and Tabatha Benzler, Doug Crittenden, Kim Norris, Ryan Simpson, Byron Horner, Wes Johnson, Jill Bonner, Ty and Melissa McMillan, and Gary Walton.

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

John Glodowski said the Republican caucus will take place Tuesday, March 8th, at the Wasatch High School. They are looking for volunteers to help direct participants where to join their meeting. You can sign up with him this evening, or tomorrow. Council member Duggin asked John to remind the public of our precinct number. He stated it is 43-1.

2) PUBLIC HEARING FOR GEBO ZONE CHANGE REQUEST – 1680 WEST 3000 SOUTH

Tim Pack, legal counsel for David Gebo, stated his clients submitted an application for a zone change at 1680 West 3000 South from RA-5 to Commercial. This is a five-acre parcel, and the Gebos want to utilize one acre at the back of the property for dumpster storage. Mr. Pack further stated no waste is brought to the property, no customers come to the home. He directed the Council members to some photographs of this property and some of the neighboring properties which he had supplied to them on March 4th. He stated the Gebos run a nice, clean, organized operation. In the opinion of Mr. Pack and the Gebos, the rezone of the property fits within the objectives of Town of Daniel's General Plan.

The General Plan seems to promote commercial development as a means for economic growth and encourages that this development take place close to the highways, the arteries of the Town. The location of the Gebos' residence is very close to the highway (189). The property also falls within or close to the designated Enterprise Zone, as designated on the map provided. Mr. Pack said the changes in zone from RA-5 to Commercial began in 2018 when the Town changed the zoning on the Bunker property. The Gebos' home is within 300' or so of the Bunker home. He directed the public to refer to the minutes of the meeting that took place where comments by Eric Bunker and the Council members were "spot on" when explaining why the rezone should take place. Because the Gebo and Bunker properties are similar in nature and

both are near the highway, Mr. Pack is asking that the Council vote in favor of the zone change.

At the time of the rezone of the Bunker property no anticipated use was enumerated, whereas Mr. Gebo has presented the type of business he would like to conduct on the property as shown in some of the photos provided.

Mr. Pack also mentioned a zone change application by a Mr. Haroldsen on Highway 40 on the east side of Daniel on which he wants to build storage units. This is in the Enterprise zone, which can be beneficial for business owners there. He said it looks like the Town is rezoning land in a very careful way, and that the Gebo zone change request falls within the same type of commercial zoning in which the Town has recently engaged. Mr. Pack stated there will be no burden on traffic, no customers. The dumpsters are moved in and out of the lot empty. If an issue arises with surrounding landowners looking at the back of the property, the Gebos are willing to erect a privacy fence so you cannot see the dumpsters. He stated their plan fits within the agricultural character of the neighborhood.

Council member Blotter stated when the Council is acting on a zone change for a piece of property, the intended use need not come into consideration. He wants to make sure everyone understands that when the vote is taken by the Council to approve the zone change, it is not acting on a specific use for the property, only on changing the property from RA-5 to Commercial. Even though there is an intended use by this landowner, the use could change to any allowed use stated in the Town Code regarding commercial businesses. Mr. Pack agreed and said that is a risk the Town takes as far as what type of allowed business will be operating there. But he wants the Council to know what the Gebos plan to do, which is operate the same type of business that was operating when he bought the property. Mr. Pack stated that the Gebos are acting in good faith and asks that the Town vote for the zone change.

Council member Blotter asked what the meaning of the Enterprise Zone is. Mr. Pack stated this is a zone set up for certain businesses to obtain tax incentives for operating their business within that zone. Mr. Blotter added that a map designating the Enterprise Zone within Daniel isn't necessarily saying that is where the Commercial businesses are to be located. He then asked Mr. Pack if the rezone would create an island. Mr. Pack responded he didn't think so because there was already an island created on the Bunker property. He clarified by saying there is one property in between the Gebo and Bunker residences. He said the Daniel Town General Plan designates where they want the commercial businesses to be. Mr. Blotter stated further that there are no properties surrounding the Gebo property that is zoned commercial; and, therefore, he said a rezone would create an island.

