

# **Daniel Town Council Meeting**

**Monday, March 4, 2024, 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, Eric Bennett and Gary Walton. Council Member Blotter was excused. Also, present Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Gina Williams, Lisa Dinga, Mike Davis, Janell Braithwaite, Alec Sargent, Merry Duggin, Ben Probst and Pam Skinner

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

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

Merry Duggin reminded all of the attendees that the Republican Caucus was the next evening,

### **2) State Financials Report- Ben Probst**

Mr. Probst, from Gilbert and Stewart CPAs, presented the Town Agreed Upon Procedure Report for 2022-23 that he had prepared. He stated that all revenues and disbursements looked good and there were no concerns. He stated that some concerns were looking at disbursements earmarked for certain funds, citing the water system depreciation funds, that the funds were being spent on this type of maintenance.

It was noted that the findings noted the following deficits: meeting minutes needed to be uploaded to the Utah Public Notice website, the Town needs to complete a Fraud Risk Assessment to the State, and the Town needs to conduct annual training for Open and Public Meetings statutes. Council Member Pearson asked that these issues be addressed in future Town Council Meetings and that the minutes reflect the need to adjust budgeting for the water systems. He also noted that the Town's income is getting close to the million-dollar threshold that would require an audit and that if or when this happens it will increase their fees to about \$8,000 to \$9,000. Currently, the fee for the Agreed Upon Procedure is \$4,500.

Council Member Walton asked about the line item that addressed the water shares line item. Mr. Probst stated that it was the value of the contributed water shares to both systems. Planner Bunker stated that this value is determined by the State of Utah. There was discussion about how the water share values were determined how they were attributed to both of the water systems.

He noted that Towns are entitled to keep 100% of funds in the General Fund.

### **3) Water Rate Study Presentation and Discussion- Janell Braithwaite**

Mayor Kohler moved ahead on the agenda and invited Janell Braithwaite, from the Rural Water Association, to present the water rate study she conducted. Ms. Braithwaite presented a PowerPoint presentation with a spreadsheet she constructed that addressed both the Daniel Culinary and Storm Haven water system's expenditures and revenue. She demonstrated how the spreadsheet could be manipulated to see the outcomes of different scenarios including addressing the minimum water rate, changes to the amount of water currently allowed as a maximum use before additional charges, changing the overage rates, and how these changes could potentially affect individual households as well as provide necessary funding for the Town. Additionally, she addressed the need for the Town to meet reasonable minimum rate standards to apply for grant opportunities and ensure rates allowed for additional funds that would be critical for maintenance and emergency repairs on both systems. Ms. Braithwaite stated that she would send the spreadsheet to the Town Office so that it could be distributed as a tool for the Council Members and invited them to call her with any questions or concerns.

There was much discussion and explanations about what changes would best serve the Town residents while maintaining the fiscal needs of the water systems. It was noted that this would be a discussion item on the next Town Council Agenda as well as the next Town Budget proposal. This discussion involved both Council Members as well as meeting attendees and lasted for close to an hour. Many different scenarios were discussed and Ms. Braithwaite demonstrated how each of the Council Members could manipulate the spreadsheet tool.

It was also noted that construction and supply costs had drastically increased since Covid and that it would be wise for the Town to consider these increased costs when deciding the best rate structure and needs for each of the water systems. Ms. Braithwaite and Mike Davis, also from the Rural Water Association, gave examples of other jurisdictions that were not in compliance with the State of Utah and/or the EPA and firmly recommended that the Town be proactive to avoid these types of complications and/or complaints.

Mr. Davis stated that his specialty was training for water operators and that he would be happy to help in any way if the Town decided to hire a water operator or appoint a Town Council member to supervise the water system. He continued by stating that if the Town continues to choose to contract this service, he was still willing to help in any way that the Town would like.

### **4) ARPA Funds Proposed Spending/Project(s) Discussion- Merry Duggin**

Ms. Duggin presented her handout on the ARPA funds. See Attached. She stated that this was different from the CARES Act Fund, which was used to purchase computer equipment, iPads, and medical equipment for the Fire District.

She noted that over the last couple of years, the Town of Daniel received about \$127,000 and the original rules have changed since the funds were disbursed. The applicable projects have been expanded and the deadlines have been extended, however, the report for the funds need to be submitted by the end of April 2024 to the US Treasury.

Ms. Duggin then proceeded to explain the latest governance and explained the examples of possible projects that she presented in her handout. She stated that water infrastructure would be a viable option then she discussed current needs, possible upgrades, and the EPA requirements for lead and copper reporting. She then discussed all of the issues that probably would not be covered such as road maintenance and purchasing water shares. She suggested that the Town Council confer with the Town Engineer, Ryan Taylor with Ardurra prior to committing the funds.

She stated that the Town had benefitted from the amount being held in the General fund since it had been earning interest for the last few years.

Council Member Walton posed several questions about what water infrastructure could be upgraded with the funds. She referred to her handout but stated that upgrading the water meters to a radio-transmitted meter system was questionable and would require further research as to which costs would be covered. It was discussed that the Town was in the process of replacing the last of the failed meters that were covered under warranty.

