

Daniel Town Council Meeting
Monday, April 3, 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 Jon Blotter, Robyn Pearson, and Merry Duggin. Council Member Dixon was excused. Also present were, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Gary Weight, John Glodowski, Mick Kohler, Jill Bonner, Dan Ford, David Rynnels, Mary Weyandt, Vickie Weyandt, and Brent Haight

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) Discussion about the Recommendation from the Planning Commission for a Public Hearing to Consider a Zone Change for Ellis Subdivision Parcel #s 20-2403 and 20-4525 at Approximately HWY-189 and 3000 South from RA-5 to Commercial

Mayor Kohler turned the time over to Planning Commission Chair Gary Weight to discuss the Planning Commission recommendation for the zone change from RA-5 to commercial for both of the adjacent properties in question. Chair Weight noted that originally the application was for the properties in question to be zoned both industrial and commercial. Mr. Glodowski asked what the difference is between having all or part of the parcels zoned industrial vs. commercial. Chair Weight stated that one concern that the Planning Commission had with having any of the parcels in question zoned industrial was that it would allow for storage, which is not allowed in the commercial zone. He reported the Planning Commission was not willing to recommend a change to an industrial zone for any part of the parcels at this time, but did recommend both parcels be rezoned as commercial.

Council Member Duggin pointed out that while the owner has presented an idea about what type of business might be developed on the parcels, the matter before the Town Council was just for a recommendation from the Planning Commission for a zone change from RA-5 to Commercial. Any in-depth site plan presentations and discussions should take place after a zone change is made.

Council Member Blotter brought up that the Town Code states that generally all code change applications and discussions are held once a year toward the end of summer and he voiced concerns that taking up this matter prior to that could potentially be a problem for the Town with future applications. He noted that he has spoken to several residents who were against this change. He expressed concerns that Town residents did not have enough notice about meetings such as this one or the previous public hearing that was noticed and held during the regular March Planning Commission Meeting.

A few members of the public asked questions about the history of the particular parcels and having been previously zoned as commercial, but it was noted that because they were not

developed thus the RA-5 zone was reinstated. It was also asked what type of public input in the form of a second public hearing would take place prior to any zone change.

Council Member Duggin pointed out that the Town Council had voted to consider the zone change application and so now she felt like the Town Council was obligated to consider it. She also stated that all citizens could access the Utah Public Notice Website and subscribe to all notices for the Town and receive email notifications.

Mayor Kohler addressed the Council and audience stating he had been attending Planning Commission and Town Council meetings regularly for more than a year in preparation for his run for Mayor. He stated that in these meetings nearly every month discussions about how to incorporate commercial zones into the Town which will both provide tax income to the Town but be the least disturbing to the RA-5 residents. He noted that the borders of the Town along HWY-189 and HWY-40 are listed in the Town of Daniel General Plan as the best places to place income-generating businesses in the Town. He also discussed that he received several calls from concerned residents about a gas station being placed at the corner of HWY-189 and 3000 South. He assured those residents that he spoke to that there would be a second public hearing before any zone change would be voted on. Mayor Kohler stated that now is the time that the Town of Daniel to have control over what comes into the Town of Daniel and noted that if the Town does not act, Heber City, UDOT and/or the FAA will make the choices for those parcels instead and traffic patterns in the Town regardless of what the Town would like.

He noted that storage units bring no tax income into the Town. But that for a property like the one being discussed a gas station, car lot, plumbing or electrical supply store, or the like could bring in much-needed tax revenue to the Town to fix roads, increase safety, and other infrastructure necessities. He pointed out that without a commercial sales tax base, the Town would eventually be forced to increase property taxes and water rates on all residents, including those on a fixed income to pay for these needs.

Chair Weight also expressed concerns about bringing hearsay to the Council or Commission about such matters instead of relying on public hearings that are properly noticed and posted. He expressed that it is the resident's responsibility to keep up on issues that affect them in the Town. Several of the public attendees noted that it was indeed their responsibility to keep them informed. It was also noted that a lack of action on the Town's part may make it easier for other entities, such as the Heber City Airport to expand over the concerns of the Town or for UDOT to put in a freeway adjacent to the Town. Mick Kohler, who was a public attendee agreed with this assertion as well. He further stated that the most logical site for a gas station, or other such business in the Town of Daniel was on these parcels, but expressed concerns about the UDOT byway process and how the plan and this development might fit into those long-term plans.

After several comments from Council Members and the public, it was reiterated that this meeting was just to set a public hearing and not to debate what commercial business developments should or could go into the space and that discussion should happen in the public hearing.

Council Member Pearson shared his experience with UDOT and current knowledge of the bypass plans and stated that he also thought that the Town should take the action prior to the plans of neighboring jurisdictions being able to dictate or at least influence more what the Town of Daniel would like to do with the commercial and residential zones outlined in the Town of Daniel General Plan.