Shelly Bunker stated she doesn't understand why it has taken so long for a business that is out of compliance to be shut down. She said the first Public Hearing on this application was on April 10, 2019, and the motion to deny was made September 3, 2019. In the September meeting the motion to deny the business was passed. She said

she understands their right to appeal, but the Town's allowing the business to continue to operate to this day is not right. The neighbors nearby have the right to have the zoning codes enforced and their rights protected by the Town.

Mrs. Bunker stated a Notice of Violation was sent out dated July 7, 2020, demanding the applicant to cease and desist, and that never happened. They are still running and never quit. She argues with the previous statement that the dumpsters always come in empty. She declares this is false, that she has seen full dumpsters come into the property and have waste scooped from one dumpster into another. She mentioned a neighbor of hers was very upset at the ongoing operation of the dumpster business and actually sold his house and moved.

A list of items for the hearing was read off by Mrs. Bunker.

a. The parcel is surrounded by RA-5 on three sides and abuts the Heber Valley Airport on the rear.

b. The use of dumpster storage and delivery is not consistent with the neighboring use of RA zoning and brings impacts at significant levels.

c. There are big trucks sitting on the road and there are kids waiting for school buses. Mrs. Bunker said she will not allow her grandkids to ride their bikes there because of the trucks.

d. There is an impact of mud and dirt being tracked out onto 3000 South and litter scattered around the area and neighboring farms.

e. Impacts of noise with trucks and equipment unloading and loading garbage and dumpsters on and off trucks on site.

f. The General Plan indicates "to insure orderly growth of urbanized areas and reduce the haphazard scattering of development," there are several items in the General Plan that speak against this type of zone change.

g. The Enterprise Zone is not a commercial zone and is a tax credit from the State of Utah for activity that conforms to the requirements. Construction jobs and retail businesses do not qualify for the tax credits. However, agricultural business that adds value to agricultural commodities does qualify. She said that's what started all this. There was a mushroom farm on the property previously in one trailer.

h. The General Plan also indicates "to promote the social and economic well-being of the residents of the Town."

Mrs. Bunker told the Council Eric has a business license for a business there, but it is not operating. She pointed out there is commercial across the street from them, and the lot contiguous to them on the west was commercial until the owner could not finish out his plans for the commercial business he wanted on the property. The Town then changed the zone back to RA-5 from Commercial. Mrs. Bunker wants the Gebos to understand that this change is about them and not about the Bunkers. She further stated that the business is not allowed in the commercial zone, so why has it taken so long to get it out of there.

At this point Mrs. Bunker submitted her notes to the clerk along with a document addressing the Enterprise Zone. She also submitted a copy of the Town's General Plan and the Notice of Cease and Desist served on the Gebos.

Council member Pearson asked if Shelly's husband was on the Town Council at the time "all this was going on." She said yes, he was, and he tried to get it shut down. Then Mr. Pearson stated Mrs. Bunker is casting a lot of aspersions at the Council tonight. Council member Blotter said he didn't recall specific conversation, but he does remember that although Eric Bunker was on the Council and at the meeting where the vote was taken to change the zoning on the Bunker property, that Mr. Bunker abstained from the vote. Mr. Pearson wanted to know how the case had progressed.

John Glodowski stated it went to Court, and the Court sent it back and said redo it again, because of some technicality. This is the second time since the beginning. Council member Dixon asked when this began, asking Mr. Gebo when he started doing business. Mr. Gebo stated he bought the property in 2018. Jordan Russell had been operating a dumpster business there for two or three years. He was buying the property and the business. Council member Dixon asked if he had a business license. Mr. Pack said Mr. Gebo had tried to get a business license and realized he couldn't get a business license without the property being zoned commercial. An application for a business license was submitted to the Planning Commission, which is how the matter began. Mr. Pack stated the Planning Commission was split on whether to recommend the zone change to the Council; that Mr. Bunker served on both the Planning Commission and the Council.

