

**Daniel Town Council Meeting**  
**Monday, April 4, 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, Merry Duggin, Jon Blotter, and Barry Dixon. Also present were Ryan Taylor of T-O Engineers, Planner Eric Bunker, Clerk/Recorder Lynne Shindurling, and Deputy Clerk/Recorder Kim Crittenden to take minutes. Council member Robyn Pearson was absent.

Members of the Public: Jill and Todd Bonner, Jeremy and Lynett Kohler, Geoff Fishel, Lisa Dinga, Gina Williams, Eric Hales, Jason Provost, Byron Horner, Erin Charchenko, Quinn Megal, Samantha Moll, and Ryan Simpson

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

1) **PUBLIC COMMENT:** (please limit to 2 minutes per person)

Erin Charchenko stated that she had been approached by a school in Midway to partner in a recreational therapy riding program. She asked if this type of program would be allowed within city limits and the process to get approval from the city. Mrs. Charchenko stated that the program would consist of biweekly classes of seven students and one to two supervisory staff members. She stated that the students and staff would come in one vehicle which would limit parking and traffic impacts and that the program would use her horses. It was stated that this program would require a Conditional Use Permit and she could find the forms online to begin the application process.

Council member Duggin recognized and introduced Deputy Fire Chief, Eric Hales, and Assistant Deputy Fire Chief, Jason Provost.

2) **ELECTION OF MAYOR PRO TEMPORE**

Mayor Kohler stated that the purpose of electing a Mayor Pro-tem is to have one of the Council members be able to conduct a meeting or business in his absence. He stated that the term would be for one year, thus a new Mayor Pro Tempore would be elected each year.

***Council member Blotter moved to nominate Council member Duggin as Mayor Pro Tempore. Council member Dixon seconded. The roll call vote was Duggin abstain, Blotter aye, Kohler aye, Dixon, aye and Pearson absent. The motion passed.***

### **3) COUNCIL VOTE ON GEBO ZONE CHANGE REQUEST FROM RA-5 TO COMMERCIAL PROPERTY LOCATED AT 1680 WEST 3000 SOUTH, POSSIBLE CONSIDERATION OF AN ORDINANCE TO APPROVE ZONE CHANGE DO 2022-04-04**

Council member Duggin began the discussion by stating that 7 people spoke at the public hearing. A number of them referred to the Daniel General Plan and Land Use Plan in stating their opposition to the zone change. These documents mention keeping the Commercial Zone on or near the arteries on the outskirts of Daniel, those being U.S. 189 and Highway 40.

Council member Blotter stated this particular lot, parcel #20-4532, would become an island with a Commercial designation surrounded by RA-5 zoning. In speaking with many residents living on 3000 South next to and near this parcel, he stated he found no one in favor of the zone change. These residents had come to Daniel Town for the rural atmosphere and openness offered in this rural setting.

Mayor Kohler mentioned that he has asked the Planning Commission to evaluate the current zoning of Daniel Town and explore further where they would like to see the Commercial zone being located; just how far into the Town should this zoning be allowed. Councilmember Dixon stated if the change were to take place, it would create an island with RA-5 zoning on all sides.

***Councilmember Duggin moved to deny the application submitted by Mr. Gebo for a zone change from RA-5 to Commercial at 1680 West 3000 South, for the following reasons:***

- ***This rezone does not comply with our General Plan and Land Use Plan to keep our Commercial properties along the 189 and U.S. 40 boundaries;***
- ***This rezone would not be good public policy as it would create an island of Commercial within a Residential and Agricultural zone and contiguous to no other Commercial properties;***
- ***There is no current infrastructure, such as sewer, which may be necessary to support a Commercial application in the future; and***
- ***Members of the public who testified did not indicate support for a rezone to Commercial at this time, and I feel that we need to preserve their property rights.***

***The motion was seconded by Councilmember Blotter. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed; the zone change was denied.***

#### **4) ADOPTION OF RESOLUTION NO. DR 2022-04-04A PRE-DISASTER MITIGATION PLAN**

Mayor Kohler read the prepared resolution into the record for approval and a vote on the adoption of the MAG Pre-Disaster Mitigation Plan.

***Council member Duggin moved to adopt the resolution. The motion was seconded by Council member Blotter. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

#### **5) APPROVAL OF COUNCIL MEETING MINUTES MARCH 7, 2022**

***Council member Duggins moved to approve the March 7, 2022, Council Meeting minutes. The motion was seconded by Council member Dixon. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

#### **6) BUSINESS LICENSES**

Mayor Kohler read renewal applications for Timberline Lumber and Distribution Inc. and Stone Cutter Construction into the record. Council member Blotter asked if there had been any complaints with either business. It was stated that there were not any known complaints.

