

**Daniel Town Council Meeting Minutes
Monday May 5, 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, Eric Bennett, and Robyn Pearson. Council Member Jon Blotter was excused. Also present were Planner Eric Bunker, Treasurer Sherri Price, and Lynne Shindurling, Deputy Clerk/Recorder, to record the minutes.

Members of the Public: Melanie North, Megan Phillips, Jaq Shindurling, Clerk Merry Duggin, Marcia Birch, Emilee Hilton, Quaye Hilton, Brandon Mellor, Jonelle Fitzgerald, and Ryan Taylor.

The meeting was called to order at 6:00 PM.

1) Public Comment (Please limit to 2 minutes per person) There were none.

Item #4 was taken out of order.

4) Appointment of New Water Billing Secretary, Emilee Hilton

Mayor Kohler stated there were five applicants for the position. The hiring committee, which consisted of Mayor Kohler, Council member Walton, and Lynne Shindurling, interviewed all applicants. Emilee Hilton was selected to fill the position. Mayor Kohler stated he would like the Town Council to ratify Mrs. Hilton as the new water secretary.

The Mayor explained a lockbox is to be installed at the home of Emilee Hilton, which is 3015 Daniels Road, on the side of the home on 3000 South, and payments may be made there starting immediately.

Council member Pearson made a motion to ratify Emilee Hilton as the new water billing secretary, which was seconded by Council member Walton. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

2) Jonelle Fitzgerald, Wasatch County Health Department Annual Report

Ms. Fitzgerald stated she is the Health Director for the County Health Department. Even though that is her title, she is committed to serve all municipal health departments within the County through an Interlocal Agreement. She passed out a pamphlet entitled 2024 Annual Report, and said they try to meet with all municipalities annually with a department update. The pamphlet lists programs and services offered, highlights that occurred during 2024, and budget information for the health department. She added Dr. Erick Christensen has served as the medical director and clinical advisor for 2024, but he will not continue in this role in 2025.

Ms. Fitzgerald stated about half of their annual revenue comes from both state and federal grants. She further said with federal funds being pulled back, Wasatch County Health feels they are in a good position to continue functioning as they have in the past. Wasatch County is ranked high in wellness indicators, is considered a well place to live. She encouraged the public to follow the health department on social media sites.

Council member Walton asked what expenses are incurred in the pie chart regarding environmental health with a figure of over \$1,000,000. She explained work with septic systems, some requiring annual monitoring; permitting of all food establishments and food trucks, including inspections and making sure all employees have a food handling permit; permitting and inspection of body art facilities, including tattoos, permanent makeup, piercings; septic waste haulers; public lodging facilities; swimming pools.

3) Brandon Mellor, Department of Natural Resources-Division of Water Rights: Discussion of Water Use Program

Mr. Mellor apologized for being late to the meeting. He had been meeting with Ryan Taylor at the well site for Daniel Municipal Water and was reviewing the SCADA system there. He stated he would have some recommendations after his observations there and reading the 2023 and 2024 usage reports provided by the clerk's office. He would like to see two routes on the billing and usage reports, one for Storm Haven and one for Daniel Municipal Water. He uses four connection categories: residential, commercial, industrial and institutional. He

will work with Pelorus to help Daniel set up the different categories where the office can print off the billing and usage reports as often as we would like. It will be a state requirement to provide these reports. Once the setup is complete, he wants to see reports backdated from 2020 to 2024.

During his meeting with Mr. Taylor, he saw that the telemetry system pulls up gallons per minute. He stated reporting on a spreadsheet that way leaves room for error. Mr. Mellor would like the meters at the two wells read on a monthly basis and compared to the gallons per minute reported. He mentioned the meter at Storm Haven well #2 is missing a data logger, which he would like to have added and read monthly as well.

Council member Pearson asked if Mr. Mellor is not comfortable with the telemetry system in place, because multiple municipalities statewide are using the same system. Mr. Mellor said he would like the meter at each well and both springs read monthly and reported in gallons, not gallons per minute. He wants to ascertain how accurate the telemetry system is by reading those meters monthly. He would like to see the accuracy at 1%, which Ryan Taylor reported was the figure in 2010. Mr. Mellor thinks it is probably in the 5-10% range at this time, but wants to verify that. He said the older the meter gets, the less accurate it becomes.