Mr. Pack stated that on receipt of the Notice of Cease and Desist, all of the dumpsters were moved off of the property in 2020, and an allegation that the business is still being operated is not accurate. If trucks are seen there, it is not in furtherance of that business. Mr. Gebo said the pictures in the documents given to the Town Council were taken in 2019. When asked what dumpsters are there, Mr. Gebo stated there a couple of rubber-tired dumpsters from a roofing company and a semitruck and a one-ton truck used by an employee to get to and from work.

Council member Blotter stated he lives close to the Gebo property and has seen trucks pull in there and unload trailers within the last couple of weeks. Council member Pearson said he farms the field to the north and west of the Gebo property, is there every day, and has seen numerous trucks going in and out. If Mr. Gebo is saying there have been no trucks involved in the dumpster business since 2020, there is a big truth gap there. Mr. Pearson said he has spoken in Spanish to a worker in the back part of the Gebo property. Mr. Gebo said, "Well, then, he is doing something without my knowledge." Mr. Pearson said no, he's not. He's bringing in your roll-off dumpsters and unloading containers.

Kim Norris was the next up to the lectern. He stated he is a resident of the Town. There were things stated in the previous comments that he does not agree with and some he did agree with. He referred the public and Council members to several

provisions stated in the General Plan adopted by Daniel Town in October of 2009, saying it is a well-conceived document. He complimented the founding fathers for the job they did, further saying it's not easy forming a town. There is a lot of work to be performed, and it takes a lot of time and effort. He stated the Commissioners and Council members of the last few years have done a wonderful job.

Mr. Norris read some of the purposes for the General Plan, specifically, "to promote the most appropriate type of development within each planning area of the town, while maintaining a rural atmosphere." He also mentioned the Daniel Town Land Use Plan created in 2009 in conjunction with the General Plan. He read, "Concentrate commercial areas along the two major arterials, US 189 and US 40. Encourage revitalization by upgrading facilities, reducing traffic, etc." He mentioned the property west of the Bunker property that abuts 189 was zoned Commercial at one time. Then the economy turned and the project died. On Highway 40 there are three or four areas zoned Commercial by the Town Council. All of the rezoned properties are close to RA-5 zones. The Planning Commission and Council have tried to keep the Commercial zoning somewhere around 400' to 460' from the highway.

Mr. Norris said he did not realize there was an Enterprise Zone near 1800 West. He thought it only existed where there is a Commercial building at the north side of Daniel and another along Highway 40 somewhere.

Mr. Norris mentioned the Weyandt property was changed from Commercial to RA-5 zone when the owner could not follow through with his planned development. His comment is it should have remained a Commercial zone, allowing Commercial to progress eastward on 3000 South if the homeowners nearest to 189 wanted to apply for a Commercial zone. He stated that if the zone change is allowed on the Gebo property, it will create an island. He asked that the application be denied.

Next Pam Skinner spoke on the rezone issue. She handed out a small map illustrating where the property in question is located. She stated the incorporators of the Town gave a lot of thought to where Commercial zones should be located in Daniel Town, that being along the corridors of Highway 40 and US 189. Ms. Skinner noted that the Gebo property is five lots to the east of 189 and the property directly across the street is farmland. Therefore, if rezoned, the Gebo property would create an island of Commercial surrounded by the RA-5 zone. She said perhaps the Town could delineate a line east of 189 where Commercial zoning would be allowed. She encouraged the Council to vote no to the rezone application.

Brian Collins then stepped forward, stating he moved to his home in Daniel on 3000 South in 2020. He stated he too is a business owner and understands what the Gebos are trying to accomplish. He said he came to the meeting with a different intention, but after listening to the comments of others, he has changed his mind on the rezone of the Gebo property. He thinks that the property in question is in the wrong place and the wrong time for changing the Gebo piece to a Commercial zone to conduct a dumpster business. He stated if the Town residents are witnessing the continued operation of the

business, even though a Cease and Desist notice has been issued, that the Town officials should fine the owners for continuing the business operation.

Tabatha Benzler was the next to provide comment. She stated she lives between the Bunker and Gebo properties. Because she lives in such close proximity she would like the application denied, as the operation of such a business would increase the traffic, track mud out onto the roadway, the noise.

