

Daniel Town Council Meeting Minutes

Monday, November 4, 2024 at 6:00 PM

Wasatch County Services Building

55 South 500 East, Conference Room B

Heber City, Utah 84032

Quorum present: Mayor Scott Kohler, Council members Gary Walton, Eric Bennett, and Robyn Pearson. Council member Jon Blotter was absent but joined the meeting at 6:17 PM. Also present were Treasurer Sherri Price, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to record the minutes.

Members of the public: Wes Harris, Drew Reilly, Jordan Rood, Heber Taylor, Barbara Walton, Marcia Birch, Nate Orton, Karen Reeder, Rex Reeder, Mary Ward, Larry K. Ward, and Brooke Rose.

1) Public Comment: Marcia Birch stated she had asked the Council previously to stop Scott Keele from hauling loads of slag into his yard. She also does not like him working at 8:30 PM on Sundays. She added she doesn't want the Town to put a cement plant by the people that are sick.

2) Public Hearing for Nater Enterprises Zone Change (Parcel #20-4480)

Council member Bennett made a motion to open the public hearing. The motion was seconded by Council member Walton. The vote was Walton yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

Nate Orton said he is unprepared without a map but will try to explain. He owns the triangular parcel on Highway 40 and Mill Road where the landscape trees are located. It is approximately 3.8 acres. He also owns a $\frac{3}{4}$ acre lot purchased from Rob Armstrong that is already zoned commercial. He is operating the landscape business under a variance, a conditional use permit, but is not allowed to sell retail there. He said there is an old ranch gate on Highway 40 that he does not use, but he could possibly use that at some time in the future. He has no plan to change his current use of the property. He started the zone change process in June as it was the time to do so, would like to get it accomplished. He would like it in place if he decides to develop the property, property value enhancement, or to sell the property.

Council member Pearson asked why he did not ask for a zone change at the time he got the conditional use permit. Mr. Orton stated there was quite a pushback from the Town and he was told Daniel could not provide him the water and sewer needed for a commercial lot. He later found out that was not true because there was an agreement with JSSD that he could bore under the highway and tie into their line. Before he was made aware of that, he petitioned for deannexation from Daniel and going into Heber City. When Daniel said the services could be available to him, he dropped the idea of deannexation and would continue operating as he had been until the time was right. That time is now. He's asking for a zone change as other nearby properties have been zoned commercial.

Mayor Kohler read a letter from Planning dated October 25, 2024 to the Mayor and Town Council recommending the zone change from RA-5 to commercial.

Council member Walton stated if zoned commercial and sold, any of the listed commercial businesses in the Code could operate on the property. They would still have to have the necessary sewer and water services required by the Health Department. Mr. Orton stated the culinary water for the house is from a well. There is a water meter setter on the $\frac{3}{4}$ acre parcel, but a water hookup has never been put in. Iron Horse Rental is using that parcel. He stated he has renters in the home on the parcel applying for a zone change.

Council member Pearson moved to go out of the public hearing, which was seconded by Council member Bennett. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

3) Possible Adoption of Nater Enterprises Zone Change (Parcel #20-4480)

Council member Pearson moved to approve the zone change. Council member Walton seconded the motion. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

4) Public Hearing for TH Land Zone Change (Parcel #20-4495)

Council member Blotter made a motion to open the public hearing. The motion was seconded by Council member Walton. The vote was Walton

yes, Blotter yes, Kohler yes, Bennett yes, and Pearson yes. The motion passed.

Wes Harris stated after the meeting in June, the mylars were signed and agreements made with UDOT. The land has been divided into three parcel numbers. Two are residential lots bordering Little Sweden Rd and the third piece comes off of Highway 40 seeking a commercial designation. Mayor Kohler stated the only access to that right now is off of Little Sweden. They are looking for approval of access off of Highway 40 to the commercial piece. There is currently the required access for emergency vehicles on a granted easement.

