

Daniel Town Council Meeting
Monday, November 7, 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 Jon Blotter, Robyn Pearson, Merry Duggin with Barry Dixon absent. Also present was Amelia Pays of T-O Engineers, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Blake Allen, Si Hutt, Amy Tuddenham, Taylor Larson, Todd Cusick, Mark Haroldsen, Jill Bonner, Jon Hagen, and Nathan Westover

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

1) Public Comment

There was no public comment

2) Intermountain Healthcare Update to Town Council

Intermountain Healthcare Heber Valley Hospital Administrator, Si Hutt, and Marketing Manager, Amy Tuddenham updated the Town Council with a PowerPoint presentation and Annual Report. Mr. Hutt stated that he had been the administrator of the Heber Hospital for four years but this was his first time addressing the Town Council however, going forward he hoped to update the Town Council annually.

Mr. Hutt stated that the mission of Intermountain Healthcare had changed from providing quality healthcare at the lowest cost possible to helping people live the most healthy lives possible. He continued by stating that Intermountain Healthcare had shifted from a "hospital-centric" approach to more of a community health approach to providing quality healthcare. He highlighted several of the community agencies that they partner with and donated to achieve their updated community health-focused mission, including but not limited to: The People's Health Clinic, Wasatch Community Foundation, Holy Cross Ministries, and The Christian Center. He later stated that donation requests were welcome from any local agency or organization and that these were determined by the local Community Board.

His presentation included statistics, goals, and achievements from the 2021 Annual Report. He stated that they anticipate nearly doubling the Emergency Room visits in 2022 as compared to 2021 due to increased growth in the Heber Valley and an increase in post-Covid tourism. He continued by discussing the non-profit status of the hospital and the charity care that is provided to the community which is required by the legislature to maintain this tax-exempt status. He stated the hospital provided 16 times the amount in charity care to the community than they would have paid in taxes. He discussed changes to their Community Board which in September merged with the Community Board that oversaw the Park City

Hospital to become one Wasatch Back Community Board overseeing both hospitals. He explained that fiduciary responsibility was part of the Intermountain Healthcare General Board of Directors and that the local Community Board's responsibility was to assure quality local healthcare and oversee and facilitate community organization partnering opportunities. This includes oversight of local policies and procedures, credentialing physicians, addressing complaints, and other community-based operations and partnerships.

He stated that Heber Valley is a level 4 emergency center with all emergency-certified physicians and staff. He also stated that they have greatly expanded their telehealth to provide expanded services in areas such as pediatrics and neurology to help determine if patients can be served in the local hospital or if they require transport to a trauma center or Primary Children's Hospital. In addition, they are using telehealth to provide hospitalist services overnight so that local physicians are not required to spend so many nights covering the hospital and can focus on the patients in their practice. He continued by stating that while both Heber Valley Hospital and Park City Medical Center provide similar patient care services, in an effort for efficiency and excellence in care there are a few services that are provided in one location only in the Wasatch Back. Services provided exclusively in Heber include cataract surgery, chemotherapy, "swing-beds" for Medicare patients which provide services to patients who are not ready to discharge but no longer need acute care, and infusion center and dialysis. The Park City Medical Center offers the Live Well Center, sports medicine, nuclear medicine, and an intensive care unit. He stated that expansions in the Heber Valley Hospital are focused on increasing access to specialty physicians, primary care physicians, lab services, and MRI imaging services.

It was asked if any services were provided in Heber that are not provided at the Utah Valley Medical Center. He stated that there was not, however during Covid Intermountain made great strides in resource management so that larger hospitals, like Utah Valley were not overwhelmed with patients that could be well cared for at their local hospital. He stated that additionally, some patients can obtain some services like surgeries in a quicker timeframe at Heber Valley Hospital than at Utah Valley Regional Medical Center. He continued by stating the goal is for patients to be served by their local hospital rather than having to be transferred to a larger regional medical center whenever possible. He continued that expansion efforts were focused on outpatient services, telehealth services, and home health rather than adding more inpatient beds other than a recent nursery expansion to better serve the Labor and Delivery Unit.

