

**Daniel Town Council Meeting Minutes**  
**April 7, 2025, 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, Jon Blotter, Eric Bennett, and Robyn Pearson. Also present were Planner Eric Bunker, Treasurer Sherri Price, and Lynne Shindurling, Deputy Clerk/Recorder, to record the minutes.

**Members of the Public:** Craig Hancock, Naomi Kisen, Sarah Rigard, Wyatt Woolley, Fire Chief Eric Hales, Fire Marshall Clint Neerings, Fire Warden Troy Morgan, Jaq Shindurling, Brooke Rose, David McNaughton, Todd Cusick, Stacy Kohler, and Pam Skinner.

The meeting was called to order at 6:00 PM

**1) Public Comment (Please Limit to 2 Minutes Per Person)**

David McNaughton, the principal of Daniels Canyon Elementary, stated there is a locked gate on the east side of the school building. Because the State legislature has passed several laws regarding safety at schools, he is asking for a key to the gate should an emergency arise to exit the grounds quickly. At present there is one lock on the gate. Perhaps a solution would be to use a chain with two locks, one maintained by the school and the other by Daniel Town. He would like to be on a meeting agenda in the future to discuss this item.

In response to this request, Clint Neerings of Wasatch County Fire, stated the fire district does have an approved means for opening locks by using a universal padlock with a rfid or Knox key that is used by police and EMT personnel for access through locked gates. This can be explained further in a later discussion.

**2) Presentation by Clint Neerings, Wasatch County Fire District – Approval of DR 2025-04-07A Fireworks, Firearm Discharge and Open Flame Restrictions**

Mr. Neerings produced a map showing the proposed fire restriction area for Wasatch County. Pursuant to State statute, a resolution must be passed each year, by May 1<sup>st</sup>, by all cities and towns restricting use of fireworks. The resolution

previously used by Daniel Town is more restrictive than the one Mr. Neerings has proposed. Council member Bennett inquired about the area south of 3000 South down Big Hollow Road to the gun club, which is designated as county property. Is there something in effect to protect that area? Mr. Neerings explained the county must also pass a resolution restricting use of fireworks in that area as well. Troy Morgan explained Big Hollow falls under the State jurisdiction, and does not allow fireworks on State property. As far as shooting at different times throughout the summer, that falls under Phase I restrictions. Council member Bennett asked about signage referring to different phases of restrictions. Mr. Neerings replied there is signage posted throughout the area. Mr. Bennett mentioned DNR has offered to supply signs as well. Mr. Neerings said Mr. Morgan is the liaison with the State, so he will reach out to them as well.

Council member Walton asked if shooting is prohibited on the wildland around Big Hollow. Mr. Morgan stated when Stage I and Stage 2 restrictions are put in place, shooting is not allowed beyond the gun club. He said DWR can also place restrictions when conditions such as dried vegetation are present and it is felt to be a fire hazard. Stage 2 is no shooting, no recreational fires, no campfires. Stage 1 is no rubbish burning, no burn permits issued, no fireworks. Mr. Morgan stated when the restrictions go into effect, signage is placed warning of the restrictions.

Council member Pearson said the resolution prepared to pass at this time is more restrictive than just fireworks. Council member Duggin said the language in this resolution is the same as what Daniel Town has passed in the past several years. It is more inclusive than just fireworks. But she mentioned the effective date can be changed to whenever the Council wants it to be. Council member Pearson would like graduated restrictions as the weather warms and the fire season progresses. Council member Duggin stated firearms cannot be legally discharged from a distance of less than 600 feet from a residence.

Mr. Morgan stated agricultural burns falls under a different category as far as burning ditches. But the burning of yard debris as spring cleanup activities occur is regulated by Stages 1 and 2. The restrictive stages go into effect based on environmental conditions using scientific evidence, temperature, moisture, etc. Planner Bunker added the fire department will not restrict a cooking fire any time

of the year. Residents must be diligent in their use of open flames in a backyard fire pit.

**Council member Walton made a motion for the Council to accept Resolution DR 2025-04-07A as written. The motion was seconded by Council member Blotter.**

Mayor Kohler read the resolution in its entirety. Council member Bennett suggested the effective date be May 1<sup>st</sup>, 2025, so residents could burn yard waste before that date. Troy Morgan stated as of June 1<sup>st</sup>, that is statutory closed fire season. The Council may want to use the June 1<sup>st</sup> date, as the effective date of their resolution, to October 31<sup>st</sup>, which is the statutory closed fire season in the State of Utah.

