

Daniel Town Council Meeting
Monday, January 9, 2023, at 7:15 pm
Wasatch County Services Building, Conference B
55 South 500 East, Heber City, UT

Meeting Agenda

Quorum Present: Mayor Scott Kohler, Council members Jon Blotter, Robyn Pearson, Merry Duggin with Barry Dixon absent. Also present were Amelia Pays and Dillon Bliler with T-O/ Ardurra Engineers, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Taylor Larson, Todd Cusic, Harry, and Vickie Weyandt, Dan Ford, Brent Haight, and Pam Skinner

Mayor Kohler called the meeting to order at 7:15 pm

1) Public Comment: (please limit to 2 minutes per person) No comments.

2) CMC Rock Impact Fee Consideration Request

Mayor Kohler turned the time over to Todd Cusick with CMC for his presentation. Mr. Cusick presented his estimate of the CMC estimated \$261,865 cost of installation of the water system for the batch plant in lieu of impact fees. Mr. Cusick contended that the costs of installation of the water system benefitted the Town in well in excess of an estimated \$250, 000 in impact fees that would likely be assessed by the Town for the construction of the batch plant. He noted that the estimate he was presenting did not include the permanent easement that the property owner would be turning over to the Town to access waterlines.

Mr. Cusick stated that Dillon from T-O/Ardurra had attached some requirements and that CMC was in the midst of adjusting the plans to meet these requirements. The discussion turned to water rights and making sure that all necessary water rights had been secured and the State of Utah allowed those rights to be turned over to the Town of Daniel. It was noted that the issue was still currently within the protest period for the requested change application and final approval had not been secured from the State of Utah Division of Drinking Water. He stated that CMC was confident and willing to take the risk to move ahead with the project prior to final approval. Planner Bunker discussed his concerns with preferred join couplings and CMC stated that they would use the couplings that Planner Bunker had requested. When asked Mr. Cusick stated that all construction would be covered by CMC after approval and under the supervision of the Town Engineer and Planner. He further stated that additional costs would be the responsibility of CMC.

Council Member Pearson moved to approve the application for the Town of Daniel to accept the bid and plans from CMC Rock LLC to extend the Daniel Culinary Water System and install a line to service the batch plant as prescribed and supervised by the Daniel Town Planner and Engineer in lieu of an assessed water impact fee of approximately \$250,000. 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.

Mr. Cusick was asked when CMC would begin construction and he stated that it would be right away, during the winter. He further stated that they had been able to reduce the height of the buildings to less than the original 74.5 ft.

3) Ellis Subdivision Parcel #s 20-2403 and 20-4525 Zone Change Initiation Request

Mayor Kohler turned the time over to Dan Ford to present his current concept plan. He asked that the Town Council consider the request for a zone change initiation. He noted that there would be changes, including taking out the car wash due to sewer issues. Mr. Ford was asked why their plan included industrial zoning rather than just commercial zoning. He stated that the plan would like to be able to include some additional flex-use buildings, such as Charleston currently has across US 189 and 3000 South.

Traffic flow discussions and how this would impact the Town of Daniel especially on 3000 South were discussed. It was noted that 3000 South had become a by-way from US 189 and US 40 for those trying to avoid going through Heber City. Traffic patterns through Wasatch County, Heber City, and the Town of Daniel were extensively discussed including currently proposed UDOT bypass options. Mr. Ford discussed the fact that the parcels are just short of the 1000 ft required for an additional intersection required by UDOT, but they would be willing to ask for an exception in an effort to manage traffic back onto US 189 rather than 3000 South.

Council Member Blotter expressed his concerns about both traffic increases and having storage facilities entering the Town. He stated that several residents along 3000 South had expressed the same concerns. He expressed concerns about the proposed property traffic plan mitigating traffic on 3000 South. It was noted that the application only noted a zone change for industrial and not commercial. The applicant changed/amended the application to include the request for industrial and commercial zoning on the parcels. It was also noted that having both zonings would create an overlay zone within the entire property. Council Member Blotter stated several concerns with this option. He also expressed concern about considering this issue outside of the general annual application period.

It was noted that the Council taking any action would not be an endorsement nor suggestion for acceptance on their part.

Council Member Duggin moved to ask the Planning Commission for a zone change initiation and schedule the required public hearings. Council Member Pearson seconded the motion. The roll call vote was Duggin, yes, Blotter no, Kohler yes, Pearson yes, and Dixon yes. The motion passed.

4) Engineer Report/Update

T-O Engineer Bliler reported that he would be the principal Town Engineer under the supervision of Ryan Taylor going forward. He continued his report with issues regarding the heating and chlorinator failure in the pump house and how this was being addressed as quickly as possible. It was asked if insurance would cover the repairs and it was stated that it was unknown but unlikely. Planner Bunker stated that he is physically monitoring the chlorination system to make sure the water system is safe.