3) CMC Rock Concept Plan Update to Council

Todd Cusick from CMC Rock referred to and passed out handouts for the Concept Plan which had been previously submitted. He updated the Council on the progress with the Planning Commission. He stated that the most relevant issue to the Town Council was for a completed water line installation proposal to accompany the concept plan. He stated that he thought that T-O Engineering would need some guidance as to the design for the waterline and thus continue the discussion of a "trade" for impact fees for waterline installation from CMC to the property with expected connectivity to the Daniel culinary waterline.

CMC stated that they had turned in the “will serve” letter for water to the Wasatch Water Board. He stated that CMC was ready to provide a lighting and landscape plan in addition to the site plan for the Public Hearing that was scheduled for the next Planning Commission Meeting to be held on November 16, 2022. Discussion returned to the cost of installing the infrastructure necessary to meet the CMC Concept Plan needs as well as eventually link into the existing Daniel Culinary Water System. The consensus was that \$85.00 per foot for an 8-inch diameter line was a reasonable estimate of 2,400 feet of line equaling approximately \$204,000 for total installation. Discussion continued about details about what other designs will need to be addressed on the water service plan with the Town, T-O Engineering and CMC.

It was asked about where the project was in regards to turning in irrigation shares to the State of Utah to be converted to culinary shares. He discussed a few hiccups, like the loss of original water share certificates that were being addressed. It was asked when the prefabricated building would be completed and he stated February of 2023. He then continued with discussions about what would be discussed in the public hearings to be held during November 16, 2022, Planning Commission Meeting, including, lighting, berms, and variance on height restrictions for one of the plant buildings. Discussions about what trees would be best for the location and privacy were discussed. He stated that the trees would have to be evergreens so that there would not be leaf shedding, but they were open to any appropriate species of tree and would look to an arborist and public input to guide the choice of trees. It was noted that a tree that is water sensitive would be optimal to decrease water impact. He stated that he had met with neighbor Dan Brown but had not yet met with other adjoining neighbors. Worries about dust were brought up and he stated that several dust mitigation strategies were part of the plant concept design. The noise issue was also discussed and it was noted that there is another batch plant that has been operating for several months very close to the property and it had been largely overlooked due to very little impact on neighbors, roads, and the Town. It was pointed out that the noise from stocking bins on trucks would happen in the evening rather than the morning, thus eliminating the noise from the backup alarms of trucks.

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

a. NEW: Blake Allen DBA Heber Homes/Wasatch Rentals

Mayor Kohler invited Mr. Allen to address the Council and the Public. He described the property, and the fact it was in the Town’s Industrial Zone and stated that he was seeking to put in place a business that would have little impact on the Town. He stated that all storage would be outside storage and primarily would be RV storage. It was discussed that there was a residence on the property and that the property is also currently on the “greenbelt” due to grandfathered uses. Planner Bunker stated that the reason the Planning Commission had declined to recommend the original Business License Application was that the requested use would change the status of the entire property and make the grandfathered entitlements moot. Council Member Duggin pointed out that the matter had been continued and that Mr. Allen had been asked to bring a formal business plan and other documentation to the Town Council Meeting. Mr. Allen did not provide any additional written information or handouts at the meeting.

It was once again stated that changing the use of the land for the business changes the use of the land for the entire property which is located in the industrial zone. Discussions about exceptions that would be covered by Conditional Use Permits and other requirements ensued. Council Member Blotter asked for additional information about the business and site plans. It was discussed that other residents are storing RVs on their property throughout the town. Mr. Blake argued that his entire property is included in the Industrial Zone, which allows the storage he is seeking but acknowledged that there is a tenant on the home on the property who would stay in the residence. The process of rezoning was addressed and it was reiterated that this would be a change of grandfathered use rather than a zoning change. It was pointed out that once the property use changes the assessed taxes will also change. It was noted that Mr. Allen was doing the right thing by applying for a business license and coming before the Planning Commission and Town Council with his intended use of the property in question. The discussion touched on Conditional Use Permits and it was pointed out once again that the requested use was permitted in the Town Industrial Zone but that it would change the grandfathered permitted use, which could have unintended consequences.

