

Daniel Town Council Meeting

Monday, October 6, 2025, at 6:00 PM

Wasatch County Services Building, Conference Room B

55 South 500 East, Heber City, Utah

Quorum Present: Mayor Scott Kohler, Councilmembers Gary Walton and Eric Bennett. Councilmember Jon Blotter arrived at 6:10 PM. Councilmember Robyn Pearson was absent. Also present were Town Planner Eric Bunker, Clerk/Recorder Megan Goodrich to record the minutes, and Town Treasurer Sherri Price.

Members of the Public: Lynne Shindurling, Jaq Shindurling, Megan Phillips, Marcia Birch, Chris Holzer, Chip Polvoorde, Mark Skousen, Pam Skinner, Melanie North, Gary Weight, Jeff Reyes, Brooke Rose, Brecken Reyes, Brandon Lafay, Jalayne Bassett, Stefanie Grady, Julie Givens, Jerry Smith

Mayor Kohler called the meeting to order at 6:01 PM.

1) Public Comment

Chris Holzer, owner of Holzer Performance, would like to install a paint booth in his current automotive shop located on Mill Road. The proposed paint booth would be used exclusively for automotive painting operations and would be constructed and operated in full compliance with all applicable fire, safety, and air quality regulations. Mr. Holzer presented a proposal packet to the Council Members.

Jalayne Bassett stood to ask questions regarding a home at the end of Cobble Creek Lane that has been rented out as an Airbnb property and is advertised on both Airbnb and VRBO websites. Ms. Bassett presented several photos of activity at the residence that she feels is disruptive to the community, including large quantities of vehicles parked at the residence at a time, tour buses, the use of semi-automatic weapons in an organized training, strobe lights, and loud music. Ms. Bassett expressed her concern in regards to this issue and mentioned that the rental of a home through Airbnb is against town ordinance. Ms. Bassett wanted to be informed about what the Town was doing in regards to legal counsel and would like a cease-and-desist memo to be sent directly to Airbnb and VRBO.

Town Planner Bunker stated that evidence has been submitted to the Town's lawyers, but additional evidence has been requested, as the attorney is not able to defend a case at this point. Ms. Bassett submitted her photos as additional evidence for the Town's lawyers and stated that she will submit reviews from both websites that indicate the length of stays renters have been in the home. Chip Polvoorde questioned whether the town can notify the two websites of the violation of town ordinance. Planner Bunker answered that the Town should not notify the websites until the violations are verified

and proven, and that the evidence must hold up in court. The listing on the website alone is not sufficient evidence. Councilmember Bennett suggested that concerned neighbors could submit complaints to the websites.

Marcia Birch would like to address the possibility of a zoning change near her home, from RA-5 and Industrial to Industrial only. She is opposed to the zone change and would like no more trucks in the area.

2) DR 2025-10-06A Resolution appointing Megan Goodrich as Clerk/Recorder

Councilmember Bennett made a motion to accept DR 2025-10-06A; Councilmember Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler read the resolution appointing Megan Goodrich as the Town Clerk/Recorder with Merry Duggin and Lynne Shindurling as Deputy Clerk/Recorders. Ms. Goodrich had already been sworn in as the Clerk/Recorder, as well as Ms. Duggin and Ms. Shindurling. The appointment went into effect Monday, October 6, 2025.

3) Public Hearing for JDCO rezone request for property located at 2530 S Daniels Road

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

Mark Skousen, representing JDCO on this matter, stood to inform the council and concerned citizens. He stated that on November 18, 2024, his client purchased 5 acres located at 2530 S Daniel Road, which consists of two parcels. The zoning map for the two parcels shows two zoning designations: Industrial on the back piece, about 75% of the property, and RA-1 on the front piece, which borders Daniels Road. Mr. Skousen stated that there is no way to use the industrial portion of the property without crossing the residential portion. The buyer, John Hadfield, proposes an office space with parking at the front of the property, and the back portion would be used to park construction vehicles. Mr. Skousen stated that it would be paved and look nice, and emphasized their desire to be good neighbors and mitigate concerns. He stated that they do not want to be an evasive neighbor but that they do have the legal right to access the industrial portion of their property.

Jeff Reyes asked that if the rezone were to occur, would the portion of land bordering the road be primarily used for access, or, once it was zoned Industrial, could anything be built there? Mr. Skousen responded that, in this case, the front would only be used

to access an office building. Mr. Skousen assured the public that everything would be done legally.

Jac Shindurling questioned how many commercial vehicles would be running in and out during the morning and evening hours. Mr. Skousen responded by saying that the office in Daniel would be a satellite office, with the main office located in Lehi, and that, because of the narrow lot, not many trucks would be parked there. Mr. Shindurling countered that there would be an impact at 7:00 AM and 5:00 PM, as those are already busy times for Daniels Road. Mr. Shindurling stated that congestion is a bigger problem than noise.

Mr. Skousen inquired whether there were any plans to widen or expand Daniels Road in the future. Planner Bunker responded that no expansion is in the 20-year plan.

