

**Daniel Town Council Meeting**  
**Monday, June 5, 2023, 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, Berry Dixon and Merry Duggin. Council Member Blotter was excused. Also present were, Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Amelia Pays, Matt McMillian, Heber Taylor, John Glodowski, David Hilton, and Jordan Woodbury

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

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

There was no public comment

**2) Public Hearing for Final Budget Amendment for the 2022-2023 Fiscal Year and 2023-2024 Final Budget**

***Council Member Duggin made a motion open the public hearing for the Final Budget Amendment for FY 2022-2023. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

Time was turned over to Kim Crittenden, Clerk/Recorder for an explanation of the proposed amended budget. (See the Attached FY 2022-2023 Final Budget Amendment). She explained that generally the final budget is amended in May, but because there was a previously amended budget, it made sense to wait until the end of the fiscal year. She stated that there needed to be an increase in the current budget to cover monthly and quarterly fees as well as employee benefits, as both of these items were over the budgeted amounts. She stated that the monthly and quarterly fees would be re-distributed in the next fiscal year since they included monthly fees for the two-water system credit card billing costs. Additionally, she explained that the increase in the necessary budget for employee benefits was likely due to the meter failures and other issues with the water systems. She stated that this was taken into account when planning the FY 2023-2024 Annual Budget.

There was extensive discussion about the challenges faced by both water systems during the harsh winter as well as the meter failures. It was also noted that every five years extensive testing of the water system is required, which requires more sampling as well as testing.

There was discussion about the significant increase in building permit revenue and it was noted that while there are several new and remodeled homes that have contributed to that it was also because of the two ongoing business buildings, which have paid their permitting fees. It was also noted that increased pricing for energy contributed to a higher-than-expected energy tax income

and that increases in interest rates had also positively contributed to that income line item as well. It was also noted that the previous budget amendment allocated \$4,000 for new computers.

**Council Member Pearson made a motion close the public hearing for the Final Budget Amendment for FY 2022-2023. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.**

**Council Member Duggin made a motion open the public hearing for the FY 2023-2024 Annual Budget. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.**

The discussion moved to the FY 2023-2024 Annual Budget. (Please see attached FY 2023-2024 Budget for details.)

It was noted that the Budget was not currently balanced and \$17,400 needed to be added in revenue, cut in expenses, or a combination of both. It was noted that the proposed budget had increased over FY 2022-2023 for Energy Tax and Building Permits for income and that it would include \$40,000 for snow removal based on the previous winter's expenditures. It was also noted that all ARPA funding needed to be allocated to a project(s) this year and completed by the following year. Clerk/recorder Crittenden stated that it was her suggestion to increase the income from Building Permits to \$60,000 and to increase the income from Interest to \$12,400 which would balance the budget. She stated that she had really analyzed the proposed expenses and felt that they were appropriate for the next FY. It was noted that the Town had received more than \$28,000 in interest fees this year and the entire \$17,400 could be absorbed by increasing that line item. It was also noted that \$1,000 had been allocated for the upcoming election.

It was noted that the additional money budgeted for insurance costs was to increase the property insurance for the water system buildings. It was also discussed that the current water service fees were much lower than other systems and Towns similar to Daniel. There was discussion about increasing fees, but it was noted that that should take place in a different public hearing.

After much discussion, it was decided to reduce the Legal fees budget to \$50,000, increase expected revenue from Interest Earnings to \$13,400 and add \$1,000 expense for the upcoming election. This made the budget as presented balance.

**Council Member Duggin made a motion close the public hearing for the FY 2023-2024 Annual Budget. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.**

- 3) Approval of DR 2023.06.05a for a Final Budget Amendment for the 2022-2023 Fiscal Year and of DR 2023.06.05b 2023-2024 Final Budget

**Council Member Pearson moved to approve DR 2023.06.06A A Final Budget Amendment for FY 2022-2023. Council Member Duggin seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.**

Mayor Kohler read the resolution into the public record.

***Council Member Pearson moved to approve DR 2023.06.06B A Final Budget Amendment for FY 2022-2023. Council Member Duggin seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

Mayor Kohler read the resolution into the public record.

**4) Appointment of Board of Appeals Applicants Jordan Woodbury, David Hilton and Heber Taylor**

Mayor Kohler introduced the applicants and read their applications into the record.

***Council Member Pearson moved to approve appoint Jordan Woodbury, David Hilton, and Heber Taylor to the Town of Daniel Board of Appeals Council Member Duggin seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

**5) Development Agreement Between the Town of Daniel and Matt McMillian as Recommended by the Planning Commission**

Mayor Kohler asked Planning Director Eric Bunker to explain the Development Agreement to the Council. Mr. Bunker stated that Mr. McMillian had two plat numbers assigned to his property and that he was in the process of working with Wasatch County to have a single plat number assigned. The reason that this was necessary was because his home was on one plat and the barn, he had applied for a permit to build would be on the other plat number. He further explained that the Planning Commission had taken a look at this issue and recommended that the Town Council approve the Development Agreement so that Mr. McMillian would not have to wait to start building pending approval for the consolidation from Wasatch County.