Mr. Allen was instructed to provide the planning commission with the original request for site and business plans and to be prepared to discuss his application after providing the requested additional information and instructed to explore opportunities for both Conditional Use Permits and the input of neighbors.

5) Utah Broadband Franchise Agreement

The representative of Utah Broadband was invited to discuss the franchise agreement. It was noted that all of the "Daniel City" in the agreement would need to be changed to "Town of Daniel." He stated that Utah Broadband (UBB) had established franchise agreements with Wasatch County, Heber City, Midway City, and Charleston. He stated that the franchise agreement was permission to deploy the right to facilitate the use of rights of way alongside Heber Light and Power for their lines. It was noted that the UBB agreements varied between 15-20 years, however, they are happy to sign a ten-year contract with Daniel if requested. Planner Bunker noted that the current franchise agreement between the Town of Daniel and Heber Power and Light is 10 years. He continued by stating that UBB would provide the Town with updates as to construction and expansion in the Town every March. He also reiterated that any excavation efforts would require an excavation permit from the Town and approval by T-O Engineering.

Council Member Blotter moved to approve the Utah Broadband Franchise agreement with the changes suggested by Planner Bunker of a 10-year agreement and the use of a professional arborist when any tree pruning would be required, applicable excavation permits comply.

Mayor Kohler asked for a discussion on the motion.

It was noted that the Town Council is generally supportive of the UBB efforts to serve the Town of Daniel. Internet speed was discussed and it was stated that this service would provide 150 times faster service for those using the fiber services. It was generally agreed that UBB was

currently providing quality services to the Town through their satellite services. Discussion about whether or not the Town legal counsel needed to review the contract. The consensus was reached that the contract had been thoroughly reviewed by multiple entities' legal counsels and that it was okay for Daniel to sign without incurring legal costs.

Council Member Pearson seconded the motion for the amended contract. The roll call vote was Duggin, yes, Blotter yes, Kohler yes, Pearson yes and Dixon absent. The motion passed.

6) Haroldsen Property Deed Restriction Discussion for Possible Approval

Mark Haroldsen was invited to address the Town Council. He recounted that the issue at hand was to have two caretaker units on the property and that the apartments would be precluded for public rental.

The Council reviewed the latest submission from the Haroldsen Counsel. The definition of "family" was addressed and it was stated that the apartments would be available for the immediate family of current employees. It was noted that the recommendation from the Planning Commission was neutral because there was one declining vote from a commissioner. Discussion about enforcement action for the Town would be and it stated that the units would not be available for rent to the general public. It was asked how the Town could assure that the occupants were employees and it was noted that this would become part of the reporting for annual business license applications. Planner Bunker also noted that all of the current and future Ordinances and Codes would need to be complied with.

Mayor Kohler called for a motion.

Council Member Pearson moved to approve the Deed Restriction with the changes suggested by Planner Bunker. Council Member Duggin seconded the motion. The roll call vote was Duggin, yes, Blotter yes, Kohler yes, Pearson yes and Dixon absent. The motion passed.

7) Possible Initiation of Zone Change for Property Located at 1935 W 3000 South

Mayor Kohler asked Planner Bunker to address the issue with the Council. Planner Bunker stated that the property (aka the Harry Wynant Property) was changed from RA-5 to Commercial Zone several years ago. It was stated that Commercial Zoning was revoked. Council Member Duggin discussed her opinion that the zoning should have never reverted. Discussion of the property progressed to previous plans that had been presented for a gas station, retail, storage, and other supportive uses. Traffic patterns with the development and how this impact would drive traffic through Daniel were discussed, including recent discussions with UDOT. Impacts were discussed and the consensus was that development will happen in Daniel to mitigate the effects of this development the Town has decided to keep development for Commercial and Industrial Zones adjacent to HWY 189 and US 40.

Mayor Kohler asked for suggestions to inform Town citizens about such issues. Council Member Pearson suggested that this issue be sent back to the Planning Commission and that some type of public information process is instituted before making this type of decision.

Council Member Pearson moved to send the issue back to the Planning Commission to format a public information process to address Town Council before a zone change. Council Member Blotter seconded the motion. The roll call vote was Duggin no, Blotter yes, Kohler yes, Pearson yes, and Dixon absent. The motion passed.

