

Daniel Town Council Meeting Minutes
Monday, July 11, 2022, at 6:00 PM
Wasatch County Services Building, Conference B
55 South 500 East, Heber City, UT

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: John Glodowski, Gary Weight, Lynne Shindurling, Marilyn Gerrard, and, Erin Charchenko

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

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

There was no public comment

2) Pedalfest through Daniel discussion

Marilyn Gerrard, who is the organizer and spokesperson for Pedalfest spoke about the event. The event will be on the morning of Saturday, September 24th. She stated that all funds raised go to a local program that serves girls with anxiety. She asked the Council for a letter stating that the Town of Daniel is aware that the event will have routes that enter and exit the Town. She stated that the impact would be minimal as the route would come down 3000 South from Charleston, then take Daniel Road to Little Sweden Road, and then would exit the Town at US-40. She stated that the riders would leave the start point at 8:00 am, 8:30 am, and 9:00 am and that she hoped all riders would cross to US-40 by 11:30 am.

She stated that general signs would be placed the week before the event and on the morning of the event direction, caution, and services signs would be posted. She stated that the event had 8 food, water, and first-aid stations, but none would be in the Town of Daniel. She was asked about security and stated that she has met all of the UDOT, Wasatch County, Heber City, and Midway City requirements and has obtained all required permits for each. It was stated that the Town of Charleston and the Town of Daniel do not have permit requirements and just ask to be made aware of the routes, times, and potential impact on traffic and citizens. She stated that the Town of Daniel has been added to the event insurance policy.

Concerns about traffic at the Transfer Station were raised. She noted that she would post additional volunteers near the Transfer Station and that Highway Patrol would be posted at the light.

Mayor Kohler called for a motion to approve the requested letter.

Council Member Duggin moved to have the Town of Daniel endorse a letter to the sponsors of the Pedalfest fundraiser stating that the Town is aware of the event taking place on the morning hours of September 24th, 2022 to traverse the streets in the Town of Daniel. 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.

It was further stated that this event could be posted on the Town's FaceBook page and all signage was acceptable to the Town.

3) Business Licenses recommended for approval by the Planning Commission:

a. NEW:

i. Momentum Equine

The Council had been provided with a business plan. See Attachment. Erin Charchenko was present to describe the program and answer questions. A question about the hours of operation was raised based on the approved Conditional Use Permit. A question about whether this would be a for-profit or a nonprofit business. Mrs. Charchenko stated that she intended to become a nonprofit. She discussed that she was exploring the possibility of becoming a Bridal of Hope satellite and described their one-on-one program model. A question about how many vehicles would be impacting the traffic and parking on the street. She referred the Council to the submitted site map. A question was raised about how many horses would be used in the program and it was stated that up to 7 horses would be used, but the arena would not accommodate this many horses at the same time.

Mayor Kohler called for a motion to approve the New Business License.

Council Member Pearson moved to approve the new Business License for Momentum Equine. 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.

b. RENEWAL:

i. BUCT Electric Inc.

ii. Simpson Fence

iii. A-1 Roofing DBA Kimball Roofing

iv. Jolley Electric

The renewal applications were discussed. It was stated that all of the businesses seeking renewals were long-time businesses and that all were located in the Town of Daniel limits. It was stated that no complaints had been received about any of the renewing businesses.

Mayor Kohler called for a motion to approve the Business License Renewals.

Council Member Duggin moved to approve all of the Business License renewals. 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.

4) Approval of Meeting Minutes from June 6, 2022

A duplication of a sentence was pointed out.

Mayor Kohler asked for a motion to approve the minutes

Council Member Dixon moved to the minutes with a correction of a duplicate sentence. 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.

5) Council Reports/Updates

Council Member Duggin reported that the Town would receive the ARPA funds in the month of July. She stated that property tax assessments had been posted for the public to access on the County website. She continued by stating that property owners who had not been reassessed for several years may be unpleasantly surprised when they are notified of the new County assessment of their property and that the County Assessor's office was likely to have a difficult year due to the increased assessments. She stated that the County would be sending out their certified tax rate in July with the new assessments. Mayor Kohler interjected that the Town has submitted our required Certified Tax Rated document to the County.

Mayor Kohler reported that he toured the Town with Battalion Chief/Fire Warden Troy Morgan and discussed fire mitigation in different areas of the Town. They discussed areas of the Town that need to be cleared of weeds, brush, and other combustible materials. It was suggested that the Town have a Day of Service to clear areas of concern in the town. He stated that there is a designated Day of Service in September and suggested that the Town use this Day of Service event to have a Town Clean-up Project. He further stated that this would be an opportunity for friends and neighbors to get together and help each other out to clear weeds, cut brush down, and do other general clean up. He reported that he had been contacted by Tom Gordon, who is in charge of coordinating the Day of Service in our area, and had been asked if the Town had identified any projects that could be incorporated into the larger community-wide Day of Service. He stated that he would get back to him after speaking to the Council. He stated that the Town of Daniel is in overall good shape, but that Storm Haven and Crazy Acres are areas of concern due to difficult access and lack of hydrants. He suggested that the Town should form a committee to identify specific areas of concern and form a plan to address these concerns which will be submitted to Tom Gordon for further coordination on the Day of Service community event. It was reported that the Day of Service is September 10th. He continued by saying he would contact the

manager of the Wasatch Transfer Station to discuss waste disposal from the project and see what assistance they could provide.