**Council member Blotter made a motion to approve the resolution with the dates of June 1<sup>st</sup> through October 31<sup>st</sup>. The motion was seconded by Council member Walton. The roll call vote was Walton, yes; Blotter, yes; Kohler, yes; Bennett, yes; Pearson, no. The motion passed.**

Clerk Merry Duggin stated we are honored to have Fire Chief Eric Hales, Fire Warden Troy Morgan, and Fire Marshall Clint Neerings. Thank you all for coming. The new fire station will open next week on 1200 South. It is called Station 51.

### **3) Discussion With Todd Cusick Regarding CMC Ready Mix Operations**

Mr. Cusick stated he came to this meeting at the request of the Mayor to answer any questions or address concerns expressed by Daniel residents. Mr. Cusick was made aware of a subcontractor chipping barrels until 10 PM one night and spoke with the sub about approved hours of operation at the plant. Council member Walton stated he heard the banging on two nights. The area manager, Jason Bingelli, spoke with the sub, and the noise has not occurred at night since then.

Council member Pearson stated at the past couple of council meetings, residents who live primarily east of the batch plant or south have complained of noise, fugitive dust, working late hours, and tailgates on trucks slamming. One resident reported the surrounding berm was only four feet tall, so Mr. Pearson measured it and found that to be an untrue statement. Mr. Pearson expressed concern that the trees in the berm are very small and appear to be unhealthy. Mr. Cusick has

had a landscaper check the trees, and he reported that they are fine. The trees that were planted were on the approved plan submitted to Daniel.

Mr. Pearson went on to say as discussions took place with the Town Council before approval of the plant, he does not recall residue crushing being mentioned as an ongoing activity there. Mr. Cusick stated the crushing is approved on the Wasatch County side of the property, but they have been doing more hauling away of the material than crushing it. They have stockpiled the used concrete and will continue crushing some of it. Mr. Pearson asked how they plan to control the fugitive dust resulting from crushing. Mark Lloyd, who had complained initially about dust from the plant, has now put in a bid to do some of the crushing work. Mr. Lloyd had a state air quality person go to the plant and perform testing, and the results were good. CMC plans to keep the air quality permit in good standing throughout their operations. The dust at the plant falls into the small source exemption category, but they obtained an air quality exemption permit to let the state know of their operation. When inspected by the state, all results were perfectly normal.

After hearing some complaints, Mr. Pearson parked a truck just to the east of the plant for 24 hours on Scott Coleman's property. He reported the dust that had accumulated on the vehicle was deep enough to write in. He did state he was impressed with the amount of detail put into the site.

Mr. Cusick reported he had heard complaints of CMC trucks using 3000 South, which it is CMC's policy for ready mix drivers and aggregate drivers not to use 3000 South. The trucks all have GPS chips in them so the company can track which roads drivers use. CMC had looked at another property on which to place their plant whose only access was on 3000 South, so they elected to build where they are currently located. If another plant comes onto that property and uses the 3000 South access road, CMC may be inclined to do the same to shave off minutes and costs in truck operations.

Council member Pearson complimented CMC's dealing with complaints in a very timely manner. Mr. Cusick stated they will continue to do so and speak often with the closest neighbors to the plant to remain a responsible neighbor.

Council member Walton asked if CMC could water down the dust when performing the crushing operations. Mr. Cusick said they have water drop points of the aggregate when crushing takes place to mitigate the dust problem.

Council member Pearson commented at the time the Conditional Use Permit was issued, CMC guesstimated the amount of water to be used in its operations. Now that you've been in operation for some time, were those estimates accurate? Mr. Cusick stated they are way under the original estimates. They are using less in the washout process than was anticipated. The washout uses recycled or gray water kept in concrete pools.

Planner Bunker stated complaints of a banging sound from tailgates is actually the loader bucket shaking out material stuck inside. The loader operators do that to make sure materials are not left inside causing a mixing of rocks and sand and dirt. Mr. Bunker said early in the morning the sound travels a greater distance, and that is what the residents are hearing. Mr. Cusick said this plant is a very quiet plant compared to many others.

#### **4) Presentation by UDOT on Bypass Update**

Mr. Hancock asked to make a connection to the projector to display their Power Point presentation. He mentioned there is also a video available on their website discussing much of the same information. He stated Daniel is the first presentation, and they will be visiting all municipalities in the County.