Mayor Kohler turned the time over to Dan Ford, who had just joined the meeting, to discuss the Planning Commission recommendation to set a public hearing only for the zone change to commercial, but noted that this was not an appropriate time to discuss the site concept. Mr. Ford noted that he and his partners were happy to have the zone changed to just commercial rather than the commercial/industrial hybrid that was on their original applications. He stated that he understood that one of the major concerns was increased traffic on 3000 South and that he would make every effort in the site plan to mitigate this if the zone change were approved. He stated that he would like to be transparent in all aspects of the development and invited all of the members present to call him at any time with questions or concerns. He asked if the Council or audience had any questions for him. Council Member Pearson asked if he would be interested and willing to do a traffic study for the concept. He affirmed that he had already engaged a traffic engineer and stated that if the Town would be willing to write a letter of support to UDOT to obtain an additional outlet on HWY-189 that he thought this could help alleviate much of the traffic concerns, but that currently, the property falls just short of the 1,000 ft required between the current light and the end of the property. He stated that not only would this be a traffic mitigation measure, but it could help with enhanced safety to have an additional exit from the area outside of the current intersection and light. He also stated that the property has a long-standing property right to outgoing access to HWY-189 and that until the Town of Daniel conceded additional property for the current intersection at 3000 South and HWY-189

Council Member Pearson made a motion to set a public hearing for the Town Council Meeting on May 1, 2023, to consider a zone change for Ellis Subdivision Parcel #s 20-2403 and 20-4525 at approximately HWY-189 and 3000 South from RA-5 to Commercial. Council Member Blotter seconded the motion.

Discussion was invited and Council Member Blotter addressed Planning Chair Gary Weight and asked if the recommendation from the Planning Commission was to have an additional public hearing to consider the zone change only. Chair Weight replied that the recommendation from the Planning Commission was to have the zone changed on the parcels from RA-5 to commercial, but for that to happen, another public hearing followed by action from the Town Council would need to take place. He reiterated that the Planning Commission recommended the zone change.

The roll call vote was Blotter no, Kohler yes, Pearson yes, and Duggin yes. The motion passed.

3) Discussion about the Recommendation from the Planning Commission to Place a Four-Month Moratorium on All Considerations of Storage Applications for The Town of Daniel

Mayor Kohler asked Planning Commission Chair Weight why this recommendation had come from the Planning Commission and he stated that there had been several applications for storage facilities and/or businesses that had been discussed and the Planning Commission was actively engaged in strengthening the language on the Town Code in regards to commercial and residential rental storage.

Council Member Pearson made a motion to approve a moratorium on consideration of all storage-related applications for 120 days. Council Member Blotter seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson yes, and Duggin yes. The motion passed

4) Planning Commission Update

Planning Commission Chair Weight stated that they are actively working on suggestions to update the Town Code and had held two work sessions in the previous month.

Jill Bonner asked how much tax income revenue could be estimated to be generated from a gas station on the prior mentioned property. It was stated that traffic and other enterprise studies would be done prior to any site plan being presented in a public meeting. It was once reiterated that these were questions to be answered at the public hearing.

5) Council Reports/Updates

Council Member Pearson discussed concerns about potential upcoming flooding that was likely to happen with a quick snow melt. It was noted that a meeting was scheduled for April 15th in Storm Haven to discuss concerning areas. Mayor Kohler stated that he was aware of the needs and had been in contact with Ryan Taylor and other residents to secure a backhoe(s) and other supplies to assist residents. He also stated that culverts in Storm Haven had been widened and designed for overflow to go over the roads instead of flooding.

6) Engineer Reports/Updates

No report presented

7) Planner Report

Planner Bunker referred to his submitted report. See attached.

8) Daniel Municipal Water

Planner Bunker updated the Council on the progress of repairs to the chlorinator and pump station.

9) Storm Haven Water

No issues to report.

10) Discussion about the Town of Daniel's Liability and Property Insurance for the Storm Haven Pump Station.

The Council was referred to a handout about current liability and property insurance for both water systems. It was generally decided to take this under advisement and look to staff for recommendations prior to the next meeting.

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

a. Health Department Annual Report for Council Review Prior to Presentation

b. Pedal Fest Correspondence

Health Department information had not been supplied as planned to the Council and would be addressed at the next Town Council Meeting.

It was noted the only change to the Pedal Fest plan from last year were the dates and they would be invited to address the Council closer to the event. The date changes will be noted to make sure there are no interfering road construction or repairs during their weekend event.

Council Member Blotter made a motion to approve the March 2023 warrants. Council Member Pearson seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson yes, and Duggin yes. The motion passed

12) Approval of Meeting Minutes for February 6 (continued) and March 6, 2023

Council Member Pearson made a motion to approve the February 6, 2023 meeting minutes. Council Member Blotter seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson yes, and Duggin yes. The motion passed

Council Member Blotter made a motion to approve the March 6, 2023 meeting minutes. Council Member Pearson seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson yes, and Duggin abstains. The motion passed

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

The closed session was held as allowed under UCA 52-4-205 specifically as applies under (c) strategy sessions to discuss pending or reasonably imminent litigation; and (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, or a project proposal.

Council Member Duggin made a motion to move into a closed session. Council Member Blotter seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson yes, and Duggin yes. The motion passed

A closed session was held pursuant to issues allowed under UCA-54-4-205 as noted above.

Council Member Duggin made a motion to move to close the closed session and return to the open meeting. Council Member Blotter seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson had left the session, and Duggin yes. The motion passed

14) Adjourn

Council Member Blotter made a motion to move to close to adjourn. Council Member Duggin seconded the motion. The roll call vote was Blotter yes, Kohler yes, Pearson had left the session, and Duggin yes. The motion passed

The meeting adjourned at 8:58 PM.

Kim Crittenden

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Clerk/Recorder Town of Daniel