Mayor Kohler stated that he and Council Member Pearson had been in contact with the County regarding weed spraying and the County is willing to have their professionals do this for the Town for \$1,000.

Council Member Pearson asked to interject and reported that the County had already sprayed for noxious weeds such as thistle and the spray was not designed to harm other vegetation. He suggested that the Town thank the County for doing this free of charge.

Mayor Kohler continued by stating that he had received a call from Brenda Kozlowski, who is the Mayor of Charleston, regarding the County by-pass road plans. He stated that Mayor Kozlowski would like to have a joint meeting with the Town at the Charleston Town Hall and invite UDOT representatives to answer questions and concerns for both Towns. He stated that they would like to ask UDOT for a construction timeline for road closures and plans for rerouting traffic during construction that would specifically affect the Town. He stated that he had asked Mayor Kozlowski to include the Town in the letter she was sending to UDOT to request the meeting. He continued by asking Town Engineer Taylor to expand on his report with more details.

Town Engineer Taylor stated that the Mayor had provided a good summary of what he planned to report about the five options that UDOT had presented for the bypass project. He continued by stating that UDOT has plans for construction on U.S. 189 this fall. He stated that the bypass project construction is farther out because UDOT is still deciding on which of the five plans presented to the citizens for public comment would ultimately be chosen. He stated that UDOT had special meetings with Wasatch County and the Heber City Council but not Daniel or Charleston because the bypass will not go through either town. He stated that he had concerns that Daniel and Charleston were not included in discussions because although the bypass does not go through the towns the effects of the road closures and traffic diversion will significantly affect both towns. He reported that he had been at the Charleston Town Council meeting and suggested a joint meeting.

Council Member Dixon stated that he had attended a meeting where UDOT presented the five bypass options and that every option would increase traffic on 3000 South in the Town. He further stated that UDOT was planning to put traffic lights on Highway 40 and that this would increase traffic on Little Sweden Road, Mill Road, and 3000 South. He continued by stating that all the bypass options UDOT presented would have a significant impact on traffic through the Town.

Planner Bunker suggested that the Town write a separate letter to UDOT because the Town has entered into a Corridor Preservation Agreement that states UDOT is obligated to work with the Town on issues such as these. He stated that in his opinion two letters separate letters would have more impact than one joint request. He agreed,

however, that a joint meeting would be better than two separate town meetings with UDOT to address concerns for both towns.

Council Member Pearson stated that his suggestion to have a town Traffic Master Plan would address concerns such as the ones mentioned and ultimately have not just an agreement with UDOT but a mandate.

Mayor Kohler stated that he would follow up with Mayor Kozlowski. He reported that he had several calls about land use, specifically Urban Farming options. It was stated that it was too late to request this status for this year but that if residents go to the County Assessor's office they can ask for assistance for next year.

Council Member Dixon reported that he will be attending an Airport Expansion Plan meeting on Wednesday. Council Member Duggin suggested that he get some residents' opinions to report at that meeting.

Council Member Pearson stated that Brad Allen had sent out letters to members of the Town Council. Mayor Kohler and Council Member Duggin stated that they had not received letters or emails from Mr. Allen. Planner Bunker stated that he had received copies. He summarized Mr. Allen's letter and stated that Mr. Allen had just moved into Daniel and built a home, and he provided a details account of his experience. He stated that Mr. Allen paid \$37,000 to the town in the process of building his home. One concern that was discussed was that Mr. Allen was required to turn in two Daniel Irrigation water shares to the Town, which he stated equaled 500,000 gallons of water. He expressed his continued concerns about how the Town is calculating water use needs for new buildings or homes. He further summarized Mr. Allen's concerns and suggestions about billing. He stated that he would submit a copy of the letter for distribution to all Council Members and Planning Commissioners and suggested that this be an agenda item next month.

Mayor Kohler stated that he receives a detailed monthly report from T-O Engineering which details costs and hours spent on every Town project. He stated that he has been able to have any questions answered or concerns addressed by the staff at T-O. He stated that this information was available and could be distributed to Council Members if requested. It was asked if customers received similar detailed reports and if not was it possible to provide those. Town Engineer stated that the customer receives billing based on square footage. The Town invoices break down the projects by the hour.

Town Engineer Taylor further discussed how water exchange applications work and that Daniel Irrigation and well water shares turned into the Town has a different calculation once exchanged. He stated that two water shares when exchanged provide about .8-acre-feet, which is about half of the water share that was turned and is a reasonable estimate for water consumption for a new home. It was pointed out that Daniel Irrigation water is seasonal and other water system shares were touched upon. It was explained that the .4-acre feet conversion from one share of Daniel Irrigation water was based on the seasonality and availability to the Town from Jordanell and other sources.

