

Daniel Town Council Meeting
Monday, September 11, 2023, 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, Robyn Pearson, Barry Dixon, and Merry Duggin. Council Member Blotter joined at 6:10 PM. Also present were, Planner Eric Bunker, Town Engineer Ryan Taylor, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Lisa Dinga, Heber and Jodi Taylor, Janell Braithwaite, Gary Weight, Nancy O'Toole, and Gary Crab.

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) Storm Haven Water System Improvement and Grant Funding Discussion

Mayor Kohler turned the time over to Town Engineer, Ryan Taylor. Town Engineer Taylor reported on some potential grant-funded sources to upgrade the Storm Haven Water System. He stated that the project in total would cost about \$6 million and that some potential funding sources might be willing to fund 90% of the cost. He stated that Ardurra has explored options and some had been potentially funded but only at 50% was cost prohibitive for the Town. He stated that while the needs had not changed, costs had increased, so it was important to explore all grants and potential funding sources for the project. One potential grant is a Water Smart Grant through the Bureau of Reclamation.

Nancy O'Toole, MAG grant writer then discussed the grant in question. She referred to handouts about the grant. She stated that the limit for projects was \$10 million, which fits within the project budget. It was noted that the Town would need to be prepared to spend and/or bond the other 10% or about \$600,000. It was also noted that it would be due by the end of October.

It was noted that any federally funded project would have additional costs due to the Davis-Bacon requirements. It was stated that besides the potential Staker-Parsons lot for the tank installation there were two to three other possibilities. It was noted that the other possible placements, would not require any access under HWY 40.

Council Members Blotter and Pearson volunteered to help with any grant writing. A tentative meeting was set up.

3) Water Rate and Impact/Hook-up Fees Discussion

Time was turned over to Janell Braithwaite from the Rural Water Association of Utah to discuss water rates. She stated that if the Town was offered a 90% grant funding opportunity it would be recommended that they take advantage as soon as possible. She discussed the State Revolving Fund in respect to funding such projects and she said current opportunities looked grim for this type of funding. She stated that she might be able to assist the Town in receiving waivers for some of the 10% that would be required by federal funding or could help find

matching grants from the State of Utah. She offered to help the Town conduct a rate study and then explained what this would entail. She stated that the information would belong to the Town and would be in a spreadsheet that could be used to make projections for any proposed increases as well as used for any upcoming grant opportunities. She discussed how this tool had helped funding opportunities in central Utah to link water systems for emergency redundancy and could potentially help the Town in linking the two water systems. Water rates were addressed and it was noted that the Daniel Water System basic rate is \$35 for 20,000 gallons and the Storm Haven Water System basic rate is \$45 for 8,000 gallons.

Ms. Braithwaite then discussed all of the information that she would need to create the spreadsheet to do the rate study and predictive model for the Town including but not limited to 12 months of usage rates.

The rate study/predictive model would cost the Town nothing since we belong to the Rural Water Association and that the Town was under no obligation to use or adopt the rate increases recommended. This is just a tool for the Town to better understand what rate increases would do to the budget, how to provide appropriate information to water users about any potential rate increases, and then ultimately to make more informed decisions.

4) Daniel Municipal Code Update Discussion

The discussion moved to potential updates to Municipal Code 8.02.08 and 8.02.09, which deals with the Town of Daniel Board of Appeals. Council Member Duggin addressed the Council. The first issue was changing all wording to change "Board of Adjustments" to Board of Appeals". Additionally, she stated that the current Code is outdated as it was adopted from Wasatch County when the Town was formed and that the State of Utah Code has changed. One of the issues was that the current code states that 4 members would be required for a vote but that code also stated that a quorum of 3 members would be required for a hearing. She asked that the Code reflect that a majority of members present or a quorum could overturn or sustain a decision by the Planning Commission. It was noted and debated that that would make it so only 2 members of the Board of Appeals overturn a Planning Commission decision.

Council Member Pearson moved to for a Public Hearing to discuss the Board of Appeals during the Planning Commission Meeting on October 18, 2023, in preparation for the November 6, 2023 Town Council Meeting. The motion was seconded by Council Member Blotter. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes and, Dixon yes. The motion passed.

5) Business License Renewal

a. New

i. Palms Property Management Inc. Chip Polvoordre

It was stated that Mr. Polvoordre would like to conduct business in his home to manage his property management business in California. It was stated that this would be conducted on a computer in his home and would not require equipment nor impact the neighbors.