Mr. Hancock is the project manager for the bypass road in Heber City. Present with him tonight are Naomi Kisen, Sarah Rigard, and Wyatt Woolley. Ms. Kisen stated the mission statement for this project deals with purpose and need and has been the same since 2021, which is to provide regional mobility, local mobility, non-motorized transportation, and a vision for a historic town center. The travel demand model produced by MAG has changed because of the population growth, 30% more traffic using north U.S. 40, so UDOT paused to make modifications to the alternatives.

In 2023 UDOT had come to five alternatives for the bypass road. Their goal was to create free-flow options for traffic. Another lane was added to U.S. 40 to accommodate more traffic. Council member Walton asked if the current Main Street through Heber would remain under State jurisdiction or would be under

the jurisdiction of Heber City. Ms. Kisen said UDOT can't commit to that determination, as the final say comes from the Federal Highway Administration.

At this point UDOT has narrowed the alternatives to two. Realigning U.S. 189 did not offer any benefits but created more negative impacts to residents, so doing that was eliminated. The remaining alternatives have little effect on the Town of Daniel and keep the traffic flow to the west and north. Mr. Hancock stated the free-flow options provide a better route at higher travel speeds for trucks and get the traffic off of Main Street. This is referred to as the Heber Valley Corridor.

Council member Pearson asked if aggregate trucks coming up Provo Canyon have the option of staying on U.S. 189 and up to Main Street. Mr. Hancock answered in the affirmative. Mr. Pearson asked if Daniel were to place traffic calming features on 3000 South to slow traffic, such as speed bumps, would Daniel lose State B&C road funds, and Mr. Hancock did not know the answer to that question.

(Council member Blotter left the meeting at 7:25 PM.)

Mayor Kohler stated he attended a meeting where the question was asked if Daniel limited the weight of vehicles, such as 10,000 pounds, and thus limited access onto Daniel roads, would B&C road funds be lost by Daniel. Once again, Mr. Hancock said he did not know the answer, but there are people at UDOT who could address the subject. Council member Pearson asked if UDOT would support Daniel in their efforts to deter traffic from using 3000 South. Mr. Hancock stated he would pose questions like that to the Regional Director, Rob Clayton, who could answer better. UDOT will need to prioritize the project and obtain the necessary funding.

Mr. Hancock stated the next step is to produce a draft EIS, which will be released in the fall, showing just one alternative route. UDOT has no idea when construction will commence. Public input is still welcome at this time before production of the draft EIS. Ms. Kisen speculates the State would like to have the road constructed by the time of the Olympics in 2034.

Council member Pearson stated at the last Interlocal meeting, he expressed the valley's need to focus on the east-west alternative, if 189 were to be abandoned,

so that 3000 South through Daniel did not become the route used. This would have a tremendous effect on the Town of Daniel.

#### **5) Business License Renewals**

- i. Sunny and Me, LLC
- ii. Suburban Propane
- iii. Full Scope
- iv. Simpson Fence
- v. Computer Nerds
- vi. Iron Horse Equipment Rentals
- vii. Daniels Creek Construction

Mayor Kohler said if there are no questions, call for a motion.

**Council member Bennett made a motion to approve all of the business license renewals. The motion was seconded by Council member Pearson. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.**

Mayor Kohler stated by the time a business license renewal goes before the Planning Commission, gets a recommendation for approval at the Town Council at their next meeting and issuance of the license, much time has passed. The Mayor would like to pass an ordinance stating license renewals with no complaints go directly to the Town Council for approval. A new business license application with a business plan goes to the Planning Commission when received prior to the 1<sup>st</sup> of the month, and then on to the Council for approval. This will be on next month's agenda.

#### **6) Approval of Resolution DR 2025-04-07B Town of Daniel Bank Account Signature Authorization for Town officers**

Mayor Kohler read the resolution in its entirety into the record. He stated this is to add Gary Walton as a signatory to the bank accounts as Mayor Tempore.

**Council member Pearson made a motion to approve DR 2025-04-07B, which was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; and Pearson, yes. The motion passed.**

## **7) Approval of Resolution DR 2025-04-07C to Appoint Daniel Town Board of Appeals Members**

Mayor Kohler read the resolution in its entirety into the record. The persons being appointed to the Board of Appeals are Adam Knight, Ryan Simpson, and Stephanie Grady for a four-year term.