Next the clerk read a statement submitted through email from Stefanie Grady. In the letter she asked that the Council vote no to the zone change request, for many of the reasons stated in the above comments.

Council member Blotter next commented he had knocked on every door west of Southfield Road on 3000 South, and not one of the residents supported the zone change on the Gebo property.

Planning Commission Chair, Gary Weight, stated there was a tied vote on the application previously so no recommendation was sent to the Council, and it was the vote of the Town Council that denied the application.

Council member Pearson said he has been an economic development professional for many years and realizes there is an opportunity to have commercial businesses within a municipality, thereby providing commerce, the buying and selling of things, and creating the exchange of money between parties. The typical businesses located near intersections are things like gas stations, C-stores, fast-food restaurants, etc.

Mr. Pearson went on to say that in an industrial zone you will find businesses that create dust, recycling, dumpsters, things like that where no money is exchanged. He went on to say they are not precluding Mr. Gebo's business from operating, but that it does not fit in that location even if designated Commercial. He then asked the Town's attorney if he would like to speak to this. Mr. Lundwall stated he would be inclined to speak in a closed session with the Town officials only.

Mr. Norris stated he does not understand why Mr. Gebo bought this particular property without checking to see what uses could be attached to this property. Mr. Gebo stated when he bought the property from Jordan Russell, Mr. Russell told him that Eric Bunker had gotten his property rezoned without any problem. So Mr. Gebo bought the property and the dumpster business from Mr. Russell.

Gary Walton stated he was involved with the incorporation of Daniel at the beginning in 2006. Regardless of what someone may represent can be done with a particular piece of property, a buyer should go to the Town Council for answers before making the purchase. Many try to push through their own agenda of what they want to do on a piece of land.

Stacy Kohler asked if there is an established line going east on 3000 South as far as what the Daniel Town plan is in allowing Commercial zone designations; and if not, why isn't there? Council member Blotter replied there is not a line or particular point right now because the zone change process is application driven, but looking at recent events in the Town, perhaps it is time for the Town to be considering that. Ms. Kohler added not just east on 3000 South, but north to the airport, southeast on Little Sweden as well.

Council member Pearson stated about every five years the Town reviews its master plan, and in that process the Town tries to forecast where activity will occur. Mr. Pearson said with the recent applications and changes before the Council, he thinks it is time for such a review. Mr. Weight mentioned in approving Commercial zones on Highway 40 east of Daniel, new businesses have been required to connect to a sewer system across the highway to have the business approved. A dumpster business may not require a sewer, but other businesses applied for in the future may require such a hook-up and since Daniel does not have a sewer system, he would like the Council to vote no on the Gebo zone change application.

Mayor Kohler said he wanted no further comments and called for a motion.

Council member Duggin moved to close the public hearing, seconded by Council member Pearson.

Council member Blotter stated, for the benefit of the public, the vote on the Gebo issue is not on tonight's agenda and, therefore, the Council will not decide the issue until the April meeting.

The vote on the pending motion was Merry aye, Jon aye, Scott aye, Barry aye, Robyn aye. The motion passed.

3) CHARLESTON PAYOR KOZLOWSKI WITH PRESENTATION OF DEVELOPMENT AT 3000 SOUTH WEST OF HIGHWAY 189 IN CHARLESTON

Ryan Taylor stated Mayor Kozlowski was unable to attend tonight's meeting, but Scott Solum, a member of the Charleston Council, and Wes Johnson, the City engineer, are present. Mayor Kohler explained Mayor Kozlowski's husband had recently passed away and she would not be attending.

Mr. Solum began by stating Charleston is trying hard, just like Daniel, to keep the Town that they have by keeping the Commercial zoning condensed in a specific location and the Townspeople protected. He said the discussion for tonight deals with a commercial development west of 189. Heber City has approved extending their sewer line down 189 from 2400 South to 3000 South on the west side of Highway 189 to accommodate a planned Commercial development near the intersection. He stated Charleston does not have the pressure and volume of water needed there, as it is at the end of their water system, and would like Daniel Town to provide water to the development in exchange for 100 ERU's of sewer which Charleston has approved. He

stated there are no hidden agendas in the proposal. They are in need of some water and are willing to trade 100 ERU's, enabling Daniel Town to have sewer close to the intersection of 3000 South and US 189. He said sales tax revenue is what Charleston is looking for in order to keep the Town viable, but they are in need of some water pressure and volume in this particular locale to be able to provide fire protection. Commercial in both Towns seems to be desired to be on or near the highways.