#### **5) Business License Approval(s)**

##### **a. New**

##### **i. Iron Horse Rental- Alec Sargent**

##### **b. Renew**

##### **i. A-1 Roofing -Kimball**

There was discussion about the Iron Horse Rental's new business license due to the fact it was not recommended for approval by the Planning Commission. The property in question was found to be in the Commercial Zone and thus the concerns were found to be incorrect. Mr. Sargent was invited to address the Town Council and gave a description of his rental business and stated that he would be keeping typical business hours and that 95% of the deliveries are made by him rather than a pick-up type business that would require additional traffic. There were questions about whether Mr. Sargent is planning on constructing a building to support the business. He stated he was not considering that currently, but may want to put in a trailer or mobile office in the future. Council Member Pearson posed several questions about the possibility of a building on the property. Planner Bunker stated that the Planning Commission Chair asked that the Town Council be made aware of the error in the zoning consideration of the original application. There was discussion about if he did put in an application for a building, he would closely follow the Town Code to make sure it is compliant.

***Council Member Pearson made a motion to approve the new business license for Iron Horse Rentals. Council Member Bennett seconded the motion. The roll call vote was Walton yes, Kohler yes, Pearson yes and Bennett yes. The motion passed.***

There was discussion about the Kimball Roofing Business and it was noted that there have been no complaints. It was noted that originally there had been an application for a dumpster business, which was withdrawn since this was part of the roofing business and no dumpsters would be stored in the Town of Daniel. It was also noted that the applicant was willing to move

the address for his custom car repair and sales business to the Daniel address so the Town would be able to have the taxes from this business as well. It was noted that the Planning Commission recommended the approval for the Kimball Roofing Business License Renewal

***Council Member Bennett made a motion to approve the renewal business license for Kimball Roofing. Council Member Walton seconded the motion. The roll call vote was Walton yes, Kohler yes, Pearson yes and Bennett yes. The motion passed.***

## **6) Council Report**

Council Member Pearson reported that he had not received notice from Tiara Cooper about his appointment to the new board he was asked to represent the Town on. It was noted that this had been forwarded to him and Mayor Kohler stated he had seen the email. Council Member Pearson asked that his email issues be followed up with.

Council Member Pearson then asked Planner Bunker about the heating system in the pump house. Planner Bunker stated that the replacement would be very expensive and that buried propane tanks would be prohibited by the State of Utah Fire Marshall because there was no one to constantly monitor it. There was then an extended discussion about generator options. Planner Bunker then answered several questions about the tank capacity, which was noted to be about four days. It was noted that how long the tank can supply water in an emergency depends on how full the tank is when the pump goes down. Council Member Walton then gave a detailed explanation of how the water system works and what can be done to address this. Mayor Kohler then reported on meetings with Chris Anderson and Town Engineer Ryan Taylor about issues in loading the SCADA system on the Water Secretary laptop. He noted that this would alarm an issue with the system as well as to a camera on the property.

Council Member Bennett asked questions about the availability of broadband to all citizens. It was noted that UBB had been laying lines throughout Daniel and are about complete, but that other providers are also providing services to citizens.

Council Member Walton stated that he had concerns about where the ARPA money would be spent to upgrade the water systems. It was stated further discussion would happen in future meetings.

## **7) Engineer Reports/Updates**

No report was given.

## **8) Planner Report/Updates**

Planner Bunker presented his report. See attached. He stated that a grant had been submitted from Ardurra to help cover the costs of the newly required lead and copper tests and inventory. He noted that this was likely an outcome of the Flint Michigan system failure and stated that this was an EPA requirement rather than the State of Utah. He then continued to answer questions about what the Town is required to do as far as repairing and/or replacing both the Town of Daniel lines and the waterlines/pipes that go into citizens' homes. It was asked if the Town had some lead and/or copper lines on the water systems. There was much discussion between Planner Bunker and Council Member Walton about previous statements about whether there

had ever been any lines that had contained either lead or copper. Council Member Walton then discussed his experience in assisting with the water systems. It was reiterated that the directives were coming to the EPA and that much had changed in requirements over the last few years.

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

***Council Member Walton made a motion to approve the February 5, 2024 Warrants. Council Member Pearson seconded the motion. The roll call vote was Walton yes, Kohler yes, Pearson yes and Bennett yes. The motion passed.***

Mayor Kohler then discussed the financial report that was prepared by Clerk/Reporter Crittenden. See the enclosed report. She noted that Kimball Classic Cars is moving the address to the Daniel address instead of his Charleston address so that the Town would receive the sales tax.

**10) Approval of Meeting Minutes for February 5, 2024**

***Council Member Pearson made a motion to approve February 5, 2024 meeting minutes with one change. Council Member Walton seconded the motion. The roll call vote was Walton yes, Kohler yes, Pearson yes and Bennett yes. The motion passed.***

Council Member Pearson asked that Eric Bennett's full name be added to the first page.

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

No closed session

**12) Adjourn**

***Council Member Walton made a motion to adjourn. Council Member Pearson seconded the motion. The roll call vote was Walton yes, Kohler yes, Pearson yes and Bennett yes. The motion passed.***

The meeting was adjourned at 8:23 PM

*Kim Crittenden*

Kim Crittenden Clerk/Recorder