

**Daniel Town Council Meeting**  
**Monday, June 6, 2022, at 6:00 PM**  
**Wasatch County Services Building, Conference B**  
**55 South 500 East, Heber City, UT**

**Meeting Minutes**

Quorum Present: Mayor Scott Kohler, Council members, Merry Duggin, Robyn Pearson and Barry Dixon. Also present were Ryan Taylor of T-O Engineers, Planner Eric Bunker and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Samantha Moll, Eric Hales, Gary Weight, Clint Neerings Troy Morgan, and Blake Sonderegger.

Mayor Kohler called the meeting to order at 6:00 PM.

**1) Public Comment: (please limit to 2 minutes per person)**

No comments

**2) Interim Fire Chief Eric Hales discussion of fire danger and fire and firework restrictions this year.**

Interim Fire Chief Hales introduced Assistant Chief/Fire Marshall Clint Neerings and Battalion Chief/Fire Warden Troy Morgan. Mr. Morgan stated that the wildfire outlooks for this year were much better than last year, with predicted cooler temperatures and more moisture throughout the summer. It was stated that Battalion Chief Morgan and Mayor Kohler would be meeting and touring the Town the next day to discuss necessary fire mitigation steps that should be taken this summer. Discussion continued about firework and/or campfire restrictions. It was stated that traditionally the Town of Daniel restricted all fireworks south of 3000 South and campfires that were not contained in pits. Chief/Fire Marshall Neerings stated that there were no county-wide recommendations for restrictions, but each municipality was able to regulate restrictions within their town. To date, none of the local municipalities have chosen to restrict fireworks and/or campfires. He further stated that if the Town imposed restrictions, the Sheriff's Office would need to be notified since they do not have the authority to issue citations or otherwise enforce Town fire restrictions.

**3) Public Hearing for Final Amendments to the Fiscal Year 2021-2022, Resolution DR-2022-06-06A and Adoption of the Fiscal Year 2022-2023 Budget Resolution DR-2022-06-06B.**

Mayor Kohler read the budget resolutions into the record and asked for a motion to enter into a Public Hearing.

***Council Member Duggin moved to open the Public Hearing for Final Amendment to the Fiscal Year 2021-2022, Resolution DR-2022-06-06A and Adoption of the Fiscal Year 2022-2023 Budget Resolution DR-2022-06-06B. Council Member Dixon seconded the motion. roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

Hard copies were handed out to the public as well-being projected on the screen, so the public attendees had the same copies that the Council was given in their packets.

Council Member Duggin discussed the proposed final amendment to the current year's budget which would end June 30, 2022. She stated that Kim Crittenden, Clerk/Recorder had gone through the budgeting software and made a few proposed adjustments to balance out the year. Changes included: income expected from Licenses and Permits, expenses for Office Rent and Utilities were slightly increased, and expenses for Administration Legal Fees were reduced.

Questions about the lowered anticipated income from Building licenses and Permits being reduced in next year's budget were raised. It was reiterated that this is the best guess based on known new home builds and anticipated remodels which would likely be changed.

The discussion moved on to the Water Funds. Questions about budgeting for purchasing water shares were raised. It was stated that the Town can hold water shares in reserved. Discussion continued about the Town using or leasing the water shares that they currently hold. It was further stated that the Town requires new development to submit one share for culinary water and one share for any irrigation needs,

Planner Bunker noted that he would likely require a slight increase in the Training Budget and it was increased by \$100 and the Water Utilities was decreased by the same amount.

Discussion proceeded to the FY 2022-2023 budget and included an explanation as to why the projected income for Building Permit had been reduced. Council Member Duggin expressed concerns about the increase in projected expenses for Admin Engineering was not part of the budget planning discussion. Clerk/Recorder Crittenden stated that she had thoroughly gone over the budget to make sure it balanced with Pelorus and that she had decided that it would be easiest to put the excess funds back into Admin Engineering and then the Council could decide if they wished to redistribute it somewhere else. Mayor Kohler agreed with the new amount and the discussion continued on to the Water Funds. Clerk/Recorder Crittenden discussed concerns that she had with expenses that were possibly not been allocated correctly to the Water Funds and were being absorbed by the General Fund. She further discussed how restricted funds, such as ARPA Funds, work in the budgeting process.

Planner Bunker raised an issue with not having a Training line item for either of the Water Funds. It was decided that the Conference line item would now include training as well. It was decided to increase this line item to \$2000.