5) Bronson Netz Daniel Elementary School Light Pollution Complaint

Mr. Netz was not present for the meeting. Planner Bunker was asked about Town and State Code and no none violations had occurred. It was noted that Mr. Netz property is in Heber City near the Daniel Elementary School. His email to the Town was discussed, which noted that the lights turn off at 10:30 pm and turn on at 5:00 am. The letter stated that Mr. Netz had been working with Wasatch School District for 6 months and had not been able to come to an agreement. Planner Bunker was asked if the school was meeting all Town, County, and State Codes and Planner Bunker stated that all requirements have been met to his knowledge. It was noted that schools also have safety requirements. Planner Bunker read the relevant code into the record. Several Council Members expressed that they would like to speak to Mr. Netz and Clerk/Recorder Crittenden stated that she would extend another invitation to Mr. Netz next month.

No action was taken and the matter was continued.

6) Council Reports/Updates

Mayor Kohler asked for reports.

Council Member Pearson asked if there were still any outstanding code violations or other issues that had not been taken care of by the Town. Mayor Kohler stated that all ongoing issues were still being addressed and one had been resolved. Planner Bunker stated that he may be issuing a "red tag" to one of the 3000 South Trailer Park residents for expanding a trailer home without a permit.

Council Member Pearson discussed his plans to engage Lisa Dinga to meet with the residents of Storm Haven to try to solve some of the financial concerns in updating the water and sewer system for the area. He stated that in order to do the work he would propose would require a bond, which would require at least 51% of the residents to agree to this proposed expenditure.

Council Member Dixon reported on his attendance at Heber Airport meetings. He stated that nothing had changed to date and that the same properties along 3000 South and near US 189 would still be impacted. He noted that one of the UDOT plans to move traffic from US 189 as part of the bypass was discussed and it was stated that because of the uncertainty of which bypass plan would be adopted. He stated that several more meetings were scheduled in the future and that all information could be found on their website.

Council Member Dixon then reported that he had been working on the IT/Cyber policy that was briefly discussed in the work session in December. He stated that all of the template policies were directed at how information made it into Town computers. He was informed that the Town of Daniel does not have a secure internet network and to keep costs low allows all Council Members, Commissioners, and Employees to use their home internet to access Town documents on approved devices. Further, the Town office uses the provided Wi-Fi that is included with the rent. He felt that the policy was null because the Town does not have a secured internet system.

Mayor Kohler stated that he had met with Water Secretary, Shelly Bunker because she had reported that only 9 of the Town water meters were reading properly likely due to snow. He

asked how the Council felt about suspending readings during the winter. Council Member Pearson stated that many municipalities do not read meters during the winter for this reason. Council Member Dixon agreed but stated that the Town should let all of the customers know. Planner Bunker asked a clarifying question if all overages would be then billed in the spring and “true it up” or if the billing would just start over. It was noted that 20,000 gallons are allowed for the current \$35 per month. It was decided that perhaps it would be wise to see how many and what overages there are in the spring and then decide on a policy. It was decided that no meter reading would happen until spring.

Council Member Duggin reminded that all Town members need to clear water hydrants during the winter. She stated that January is the month that any Urban Farming applications need to be turned in. She finally stated that she felt she had informed the Council about Policy and Procedure updates for the Fraud Risk Assessment and that she would not be pursuing this in further meetings. She concluded by discussing that the \$130,000 ARPA Funds needed to be designated to uses by the end of 2023.

7) Planner Report

Planner Bunker submitted his report. It was noted that it was accidentally left out of the packet. Cuts to the road were discussed and it was noted that any cuts would have to be maintained during the winter and then fully repaired in the spring. It was noted that there is a moratorium on cuts to the road during winter and that this exception would be the responsibility of the contractor to repair.

8) Daniel Municipal Water

Planner Bunker stated that he had many more hours during the month because of his manual (bypass) maintenance of the chlorination system. Discussion about the heating system to the pump house was discussed. It was noted that it currently only has electricity available and so there is no way for a secondary system. The possibility of a backup propane heating system was discussed and it was decided to explore this in the future. It was noted that currently, small space heaters were the temporary heating source. He reported that both water sources were adequate and doing well.

9) Storm Haven Water

Planner Bunker stated that his system uses a well and a pump and there is no redundant system. Council Member Pearson repeated his concerns about this is why he would like to meet with the Storm Haven residents. He then noted that currently there are 12 inches of water in the snow up in Strawberry and that this trend will need the Town to be prepared for flooding in the spring.

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

Clerk/Recorder Crittenden went over the warrants and discussed the monthly bills. She noted that there was a bond payment and much more testing for the systems and discussed the testing invoices.

Council Member Duggin moved to approve with changes. Council Member Dixon the motion. The roll call vote was Duggin, yes, Blotter yes, Kohler yes, Pearson yes, and Dixon yes. The motion passed

11) Approval of Meeting Minutes for December 5th and December 21, 2022

Council Member Dixon moved to approve the warrants with changes and the addition of snow plow expenses. Council Member Duggin the motion. The roll call vote was Duggin, yes, Blotter yes, Kohler yes, Pearson yes, and Dixon yes. The motion passed.

12) Adjourn

Council Member Duggin moved to adjourn. 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

The meeting was adjourned at 9:20 pm

Kim Crittenden

Clerk Recorder