Council member Pearson asked about water to the residential lots. Mr. Harris said one of the lots has a well and the other has an approved permit to place a well on it. The Daniel water system does not extend to these lots; they could be serviced by Twin Creeks. Mr. Harris stated if Daniel wanted to extend their waterline to this property, they would be happy to hook into it.

Council member Pearson asked if there were irrigation shares attached to these lots. Mr. Harris answered yes. The current use of the water is for farming operations.

Council member Bennett asked if they were considering placing some kind of a divider wall between the commercial and residential lots. Mr. Harris said they would meet the requirements of Daniel when developing the larger piece.

Mayor Kohler then read a letter dated October 25, 2024 from the Planning Commission to the Mayor and Town Council recommending the zone change. Council member Walton clarified the ten acres is the two residential lots and the 21-acre piece is where they have applied for the zone change.

Planner Bunker added the only access right now is off Little Sweden, until such time that UDOT approves access off of Highway 40. Mr. Harris said while the access is only off Little Sweden, only ag farming would be performed on the 21 acres. There will be no construction equipment going to the larger piece until UDOT approves access from Highway 40.

Planner Bunker said there is an agreement with UDOT and Independence for a signalized intersection at or near this location, but the timing of that is unknown. Mr. Harris stated the Planning Commission would have to approve the development of the property before allowing a lot of traffic off Little Sweden going to the commercial property.

With no further public comment, Mayor Kohler called for a motion.

Council member Bennett made a motion to end the public hearing. The motion was seconded by Council member Blotter. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

Council member Blotter asked if the Town could legally change the zone without two entrances to the property. Planner Bunker answered yes. But the property owners would have to have an additional access before any development takes place. Zoning the lot commercial before a second access is made raises the value of the property for potential resale. The road into the property would be a private road maintained by the owner unless and until Daniel Town decided they needed to have access using the road, at which time maintenance of the road would be the responsibility of Daniel.

Council member Blotter made a motion to approve the zone change, which was seconded by Council member Bennett. The vote was Walton no, Blotter yes, Kohler yes, Bennett yes, Pearson no. The motion passed.

6) Set Public Hearing for Houston Zone Change Application for January 6, 2025

Mayor Kohler asked that a motion be made to continue this agenda item.

Council member Blotter moved to continue setting of the public hearing for the Houston zone change. The motion was seconded by Council member Pearson. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, and Pearson yes. The motion passed.

7) Set Public Hearing for Drew Reilly Zone Change Application for January 6, 2025

Mayor Kohler asked that a motion be made to continue this agenda item. Council member Pearson asked for clarification as to why continue the setting of the public hearing.

Drew Reilly stated they own two parcels on Cobble Creek Lane, one of five acres and one of 32 acres. He is applying for a zone change on both parcels.

Council member Pearson moved to continue setting the public hearing for the Reilly parcels so the Planning Commission has a public hearing first. The motion was seconded by Council member Bennett. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, and Pearson yes. The motion passed.

8) Business Licenses – New

Jordan Rood dba Bow and Arrow Ordnances LLC

Mr. Rood explained he currently holds a Federal Firearms License from the ATF. There will be no increase in traffic due to his business. No manufacturing or development will take place in his home. Having a Daniel business license is a requirement to maintain his FFL license. He mainly tests firearm suppressors he has purchased with limited sales to friends and family. The Bow and Arrow refers to the name of a family ranch. He has no employees.

Mayor Kohler stated the Planning Commission made a recommendation to approve the business license.

Council member Blotter made a motion to approve the business license. Council member Bennett seconded the motion. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

9) Commercial Condo Possible Code Change Discussion

In the Planning Commission meeting of October 16th, Planner Bunker gave a presentation regarding this possible code change. Now the Town Council is afforded a question/answer session on the subject. The discussion was initiated regarding the Nico building of Nephi Trunnell on Highway 40.

Mr. Bunker stated the code was requested by Mr. Trunnell to market condominiums in his development and has been discussed for approximately six months in Planning. The Planning Commission has recommended this as the code to be included in the Daniel Code. This is regulated by the State in Chapter 8 of the Utah State Code. Regarding the restrictions in the State Code, Daniel can be more stringent than the State but not less stringent, and there is an HOA on this particular project.