Mr. Mellor went on to say there are several agencies that look at the report: Water Rights, Division of Drinking Water, US Geological Survey, and the Division of Water Resources. He mentioned the Division of Drinking Water is going to want the peak day demand, meaning the day of the year where the largest amount of water is brought in from both springs and the well for Daniel Municipal Water. DDW is the agency responsible for the sanitary surveys and is most interested in the data provided of all the state agencies. Mr. Mellor said every public water system in the state is reporting to him. The data provided by Daniel is reviewed by a regional engineer.

Council member Pearson asked where all the data ends up and how it affects the future of Daniel. The DDW is concerned with the line capacity and the storage capacity as the town grows. He suggested reviewing Utah Code R655-17 for reporting requirements. Mr. Mellor asked that a second separate route be created on the reports for data obtained at Storm Haven.

Planner Bunker asked how the town will know when the peak day demand is, on which particular day. Mr. Mellor said it will come from the SCADA recordings which enters the gallons per minute and converts it onto a spreadsheet. You can find the peak day from the reports that are maintained. Mr. Taylor clarified that the meters on DMW started with the number 10. The Storm Haven meters began with the number 5000. So the two system meters are easily identified by meter number. There are approximately 56 meters on the Storm Haven water system.

Merry Duggin asked if peak day demand is the inflow of water from the springs and the well, or the usage on a particular day, because the well is only used when the springs don't provide the necessary water on any given day. Mr. Mellor said he's looking for the greatest inflow on a particular day.

Council member Walton stated the inflow from each spring is recorded on a daily basis, which number varies depending on the time of year. Mr. Taylor said that is being recorded as gallons per minute, and Mr. Mellor would like that figure converted to gallons, which can be done within the telemetry system.

5) Approval of Contract with Ryan Taylor, Engineer

Mayor Kohler stated the agenda item lists engineer, but Mr. Taylor is also to become a consultant for the water systems and the roads. The contract apparently was not emailed to all the Council members, but the clerk's office will send it out the following day. It consists of 21 pages, which Mr. Taylor represented is a standard contract within the industry.

Council member Bennett spent some time reviewing the copy held by the Mayor. It provides payment to Mr. Taylor on a task basis, and he invoices Daniel as he finishes a particular task. The contract provides indemnification for both parties. Mr. Bennett asked why the document is dated in August of 2024, and Mr. Taylor explained that is an error, as he started conversations with the Mayor about doing some work in March. There is no expiration date listed, but either party can terminate the contract at any time.

(Discussion on this item was not completed, but Council member Pearson has left the room, so Mayor Kohler decided to move on to agenda item #6.)

6) Wasatch Mobile Home Park Discussion, Approval of Shares

Planner Bunker explained Daniel looked at the four acre-feet leased by the trailer park to be divided between the 10 mobile homes there, with a meter for each hookup. Because the shares are leased, he suggests passing the cost on to the residents, using a similar rate to Storm Haven at \$45 per month for 8,000 gallons. That should recoup the lease costs for the use of the water. And if they do go over the gallons provided, they would be under the tiered rate like Storm Haven residents.

Council member Bennett asked if the shares could be bought by Daniel rather than leased. Mr. Bunker said he asked, and they are not for sale. Mr. Bunker stated a vote is necessary to approve use of the shares at the mobile home park so that the project can move forward.

Council member Pearson returned to the discussion and asked what Daniel Town will get in exchange for providing the hookups in the mobile home park. Planner Bunker explained they have asked for \$10,000 per hookup, totaling a \$100,000 impact fee payable to Daniel Municipal Water. The lease with Central Utah Water has no expiration date and will continue until they decide, if ever, to change it. The lease rate may increase over time, and approval of this proposal is not a done deal. Central Water still has to accept the deal and move the point of diversion.

Council member Walton asked about the lease rate, and Mr. Bunker stated it was \$836 last year. Council member Pearson stated he would like historical information on the amount of the lease, how it has changed over time. He also stated it's his understanding that if Daniel doesn't take over the obligation of the lease, there are many other interested parties who will take the water in a heartbeat.

Council member Pearson made a motion that the Town of Daniel assume responsibility for the shares so that Daniel may provide water to the residents of the Wasatch Mobile Home Park.

Council member Walton asked that Mr. Pearson amend the motion to include the amount of shares.

Council member Pearson amended the motion to include 4 acre-feet of water rather than shares. Council member Walton seconded the motion. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

Discussion returned to item 5 and Mayor Kohler called for a motion on the approval of the contract with Ryan Taylor.