Council member Blotter asked if it was an option for Charleston to build a tank and put in a pump to store the needed water. Mr. Solum said they could do that, but that the cost of doing so renders it almost unrealistic.

Wes Johnson added they are not looking for something for free. They want to make an exchange of Daniel water for 100 ERU's of sewer, something that could benefit both entities.

Ryan Taylor stated during all of the discussions to date regarding the above-mentioned exchange, the participants want the end result to be mutually beneficial. It became apparent as the discussions progressed to 2020 that Daniel's water in the transfer station area produced a good amount of pressure, and across the highway in Charleston they are at the end of their line with little pressure, not enough to provide fire flow volumes. Working with the Heber Valley Service District to get sewer south on 189 from 2400 South, Charleston proposed to exchange sewer for water with Daniel. In May of 2020 T-O performed calculations on the source of water, the storage capacity, and the distribution of water to get it from the source ultimately to the customers. Mr. Taylor's calculations showed the proposed 100 ERU's (equivalent residential unit) could be available at the intersection of US 189 and 3000 South, even with Daniel's anticipated buildout of homes in the future. Daniel Town has an 800,000 gallon water tank to store the water, which comes from two springs and a well which produces almost 400 gallons per minute. In addition, a new well on the Storm Haven water system is rated at 160 gallons per minute. At the current time Daniel Water produces much more water than they have water rights for and anticipate using.

Mr. Taylor went on to say with the impact fees which would be imposed on the developer to supply water and the monthly charges for the water, Daniel Town could reach their goals for expansion of the DMW system in Daniel much sooner than anticipated. He referred to a memo he wrote in May 2020 to the Town Council. In September an additional letter was written listing six important areas to keep in mind as negotiations progressed.

Mr. Johnson stated Charleston is willing to have Daniel bill them at 1.5 times the usual rate for the water supplied as an additional benefit. On this subject Council member Pearson said effective on January 1, 2021, Utah State adopted Code 10-8-22 entitled Water Rates and addresses tiered rates for supplying water. In that code it states that supplying water outside of a municipality's boundaries to another entity is not a basis for charging more for the water. Mr. Taylor added he had looked at charging a higher rate, and if the area in question is developed into commercial businesses rather

than residential homes, Daniel already has a rate for commercial which is higher. Council member Duggin stated, in her opinion, that code is to prevent communities from overcharging, scalping if you will, customers outside of a municipality by charging higher rates solely based on their location. Mr. Johnson said the parties can address the billing rate as necessary.

Council member Pearson confirmed with the representatives from Charleston that they do not have a water system but, rather, a water district. He asked if Charleston has petitioned the Utah State Division of Drinking Water for a grant or loan to construct a water tank and pumps, which could be retired by charging Charleston customers for the water over time. Mr. Johnson said they have not because he thinks the exchange proposed would be mutually beneficial to both Daniel and Charleston with the least amount of cost to them.

Council member Dixon, in reading the May 1, 2020 memo, asked if Charleston was actually wanting 500 ERU's of water. Mr. Taylor stated at the present time, Daniel could provide 100 ERU's, but with some improvements to our water system, more could potentially be supplied in the future. The figures in the memo, according to Mr. Dixon, showed \$88,600 in expenses against only \$63,000 in revenue, why would anyone agree to that, and it doesn't even become viable until the 500 ERU's are met. At 100 ERU's it is not viable. Mr. Taylor explained that the table referred to assumes either one or two full-times employees, which would be shared by both municipalities, but more wages paid by Daniel in some scenarios.