**Council member Pearson made a motion to approve Resolution DR 2025-04-07C, which was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; and Pearson, yes. The motion passed.**

## **8) Council Reports/Updates**

Council member Walton spoke with the Wasatch County Health Department regarding Daniel sampling. The testing facility in Salt Lake has become more stringent about the temperature of samples received. He will check the sampling schedule and coordinate with Planner Bunker to take the samples and get them to Chemtech Ford.

Mr. Walton also reported County sheriffs answering calls to a residence on Daniels Road of disturbing the peace. Planner Bunker said this falls under the nuisance clause in Daniel Code. The code does not specify hours when higher volumes of noise should cease. Mr. Walton suggests possibly amending the code in that regard.

Council member Bennett reported Big Hollow needs to be repaved as the potholes are becoming very large. This road remains problematic in that part of it is in Daniel, part in Heber City, and part in the County. Mr. Bennett feels that the County vehicles cause the most damage. Mayor Kohler will speak with officials to try to come up with a solution for repair.

## **9) Planner Report/Updates**

Planner Bunker provided a handout from MAG showing that an rfp was put out for a consultant to work on Daniel's General Plan. Council member Walton mentioned that the reference to Cody Coleman on Mill Road should be Scott Coleman. Mr. Bunker said the permit is pulled, they paid and are working on the addition. The Ryan Simpson accessory structure permit was extended for a year.



## **10) Daniel Municipal Water and Storm Haven Water Systems Reports/Updates**

Planner Bunker reported sampling has been done on both systems according to schedule. The Source Protection Report from the State reported flaws in the report for DMW. In addition, the lack of a fence around the springs and well adds points to the system. Mayor Kohler said he is getting bids to fence the area, and then the Council will discuss the bids and choose a contractor. The Storm Haven well also requires a fence to be put into place.

Council member Pearson reported it has been a year and four months since he brought to the Council an offer for an acre of ground on the east side of Highway 40 on which to put a water storage tank. He would like the Council to direct his response on the offer that the Town has an interest in obtaining that ground to be dedicated to Storm Haven or has no interest. Even though funding is not available at this time, the owner wants to know if it is a possibility in the future. Council member Walton asked if there is an expectation in writing as to what Staker Parsons would be provided in return. Mr. Pearson said they'd like some type of State tax credit and also a water connection for a trailer and site water. Council member Walton said it would be a win-win for residents in Storm Haven, particularly for fire protection.

Council member Pearson stated the last time Ryan Taylor checked into the Town's needs for a tank, a 350-gallon tank would cost \$550,000, but that was perhaps three years ago. That did not include necessary construction to put the tank and water system in place. Council member Bennett suggested than Mr. Pearson open the dialogue with Staker with no commitments. Mr. Pearson reiterated that water rates will need to be raised in order to obtain any grants for funding. The entire project three years ago was estimated to cost around \$3.5 million.

Mayor Kohler stated the Council needs to get serious about raising water rates and deciding how to go about it. Council member Pearson said he would like to hold a public hearing or Town Hall, open forum type gathering, in order to get feedback from residents on the options involved in raising the rates. Mayor Kohler said he will take charge of moving this along.

Planner Bunker reported negotiations are underway involving the trailer park in Daniel obtaining Daniel water to service their tenants. The water right the trailer park would turn over to the town is leased from Central Utah Water at a cost of

\$800 annually that would become a liability of Daniel if the deal goes through. It is 3.4 acre feet of water. It was suggested water rates to residents in the trailer park could be increased by \$10 a month to cover this cost. Mr. Pearson would like Daniel to petition CUP saying if Daniel provides the water, CUP will gift the \$800 annual fee, which it can do as Daniel is a public entity. To date a gift has not been discussed. The grant the trailer park is looking at from the Division of Drinking Water is based on 10 meters at a cost of \$1,175 per hook-up. The total amount of monies in the grant is \$250,000. Council member Pearson will pursue the idea of a gift with DDW.

(Council member Pearson left the meeting at 8:25 PM.)

### **11) Annual Open and Public Meeting Training**

Clerk Merry Duggin had listened to a 45-minute video provided by Utah League of Cities and Towns. She read their handout on protocol for public meetings and how meetings are to take place and how minutes of meetings are to be provided and maintained.

### **12) Fraud Risk Assessment**

Clerk Duggin went on to discuss the Fraud Risk Assessment, which must be filled out annually and submitted to the State. It has not been done in the last couple of years. She explained how the yes/no answers on the first page are used in providing answers on the second page. In 2022 the assessment provided a total of 255 points, which put the Town in the high risk category for fraud. She asked the Council to review the numbers provided in 2022 and tell her if anything had changed. If not, she will use those figures in filling out and submitting assessments for 2023 and 2024, which are delinquent. She stated the scores are used by the Local Government Trust in figuring the insurance rates for Daniel Town.

