

## **Daniel Town Council Meeting**

Monday, July 7, 2025 at 6:00 PM

Wasatch County Services Building, Conference Room B

55 South 500 East, Heber City, Utah

**Quorum Present:** Mayor Scott Kohler, Council Members Gary Walton, Eric Bennett, and Robyn Pearson. Council Member Jon Blotter was excused. Also present were Town Planner Eric Bunker, and Deputy Clerk/Recorder Megan Goodrich, to record the minutes.

**Members of the Public:** Pam and Norm Sperry, Marcia Birch, Stefanie Grady, Barbara Johnson, and Pam Skinner.

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

### **1) Public Comment**

Barbara Johnson, a part-time resident of Daniel who lives on 3000 South, alerted the council to a streetlight that was out on 3000 South, which she would like to see replaced. She also mentioned that the street sign at Teancum and Ranch Road was leaning. Additionally, Ms. Johnson expressed concern about the number of drivers who speed along 3000 South. Mayor Kohler said that the Council would make the necessary calls to repair the streetlight and street sign. Mayor Kohler has also spoken with Sheriff Rigby and asked that the County increase patrols along 3000 South.

### **2) Public Hearing for Commercial Condominiums Projects for possible code adoption**

***Councilmember Bennett made a motion to open a public hearing on condominium projects; Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

The Planning Commission has already held a public hearing regarding commercial condominiums and took public comments. The Planning Commission sent a letter to the Town Council with a recommendation to approve the proposal to adopt a code for commercial condominiums. The applicant for the code change, Mr. Nephi Trunnell, had his attorney draft a new code that he would like the Town to adopt. The Town then put some limits on what was drafted, specifically that this code change would only be allowed in commercial areas, and if there was a residential component, the code change would not be allowed. The code change would allow Mr. Trunnell to sell units in his building to individual owners rather than renting them.

Councilmember Bennett: "How much more paperwork/liability would the Town have if adopted?" Planner Bunker: "Could be burdensome on the Town to administer new code." Councilmember Walton agreed that it would be a burden on the Town to regulate.

Councilmember Bennett asked what benefits the Planning Commission saw in adopting this new code. Planner Bunker stated that benefits could include long-term tenants, which could increase or stabilize sales tax revenues for the Town.

Councilmember Pearson questioned how the Town would handle tenants who had conflicts. Planner Bunker stated that, if the code change passes, the Town would have responsibility in regards to conflicts with owners. Councilmembers Pearson and Walton conclude that the Town would have more ownership and responsibility, which would cost more money for the Town.

Councilmember Walton clarified that owners would need to be licensed through the Town.

Barbara Johnson: "How many units are there?" Planner Bunker: "There were going to be four, but some units have been subdivided. Upstairs is storage for Mr. Trunnell." Also Planner Bunker: "The main tenants could sub-lease units."

Councilmember Pearson questioned if the Council could find other buildings that have done the same thing with condominiums to use as an example; Councilmember Pearson also questioned how insurance works on a building like this. Planner Bunker states that each owner will need to carry their own insurance. Mayor Kohler clarifies: "The main owner would insure the shell of the building and each tenant would have their own insurance."

Planner Bunker: "Personally, I am against this."

**Councilmember Pearson made a motion to close the public hearing; Councilmember Bennett seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.**

**Councilmember Pearson made a motion to table the discussion for two months to get a better feel on issues that were discussed in regards to the code change. He would like to find some examples to see how some of the issues discussed can be resolved. Mayor Kohler seconded the motion. The roll call vote was Walton no, Kohler yes, Bennett no, Pearson yes. The motion did not pass.**

Councilmember Bennett does not want to table the discussion. Councilmember Walton does not wish to postpone the decision. Councilmember Pearson questioned whether

the Town could be sued if the Council does not pass the code change. Planner Bunker: "I absolutely believe the Town does not have to allow this if they don't want it."

***Councilmember Bennett made a motion that the Town not change the code or adopt the condominium subdivision addendum (Code 8.10.14); Councilmember Pearson seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

### **3) Discussion of extension contract to December 2025 for Jones & DeMille Engineering services**

Mayor Kohler explained that it will become necessary to increase the Town's contract with Jones & DeMille by \$30,000, the estimated amount to finish the 2025 calendar year.

Mayor Kohler explained to the Council that this amount of money has already been put into the Budget and was approved by the Council at the June 2025 Town Council Meeting. Planner Bunker said the \$30,000 will finish out the year with Jones and DeMille and that at the end of the 2025 calendar year, the Town will get a new contract with Jones and DeMille.

Councilmember Pearson clarified that Ryan Taylor is also providing some engineering consulting and pointed out that hiring Mr. Taylor should reduce so much consultation with Jones and DeMille. He also questioned whether the Town could hire a local engineering consultant.

Planner Bunker discussed all the services that Jones and DeMille are providing for the Town. He also stated that the Town has had more permits than they have ever had.

Councilmember Pearson would like to explore other opportunities.

Planner Bunker clarified that the \$30,000 is only an estimate; Jones and DeMille is billing the Town hourly, and the Town may not reach the \$30,000 amount by the end of the calendar year.

Mayor Kohler informed the Council that Jones and DeMille have hired an employee who will be working with the Daniel Town projects at a lesser rate. Daniel Town is pursuing and will pursue other options. This item will be continued to the August Town Council Agenda.

### **4) Adoption of DR 2025-07-07 Resolution of Certified Tax Rate for Property Tax 2025**

Mayor Kohler presented the Proposed Property Tax Rate for 2025 as .000298.

