

Daniel Town Council Meeting

Monday, July 1, 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: Lisa Dinga, Jonelle Fitzgerald, Sherri Price, Fire Chief Eric Hales, Fire Warden Troy Morgan, Heber Taylor, Merry Duggin, and, Pam Skinner.

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

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

No public comment.

2) Wasatch County Health Department Update- Jonelle Fitzgerald

Jonelle presented the annual report as required by law. She stated that they are the Health Department for the Town of Daniel. She presented a handout that discussed highlights for the County Health Department. She stated that they had updated the website and engaged in a health core consisting of trained volunteers and retired medical personnel. She discussed engagement and outreach for the WIC Program and diabetes testing and classes. She finished her presentation by going over their budget.

Council Member Walton asked about air monitoring and she stated that they did have purple monitors throughout the county, however, most of the concerns about rock-crushing dust would be regulated by the State. She further stated that the purple monitors have public access and that the State had given the State Environmental Control Office more money to update their website which was in progress.

3) Wasatch Fire District Update- Troy Morgan

Fire Warden Morgan addressed the Council to report on the upcoming fire season. He stated they were hoping for a fire season similar to 2023, however, he cautioned that the rain had created more grass and other potential hazards. He recommended that the Town Council adopt a firework and open fire ban. He also stated that he was in contact with the gun range to mitigate the potential hazard with shooting on the hills above Daniel.

Council Member Pearson asked about brush hazards in the Storm Haven area. He stated that they could do outreach but ultimately it is the homeowners' responsibility to clear brush. He stated that the Town had sent volunteers to remove and chip some of the brush and dead wood in the Storm Haven area and hoped the Town would continue to do this. It was stated that the Storm Haven area had a FaceBook page that could also post timely updates.

Council Member Walton asked who was the appropriate law enforcement for the area if there were automatic gunfire or explosive targets in the area above the gun range. He stated that that was under DWR control, however, it was reported that some residents called the Sheriff's Office to report it. It was noted that the person to discuss fire restrictions would be Battalion Jason Provost and that they could call his office to get the complete contact information. It was noted that the gun club is only open to the public three days a week, but it is open to members every day. He also discussed concerns about individuals taking junk into the canyon

behind the gun club and shooting it up. Troy stated that they walk a fine line on individual's rights and protecting residents.

4) DR-2024.07.01A Fireworks and Open Flame Restrictions for Summer 2024

Mayor Kohler read the resolution into the record.

Lisa Dinga asked whether this would also cover gunfire too close to homes. It was stated that gunfire is not allowed within 500 ft. of a residence by state code. However, if the gunfire is on private property then gun owner rights are considered.

Council Member Walton made a motion to approve DR. 2024.07.01A. Council Member Bennett seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

5) Appointment of a Town of Daniel Mayor Pro Tempore

Mayor Kohler appointed Council Member Walton as the Daniel Mayor Pro Tempore.

6) DR-2024.07.01B 90-Day Moratorium on Issuance of New Construction Building Permits

Mayor Kohler read the resolution into the record.

Council Member Bennett asked what the purpose was, and it was stated that the Town was in litigation and this was a recommended move while the Town resolved the matter.

Council Member Pearson asked why the Storm Haven Water System was included and expressed concerns. It was noted that this moratorium expires in months and that this was necessary until we have a storage tank or other infrastructure. Lisa Dinga asked about the new construction that had happened in the area, and it was stated that those were existing connections. It was stated that the Town could pass a resolution just for the Storm Haven in the future which could better explain the reasoning.

It was stated that this would only affect new construction that had not yet been accepted, however the applicants could move ahead with planning on construction while waiting for the moratorium to lift. It was noted that this did not include agricultural buildings nor remodels.

Council Member Bennett made a motion to approve DR. 2024.07.01B. Council Member Walton seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

7) DO-2024.07.01A Adoption of Final FY 2023-2043 Town of Daniel Budget Amendment

8) DO-2024.07.01B Approval of Final 2024-2025 Town of Daniel Budget

Mayor Kohler stated that it was likely that the Town would need to have a Truth in Taxation hearing. He stated that the general costs of doing business in the Town have gone up,

Clerk/Recorder Crittenden stated that the Town likely needs to have the hearing due to the new assessments from Wasatch County. She further stated that it would cost the Town around \$2,500 to hold the Public Hearing for the Truth in Taxation. Council Member Walton asked about communication with Wasatch County and the errors that have happened over the last few years. It was noted that you now have to prove that new residences are primary properties otherwise they are automatically assessed as second homes. He further stated that the State of Utah is looking at the last few years of assessments to address concerns. She further stated this would be discussed at next month's Public Hearing. She further stated that she would have all of the updated documents and final for the next meeting since less than 20% of the final bills had come in.