It was asked what development was being discussed directly across HWY 89 and it was answered that the land was in Charleston so any information was speculative, but that many ideas had been rumored including a gas station with fast food, several hundreds of homes, and other options. It was noted that Heber City has agreed to provide sewer and water to Charleston to the property directly across the street.

8) Council Reports/Updates

Council Member Pearson discussed his efforts with increasing water support to Storm Haven, Crazy Acres, and Tammy Lane. He stated that the money for any improvements would have to be bonded and then proceeded to explain the different types of applicable increased fees and bonds. He discussed that significantly increased water fees would be needed to avoid obtaining a special bond that would create the necessity for a special service district for the area, district for the area. He then discussed how the property owners' taxes would be affected. He noted that this would likely be a 3.8-4-million-dollar project. He suggested that based on his discussions with residents that the Town hold some informational discussions with residents to help ascertain what the majority of citizens would like to see happen to improve their system. Specifically, he suggested several small meetings to ascertain the will of the residents, in the form of "fireside chats". He estimated that about half of the requirement could be obtained through grant funding, however, the remaining debt would be about \$30,000 to each homeowner over the next 30 years to retire the debt. He noted that there are only a handful of neighborhoods in the State of Utah that do not have adequate fire hydrant coverage and these are among them. He also noted that recently the area was very fortunate to have avoided dire consequences when the area on the southern border of Daniel experienced a nearly catastrophic wildfire that narrowly missed the properties in question.

Mayor Kohler asked if he was willing to help with the effort and Council Member Pearson offered to head up the efforts to gather this information. Discussions about previous efforts were touched on but ultimately the decision was that Council Member Pearson would lead the information-gathering efforts.

Council Members Blotter and Duggin discussed airport expansions and handed out packets regarding the fraud-risk assessment. Council Member Duggin reported that for the first time in meetings she had encountered that the Town of Daniel was discussed. Council Member Blotter expressed concerns that the airport expansion would happen regardless of objections from Daniel. Council Member Pearson disagreed. Much discussion ensued. Council Member Duggin handed out folders with documents related to the fraud-risk assessment.

9) Engineer Reports/Updates

It was asked when Ryan Taylor would be returning to work and Amelia Pays reported that shortly he would be returning Monday, Wednesday, and Friday mornings.

10) Planner Report

Planner Bunker presented his attached planner report. He noted that public hearings for the CMC plant would be held on November 16, 2022, for Conditional Use Permits for a building height restriction exception and general plant concept plan approval. The discussion moved to pothole fill needs. It was noted that some holes had been filled, which was likely by the generosity of a local contractor with extra leftover materials. Planner Bunker stated that he would update the Council about any additional issues

11) Daniel Municipal Water

It was stated that the water system is still waiting for replacement parts for the warranted meters, but all new meters had been installed and were operational. It was reported that flow has remained constant above 92 Gallons.

12) Storm Haven Water

No additional information.

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

It was noted that the warrants were pretty straightforward but did not contain all invoices for T-O Engineering and that additional questions about refunds from taxes billed from utilities billed to the Town were being explored. Clerk/Recorder Crittenden discussed items from the presented warrants.

Council Member Blotter moved to approve the October 2022 Warrants. Council Member Pearson seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes, and Dixon absent. The motion passed.

14) Approval of Meeting Minutes for September 12 and Oct 3, 2022

Clerk/recorder Crittenden handed out the financial report to date through the 31st of October.

Mayor Kohler asked for a motion.

Council Member Duggin moved to approve the September 12, 2022 meeting minutes. Mayor Kohler seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes, and Dixon absent. The motion passed.

Council Member Duggin raised concerns that had already been addressed in the printed copy. It was noted that all corrections had been made.

Council Member Duggin moved to approve the October 3, 2022 meeting minutes. Council Member Blotter seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes, and Dixon absent. The motion passed.

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

No closed session

16) Adjourn

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

The meeting was adjourned at 9:57 pm

Kim Crittenden
Clerk/Recorder

Approved December 5, 2022