Council Member Pearson moved to approve the Business License for Palms Property Management. The motion was seconded by Council Member Blotter. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes and, Dixon yes. The motion passed.

6) Council Reports/Updates

Council Member Pearson discussed all of the efforts and discussions he had had with different people from the state on his efforts to assist in efforts to upgrade the Storm Haven Water System. He stated that he had also been informed that there was a moratorium on funding for such projects from the State.

Mayor Kohler updated the Council on his efforts to remove the abandoned RV outside of the mobile home park. He stated it should be removed shortly, one way or another. He then went to report about the successful 9/11 day of service that had taken place the previous Saturday. He stated that he was with approximately 30 volunteers who were able to clear brush, debris, and other potential fire hazards from the area.

Council Member Blotter discussed that he would like to see a scope of duty document for the Town of Daniel Planner and Planning Commission Chair. Planner Bunker stated that a document had been submitted to the Town Council after the last election, but that he would try and find it and resubmit it. It was noted that the Town Code should also be updated as to the responsibilities of the Planning Commission Chair and the Mayor. It was noted several times throughout the discussion that the Town Planner is currently doing duties that are not really in his job description, but that he is qualified to do, and so he always pitches in. Mayor Kohler gave an example of the inspection of the Storm Haven Septic System that he volunteered to help with the previous Saturday. The Planning Commission Chair, Weight, stated that it was only fair for the Planner to have an accurate job description so that it is clear what his/her responsibilities are.

Council Member Duggin stated that after reviewing the documents from the legal settlement with the airport FBO that Mike Duggin had resigned from the Heber City Airport Advisory Board. She stated that the documents are binding for the next 50 years. She stated that it is required by the bylaws that Daniel have a representative on the Advisory Board.

Council Member Pearson left at 7:00PM.

7) Engineer Reports/Updates

No additional reports

8) Planner Report/Updates

Planner Bunker presented his report. See attached.

He stated that CMC is up and running and there had been no issues. It was noted that Utah Broadband is up and running in areas and still installing in others.

He stated that he had previously suggested that the Town Council adopt the Central Utah Conservation Plan in order to apply for a Water Smart Grant, and that the Council should consider this prior to applying for grant funding.

He and Mayor Kohler reported on the state of the Storm Haven Sewer System State of Utah inspection and they stated that it is functioning correctly and would not need to be pumped this year. It was noted this is inspected every year and that the Town of Daniel is completely in compliance. It was also noted that this is not in the job description of the Town Planner nor the Mayor, but that in these instances it is all hands-on deck.

9) Daniel Municipal Water and Storm Haven Water Systems Report/Updates

Planner Bunker stated that the well is doing great, but that demand had increased from about 55 gallons per minute to 80 gallons per minute on average.

He did note that generally it was taking 5 days to fill the tank and use on the Daniel system and but now that the CMC plant is running it is closer to 4 days to fill and use.

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

Clerk/Recorder discussed the warrants for the previous month. She reported that there were no unexpected charges. She noted that there were no charges for Ardurra because they had changed their billing to mid-month. She stated that Town is continuing to move to Aaron Cheatwood from Executech.

Council Member Blotter moved to approve warrants for August 2023. The motion was seconded by Council Member Dixon. A roll call vote of Duggin yes, Kohler yes, Blotter yes, and Dixon yes. Pearson was absent. The motion passed.

11) Approval of Meeting Minutes for July 10 and August 7, 2023, Town Council Meetings

It was noted that the gallons allowed in Storm Haven under the Basic Rate are 8,000 and not 9,000 as reflected in the recording and the current draft minutes.

Council Member Blotter moved to approve Town Council Meeting Minutes from July 10, 2023, with changes. The motion was seconded by Council Member Dixon. A roll call vote of Blotter abstains, Duggin yes, Kohler yes, and Dixon yes. Pearson was absent. The motion passed.

It was noted that it needed to be included that the July meeting minutes had been continued.

Council Member Blotter moved to approve Town Council Meeting Minutes from August 7, 2023, with changes. The motion was seconded by Council Member Duggin. A roll call vote of Blotter abstains, Duggin yes, Kohler yes, and Dixon yes. Pearson was absent. The motion passed.

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

No closed session

13) Adjourn

Council Member Blotter moved to approve adjourn. The motion was seconded by Council Member Duggin. A roll call vote of Blotter yes, Duggin yes, Kohler yes, and Dixon yes. The motion passed.

The meeting adjourned at 7:40 PM

Kim Crittenden

Kim Crittenden
Clerk/Recorder