Mayor Kohler stated that he and Kim had spent hours going over the budget.

Mayor Kohler asked for a motion to postpone agenda items 7 and 8.

Council Member Walton made a motion to approve continue agenda items 7 and 8 until the August 5, 2024 Town Council Meeting. Council Member Bennett seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

9) Set Truth in Taxation Public Hearing for FY-2024-2025 Town of Daniel Budget for August 8, 2024 Town Council Meeting.

Council Member Bennett made a motion to approve setting a Truth in Taxation Public Hearing for the August 5, 2024 Town Council Meeting. Council Member Pearson seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

10) Business License Renewals

- a. Stonecutter Construction- Eric Bunker
- b. Rafter K Construction- Scott Kohler
- c. Daniels Creek Construction- Hugh Barker

It was noted that no complaints on any of the businesses up for renewal had been received by the Town.

Council Member Pearson made a motion to approve the Business License renewals for Stonecutter Construction, Rafter K Construction, and Daniels Creek Construction. Council Member Walton seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

11) Council Report

Mayor Kohler reported that he was working on the 9-11 Day of Service. It was noted that he was looking into doing another day of service up in the Storm Haven chipping or cutting up cleared brush and other wood. He was asked to see if any other service projects had been suggested in the Town and he stated he would reach out. He also reported that Midway City had asked if the Town would like to cost share on some for roads that need repairs while they were contracting through the County.

Council Member Pearson stated the Interlocal meeting was on July 10th. He continued by stating that his plans to hold the Town of Daniel Days were not working out due to the property owner's health concerns. He also stated that he had concerns voiced to him about CMC driving through the Town. Mayor Kohler and Eric Bunker stated that they had not seen any of their trucks in the Town. Mayor Kohler stated that they have some jobs in the Town which makes it allowable.

Council Member Walton noted that he still has concerns about dust and general air quality. It was noted that some of the concerns were from businesses outside of Town jurisdiction.

Engineer Report/Updates

No report

12) Planner Report/Updates

Planner Bunker presented his report.

Council Member Walton asked what would happen if pole barns are not being used for agricultural buildings. Planner Bunker stated that they were required to sign an agreement that they would be agriculture uses and that if they were not the Town would present them with a complaint and then take them to court if necessary.

It was stated that the Simpson permit was just a year extension for the building to be completed.

Planner Bunker stated that the Trunnels had been asked to provide a document stating what they thought would work for the concept that they have envisioned for the business condominium project that they are petitioning the Town to change our current code to accommodate. He stated that this had not been provided but the Town would be moving ahead with the request. He noted this would be difficult to administer with our limited part-time staff. Council Member Bennett asked to be sent the State Code on the subject.

13) Storm Haven and Daniel Water System Report/Update

Mayor Kohler stated he would be getting bids for fencing around the pump houses of both water systems. Daniel's water system has been reading between 118 and 121 gallons per minute. He stated that the chlorine is going in at .05 and the outgoing is reading .04, so it is doing well. Council Member Walton offered to help Planner Bunker clean screens.

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

Clerk/Recorder stated that because there was a Part A Warrant list, few bills had come in. She noted it was very difficult to get everything done before the 1st of the month. It was noted that next month there would be two sets of warrants.

Council Member Pearson made a motion to approve the warrants presented. Council Member Bennett seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

15) Approval of Meeting Minutes for June 3, 2024

Pearson made the motion to continue until August for approval of the minutes. The motion was seconded by Bennett. The vote was Walton yes, Pearson yes, Kohler yes, and Bennett yes.

16) Possible Closed Session as Permitted by UCA 52-4-205

Mayor Kohler asked for a motion to have a closed session.

Council Member Walton made a motion to have a closed session. Council Member Bennett seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

Council Member Walton made a motion to return to the public meeting from the closed session. Council Member Bennett seconded the motion. The vote was Walton yes, Pearson yes, Kohler yes, and. Bennett yes.

17) Adjourn

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

The meeting adjourned at 8:20.

Kim Crittenden