***Council member Blotter moved to approve the business license renewals. The motion was seconded by Council member Duggin. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Mayor Kohler read the new application for Kohler Custom Rifles into the record. He stated that the business owner, Jeremy Kohler, was present to answer any questions. Mr. Kohler stated he was a gunsmith and that the business was making custom and target rifles. Council member Duggin asked if State and Federal Licenses would also be required. Mr. Kohler stated that he had a state license and he needed a local business license to complete his application for a Federal Firearms License (FFL). Mr. Kohler was asked if he would be authorized to ship and receive shipped firearms. He affirmed that he would be licensed to ship and receive shipped firearms and it was acknowledged that he would be one of a few individuals licensed to do so in the Heber valley.

Planning Commission Chair, Gary Weight stated that he had no reservations about approval for the Kohler Custom Rifles business application, but expressed concern about a change in procedure that excluded sending new and renewal business applications to the Planning Commission and/or the Town Planner before the Town Council meeting for approval.

Mayor Kohler stated that this month's applications for new and renewed business licenses were already on the agenda when he became aware that they had not previously been forwarded to the Planning Commission as had been the customary process in the past. He further stated that going forward all new and renewal applications would be submitted to

the Planning Commission for appropriate zoning review and recommendations before the Town Council for approval.

***Council member Blotter moved to approve the new Business License for Kohler Custom Rifles. The motion was seconded by Council member Dixon. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Clerk/Recorder Lynne Shindurling asked for clarification of the business license renewal process. Planning Commission Chair Weight expressed a concern that if a list of renewal license applications were not submitted to the Town Planner and/or the Planning Commission before the Town Council Meetings complaints about businesses that had submitted renewal applications may not be brought to the attention of the Town Council before approval. Mayor Kohler acknowledged Chair Person Weight's concern and instructed the Town Clerk/Recorder's office to forward information about all new and renewal business license applications to Town Planner Bunker and the Town Planning Commission for preliminary approval before the Town Council for the approval.

## **7) CLERK OFFICE PRESENTING Q3 BUDGET UPDATE**

Town Clerk/Recorder Lynne Shindurling presented information about line items in the Town Budget that were at or nearly at budgeted amounts for the fiscal year and thus would need to be adjusted for Q4.

Line-item expenses with proposed adjustments included: monthly and quarterly fees, advertising, office rents, public works, and snow removal. In the Water Funds, the only line item that needs to be adjusted is general supplies. She stated that the accountants with Pelorus informed us that a depreciation line item of \$93,600 needed to be added to the budget to comply with the State of Utah accounting practices.

## **8) PUBLIC HEARING TO AMEND FY 2021-2022 BUDGET TO ALLOW ADDITIONAL REVENUE AND EXPENSES. RESOLUTION NO. 2022-04-04B**

***Council member Duggin moved to open the public hearing to amend the FY 2021-2022 budget. The motion was seconded by Council member Blotter. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Council member Duggin handed out a proposed amended budget that increased sales tax revenue to \$165,000 and added \$63,732 in ARPA funds to the budget increasing revenue to \$451,782. Adjustments to expenses that are at or near 100% of the budgets were as described previously by Lynne Shindurling. Administrative expenses were increased to \$294,500 and Highways to \$95,750 making total budgeted expenditures \$390,250.

After discussions about water meters that are failing to read, \$15,000 was added to the budget for the repair and maintenance of water meters. Council member Duggin stated that

the ARPA funds are restricted to infrastructure spending and possibly could be used to offset costs associated with upgrading or replacing failing water meters.

***Council member Duggin moved to close the public hearing to amend the FY 2021-2022 budget. The motion was seconded by Council member Blotter. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Mayor Kohler read DR 2022-04-04B into the record and asked for a motion.

***Council member Blotter moved to adopt DR 2022-04-04B. The motion was seconded by Council member Dixon. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

## **9) RYAN TAYLOR'S DISCUSSION ON CHLORINATOR AND WATER METER SYSTEMS ON DANIEL MUNICIPAL WATER**

Mr. Taylor discussed options for replacing and/or repairing the chlorinator and failing water meters. He stated that the chlorinator is still working but is more than 12 years old. The manufacturer is no longer in business, so replacement parts could not be ordered if repairs were necessary. Quotes ranged from approximately \$3,000 to \$13,000 depending on whether the Town would conduct the installation or the service contractor would install the equipment. Mr. Taylor stated that some of the repairs are fairly easy, but others involved electronic equipment and would need a trained installer. Mr. Taylor stated that the parts and installation would be warranted for 1 year if the service provider installed the parts or made repairs, but that there would be no warranty if the Town opted to do the installation. Planner Bunker expressed concerns about the toxicity of chlorine as a factor to be considered as well when deciding whether to have the service provider make necessary repairs.

Council member Blotter asked if there were other companies that the Town could get a bid from. Mr. Taylor stated that there was a company that he had just become aware of and that if the Council approved an amount, he would present both bids to Mayor Kohler and leave it up to his discretion.

