

Daniel Town Council Meeting
Monday, February 6, 2023 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, Merry Duggin, Robyn Pearson, and Barry Dixon. Also present were Amelia Pays of T-O Engineers, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Gary Weight, Bronson Netz, Lynne Shindurling, Pam Skinner, Ben Probst, Jill Bonner, and Nick Bonner.

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

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

No public comment.

2) Ben Probst's presentation and report of agreed-upon procedures for FY 2021-2022 submitted to the State of Utah

Mayor Kohler turned the time over to Mr. Probst, with Gilbert and Stewart, to present his report about the agreed-upon procedures report which he would submit to the State of Utah. Mr. Probst stated that the report consisted of financial items tested for accuracy. He stated that the report only had one finding and that finding was that the one issue found in the report was that the Daniel Town General Fund had greater than the 75% of annual revenue that the State of Utah Code allows. He continued by stating that the Town was about \$90,000 over the allowed amount. Kim Crittenden, Town Clerk/Recorder stated that at a training session with Pelorus, she had been told that the Town could keep 100% of its annual income in the General Fund because Daniel is such a small town. Mr. Probst stated that this was incorrect and that excess funds should be transferred to the Capitol Accounts. He stated other than this the town was in good financial shape.

He proceeded to discuss the report that had been passed out to the Town Council Members. He stated that the report looked at income, dispersals, account balances, and that items have been recorded correctly. Council Member Duggin asked how best to contact him with questions and she was referred to the contact information on the report. Mayor Kohler thanked him for coming and he was excused.

3) Public Hearing for Resolution DR 2023-02-06 Budget Amendment and possible adoption of the amended budget

Mayor Kohler read the Resolution into the record and asked for a motion to open the public hearing.

Council Member Blotter made a motion to open the public hearing. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes and Dixon yes. The motion passed.

Time was turned over to Kim Crittenden, Clerk/Recorder. She stated that her main budget concern was in regard to snow removal due to the unusually high snowfall this winter, which was likely to continue through spring. Council Member Blotter asked if it was a good idea to change the budget now and forecast what would be needed or to wait until later in the year when we would know exactly what snow removal would cost the Town. She stated that she did not have a preference but wanted the Council to be aware and mindful of budgeted and actual expenses, so that there would be no surprises at the end of the fiscal year. She continued by stating that any change to the budget required public notice, a public hearing, and an amendment and could not just be placed on an agenda for discussion and a vote prior to a change. She stated that she had met with Mayor Kohler, Council Member Duggin, and Planner Bunker last week and the report in front of them had come from this meeting.

Council Member Duggin interjected that our accountant was present and asked that he weigh in on the discussion. She asked if the budget should be amended before a line item exceeds a budget or if it would be better to wait until closer to the end of the fiscal year. Mr. Probst stated that it was a better practice to amend the budget, if possible, when it is clear when an expense is going to exceed the budgeted amount. Council Member Duggin stated that she is aware of several entities that do not amend their budgets until the end of the fiscal year and asked Mr. Probst why they would continue with this practice. Discussion ensued about line item versus department spending during the current year. Mr. Probst stated that generally, the State looks at the department total rather than the line item totals. After much discussion between the Town Council and Mr. Probst the general contention was that because there was such a significant increase in actual versus budgeted costs for snow removal, it was in the best interest of the Town to adjust the budget at this meeting rather than waiting.

Further discussion turned to the Water Fund Budgets and it was noted that repair and maintenance costs were going to exceed the budget as well. Council Member Duggin asked if ARPA funds could be used to offset the repair costs and upgrades to the chlorinator and pump station's heating system. Mr. Probst agreed it would be appropriate to designate ARPA funds for the discussed repairs and upgrades to the Daniel Water System. Council Member Duggin reported that the Town had received two years of ARPA funds but that none had yet been spent. She also noted that all ARPA funds needed to be designated in 2023 and spent by 2024. Mr. Probst stated that the ARPA monies were likely the reason that the General Fund was higher than 75%, which he contended was what the State Code Allowed. There was a brief discussion about the unexpected overage in the employee benefit cost line item. Clerk/Recorder Crittenden stated that she had tried to research the cause of the overage but had not received an adequate answer and the matter was put off for the time being until more information could be gathered.

Council Member Duggin suggested that the Town increase the Snow Removal line item from \$20,000 to \$60,000. Additionally, she stated that the Town should add an additional \$4,000 from the Capital Fund for upgraded computers for the Town Office and Town Planner. Planner Bunker discussed the bids for the repairs and upgrades to the Daniel Municipal Water System. She also stated that the Water Fund repair and Maintenance should be increased from \$15,000 to \$35,000 and Testing from \$2,200 to \$4,000.

