

Daniel Town Council Meeting

Monday, November 6, 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, Barry Dixon, and Merry Duggin. Council Member Blotter joined the meeting late. Also present were Planner Eric Bunker, and Clerk/Recorder Kim Crittenden to take minutes.

Members of the Public: Pam Skinner, Julie Givens, Lisa Dinga, and Gary Weight.

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 Consideration of Changes to Daniel Town Code(s) 1, 3, and 8 with Adoption of Multiple Town Ordinance as Recommended by the Town of Daniel Planning Commission.

Council Member Dixon moved to open the public hearing. The motion was seconded by Council Member Duggin. A roll call vote of Pearson yes, Duggin yes, Kohler yes, and Dixon yes. The motion passed.

The Mayor turned the time over to Gary Weight, Planning Commission Chair, and Council Member Merry Duggin.

Council Member Duggin spoke first discussing the changes to the code that she would like to see in regards to the Board of Appeals. She discussed that she would suggest that the code be changed from the first and/or second Tuesday of the month to one that reflects the availability of the Board of Appeals members, that still meets the requirements of Utah State Code.

She continued by stating that she would like to keep the quorum of the Board of Appeals to 3 of the 5 appointed members. There was discussion about whether it would require a majority of a quorum, which could be only 2 members, to reverse the decision of the Planning Commission. She continued by stating that it is the Planning Commission's preference that it would take at least 3 votes to reverse a decision, regardless of the quorum in attendance. There was continued discussion and several of the Town Council Members agreed and spoke in support of this change, as it also follows the Town and State Code for votes in the Town council, which also has 5

members and requires a vote of a least 3 members to made any changes to Town Code or to take administrative action. Eric Bunker, Town Planner, addressed the body to offer suggestions about the wording that would align with State Code.

Council Member Duggin then discussed wording about variances and it was noted that the same voting rules should apply to applications for variances, with no less than 3 votes in favor of any variance.

Planning Chair, Gary Weight, then went over the changes he was bringing before the Town Council from the Planning Commission. These included that the public notices would follow State Code and would require 10 days rather than 14 days, adding email as an acceptable and appropriate from of contact from and to the Town, making the Town Clerk the ex-officio as the appropriate person to collect payment for business licenses, and finally 8.31.33 to strike the work "consecutively" which appears in the Town Code that is on the Town Website but not in the official Town Code in the Town Office. It was noted that the "consecutively" wording appears in the Town Code regarding camping. Further, Chair Weight asked that in all parts of the Town Code that involved camping the word "structure" be changed to "dwelling" in 8.21.31 and all other parts of the Town Code that apply to camping.

There was considerable discussion about the undocumented changes code that are reflected in the Town Code that is posted on the website. Council Member Duggin stated that the entire code will need to be compared and this would be a time-consuming project.

Planner Bunker presented his water efficiency standards to be adopted. It was noted that Planner Bunker had gone through the larger statewide recommendations and adjusted it to what would apply to the Town of Daniel. It was noted that Council Member Pearson had asked that "Developer Director" be taken out since the Town does not have a Development Director. Planner Bunker was asked about enforcement and it was stated that this would only apply to new development and this enforcement would be enforced when plans were turned in to the Planning Department for approval. Planning Director Bunker stated that this type of requirement already exists for any Commercial Development Applications. He further stated that without an adopted efficiency standard for the Town, it would likely make the Town ineligible for many grants that the Town is currently seeking. There was much discussion about the difference of new restricting residential development to 40% of land in lawn while still restricting new commercial and industrial to 25% of land in lawn. It was also noted that any conflict in interpretation would be up to the Planning Director to decide the most efficient water use for the development.

There was discussion about Twin Creeks currently supplying culinary and irrigation water in the upper Storm Haven area. It was suggested that the wording be changed from "departments" to "entities that operate" within the Town. It was decided to remove 1032.3.B from the document.

There was no further comment from the public.

Council Member Blotter moved to close the public hearing. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes, and Dixon yes. The motion passed.

Mayor Kohler skipped to agenda item 6.

3) Consideration of DO 2023.11.06 Changes to Daniel Town Code Sections 1, 3, and 8.

Mayor Kohler read the Ordinance into the record.

Council Member Pearson moved to close the public hearing. The motion was seconded by Council Member Blotter. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes, and Dixon yes. The motion passed.

4) Consideration of DR 2023.11.06 Interlocal Agreement with Wasatch County for Snow Removal for the 2023-2024 Winter Season.

There was discussion about the increase in charges for snow plowing compared with last year. Council Member Pearson discussed concerns about liability insurance coverage for the Town. It was noted that Clerk/Recorder Crittenden would research this issue.

Council Member Pearson moved to approve the contract with spelling corrections. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes, and Dixon yes. The motion passed.

5) Discussion and Consideration of Rent Increase for Town Office Space.

There was a brief discussion about the increase in the rent for the Town Office from \$500 to \$650 monthly. It was noted that the Council would like to approve the rental agreement for 18 months so that it aligns with the Town's fiscal year.

Council Member Blotter moved to approve an 18-month rental agreement for \$650 monthly for the Town Office. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes, and Dixon yes. The motion passed.

6) Business Licenses

- a. New-West Layne Designs (Julie Givens)**
- b. Renewal-ION Solar**

Julie Givens, with West Layne Designs, stated that she was doing an Angel Tree for Christmas and asked if she would need a permit for parents to pick up items at her home. It was stated that she would not. She then discussed her business, which is

FaceBook-driven boutiques. She was asked how people would be getting their items and she stated that most of the items were shipped or picked up on her porch.

Council Member Blotter moved to approve the business license renewal of ION Solar and the new business license of West Layne Designs. The motion was seconded by Council Member Pearson. A Roll call vote of Pearson yes, Duggin yes, Kohler yes, Blotter yes, and Dixon yes. The motion passed.

7) Council Reports/Updates

There were no Council Member reports.

8) Planner Reports/Updates

Planner Bunker presented his Town of Daniel Report. See attached.

9) Daniel Municipal Water and Storm Haven Water Systems Report/Updates

Planner Bunker stated that the inspection from the State on the Storm Haven septic system and the sanitary water system both passed inspection. He stated that it was important to keep up the inspection of the well-head because if it was out of compliance, we would have to start the certification process all over again. He stated that he was waiting for reports back from the State of Utah.

Council Member Pearson asked for an update on perhaps applying for insurance coverage for the heaters breaking down last winter.

Mayor Kohler stated that the Town currently has 30 meters that are not reading, but that they would not be covered by a new warranty once they are replaced. It was noted that the Town had purchased 12 new meters and these would be covered by warranty.

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

Clerk/Recorder Crittenden presented the warrants.

Council Member Dixon moved to approve the October 2023 warrants with changes. The motion was seconded by Council Member Person. A roll call vote of Pearson yes, Duggin yes, Kohler yes, and Dixon yes. The motion passed.

11)Approval of Meeting Minutes for October 2, 2023 Town Council Meeting

Council Member Duggin provided two spelling corrections and to .5% increase in sales tax.

Council Member Dixon moved to approve the October 2, 2023 minutes. The motion was seconded by Council Member Pearson. A Roll call vote of Pearson yes, Duggin yes, Kohler yes, and Dixon yes. The motion passed.

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

No closed session.

13) Adjourn

Council Member Duggin moved to approve adjourn. The motion was seconded by Council Member Dixon. A roll call vote of Pearson yes, Duggin yes, Kohler yes, and Dixon yes. The motion passed.

The meeting adjourned at 7:39 PM.

Kim Crittenden

Clerk/Recorder

APPROVED Dec 4, 2023