Brooke Rose questioned that if the parcel were to be rezoned to Industrial, what would that open up for surrounding properties. Mr. Skousen explained that any properties with similar issues are to the north and that it could set precedent for two or three properties, but that there would be no impact going south. Councilmember Walton stated that it could affect six or seven properties to the north.

Stacy Kohler asked the council if it was possible to put conditional uses on industrial zones. Councilmember Walton said that the Daniel Town code states what can be done in an industrial environment.

Chip Polvoorde would like to see the property kept residential because it will create a lot of traffic. "Once it's industrial, it's industrial."

Jeff Reyes, a citizen who resides at 2433 S Daniels Road stated that he has kids walking to school and there several other families in the area, and would like the area to remain residential. He stated that the purchasers knew that it was residential when they bought the property and that they should have considered that upon purchase.

Jerry Smith stated that he likes the Town the way it is and would like the keep the culture as it is.

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

Councilmember Walton inquired whether there was any additional information that JDCO would like to present to the planning commission. Mr. Skousen said that they would like to present a legal opinion on the owner's rights to access.

Councilmember Walton made a motion to delay a vote until the November 3, 2025 meeting after receiving a recommendation from the Planning Commission following the October 15, 2025 Planning Commission meeting; Councilmember Blotter seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

4) Melanie North/Megan Phillips application for lot of record determination

Mayor Kohler presented a map of the Town, compiled by Ms. North and Ms. Phillips, which designated properties within Daniel, their zoning, and whether they have homes on them.

Ms. Phillips stated that she believes the lot in question, a 1.2-acre lot to the west of 1190 E Little Sweden Road, does meet the definition of a lot of record because it meets one of three requirements listed in Daniel Town code: a lot created before current zoning laws that has not decreased in size since creation, a lot created legally under the standards existing at the time of creation, and/or proper documentation presented from the Wasatch County Planning Staff or Commission stating the lot is a lot of record. Ms. Phillips has tracked both of the deeds from 1986 back to 1943; one lot was deeded in 1972 and the other in 1976, and it is Ms. Phillips' opinion that both met the requirements of a legal lot at the time.

Councilmember Bennett questioned how many lots under 5 acres have had homes built on them since the Town of Daniel was created. Ms. Phillips stated that she knows of at least two.

Councilmember Bennett questioned how much frontage the property in question has. Ms. Phillips responded: around 150 feet. Councilmember Bennett also questioned what the frontage requirement in the 1970s was. Ms. Phillips said that it was 200 feet, but was told it was created legally at the time of its creation. Ms. North spoke about how the lots were divided and that she was told not to alter the lots because they were legal lots at the time of creation.

Councilmember Walton stated that when he built his house in 1983, the Daniel area was controlled by Wasatch County, and that a lot needed 200 feet of frontage on an improved road to build a home. He also stated that the lowest variance he saw at the time was 180 feet. He asked Ms. North if she had received a variance in 1986 for her 150-foot frontage; Ms. North responded that she was never asked for a variance. Councilmember Walton further stated that a lot of record does not constitute a building lot and that Ms. North's deed is only a recorded lot, not a recorded buildable lot.

Councilmember Walton stated that when Daniel became a town, the county had already adopted the RA-5 zoning, and Daniel kept that zoning when it became a Town. He

stated that there was a window of opportunity where Ms. North could have applied and had her lot determined to be a buildable lot.

Ms. Phillips read from Daniel Code regarding non-conforming lots of record. Section 8.22.09: Non-conforming lots of record are exempt from lot and area lot requirements. Non-conforming lots of record shall have access on a road built to Town of Daniel standards and shall comply with all other development standards applicable to the particular zone of the non-conforming lot of record. A non-conforming lot of record does not guarantee a building permit.

Ms. North argued that 25 single-family homes would not impact the Town of Daniel and that she wants families to be able to build in Daniel where they were born and raised. Councilmember Walton stated that no information has been presented to prove that the lot was a buildable lot and that the council has to go by the zoning when Daniel became a Town. He does not believe that the lot would have met the criteria to become a lot of record in Wasatch County because of the lack of proper frontage. He questioned Ms. North if she had applied for a variance. Ms. North responded that she did not apply for a variance but was granted a building permit by Wasatch County and was also told that the lot next door was a buildable lot.

Councilmember Walton stated that Ms. North has not presented the correct documentation to the council; the only record is a warranty deed showing that the lot was purchased, but nothing that states that the lot is a buildable lot. Ms. Phillips argued that the code states that a lot of record is a lot shown by deed. Councilmember Walton stated that the property is recorded as a parcel, not a lot.

Planning Commission Chair, Gary Weight, explained that anything done prior to 1965 was done because zone was not enacted before that time. Once zoning rules were in place, they varied in the Town, but all had the proper frontage. After that, the requirement was that it had to be a legal subdivision with a legal plat; property could be split twice but no more than twice, and divisions had to be approved by the county commission. If that was done legally, anyone could go back to the minutes of those meetings and find when it was done. Several properties in the Town were deeded to others and recorded, which didn't necessarily mean you could or can build on it, if it wasn't split legally. He stated that what really needs to happen to provide proof is to see if the county council approved the subdivision in their minutes. He also said the council cannot approve a single lot and that they would have to change code to allow others to do the same thing.