Council Member Pearson asked Engineer Taylor to discuss water rights. He discussed the difference between “wet water” or the water that comes into homes and “paper water” which is what the Town has the legal right to access and distribute. Currently, the Town is limited to about 200-225 acre-feet per year although our resources could produce close to 1000 acre-feet per year. He stated that the Town is currently distributing about 80% of the water that we hold the rights to. He further stated that the State of Utah is in an adjudication process and so there may be a discrepancy in the amount that the Town actually has rights to. He further stated that this was one of the reasons that budgeting for the town to have water shares would be wise. He continued by stating that some of the Daniel Irrigation shares that the Town purchases will need to be exchanged from irrigation to culinary water.

Planner Bunker stated that the springs were producing 130.1 gallons per minute as of May 26<sup>th</sup> but that this output can fluctuate.

Mayor Kohler called for a motion to come out of the Public Hearing.

***Council Member Duggin moved to close the Public Hearing for Final Amendment to the Fiscal Year 2021-2022, Resolution DR-2022-06-06A and Adoption of the Fiscal Year 2022-2023 Budget Resolution DR-2022-06-06B. Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

The final adopted FY 2021-2022 Budget Amendment and FY 2022-2023 Budget are attached.

Mayor Kohler read Resolution DR-2022-06-06A into the record and called for a motion.

***Council Member Pearson moved to approve the Final Amendment to the Fiscal Year 2021-2022, Resolution DR-2022-06-06A Council Member Duggin seconded the motion with the stipulation that the Water Fund Training Line Item be increased by \$100, and the Office Supplies be decreased by \$100. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

Mayor Kohler read Resolution DR-2022-06-06B into the record and called for a motion.

***Council Member Duggin moved to approve the adoption of the Fiscal Year 2022-2023 Budget Resolution DR-2022-06-06B with the change to the Water Fund Conference and Training fund from \$1,500 to \$2,000. Council Member Pearson seconded the motion. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

#### **4) Business Licenses recommended for approval by the Planning Commission:**

- a. NEW:
- b. RENEWAL:
  - i. Adam Knight Plumbing
  - ii. Bush Family Farm
  - iii. Bart Wilde and Associates
  - iv. Full Scope Sewing
  - v. Action Performance Electric

Mayor Kohler read the renewal applications into the record and asked for feedback or comments. It was stated that the Planning Commission had recommended approval for the renewal of all of the business license applications. No comments nor feedback were given.

***Council Member Dixon moved to approve the renewal of all business licenses. Council Member Pearson seconded the motion. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

#### **5) Approval of Meeting Minutes from May 2, 2022**

Mayor Kohler called for a motion to approve the May 2, 2022, Town Council Meeting Minutes.

***Council Member Duggin moved to approve the Meeting Minutes as presented. Council Member Pearson seconded the motion. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

#### **6) Council Reports/Updates**

Council Member Duggin reported an approximate 4.5% increase in the Heber Light and Power rates and mentioned an upcoming Public Hearing for the proposed rate increase. She then reported on the Wasatch County Assessor's office's efforts to catch up on overdue assessments. The County currently has 27,753 parcels with approximately 25,000 being taxable. She stated the overall valuation in the County had risen by 3 billion dollars and this may be good news for the Town. She stated that the School District has completed its needs assessment which included a recommendation for a new High School. She ended by stating that Lynne Shindurling had resigned as the Deputy Clerk/Recorder.

Mayor Kohler had no updates to share

Council Member Dixon had no updates to share

Council Member Pearson discussed weed spraying and options. He stated that if the Town contracted with the County, it would cost about \$1,000. He stated that he attended the Bypass Corridor meeting in Midway the previous week. He reported that he stayed after the meeting

and discussed the Town of Daniel and any East-West Bypass plans that may be included in the overall plan and was assured that this was not the case. He followed up his idea of having a town celebration. He stated that the original place that he had in mind was no longer an option. He stated he had a committee and was willing to move ahead if the Council wanted him to. The location is the largest obstacle due to parking constraints. He suggested that the celebration be held at the end of August.

The public discussion moved to weed mitigation. Concerns about spraying would also kill bees. It was asked why homeowners are not required to mow the weeds on their frontage instead. Planner Bunker stated that he had traditionally been the person who sprayed weeds in all of the Town rights-of-way. It was stated that the Town owns a sprayer, however, it may be a better idea to have the professionals from the County take care of this for the Town.

Council Member Dixon brought up a meeting at the Wasatch County Senior Center the next evening for the UDOT travel study.

## **7) Engineer Reports/Updates**

Engineer Taylor brought up 3 discussion items. First, he reported on a presentation on the Town Water System that he gave at the Planning Commission Meeting where he discussed in detail where the Town water sources and lines were located. Maps of the lines and locations were displayed on the screen.