The Council asked for public input prior to closing the public meeting. Pam Skinner asked about increasing the budget for computers. Mayor Kohler stated that the computers that the Town Planner and Clerk/Recorder were 6-9 years old and were not performing the functions

necessary. He specifically noted that the Clerk/Recorder computer could no longer scan or use a thumb drive and that the Town Planner computer did not have enough storage to download and access the large files necessary to do the job. He stated that he had discussed these issues with Chris Anderson, who hosts our website, and he would be willing to help with bids. Planner Bunker was asked about what needs he had for storage and disc space. He noted that just the last file he downloaded was 1,000 pages and he had worked with OneDrive to keep these types of large files online but that it was difficult, cumbersome, and ultimately unproductive.

Council Member Duggin made a motion to close the public hearing. Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes and Dixon yes. The motion passed.

Council Member Duggin made a motion to amend the 2022-2023 budget to increase the Snow Removal line item from \$20,000 to \$60,000, to add a line item of \$4,000 from the Capital Budget for computer upgrades and replacements; to increase the Daniel Water System Repair and Maintenance line item from \$15,000 to \$35,000; the Daniel Water System Testing Budget from \$2,200 to \$4,000, Council Member Dixon seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes and Dixon yes. The motion passed.

4) Presentation of DO 2023-02-06 possible re-adoption of the 2018 Town of Daniel General Plan recommended by the Planning Commission (addressed as item #5)

It was noted that while the document presented was dated 2009 it was readopted in 2018. Planning Commission Chair Weight addressed the Council and stated that the Planning Commission was actively working on the General Plan, and scheduling work sessions soon, but that there was a deadline that must be met to re-ratify the General Plan in the meantime. Planner Bunker stated that the General Plan has to be adopted every 5 years, but the Moderate-Income Housing component had a Utah State statute that required re-adoption every 2 years. Mayor Kohler read the Ordinance into the record.

Council Member Duggin suggested that it might be helpful to have the Council attend any upcoming work sessions to give opinions and guidance to the Planning Commission on what they would like to see in the Town General Plan.

The discussion moved to how best to communicate with Town citizens. Several avenues of communication were discussed including the Town FaceBook Page, Utah Public Notice Website auto-notifications, and opted-in text notifications. Mailing out a letter was discussed and Council Member Duggin offered to create and distribute a letter door to door to the Town citizenry asking them how best to communicate with them and keep them informed.

Council Member Blotter made a motion to re-adopt the Town of Daniel General Plan as presented. Council Member Dixon seconded the motion.

Mayor Kohler asked for discussion and Council Member Duggin re-stated her concerns about the Town Council having the opportunity to provide guidance to the Planning Commission as to the wishes for changes prior to the next adoption of a Daniel Town General Plan. She stated that she felt like the current plan was adequate for the current needs of the Town, however, going forward there were items that could be better addressed. She continued that she was

willing to help in the process. It was discussed that a joint work session would be a good way to accomplish this goal. Commission Chair Weight stated that while all work sessions need to be noticed as a public meeting, he would welcome a joint work session. Clerk/Recorder Crittenden stated that she was in contact with Wasatch County about the availability of the meeting room. She stated that she would distribute available dates and make the invitation to both the Planning Commission and the Town Council.

The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes and Dixon yes. The motion passed.

5) Bronson Netz Light Pollution Complaint (Continued) taken out of order as #4 item

Mayor Kohler chose to address Mr. Netz concerns following the public hearing. He invited Mr. Netz to discuss his concerns. He stated that his concerns were over the Daniel Elementary School parking lot lights shining into his backyard. He stated that he had contacted the school about his concerns and that some of his issues had been addressed. He stated that originally all exterior building and parking lot lights were on 24 hours a day 7 days a week. He stated that they had changed the lighting timing has changed from 5 am until sun-up and then in the evening from sundown until 10:30 pm. He stated that while he understood safety concerns, he would prefer daytime hours to begin at 6 or 6:30 am and evening hours to end at 8 or 9 pm. He was asked what he would like the Town to do to address his issue. He stated that he was just exploring options. It was noted that Mr. Netz home is on the northwest side of the school which is in Heber City and not in the Town of Daniel.

Mr. Netz was asked about what mitigation he had done as far as blinds or trees to help with the lighting. The discussion continued about general lighting standards, and what the Town could do to support him. It was noted that the school is exempt from regulation from the Town and that individual Council Members could make calls to school board members to support Mr. Netz request, but ultimately the issue was out of the Town's purview. He was encouraged to contact the Wasatch County School District rather than just the Daniel Elementary School. He was encouraged to ask to be on the Wasatch County School Board agenda to discuss his concerns.

6) Engineer Report/Update

No report was presented

7) Council Reports/Updates

Mayor Kohler asked for Council Member reports. Council Member Pearson stated he was coordinating with Clerk/Recorder Crittenden and Lisa Dinga to schedule meetings with Storm Haven residents to discuss the water and sewer issues Storm Haven has now and will likely have in the future.

Council Member Pearson stated that he had concerns about RV Storage and perhaps people living in RVs on resident properties. He stated that he is concerned about whether this is a Town Code update issue or just an enforcement of the current Town Code issue. Planning Commission Chair Weight concurred that this issue is also difficult for the Planning Commission.