She stated the Town needs to put written policies in place on the subjects mentioned, which were discussed at length several years ago, but none were put in place. Council member Walton inquired about the internal audit mentioned. Clerk Duggin said someone, other than the outside auditor, needs to come in and perform an audit on how things are being done in the Town, check on procedures in place. Many of the procedures can be done individually using online training to receive the stated points. Ms. Duggin said she will fill out the 2023 and 2024 forms

using numbers reported in 2022 and have the forms signed by the Mayor. This will be an annual requirement, so Town officials need to take the necessary steps to increase the number of points received.

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

Lynne Shindurling pointed out the first warrants labeled for February were discussed by the Mayor with Council members so checks could be cut last month. This is the printed copy showing what was actually paid in March. The second set are bills which accumulated during March for approval in April of checks to be cut. Executech had not been paid for months, but the Town had contracted Aaron Cheatwood of Ace Rescue Computers to become the IT resource for Daniel. So, in essence, the Town is paying duplicate charges to both companies for Microsoft licenses. The two are working together to try to resolve the issue, allowing Ace to take over the Executech licenses and cancelling the monthly charges that they incur from Microsoft. Chris Anderson's work was to clean up the website and catch up on the website postings.

Mrs. Shindurling also mentioned the next Interlocal meeting is scheduled for April 9<sup>th</sup> and the RPO meeting will be held on April 21<sup>st</sup>, if anyone is interested in attending. She stated that the engineer consultant position was announced on the Town website, the Public Notice Website, and put into the Wasatch Wave. There were no applicants. Mayor Kohler explained this is the position for which they have had discussions with Ryan Taylor concerning water and road issues on which he may be able to help. He said if the Council agrees, he will pursue discussion with Mr. Taylor. Council members Walton and Bennett agreed to have the Mayor reach out to Mr. Taylor as a consultant. When there is a contract signed with him, it will be an agenda item for the Council to vote on.

**Council member Bennett made a motion to approve both sets of warrants, for February and March. Council member Walton seconded the motion. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes. The motion passed.**

**14) Approval of Meeting Minutes for November 3, 2024; December 2, 2024; December 23, 2024; January 6, 2025; February 3, 2025; March 3, 2025**

Council member Walton asked for clarification on page 4 of the January 6, 2025, minutes, third paragraph. After discussion, no corrections were necessary. Mayor Kohler noted misspellings on two names. Roger Pearson was changed to Robyn Pearson, and Marcia Bird was changed to Marcia Birch on the first page of the November 4, 2024, minutes. Changes will be made on official posted minutes.

Mayor Kohler also asked about the December 23, 2024, minutes referring to Geneva Rock's request for an annexation and small subdivision. Planner Bunker stated both applications had been made before a code change took place, so the subdivision application does not fall under the code as it has been changed. The annexation falls under the State's purview and, therefore, is not subject to the revised code either.

Council member Bennett stated he is concerned about voting for approval of the December 23<sup>rd</sup> minutes because he was not at the meeting. It was explained that he could vote anyway, attendance is not necessary.

**Council member Walton made a motion to approve all of the meeting minutes, with the changes noted by Mayor Kohler. Council member Bennett seconded the motion. The roll call vote was Walton, yes; Kohler, yes; and Bennett, yes. The motion passed.**

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

Mayor Kohler called for a motion to close the public meeting and go into a closed session.

**Council member Bennett made a motion to close this meeting and open a closed session as permitted by UCA 52-4-205. Clerk/Recorder Duggin asked to add "for competence of an individual." Council member Walton seconded the motion. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes. The motion passed.**

**(The closed session began at 8:58 PM. Those present were: Mayor Scott Kohler, Council members Gary Walton and Eric Bennett, Planner Eric Bunker, Clerk/ Recorder Merry Duggin, and Deputy Clerk/Recorder Lynne Shindurling.)**

**Council member Walton made a motion to open the regular session of the meeting, which was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; and Bennett, yes. The motion passed.**

**16) Adjourn**

**Council member Bennett made a motion to adjourn the meeting, which was seconded by Council member Walton. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes.**

The meeting was adjourned at 9:26 PM

Lynne Shindurling  
Deputy Clerk/Recorder