***Council Member Pearson moved to the Development Agreement between the Town of Daniel and Matt McMillian. Council Member Duggin seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed***

**6) Business License Renewal:**

- a. Rafter K Construction
- b. Kohler Custom Rifles
- c. Bush Family Farm
- d. Larson Ground Maintenance (LGM)
- e. Out West Accounting and Tax Services
- f. Daniels Creek Construction
- g. Smitty's Small Engine Repair

Mayor Kohler read each of the Business License Renewal Applications into the record and asked if there had been any complaints or issues. It was stated that there had not and all renewals were recommended by the Planning Commission.

***Council Member Pearson moved to approve all of the Business License Renewal Applications. Council Member Dixon seconded the motion. The roll call vote was Kohler abstain, Pearson yes, Dixon yes, and Duggin yes. The motion passed***

## **7) Final Pedalfest 2023 Discussion about Dates and Course Times**

Updated safety plans for the 2023 Pedalfest Bicycle Event were given to Town Council Members and staff to that any appropriate public works plans would not take place during the event weekend. It was noted that the course, start times, and safety plans were the same as last year except for the date change to September 23, 2023. It was noted that once again the Pedalfest organizers would be putting signs up in the Town beginning one week before the event to make sure all residents were aware of the event the following weekend.

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

Mayor Kohler asked for Council Reports.

Council Member Pearson asked for updates on the Keele Residence, the Witt Building C.O., and the Madsen trailer that is parked in the driveway and has sewage being pumped into the home's septic system, and the trailer that has been parked on Westenskow property and resided in for several months. It was noted that there had been progress and discussion with Mr. Witt about how to bring his building into compliance so that a C.O. could be issued. It was noted that one written complaint had now been received in regards to the Madsen trailer being lived in while being parked in the driveway using the home septic system. It was reported that no written complaint had been received in regard to the trailer on the Westenskow property. It was further noted that the Town of Daniel Code states that guests may stay in trailers on residential land for a maximum of 20 days per calendar year. It was noted that it was a long-standing policy that complaints must be written and signed for the Town to take action. Finally, Council Member Pearson stated that he would like to have a public hearing to discuss an increase in water rates.

## **9) Engineer Reports/Updates**

Amelia Pays from Ardurra, the Town Engineering Firm, reported that she had worked with Clerk/Recorder Crittenden and Ryan Taylor to submit a request to submit a FEMA Disaster Mitigation Grant pre-application to move the current pump station out of the flood plain. It was noted that this would be for the Storm Haven Water System. She stated that we would be following up with the process in the following weeks/months. It was further noted that this would be either a 70/30 or 75/25 grant and that we would be seeking some additional funding to assist with the Town portion from other grant opportunities.

## **10) Planner Report**

Planning Director Bunker submitted his report. Please see attached. He noted that a few C.O.s had been issued and CMC had obtained their Conditional Use Permit from Wasatch County. He noted that the Town of Daniel had approved a Conditional Use Permit for a Tower up to 75 ft, but that CMC had gone with a different manufacturer and the height would now only be 48 ft, including lighting. It was noted that the Simpson Building Permit and Charchenko Building Permit still had outstanding fees owed to the Town. It was noted that any fees not paid in one year's time could result in the construction being "red tagged" and starting the entire process over.

Planner Bunker stated that there had been a lot of legislative action that the Governor just signed into law and these would likely affect the Town. One of these was on noticing.

## **11) Daniel Municipal Water**

Planning Director Bunker stated that all warrantied meters had been replaced. He noted that all meters are being read and overages are being billed.

## 12) Storm Haven Water

Council Member Pearson stated that he would be working to set up meetings with residents in Storm Haven, Tammy Lane, and Crazy Acres to discuss the water system.

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

Clerk/Recorder Crittenden stated that she would be attending a training on noticing and another on updates to the election process. She further stated that MAG had some grant money for low-income homeowners who needed some help with repairs to their home.

Clerk/recorder Crittenden went over the May 2023 Warrants (see attached) and made a few notes about some unusual or unexpected charges, such as a landscaping plan invoice from Daniel Irrigation. She stated that the cost of ink and stamps had increased for the office supplies this year. There were a couple of typos that were caught and corrected.

***Council Member Pearson moved to approve amended May 2023 Warrants. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

## 14) Approval of Meeting Minutes for May 1, 2023, Town Council Meeting

There were two errors noted.

***Council Member Dixon moved to approve the amended May 1, 2023 Meeting Minutes. Council Member Pearson seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

## 15) Continue Public Hearing for Consideration of Changes to Section 8 of the Daniel Town Code to July 10, 2023

Public Hearing was continued.

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

***Council Member Duggin moved to move to a closed session citing pending litigation. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

***Council Member Duggin moved to come out of a closed session. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

## 17) Adjourn

***Council Member Duggin moved to adjourn. Council Member Dixon seconded the motion. The roll call vote was Kohler yes, Pearson yes, Dixon yes, and Duggin yes. The motion passed.***

The meeting was adjourned at 9:00 PM

*Kim Crittenden*  
Kim Crittenden  
Clerk/Recorder