Councilmember Bennett made a motion to deny the application for lot of record; Councilmember Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

5) Business Licenses

One new business, High Mountain Construction, was presented for approval. Brandon Lafay, owner, explained that his company does excavation work around Heber Valley, Park City, and Summit County. Mr. Lafay is working for the Gressmen's, getting water across Little Sweden Road to their lot.

Mayor Kohler clarified that Mr. Lafay would like to connect to Twin Creeks for the Gressmen home. Councilmember Walton questioned if he had a will-serve letter. Planner Bunker stated that he is looking to get approval for a business license and that the excavation permit is a different application.

Councilmember Bennett made a motion to approve new business, High Mountain Construction; Councilmember Blotter seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Business license renewals were The Pretzel Connection and Russ & Cathy Witt Family, LLC/Witt Excavation. There have been no complaints for either of these businesses.

Councilmember Walton made a motion to approve business license renewals for The Pretzel Connection and Russ & Cathy Witt, LLC; Councilmember Bennett seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

6) DR 2025-10-06B Lead and Copper Agreement for \$40,000 grant with Division of Drinking Water

Councilmember Bennett questioned whether the Town has a system in place to apply for forgiveness. Planner Bunker answered that the Town has hired Jones and DeMille to do that; he stated that there is a risk of the funding being pulled, but that the Town needs to do the work anyway.

Councilmember Bennett made a motion to adopt resolution DR 2025-10-06B; Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler read the resolution. Councilmember Bennett would like the wording to read "forgivable loan" in place of "grant" in the first paragraph.

7) DR 2025-10-06C Contract with Jones and DeMille for Southfield Waterline

Planner Bunker explained that there has been a request to hook into the water line on Southfield Road, mainly for fire protection. The Town has looked at impact fees that

have to be spent, and can apply some impact fee funds to this project. The Town will be working with and going in with the homeowner to put in the water line. Jones and DeMille drew up plans and will also be overseeing the construction. The project will be billed by the hour. The Town is currently working on for this project.

Lynne Shindurling questioned if the line was going to go in this year and if the line is only to go from the intersection of 3000 and Southfield Road down to Valley View Road. Mayor Kohler assumed that it would not go in this fall and stated that the Town is in the process of modifying the plans for the project.

Councilmember Bennett made a motion to approve DR 2025-10-06C; Councilmember Blotter seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler read the resolution.

8) DR 2025-10-06D Interlocal Agreement for Snowplow Services for 2025-26.

Councilmember Blotter made a motion to accept DR 2025-10-06D; Councilmember Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler read the resolution. The purpose of the resolution is to contract with Wasatch County to provide snow removal services to the Town of Daniel for the winter season of 2025-26.

9) DR 2025-10-06E Lease Agreement for Office Rental Space with Kyune Engineering

Mayor Kohler explained that the Town's previous landlord, Mark Bowthorpe, had expressed interest in renting the entire second floor of his building and the Town would need to find a new location to rent. Kyune Engineering is located in the Nico Storage Building, and the Town will pay Kyune Engineering \$700/month for office space. Councilmember Walton questioned whether the contract was a year-to-year lease. Mayor Kohler responded that it is.

Councilmember Blotter made a motion to accept DR 2025-10-06E; Councilmember Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler read the resolution and clarified that the rental comes with the use of a conference room and utilities in the price of the rent.

10)Council Reports

Councilmember Walton reported that the radio box used for reading meters was not working, but that they were able to borrow one to complete the latest readings. The Town will be receiving a quote to repair the current radio box as well as a quote to get a new box. A decision will be made to either repair or replace the box once the quotes have been compared.

Julie Givens questioned the bid process and stated that her husband, Nic Givens, would like an opportunity to present a bid for the Southfield Waterline project.

11)Planning Commission Summary

The Planning Commission Summary was presented to the Council. Councilmember Blotter requested that this agenda item move higher on the agenda in the future.

12)Planner Report/Update

Planner Bunker pointed out new permits that have been issued. He also stated that the Town is addressing the complaints on file. Two of the complaints are past the 30-day notice and are still non-compliant, so the Town will need to make a decision whether to file with the court once the 45-day limit has expired. The Town would prefer compliance over going to court.

13)Storm Haven and Daniel Water System Report/Update

It was announced that David Hilton is the new water operator and will report on the water systems going forward.

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

Councilmember Blotter made a motion to approve September 2025 Warrants; Councilmember Walton seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

15)Approval of Council Minutes for September 8, 2025

Councilmember Blotter made a motion to approve Town Council Meeting minutes from September 8, 2025; Councilmember Bennett seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

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

No closed session was held.

17)Adjourn

Councilmember Walton made a motion to adjourn; Councilmember Bennett seconded. The roll call vote was Walton yes, Blotter yes, Kohler yes, Bennett yes.

Mayor Kohler adjourned the meeting at 7:57 PM.

Megan Goodrich

Megan Goodrich
Clerk/Recorder

APPROVED November 3, 2025