Council member Pearson queried Gary Walton, a former Daniel employee working with the water system, how much time he spent working on water issues per month. Mr. Walton said it would vary greatly depending on how many duties an employee handled versus having another entity doing sampling and testing, etc. Council member Duggin stated initially, upon the Town incorporating, there were many individuals doing various duties, but her goal is to have a full-time Daniel Water Manager performing all of the necessary duties regarding the water system. She added the providing of water to Town residents is the number one resource Daniel provides to its residents, and it has to be done right. Mr. Pearson stated a shared employee between Daniel and Charleston would be a good idea in the beginning.

Mr. Solum asked if Daniel Town had explored what kind of commercial could come into the Town if 100 ERU's of sewer were available. Council member Pearson said if that came to the Town doorstep, he doesn't know whether residents would be alarmed at the exchange and think it meant changes in our zoning from RA-5 were going to be next.

Mr. Taylor said about half of the residents in Daniel are currently on wells. Mr. Pearson said if the exchange was to happen and Daniel continued to pull more water out of the water table, how long could Daniel sustain its current level of water use. Council member Blotter is at this point not excited at doing the exchange. Water is a very important commodity, and without knowledge of future water supply and future

development in Daniel, he is hesitant to provide water outside of Daniel boundaries. We may have enough water currently, but as wells go dry and more residents hook into the municipal water system, Daniel will be drawing more water from its sources than they currently are.

Gary Walton mentioned Daniel has a very low cost in providing water to its residents because of the spring flow. In the future, with more buildout and greater demand for water in Daniel, costs will increase to run the pumps at both of Daniel's wells. At this point that is an unknown cost. With the Heber Light & Power demand charge on power, it increases the monthly costs greatly.

Council member Pearson said Daniel will likely look to increase building in its commercial and industrial zones as well to increase its revenue. But if an agreement is reached with Charleston, there is no turning back and that water going to Charleston by agreement is gone. Mr. Solum stated Charleston is trying to keep the commercial area of Charleston away from the residential, out on US 189, to have some additional sales tax. He said Parsons gravel pit provides a tremendous amount of revenue to them and they want the commercial to be more diverse for them. Both Mr. Johnson and Mr. Solum said they are not going to beg. If the Daniel Town Council answers no to their proposal, they will shake hands and move on. They are not looking for an answer tonight. If Daniel needs more time, fine. Mr. Pearson said Daniel would like more time to discuss this. Mr. Johnson said please let them know if Daniel needs more information.

Mr. Taylor said this proposed agreement is only step one in the process. The State Division of Drinking Water would be involved as well.

4) APPOINTMENT OF CLERK BY MAYOR KOHLER, SWEARING IN AS A DEPUTY CLERK

At this point Council member Duggin read a resignation letter she prepared regarding her serving as a Deputy Clerk, and asked that she still be allowed to consult with the clerk's office as we continue through the transition period.

Mayor Kohler then appointed Kim Crittenden as the new Deputy Recorder, and she was sworn into office by Clerk Lynne Shindurling.

CONTINUATION OF ITEM NO. 3

Mr. Solum returned to the meeting stating Charleston wants to do the development south on US 189 from 2400 South to 3000 South in a commercial endeavor. The Heber Valley Service District has agreed to extend the sewer line south for Charleston to accomplish this. However, if Charleston is unable to finalize an agreement on the water and develop this ground, Heber City has said they will do so, meaning that land will be annexed into Heber City and both Charleston and Daniel lose any say in what occurs there. He also mentioned there is not a gas station in the current plan. Gary Walton stated Daniel will not have the ability to develop land from 3000 South north-ward up 189 if the airport expansion occurs. It would have to be done before the airport expansion.

5) RYAN TAYLOR: UPDATE TO THE COUNCIL ON \$6M LOAN/GRANT WHICH THE DIVISION OF DRINKING WATER HAS ON HOLD AWAITING FURTHER INSTRUCTION

Mr. Taylor began by stating in 2008-2009 the Town of Daniel benefitted greatly by grant and loan funds offered to improve the Daniel Municipal Water system, and the financial situation looked similar in 2020 as far as the availability of monies to now improve the Storm Haven water system. So he applied for monies to do everything that was at that time in the Capital Facilities Plan, completing waterline expansion on several main roads in the Town, a new tank to go with the new well at Storm Haven, and replacement of Storm Haven waterlines, at a cost of \$5.692M. The grant would be for 30% of the loan amount, and the remainder on a 30-year note with no interest charged, but it would require a substantial rate hike to the water users for repayment of the bond. The proposal has been sitting since January 2021, and the Division of Drinking Water is asking that Daniel Town move forward, with updated financials, or decline the loan. The grant-to-loan ratio could change to a 50/50 arrangement, but the water rates would still have to be increased significantly to qualify.