Council member Bennett moved to approve the contract with Ryan Taylor, which was seconded by Council member Pearson. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

7) Adoption of Business License Resolution DR 2025-05-05 Processing Policy

Mayor Kohler stated the policy in the resolution is to quicken the process for someone applying for a business license, either new or renewal. Council member Bennett asked how quickly someone will get a license under this policy. Mayor Kohler replied the same month the application is received. A new business license applicant would still have to go before the Planning Commission and then the Council, if the Commission recommended approval.

The policy change states if there are no written complaints, it comes on the next Council agenda. Council member Bennett asked what happens if there are complaints. Merry Duggin replied if there are complaints, the business license, per Daniel Code, is not renewed and the applicant would have to come before the Council to ask for a renewal. All complaints have to be in writing and signed.

Council member Walton made a motion to approve Resolution DR 2025-05-05, as written. The motion was seconded by Council member Bennett.

At this point Mayor Kohler read the resolution into the record.

The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

8) Business Licenses:

New: Norwood Construction

Renewals:

- i. Coleman Trucking Inc.
- ii. Adam Knight Plumbing
- iii. Tee J's Custom Mutt Cutts
- iv. Larson Grounds Maintenance
- v. Jill's Hairstyling
- vi. Connor Heating and Air
- vii. Bart Wile & Associates
- viii. Jolley Electric
- ix. Bush Family Farms

Mayor Kohler stated the Planning Commission recommended approval of the new business license for Norwood Construction.

Council member Walton made a motion to approve the application for Norwood Construction, owner Scott Long. The motion was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

Mayor Kohler read the names of the nine business license renewals, noting there had been no complaints made against any of them.

Council member Pearson moved to approve the listed businesses for a renewal license. The motion was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

9) Planning Commission Action Report

Mayor Kohler read the 6-item report, which had been prepared by Clerk Duggin, into the record. Council member Bennett stated item #5 on the report is a good idea, to hold a public meeting, but a bigger location will be needed. Mayor Kohler asked the Council for a time and date to schedule such a meeting, allowing time for the dissemination of information to the residents of Daniel.

A date in the month of August was suggested, either the 11th or 18th, at the Senior Citizens Center. Mayor Kohler stated this meeting is to get information from the public on how nonconforming lots should be handled. Planner Bunker said there are at least 50 such lots at this time, and the number keeps increasing. Melanie North and Megan Phillips asked that someone be given the assignment of locating all the lots so the Town knows how many must be dealt with. Mr. Bunker said the County records dealing with divided parcels go back to 1965. Council member Walton said when Daniel became a town, they adopted the zoning that was in place in the County into the Town of Daniel. He stated there is a difference between nonconforming lots and parcels of land that have been purchased in hopes of a zone change allowing someone to build on a particular parcel.

Ms. Phillips said the County code states in order to build on a nonconforming lot, you have to meet one of three things which are enumerated. Mr. Walton in response stated Daniel has not passed any ordinance regarding zoning changes since its inception dealing with nonconforming lots. Planner Bunker stated there are a number of different situations being a nonconforming lots. One is a lot that has a home on it, and another is a parcel with no home, which Council member Pearson said comprises most of the nonconforming lots in Daniel. Tax records in the County office do not show the size of the lots. They are for tax purposes only. You have to go into the surveyor's records.

Council member Bennett stated the number of lots does not need to be ascertained in order to hold the public meeting. He'd like to keep moving forward in the process. Mr. Bennett requested there be an agenda item in June setting the time and place for such a meeting. Mayor Kohler said the date will be August 11th or August 18th at 6:00 PM at the Senior Center, if it's available.

10) Council Reports

Council member Walton stated there were 27 meters which did not read in April. He had spoken with Ted Kearn at Master Meter regarding replacing the current meters with telemetric ones which read to the Cloud. In a previous discussion, he was told the replacement cost for all meters would be around \$110,000. At this time Mr. Kearn quoted a figure between 60 and \$80,000, said he would be happy to come to a Council meeting to discuss it. This replacement would eliminate

driving around and reading the meters, but there would be a cost of \$.91 per meter each time it was read. Council member Pearson said there may be grant monies available for such a replacement and he'd like this possibility to be pursued.

Mayor Kohler said the lockbox for water payments will be installed at the Hilton residence ASAP. Council member Pearson requested that a water rate discussion be on the agenda in the near future as rates must be increased in order to obtain funding. He would like to have public input on this subject as well. Council member Walton said the State is insisting on having meters on secondary water to encourage more responsible usage of water.