***Councilmember Pearson made a motion to approve the tax rate; Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

## **5) Business Licenses**

Two businesses were discussed for renewal: Kohler Custom Rifles and CMC Ready Mix, LLC. Some discussion was had regarding complaints against CMC. Mayor Kohler stated that all complaints were addressed by Todd Cusick at the May 2025 Town Council Meeting. Councilmembers had some discussion regarding fugitive dust and early-morning noise from the concrete plant.

***Councilmember Pearson made a motion to approve business license renewals for Kohler Custom Rifles and CMC Ready Mix, LLC; Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

Planner Bunker made note that CMC has updated their address to 2363 S 390 W Daniel, UT.

## **6) Planning Commission Meeting Summary**

A summary of the Daniel Town Planning Commission of June 18, 2025 was presented to Council Members. Some discussion was had regarding the Conditional Use Permit for Geneva Rock. Councilmember Bennett would like to start the process of updating the CUP with CMC.

## **7) Three policies prepared for Council Approval, specifically addressed in the annual Fraud Risk Assessment: Cash Receipting and Deposit, Credit Card Policy, and Procurement Policy**

Mayor Kohler states that the presented policies will help the Town come into compliance with the fraud-risk assessment. Councilmember Bennett would like to see verbiage corrections in the Cash Receipting and Deposit Policy and would like a paragraph removed or altered in the Procurement Policy. Councilmember Bennett and Planner Bunker questioned who should be making deposits into the Town's bank account. Councilmember Pearson would like an auditor to look at the policies.

## **8) Council Reports**

Councilmember Pearson questioned how the Town was doing regarding weeds on the county roadway. Planner Bunker confirmed that the entire road has been sprayed once, and that the area by the water tank has been sprayed twice.

Councilmember Pearson informed the Council that the latest iterations of the UDOT bypass road had been presented at the Interlocal meeting, July 9, 2025.

Councilmember Bennett questioned where and when the Town Hall meeting for non-conforming lots would take place; Mayor Kohler announced that the meeting would be held August 11, 2025, at 6:00 PM at the Senior Center.

Councilmember Bennett questioned how to proceed regarding the Airbnb by Jack Rose's property and if the Town should have a letter sent directly to Airbnb; Mayor Kohler confirmed that the Town attorney is writing a letter in response to this issue.

Councilmember Walton questioned if letters had been sent regarding the temporary home complaint located at 3000 S Mill Road; Mayor Kohler confirmed that the attorney is drafting letters in response to complaints.

Mayor Kohler announced that he and Councilmember Walton had met the septic tank inspector at Storm Haven and checked septic tanks. He reported that everything looked good and that they would not pump tanks this year but would have to pump them next year. Mayor Kohler also made note of new fireworks restriction signs posted in the town and that no fireworks are allowed south of 3000 South.

Councilmember Walton asked about the repairs on Big Hollow Road; Mayor Kohler said they are being worked on.

## **9) Planner Report/Update**

Planner Bunker presented the CUP for Geneva Rock that had been given to the applicant. As an update on this project, the annexation was rejected because the property lines do not add up. Geneva Rock has attempted to obtain a lot line determination but was unsuccessful due to the refusal of two owners to sign, and the Lieutenant Governor's office will not sign off because the lines do not close.

Planner Bunker announced that it has been determined that a new contract will need to be provided with the trailer park regarding water hook-ups. The new contract is currently being drafted.

Planner Bunker also presented a bill for the Town's portion of the General Plan. The Town will be responsible for \$5,000, and the remaining amount will be paid by grant

money. Councilmember Pearson questioned whether emergency or ARPA money could be used to pay the Town's portion.

Planner Bunker made note of an application for a zone change at 2530 S Daniels Road. Applicants would like to rezone the entire parcel to industrial. The clerk's office has not yet received payment for the application.

Planner Bunker made the Council aware that a house on Little Sweden Road was demolished without a permit.

Councilmember Bennett requested information on the zone change at 1705 E Little Sweden. The lot parcels do not line up with what the county says.

#### **10) Storm Haven and Daniel Water System Report/Update**

Councilmember Walton announced that lead and copper samples had been done, sent, and sent back; Clerk/Recorder Merry Duggin sent copies to the sampling addresses. Daniel Municipal Water sampling is due by September. He stated that other sampling needed to be done on both systems promptly.

Councilmember Walton stated that spring flow has dropped.

Mayor Kohler announced that meters were read on June 30<sup>th</sup> and that there were 27 meters not reading. Some meters have been changed, and the Town will continue to change meters as they are received.

Planner Bunker brought to the Council's attention a proposed gravel pit in the Storm Haven protection zone. A company based in Lehi would like to mine blue limestone; they are claiming that state law allows them to move to a new location and mine under an existing permit, and they have sued the County. Public comment is open through July 20<sup>th</sup>. Councilmember Pearson suggested the Town Council pen a letter vehemently expressing opposition.

#### **11) Recorder's Office: Warrants approval, announcement, etc.**

***Councilmember Pearson made a motion to approve the June 2025 Warrants; Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

#### **12) Approval of Council Minutes for June 2, 2025**

Councilmember Pearson questioned how long Merry Duggin would remain Clerk/Recorder for the Town; Mayor Kohler responded, "about 30 more days".

Councilmember Pearson would like to see the approval of Duggin as Clerk/Recorder in past minutes.

***Councilmember Bennett made a motion to approve minutes from June 2, 2025; Pearson seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

### **13) Possible Closed Session as Permitted by UCA 52-4-205**

No closed session was held.

### **14) Adjourn**

***Councilmember Walton made a motion to adjourn the meeting; Councilmember Bennett seconded. The roll call vote was Walton yes, Kohler yes, Bennett yes, Pearson yes.***

The meeting was adjourned at 7:40 PM

Megan Goodrich  
Deputy Clerk/Recorder