Council member Bennett asked Mr. Bunker to enumerate the responsibilities Daniel would have in adopting this code. Mr. Bunker mentioned rather than having one owner of a building, there could be as many as eight in this project, but there are additional storage units that could increase the number of owners. Daniel's oversight would entail mitigation of complaints made against tenants.

Planner Bunker stated the number of condos is determined by size, with 2,500 square feet being the minimum. Condominiums can only be in a commercial zone. He clarified code changes can be initiated by the Council or Planning Commission at any time during the year.

Mayor Kohler asked the Planner to talk about a new state requirement regarding time frames regarding applications. Mr. Bunker stated once an application is turned in, the Town must take action on it within 60 days.

Using the Russ Witt commercial spaces off Mill Road, if this code were to be included within our code, Mr. Witt would have the option of selling the spaces he currently rents to businesses.

Council member Bennett asked what benefit this would provide to Daniel while, at the same time, taking on extra work in oversight. Mr. Bunker stated it would increase the Town's revenue. Drew Reilly stated there are higher property taxes paid by a condominium owner versus people renting the same units as apartments from a single owner. Mr. Bunker stated the point-of-sale revenue could be higher as well. This is only dealing with commercial units, not residential units.

Mr. Bunker stated the parking requirements for an individual unit is dependent on the commercial use. The parking matrix is addressed in other Town Code. Mr. Trunnell has been made aware of the fact if the owners in phase 1 of this development require too much parking, it could jeopardize the completion of phases 2 and 3 on this same parcel of land.

If the Council decides they do not want to include this type of code, they most certainly can turn it down.

10) Council Reports

Council member Pearson stated he attended the Interlocal meeting, and the discussion centered mostly around the bypass road.

Mayor Kohler went on the C/O inspections with Mr. Bunker at the Nico building. He said there are good businesses located there. One shop is manufacturing metal studs and trusses. The Mayor stated Nephi has a business license and each tenant will require one to operate their businesses there.

11) Planner Report/Updates

Mayor Kohler stated he wanted to address trailers on the complaints at the bottom of the page. The Mayor and Mr. Bunker visited the property and found no evidence that anyone is living in the trailer on Little Sweden. Mr. Bunker will send a copy of his findings to the complainant.

Mayor Kohler asked the Council to review the meeting schedule for the year 2025 and it will be approved in a future meeting.

12) Storm Haven and Daniel Water System Report/Update

Mr. Bunker stated the lead and copper sampling is being done by him. He'd like to see the Town find someone else to do the sampling. The Town is responsible to take the samples to Chemtech Ford in Salt Lake. The number of samples for lead and copper has increased from five to ten. One meter was replaced. New registers are being installed.

13) Recorder's Office: Warrant approval, Announcements, etc.

Council member Blotter moved to approve the warrants, seconded by Council member Walton. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, Pearson yes. The motion passed.

14) Approval of Meeting Minutes for October 7, 2024

Council member Pearson had a clarification of Item 8 of the October minutes. He said Mr. Walton asked in the meeting if there had been any movement on the Staker Parson parcel of ground. The sentence regarding bringing water rates closer to what would be required should be attributed to Mr. Pearson, not Mr. Walton.

Council member Bennett made a motion to approve the minutes of October 7th. The motion was seconded by Council member Pearson. The vote was Walton yes, Blotter abstain, Kohler yes, Bennett yes, Pearson yes. The motion passed.

15) Possible Closed Session as Permitted by UCA 52-4-205. There was none.

16) Adjourn

Council member Pearson made a motion to adjourn, which was seconded by Council member Bennett. The vote was Walton yes, Blotter yes, Kohler yes, Bennett yes, and Pearson yes. The motion passed.

The meeting adjourned at 7:40 PM.

Minutes submitted by Lynne Shindurling
Deputy Clerk/Recorder