Council member Pearson suggested perhaps forming a Special Service District may be a good alternative. He said the SSD obtains the financing and the users would be assessed a smaller amount. When a well goes dry or a waterline fails, the SSD works on repair and/or replacement rather than the individual resident.

Council member Duggin stated as far as recordkeeping in Daniel, an effort has been made to keep both water systems separate. Storm Haven does not subsidize Daniel Municipal and Daniel Municipal does not subsidize Storm Haven. Daniel Town has paid some of the necessary costs for each system as needed. Mr. Pearson commented back that if a loan is obtained for any work on the water systems, the debt will be repaid by the monies collected for water fees from all users and not just those on a failing waterline. Ms. Duggin said you've got to remember, both systems are owned by Daniel Town and the borrowed funds would be repaid by the Town.

Mr. Taylor said he will get with Heather at the Division of Drinking Water and tell her Daniel Town will give her a definitive answer before June. Gary Walton thanked Ryan for the great service he has been providing to the Town over many years.

6) DANIEL MUNICIPAL WATER

No additional discussion was had.

7) STORM HAVEN WATER

No additional discussion was necessary.

8) DISASTER MITIGATION PLAN DISCUSSION FOR ADOPTION IN APRIL

Council member Duggin said every five years the Pre-Disaster Mitigation Plan is reviewed and updated. The plan as it stands has been approved by MAG, and each entity in the State has to approve its adoption.

Council member Blotter moved to approve the Pre-Disaster Mitigation Plan as presented, seconded by Council member Pearson.

Council member Duggin stated she would like the Council to hear comments made by the Planning Commission, if any.

The vote on the motion was: Merry aye, Jon aye, Scott aye, Barry aye, Robyn aye. The motion passed.

9) BUSINESS LICENSES:

NEW: Ark Tiny Homes – Ty and Melissa McMillan. Mr. McMillan explained he and his family convert old storage containers into tiny homes. He said the process involved cutting out doors and windows with a grinder, pulling power and plumbing into the home, putting spray foam insulation on the interior covered then by sheetrock. Rebekah Smith listed is their oldest daughter and business partner. No other employees come to the residence to perform the construction. They pick up materials as needed. They are beginning construction on their first home. The closest neighbors are south for the winter, but if they receive complaints about the grinding noise, they are willing to perform that function elsewhere. The McMillans anticipate building one or two homes per month, not on a large scale. Council member Blotter stated business licenses are renewed annually. If complaints were received, the license could always be terminated.

Council member Duggin moved to approve the new business license for Ark Tiny Homes, with the caveat that if complaints are received, the Council will notify the McMillans to see if the problems can be mitigated. The motion was seconded by Council member Blotter and passed, by roll call vote, unanimously.

Next business license renewals for the following businesses were discussed: Wes' Auto Repair, Larson Ground Maintenance, JM Trucking, MVC Construction Co., Smitty's Small Engine Repair. Have any complaints been made?

Mayor Kohler stated he had received a complaint regarding JM Trucking idling their trucks early in the morning. Ryan Simpson said Mr. McAllister is very respectful of neighbors and it is probably a situation of warming up the engine on a cold morning. Council member Dixon volunteered to speak with Mr. McAllister regarding the complaint.

Council member Dixon moved to approve all of the business licenses up for renewal, seconded by Council member Duggin. The vote was as follows: Merry aye, Jon aye, Scott aye, Barry aye, Robyn aye. The motion passed.