11) Planner Report/Updates

Council member Pearson asked for explanation of the complaints listed on the report. Mayor Kohler suggested Planner Bunker report on the matters listed above the complaints first.

Planner Bunker said he had received a map request to run fiber up Highway 40, and he had identified a number of issues that may become hazards on the crossings in Daniel. He listed 11 issues and invited the Council to add to the list of known interference. He said fiber on the east side of the highway is already in place, but now a request is made to run fiber from Heber City to Wyoming on the west side of the highway. Mr. Bunker stated he would like to see fiber remain only on the east side and allow future utilities for Daniel to be placed on the west side of the highway. A main concern is that the Storm Haven wellsite is within 50 feet of the UDOT easement and could be compromised. The well protection zone needs to be preserved. Mr. Bunker will map his perceived issues for fiber as requested.

The complaints were explained by Planner Bunker as a property at 3000 S and Mill Road has parked a double-wide trailer in the back, and too many animals at 1200 E Little Sweden Road. Mayor Kohler has a written complaint on each, and has received phone calls from neighbors as well. He said the process to be followed will be involving the County Health Department and letters from Daniel's attorneys to each property. He is aware there is not a conditional use permit in

place for the number of animals on the Little Sweden residence. He has tried to make contact with individuals at each property and will continue to pursue them.

Mr. Bunker is reporting to the Council that these complaints have reached the point of costing the Town money to substantiate them and providing evidence of violations, moving now into the legal arena.

12) Storm Haven and Daniel Water System Report/Updates

Mayor Kohler reported that there was a leak in Storm Haven that has now been repaired by Adam Knight Plumbing. Again, there were 27 meters that did not read for billing purposes. The Daniel Municipal Water system is working well for now. Planner Bunker suggested taking pictures of any leaks and repairs as that will be a requirement for the State from now on.

13) Tentative Budget for FY 2025-2026

Clerk Merry Duggin stated the tentative budget is a tentative spending plan. If funds are not appropriated, they can't be spent. She is acting as the budget officer for Daniel in presenting the budget. Because Daniel has not yet completed the FY 2023-2024 audit, the State is withholding monies until that is done and all required reports have been submitted. So, therefore, the tax revenue has to be estimated at this point.

Ms. Duggin also explained the distribution of ARPA funds on the budget reports showing a remaining balance of \$15,241 going into the 2025-26 fiscal year. Jones and DeMille anticipates spending all of that in the 2025-26 year. She reported that insurance had paid the majority of legal fees incurred during the FY 2024-25 and is tentatively budgeting \$35,000 for the upcoming year. In speaking with Ryan Taylor on the Highways section of the budget, he believes \$100,000 will be needed for road projects in the 2025-26 year.

Ms. Duggin added that Jones and DeMille applied for a \$40,000 grant for Storm Haven to do the lead and copper inventory, which will be received by Storm Haven and added to the \$30,000 of revenue received for providing water service.

Council member Walton made a motion to approve the tentative budget as amended for FY 2025-2026. The motion was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

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

Deputy Clerk Lynne Shindurling produced for the Council a year-to-date update to the FY 2024-25 to make them aware of percentages used in each line item. She then drew the Council's attention to the warrants for April to be approved on this date. She pointed out the IT invoices are still being worked out as between Ace Computer Rescue and Executech.

Council member Bennett made a motion to approve the warrants as presented, which was seconded by Council member Walton. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

Ms. Shindurling announced to the Council that the election candidacy declarations will take place June 2nd through the 6th, Monday through Friday, 8:00 AM to 5:00 PM. Candidates must do so at the clerk's office during those hours. If the number of candidates is such that all seats could be filled without an election, the election will be cancelled and those individuals sworn into office in January 2026.

Clerk Duggin also made everyone aware that the Town is in the process of changing from danielutah.org to danielutah.gov, as the State has required. This must be completed by July 1, 2025.

15) Approval of Meeting Minutes for April 7, 2025

Council member Bennett made a motion to approve the minutes as presented. The motion was seconded by Council member Walton. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

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

No closed session took place.

17) Adjourn

Council member Pearson moved to adjourn the meeting, which was seconded by Council member Bennett. The roll call vote was Walton, yes; Kohler, yes; Bennett, yes; Pearson, yes. The motion passed.

The meeting was adjourned at 8:35 PM.

Lynne Shindurling
Deputy Clerk/Recorder

APPROVED June 2, 2025