Council Member Dixon reminded the Council Members of the Emergency Services Training and Interlocal Meeting on the following Wednesday. He followed up with a discussion about current potential State legislation to increase the safety zone for airports from 2000 ft to 5000 ft and

would obligate municipalities to comply might affect the current expansion plan for the Heber Valley Airport. It was noted that the Heber Valley Airport Plan update has to be submitted but not acted upon for 10-20 years. Discussions about when and how the Heber Valley Airport runway expansion and safety zones ensued. Ultimately the discussion ended with waiting to see what State Codes might change in the legislative sessions and further exploring resulting expansion plans for the airport from Heber City.

Council Member Blotter reported that he had distributed updated and distributed the [proposed procurement procedures from the previous meeting. Council Member Dixon stated that he had also updated and distributed the proposed IT policy as well. Council Member Blotter restated concerns about increased traffic on 3000 South with the UDOT Bypass plans. It was noted that the Town does not currently have a Transportation Plan, but it would be a good idea to add this plan to the Town of Daniel's General Plan.

Council Member Duggin stated that there was currently a Dark Sky initiative in the County that could potentially impact the Town. She discussed her concerns that property next to her property was being used to store excess snow.

8) Planner Report

Planner Bunker presented his report. See attached. Mayor Kohler brought up the road-cut permits that had been authorized outside of the seasonal hiatus in order to supply utilities to currently approved building permits. Planner Bunker stated that he was following up on all issues.

It was noted that there would be public hearings at the next Planning Commission Meeting for the Polvoorde Accessory Building Conditional Permit and Dan Ford property for a zone change on HWY 189 and 3000 South. Planner Bunker noted that both of the public hearings had been properly noticed and that all businesses and residents within 500 ft had been mailed notices.

Planner Bunker then briefly discussed the current legislative session and asked if the Council Members had been following the Legislative Session.

He discussed the Haroldsen property on HWY 40 plans not being completely compliant with the conditions set forth by the Town Council being an obstacle to a final building permit being issued for the property. Mayor Kohler discussed that Planner Bunker should send a letter about the remaining outstanding stipulations that are holding up the building permits. The largest issues are the UDOT approvals for access, turning over water shares and approval from the Fire Department. Planner Bunker will follow up on the outstanding issues. Amelia Pays from T-O also raised concerns that she was aware of with the County Health Department for the septic system and the submission of water shares from Twin Creeks.

9) Daniel Municipal Water

Planner Bunker reported that he had been actively working on securing the repairs and replacement of the water tank chlorinator and associated systems. It was noted that this had been extensively discussed with the budget amendment discussion. Heating in the pump house were discussed and Planner Bunker stated that he had two space as a stop-gap measure were being used currently. He noted that in the event of an electrical outage the pump house would have no heat source, critical to the operation. He continued by stating the only other alternative

would be to install a propane tank as an alternate heat fuel source. He was asked to report back and bring a recommendation at the next meeting.

10) Storm Haven Water

Council Member Pearson asked if the Town had a backup system for Storm Haven if the system had a failure. Planner Bunker stated that currently there was no backup. Council Member Pearson asked Planner Bunker to present a tentative plan or options at the next meeting in case of a catastrophic failure. He asked that it be an agenda item in March Meeting.

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

Clerk/Recorder Crittenden stated that there were no unusual expenses aside from the large snow removal invoice in January. She stated that due to the excess snow and cold weather water meters were no longer being read and this accounted for the decrease in salary expenses for the water systems. She noted that an increased amount of postage was being used.

Council Member Blotter voiced concerns about having the Town Engineer at this meeting. It was pointed out that the Town Engineer was not present and that the administrative assistant was present to report on all T-O Engineering issues. Planner Bunker noted that was valuable to have Amelia from T-O come to meetings for continuity and follow-up. Planning Commission Chair Weight agreed that having a Town Engineer representative was helpful in the communication and follow-up with the Planning Commission and Town Council. Council Member Blotter restated that perhaps all Engineering discussions could be held at the first part of meetings as a cost reduction measure.

Council Member Blotter made a motion to approve the January 2023 Warrants as presented. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson yes and Dixon yes. The motion passed.

12) Approval of Meeting Minutes for December 5, 2022, December 21, 2022, and January 9, 2022

Council Member Duggin asked that the December 5th Minutes on page 2, the 2nd paragraph be corrected to reflect an opinion on the remaining two positions. Mayor Kohler asked that an error on the meeting start time be changed to 7:15 pm

Council Member Blotter made a motion to approve the minutes for December 5, 2022, and December 21, 2022, Council Meetings be approved with the noted changes. Council Member Duggin seconded the motion. The roll call vote was Duggin yes, Blotter yes, Kohler yes, Pearson abstained and Dixon yes. The motion passed.

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

No closed session

14) Adjourn

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

The meeting was adjourned at 8:14 PM

Kim Crittenden

Kim Crittenden
Clerk/Recorder

APPROVED April 3, 2023