It was stated that Staker-Parson had agreed to donate one acre of land to the town and Town for a water tank. It was further stated that Staker-Parson had requested a letter with a legal description so that they can have an appraisal as to the value of the donation. Town Engineer Taylor stated that it was being surveyed and the requested letter would be sent out.

6) Engineer Reports/Updates

a. UDOT bypass update, and possible written response approval

Engineer Taylor stated that he was prepared to have a detailed discussion about each of the five options that UDOT is proposing for the bypass, and how each would affect the Town, but that most of what he had previously discussed in the meeting covered most of his presentation. He stated that he would report back after the joint town meeting with UDOT.

7) Planner Report

See attached report.

He reported that he was receiving inquiries daily as well as a lot of building going on in the Town.

Mayor Kohler stated he had a couple of questions and began by asking about the home in the Webb subdivision that had the roof taken down. Planner Bunker stated that he had not heard anything about this, but that the plans had the roof within the permitted height. It was stated that T-O has hired a new inspector that will soon begin working with the Town. Town Engineer Taylor reported that he had not received any reports from the current inspector.

Mayor Kohler asked for an update on the Westenskow property and Planner Bunker stated that the Westenskows had attended the Planning Commission meeting and presented the evidence that they currently had. The Planning Commission requested additional information and the Westenskows asked for an extension to do additional research. He reported that no additional evidence has been received.

Mayor Kohler stated that he had met with Jeremy Keele and Russ Witt personally and while he received promises from each, he has not seen much action. He stated that he would meet with them again.

It was asked if the Stop Work Order was still in effect on the Charchenko building and Planner Bunker confirmed that it was. He then discussed how he had signed off on his requirements, but that Mr. Charchenko would like to appeal the fees he was assessed. He stated that applications are not complete until all fees are paid. Mayor Kohler stated that he had attended a meeting with Mr. Charchenko, Engineer Taylor, Planner Bunker, and Clerk/Recorder Crittenden where an itemized description of fees was discussed. He noted that the Friday before the Planning meeting he, Engineer Taylor, Planner Bunker, and Clerk/Recorder Crittenden meet to discuss town business and coordinate the

efforts of the Town Council, Planning Commission, Planning, Engineering, and the Town Office.

Council Member Pearson reported that he had offered to help the Reeder's move their fence and stated that they had declined the help. Mayor Kohler concurred with a similar conversation. Mayor Kohler stated that he had given Mr. Reeder until the end of the summer to move his fence. He stated that Mr. Reeder had been shown where the fence needed to be moved to meet the 30 feet from the center of the road requirement.

8) Daniel Municipal Water

Planner Bunker stated that the 35 replacement meters that they had received had been installed, but he is still waiting for the remainder of the replacement meters. He stated that the meter at the Paulsen property was installed, and they would now be billed. He also reported that the tank area had been sprayed twice with herbicide. He said that he would take precautions when spraying around the wells and spring in the source protection zones. He stated that the chemicals they were using were safe for animals and would not contaminate the water. He reported that Storm Haven had not been sprayed.

9) Storm Haven Water

Planner Bunker reported that Storm Haven was currently pumping 75 gallons of water per minute and the well was producing twice what the old well produced.

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

Clerk/Recorder Crittenden distributed mail. She stated that the Warrants included all invoices through the end of the fiscal year. She further discussed ongoing concerns about expenses not being properly attributed to Storm Haven. She used the line item for Training as an example and stated that all training and conference costs were being attributed to Daniel Water and that in the new Fiscal Year, she would try to correct the inconsistency in assigning expenses. She reported that the costs from Xpress Bill Pay, which are the charges to the Town for payment of water bills by credit or debit card are currently coming out of the General Fund rather than the water funds. She stated her concerns about accuracy were based on possible grants and any increase in water rates. She stated that going forward all expenses for the water funds would be split into a ratio of 75% to Daniel Water and 25% to Storm Haven.

She pointed out that the General Engineering and Permitting invoices for T-O were higher than normal because they reflected two months' worth of invoicing to close out the Fiscal Year. She also reported that an invoice for Permitting only had been overlooked in April and so this was included in the total to bring the Town current. She further stated that she had used the remaining budget for office supplies for the water funds to purchase postage in advance of an upcoming two-cent increase.

Mayor Kohler called for a motion to approve the Warrants

Council Member Pearson moved to approve the Council Member Dixon seconded the motion with the correction of a spelling error. The roll call vote was Duggin yes, Kohler yes, Dixon yes, and Pearson yes with Blotter absent. The motion passed.

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

No closed session.

12) Adjourn

At 7:30 pm Mayor Kohler called for a motion to adjourn

Council Member Duggin moved to adjourn. 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.

Kim Crittenden
Daniel Recorder/Clerk

Approved September 14, 2022