10) COUNCIL REPORTS/UPDATES

Council member Duggin thanked Lisa Dinga for helping get the new Facebook page up titled Daniel, Utah. She would like people to sign up through the Public Notice Website so they are notified of all events posted in Daniel. Ms. Duggin said a Wildland Fire Mitigation Agreement has been signed with the Wasatch County Fire District, which

obligates the Town to perform around \$2,000 worth of fire mitigation per year. In 2021 debris was removed from and around Daniels Creek but has not been cleared away. So the Town needs to assemble a volunteer group to clean this up and perhaps remove dead trees from the road near Storm Haven which are no longer receiving water. Council member Pearson suggested perhaps assembling volunteers on Earth Day in the spring to do this service work. Ms. Duggin will find out what paperwork needs to be submitted.

Council member Pearson said he would like Daniel to have a community celebration like many other municipalities have in the area. He would also like to have assembled a history of the settlement of Daniel Town in written form to be available to old and new residents. Ms. Duggin suggested having a celebration perhaps in the fall rather than in July. Doug Seus has offered his backyard for such an event. Mr. Pearson would like sponsors to provide the food, entertainment, etc., if people will start giving this some thought.

11) PLANNER REPORT

Since Planning Director Bunker was not attending the meeting, Mayor Kohler provided the monthly report prepared by Mr. Bunker listing active permits in Daniel, as well as other planning and zoning matters through February. Mayor Kohler said that Ryan Taylor will be proposing, in the April Council meeting, remedies for the water meter failures. The Mayor added that Wasatch County is adding to the noxious weed list Buckhorn Plantain. Council member Duggin said in the past a Daniel Town Council member has been on the weed board. Council member Pearson volunteered to fill the seat and attend the County monthly meetings. Spraying weeds is also one of the duties.

12) APPROVAL OF COUNCIL MEETING MINUTES OF FEBRUARY 7, 2022

Council member Blotter moved to approve the February 7, 2022 minutes, seconded by Council member Pearson. The roll call vote was Merry aye, Jon aye, Scott aye, Barry abstain because he was not there, Robyn aye. The motion passed.

13) APPROVAL OF COUNCIL SPECIAL MEETING MINUTES OF FEBRUARY 16, 2022

Council member Blotter moved to approve the minutes of February 16, 2022, seconded by Council member Pearson. The roll call vote was Merry aye, Jon abstain because he was not there, Scott aye, Barry aye, Robyn aye. The motion passed.

14) RECORDER'S OFFICE: WARRANTS, ANNOUNCEMENTS, ETC.

Clerk Lynne Shindurling reviewed the warrants for the Town general fund and both water funds. Errors were noted on payroll amounts to be corrected for submission to the Treasurer before checks are prepared. Council member Dixon inquired about Executech and Pelorus both being in the IT category. It was explained by the clerk that

they perform different functions. In addition, Chris Anderson is still handling maintenance of the Town website.

Council member Blotter moved to approve the warrants with the corrections noted. The motion was seconded by Council member Pearson.

Council member Dixon asked for clarification on how and where the Bunker hours are included on the warrants, as well as the break-out of T-O Engineers' invoices for payment out of the general fund and the two water funds. The clerk explained the process for posting these to the correct categories.

The roll call vote for approval of the warrants was: Merry aye, Jon aye, Scott aye, Barry aye, Robyn aye. The motion passed.

15) POSSIBLE CLOSED SESSION AS PERMITTED BY UCA 52-4-205

Council member Duggin moved to go into closed session to discuss pending litigation, seconded by Council member Blotter. The roll call vote was Merry aye, Jon aye, Scott aye, Barry aye, Robyn aye.

(The closed session of the Council meeting began at 9:25 PM. Those present were Robyn Pearson, Barry Dixon, Mayor Scott Kohler, Jon Blotter, Merry Duggin, Clerk Lynne Shindurling, Deputy Clerk Kim Crittenden, Attorney David Lundwall.)

Council member Blotter moved to come out of closed session back in the regular session of the Council. Council member Dixon seconded the motion, which passed unanimously.

16) ADJOURN

Council member Blotter moved to adjourn the meeting, seconded by Council member Dixon. The motion passed unanimously, and the meeting was adjourned at 9:45 PM.

Lynne Shindurling
Clerk/Recorder