***Council member Duggin moved to approve an amount of approximately \$13,000 to repair the chlorinator and to get a second bid if possible. The motion was seconded by Council member Blotter. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

It was stated that currently, 111 water meters are failing to read and the number has been steadily increasing over the last year. Mr. Taylor discussed options and quotes from Master Meter and Badger Meters in repairing and/or replacing failing meters. He further discussed meter reading technology advances. Master Meter is the manufacturer of the Town's water meters. The representative from Master Meter stated that while the radio signal was failing the meters were still working and could be read manually. He was asked if the failing meters were still under warranty and he stated that if the Town would provide him with the serial numbers, he would check to see how many were under warranty and

arrange to have those under warranty replaced. He stated that the warranty was for 10 years that he had thought most if not all were still under warranty. He was asked if the batteries could be replaced and he stated that they could not be because it would break the waterproof seal and make the unit non-functional. Costs of new meters to were discussed and it was estimated that each meter would cost approximately \$220-250.

There were discussions about the expense of manually reading meters vs. radio readings. Further discussions included upgrading from the current drive-by (AMR) reading system to a system that would be read by a cellular antenna (AMI) system. The cost of reading the cellular option was .80 cents per meter per month, with each unit costing about \$300. One of the advantages of cellular vs drive-by reading methods is that it can be done anytime and from anywhere since the data is simply uploaded. It was estimated that this option would be about \$100,000 to upgrade the entire water system.

The third option of an allegro system requires a great deal more infrastructure costs including the installation of a tower to capture transmitted data. This option does not have a fee for reading associated with it. This system would also have the option of giving residents a way to access data on their daily water usage. Planner Bunker stated that the legislature is looking at this type of data collection in their conservation efforts.

It was asked how the Town would assure that residents who were using wells would not be subsidizing those on the culinary system. It was pointed out that all residents benefit from the water system since all hydrants are on the system and the system is ready to access if there were an issue with anyone's well drying up.

Council member Blotter suggested that the most cost-effective option would be to replace all the meters that are under warranty. Planner Bunker stated that he knew a person that would install the new meters for a reasonable fee.

## **10) COUNCIL REPORTS/UPDATES**

Council member Duggin reported that the Town did not receive CDBG funding. She then discussed how she had completed her fraud/risk assessment training and encouraged the rest of the council to do the same. She then discussed how she was participating in "Urban Farming" and briefly explained some of the requirements and tax-saving benefits. She suggested that anyone interested in more information contact Carrie Cummings in the Wasatch County Assessor's Office, before the May 1<sup>st</sup> deadline. She also handed out budgeting information and encouraged Council members to study the budget and personnel chapters in their Powers and Duties book.

## **11) PLANNER REPORT**

Planner Bunker handed out his monthly report and discussed updates. He stated that a Conditional Use Permit would be required on the Simpson building permit because it exceeds 1500 square feet and is not an agricultural building. He was asked about the density and frontage requirements for the Gerald Smith property.

Ryan Taylor stated that the Charchenko property was nearly in compliance with FEMA and just a few details were still being worked out.

Mayor Kohler stated that an agreement with Rex Reader had been reached regarding moving his fence. He further stated that he would follow up and get a signed copy of the agreement. It was stated that the Russ Witt property still did not have a certificate of occupancy. Mayor Kohler stated he would follow up on this as well.

Planner Bunker stated that he had received a packet from a lawyer and suggested this be discussed in a closed session.

## **12) DANIEL MUNICIPAL WATER**

Planner Bunker stated that an accident had taken out a fire hydrant and that it would take about 6 weeks to replace and would cost about \$3,500.

## **13) STORM HAVEN WATER**

No comments.

## **14) RECORDER'S OFFICE: WARRANTS APPROVAL, ANNOUNCEMENTS, ETC.**

A clarification was made about the Smith-Hartvigsen bill being for the Gebo appeal. A correction was made to the hours of Planner Bunker.

***Council member Blotter moved to accept the Warrants as corrected. The motion was seconded by Council member Dixon. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Announcements about the grand re-opening of the Provo Airport and the upcoming Utah Trust barbeque were made.

## **15) POSSIBLE CLOSED SESSION AS PERMITTED BY UCA 52-4-205**

***Council member Blotter moved to go into a closed session for possible pending litigation. The motion was seconded by Council member Duggin. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Council went into closed session at 8:05 PM. Present were Mayor Kohler, Council members Duggin, Blotter, and Dixon, Clerk/Recorder Lynne Shindurling, Deputy Clerk/Recorder Kim Crittenden, Ryan Taylor of T-O Engineers, and Planner Eric Bunker.

***Council member Blotter moved to leave the closed session. The motion was seconded by Council member Duggin. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

**16)ADJOURN**

***Council member Blotter moved to adjourn. The motion was seconded by Council member Duggin. The roll call vote was Duggin aye, Blotter aye, Kohler aye, Dixon aye with Pearson absent. The motion passed.***

Approved May 2, 2022