The second item of discussion was the UDOT Transportation Planning Grant opportunity. He discussed the Scope of Work document that had been created by UDOT. He stated that the document was not generally well-received. He was asked as the Town Engineer what elements of the Scope of Work document would be most helpful for the Town in updating the Town General Plan. He was in favor of the PCI study. This was done for the Town about 12 years ago and is out of date. This study looks at all of the asphalt in the Town and gives estimations about how long the asphalt in an area should last along with short and long-term solutions. He then moved on to traffic mitigation and speed control measures such as speed bumps. He stated that having this type of plan for the Town would be a good idea. Additionally, he thought any money that could be spent updating planning tools would be a good use of funding and make presentations at Council and Commission Meetings more effective.

He continued his discussion with information about upcoming water needs with projected growth. He also discussed that funding could be used to study how many non-conforming lots the Town has as well as larger lots that cannot be subdivided, for example, an 8-acre lot cannot be subdivided and still meet RA-5 requirements. He suggested that the grant money could possibly use to run scenarios of the implication of moving to smaller requirements such as an RA-1 or RA-2 on water, sewer, and other infrastructure. Engineer Taylor pointed out that updating the Town General Plan is difficult if the Planning Commission does not have access to all of the information that they need including the amount of water the Town has available in the Water Systems and in private wells. He also pointed out that the Town should also conduct a drainage study if the grant funding is accepted.

Engineer Taylor suggested that he and Mayor Kohler meet with MAG and come up with an adjusted plan that would better meet the planning needs of the Town. Mayor Kohler asked the Council for permission to meet with Eric Rasband and see what would be the best use of the \$75,000 grant in assisting the Town with planning and updating the Land Use Plan, General Plan, Transportation Plan, and Water Plan.

Members of the public asked that Mayor Kohler be the point of contact. Council Member Duggin stated her concerns with the Scope of Work that UDOT, including the apparent use of Horroock Engineering instead of the town engineering firm, T-O Engineering. Council Member Pearson encouraged the Council to allow Mayor Kohler and Engineer Taylor to explore all of the possibilities. Planner Bunker pointed out the Town of Daniel has had extensive interactions with the UDOT and MAG representatives. The Mayor was encouraged to follow up and that no motion was necessary at this time.

The final item was a \$5.9 million dollar grant, which would require a 50% loan and raising water rates to at least \$66 per month. It was pointed out by Council Member Pearson there are no fire hydrants in the Storm Haven area. He suggested that other funding sources should be researched while also looking for a good option to locate the new tank. Council Member Duggin concurred. It was decided that this funding would not be pursued.

Engineer Taylor was asked to discuss an ongoing situation with the trailer court located at the corner of Daniel Road and 3000 South. Recently, the owner of the trailer court had been asked to upgrade his system by the Division of Drinking Water. The trailer court currently uses a well for water. Engineer Taylor suggested that he hook into the Daniel Water system. He further advised that if the trailer court does hook into the Daniel Water system that each trailer is metered and considered an individual home rather than one master meter for the entire property.

### **8) Planner Report**

Planner Bunker presented his planning report. See attached report. He pointed out that the Town of Daniel had received another application for a concrete batch plant that straddles both the Town and the County. Planner Bunker stated that there are several parcels that have the same issues.

FEMA is doing a flood study in the Wasatch and Uinta basins. Engineer Taylor is on this board and will report back.

### **9) Daniel Municipal Water**

Planner Bunker reported that he had two bids for putting the meters in. MMI Meter Maintenance is \$18 per register and Corrin-May had a subcontractor who bid \$20 per register. Both would ensure their work for the installation only. The least expensive contractor is the one that the Town has used before and his work has been satisfactory. Planner Bunker was directed to move ahead with the MMI Meter Maintenance contractor.

### **10) Storm Haven Water**

No issues to report.

**11) Recorder's Office: Warrants approval, Announcements, etc.**

Clerk/Recorder Crittenden pointed out an error that had been on the document that was emailed but was corrected in the hard copy packet that changed the hours of Planner Bunker to 31.75. A spelling error was also noted.

Mayor Kohler asked for a motion.

***Council Member Dixon moved to approve the Warrants as presented. Council Member Pearson seconded the motion with the discussed change in payroll hours. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

**12) Possible closed session as permitted by UCA 52-4-205**

No closed session was necessary.

**13) Adjourn**

Mayor Kohler asked for a motion to adjourn.

***Council Member Dixon moved to adjourn. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.***

Kim Crittenden Clerk/Recorder