

# Daniel Town Council Meeting

Monday, December 4, 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 the meeting late. Also, present were Planner Eric Bunker, Blake Sonderegger from Arudurra Engineers, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Pam Skinner, Lisa Dinga, Gina Williams, Gary Walton, Heber Taylor, and Gary Weight.

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

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

Members of the public in attendance expressed concern about the condition of some roads in the Town and were concerned about the increasing number and size of the potholes. Mayor Kohler addressed the concerns briefly and stated that he would further address their concerns during his council report.

### 2) Consideration of DO 2023.12.04 Meeting Schedule for 2024

The 2024 meeting schedule was presented. It was noted that two typos needed to be corrected. There was a brief discussion about the stated requirement of 10-day notice for a matter to be considered by either the Town Council or the Planning Commission. It was ultimately decided that this was a necessary requirement to allow Town staff to have enough time to research any proposed matter to be considered.

Mayor Kohler read DO 2023.12.04 into the record and called for a vote.

***Council Member Blotter moved to approve DO 2023.12.04 with discussed corrections. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes and, Dixon yes. The motion passed.***

### 3) Consideration of DR 2023.12.04A Appointment of Planning Commissioners

Mayor Kohler read DR 2023.12.04A into the record. It was noted that the term needed to read that the term would run through December 2027. Pam Skinner and Gary Weight agreed to

stay on the Planning Commission since no other members of the public had expressed interest in serving on the Planning Commission.

***Council Member Duggin moved to approve DR 2023.12.04A. 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.***

#### **4) Consideration of DR 2023.12.04B Allocation of ARPA Funds**

Mayor Kohler turned the time over to Council Member Duggin. Council Member Duggin reported that the federal government had changed the requirements for spending the ARPA Funds. She stated that there had been an extension of time to obligate the funds as well as a broadening for eligible projects. She further stated that she has to submit a report in April in which she will need to name the project with a perspective budget, but contracts would not need to be finalized until December 2024. She recommended that the discussion of projects continue into the new year since several projects could use the funding and this would allow the Town to more fully consider appropriate and permissible projects.

It was asked if a public hearing would be necessary. Council Member Duggin stated that it was not required. It was noted that it might be a good idea to have a public hearing on possible projects so that the public could have input on any of the potential projects. Council Member Duggin stated that she would continue to do research and report back to the Council.

***Council Member Pearson moved to table DR 2023.12.04B. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes and, Dixon yes. The motion passed.***

#### **5) Council Reports/Updates**

Council Member Duggin requested permission to keep her Town of Daniel email to facilitate her work on the ARPA funds as well as asking to remain the Board of Appeals Secretary. Permission was granted for both requests. She was thanked for her service to the Town.

Council Member Blotter stated that he had received complaints about CMC trucks using roads within the Town of Daniel, specifically South Field Road and 3000 South. It was stated that CMC agreed to not use any of the roads in the Town unless they were delivering concrete to Town of Daniel customers. Several others stated that they had also witnessed this in recent months. Mayor Kohler stated that he would call Todd Cusick and discuss these concerns.

Mayor Kohler proceeded to address the concerns about potholes within the Town of Daniel. He noted that at the bottom of Big Hollow Road an emergency repair from Questar Gas required asphalt to be dug up. He stated that Questar reported to him that they had hired a contractor to fill and patch the repair. Unfortunately, the contractor did not complete the job and he had been following up with both Questar and Wasatch County to get this repaired as soon as possible.

He further reported that he had taken a ride with Kevin Davis from Wasatch County to show him the most concerning potholes in Storm Haven, Mill Road, Little Sweden, and other roads in the Town. He stated that Kevin agreed to cold patch the worst of the potholes so that it

would be safe for snowplows to plow the roads. He further noted there were also concerns about the cutting back of the edges on some of these same roads, particularly in Storm Haven. After discussion with the County, it was decided that the road edge issues would be addressed in the spring. He reported that a couple of residents had requested to cut roads to put in gas lines. He stated that the Town was going to hold firm to established deadlines and that roads would only be cut for emergency repairs outside of the established deadlines.

Council Member Dixon reported that he has also received complaints about CMC driving on Town road. He stated that this would be his last meeting and that he had delivered all of the materials he had been given on the Heber Valley Airport expansion back to the office. He was thanked for his service.

Council Member Pearson had nothing to report.

## **6) Engineer Reports/Updates**

Blake Sonderegger reported that Ardurra was working on a grant for the Town to help cover the costs of new copper and lead test requirements. He stated that this was passed by the EPA in 2022, but the EPA had recently tightened requirements. He stated that an inventory of all town pipes would be required to be completed by October 2024. He stated that they were really looking for lead, but because lead attaches to copper it could also contaminate copper piping. It was stated that the biggest concerns would be homes built before 1984. It was generally agreed that Daniel Manipal Pipes would likely not contain any lead, as they had been replaced and upgraded. Gary Walton gave a history of what he knew about the pipes in both the Storm Haven system and Daniel Municipal system.

There was a discussion between Planner Bunker and Council Member Pearson about what would really be required of the Town as far as replacing pipes in actual homes. Planner Bunker stated that the EPA would require the Town to replace pipes in any home that tested positive. Planner Bunker stated that he would resend the information that he had to Council Member Pearson about requirements. He noted that all tests are taken from the kitchen sink first thing in the morning after the water had been sitting all night. He stated that the rule previous rule was from the waterline to the meter, but it had changed to the last running tap on any line.

Engineer Sonderegger reiterated that it was expected that any lead would be found in connecting lines. He further stated that Arudurra would continue working on the required inventory.

## **7) Planner Report/Updates**

Planner Bunker presented his report and stated that a few Cos have been issued. It was asked if the issue with the complaint about asphalt trucks leaving from a residential property had been resolved. It was stated it had not, but was being worked on. He then noted that the Charles Schultz case had been dismissed without prejudice and thus he could refile. It was further stated that the Smith Garage case was still in litigation.

## **8) Daniel Municipal Water and Storm Haven Water Systems Report/Updates**

It was noted that there is a residential meter that is reading high and thought to be leaking either before the meter or in the home. Mayor Kohler stated that would be checking this out the next Wednesday with a plumber.

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

It was asked if Clerk/Recorder Crittenden had been in contact with Utah Local Government Trust. It was stated that our Utah Local Government Trust policy would not cover liability for contracts with the County for snow removal, but Amanda Simpson had assured her that all liability would be covered by their policy. She was asked to follow up and make sure that Daniel is added to this policy if possible. It was further asked if any progress had happened with the claim for the frozen pipes. It was stated that this was still being worked on.

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

**10) Approval of Meeting Minutes for November 6, 2023 Town Council Meetings**

Council Member Duggin discussed a few wording changes to the minutes with Clerk/ Recorder Crittenden, who took note of the changes.

***Council Member Duggin moved to approve the November 6, 2023 Meeting Minutes with discussed changes. 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.***

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

No closed session

**12) Adjourn**

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

The meeting adjourned at 7:10 PM

*Kim Crittenden*

Kim Crittenden  
Clerk/Recorder