

## **Daniel Town Council Meeting**

Monday, August 4, 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 and Robyn Pearson. Council Members Jon Blotter and Eric Bennett were excused. Also present were Town Planner Eric Bunker, Clerk/Recorder Merry Duggin, and Deputy Clerk/Recorder Megan Goodrich, to record the minutes.

**Members of the Public:** John McLeon, Corbin Gordon, Ben Probst, Brooke Rose, Amity Waldecker, Devin McKrola, Wendi Stewart, Jason Stewart, Gary Weight, Matt Laurendeau, Nephi Trunnell, Tammy Trunnell

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

### **1) Public Comment**

There was no public comment.

### **2) Presentation of Agreed Upon Procedure FY 2023-2024 by Ben Probst of Gilbert & Stewart**

Ben Probst from Gilbert & Stewart presented the Agreed Upon Procedure for Fiscal Year 2023-24. He noted three reportable conditions/items where exceptions were identified. The first exception was that the General Fund unassigned balance exceeded the General Fund total revenue. The recommendation from Mr. Probst was that the Town budget a transfer from the General Fund to reduce the unrestricted fund balance to become compliant with state law. Clerk/Recorder Duggin asked if a public hearing would need to be held for the transfer; Mr. Probst confirmed that a public hearing would need to be held if one was not held at the budget hearing.

The second exception was that GRAMA training for the designated records officer was not completed as required. This training should be completed each year.

The third exception was that the Town did not have the required conflict of interest disclosure statements. It is recommended that the Town create and update annually a conflict-of-interest disclosure for all officials and employees with decision-making or management responsibilities.

### **3) Discussion with Nephi Trunnell regarding his request for Daniel Code Change to allow Commercial Condominiums within Daniel**

Corbin Gordon, Mr. Trunnell's lawyer, described the building and its purpose to the Council and the public. Mr. Trunnell has built one commercial building at 3500 S Highway 40 and would like to condominiumize the building. His goal is to make it advantageous for small businesses to buy their own property. He also stated that the condos would be run by an HOA and that there would only be one point of contact for the Town, the HOA President.

Mr. Gordon addressed the Town Council in regards to concerns they had raised at the previous Town Council meeting. He stated that when an owner condominiumizes a building, it allows others to own their own space. This can be good for a community because it creates ownership and motivates an owner to take care of their space. He also stated that it is important to give the Town's commercial space a chance to be successful, and, by condominiumizing, it makes for a much better possibility of surviving from a business standpoint.

Mr. Gordon described ownership in a condominiumized building; common space would be co-owned by all owners, while the interior of each space would be owned by an individual owner. All owners would belong to an HOA, which would elect a board and a President, and with agreed-upon Covenants, Conditions, and Restrictions (CCRs). Any questions or concerns from the Town would be addressed to the HOA President and would not make extra work for the Town.

Mr. Gordon stated that units designated inside the building that have a legal description can be bought and sold independently from anyone, but according to the CCRs. This would not create more work regarding licensing, and permits would be granted to owners like anyone else.

Mr. Gordon stated that condominiumizing would create owners who were more vested in the building. He also made the point that management and interaction with the Town would go down because of the CCR's and that "policing" would happen within the HOA, not the Town.

Councilmember Pearson states that Daniel is a Town, not a city, and does not have many employees. He questioned what would happen if the HOA could not come up with a solution to a problem. Mr. Gordon states that the Town would have no need to get involved with any problems unless there was a nuisance issue, and, in that case, the Town would enforce the nuisance code.

Councilmember Pearson opined that an HOA could potentially become a beehive of antagonism. Mr. Gordon reminded the Council that the Planning Commission made a recommendation to approve the code change and that he does not agree with anything that says this would hurt the Town. Mr. Gordon further stated that the Town should

want to work with their small slice of commercial so they can be as successful as possible and that an HOA would add a layer of administration.

Tammy Trunnell stated that, because of rising property taxes, they can no longer afford the taxes, and if the code change does not get approved, they will sell to a big, corporate owner. Mr. Trunnell said that condominiumizing is a common vehicle for businesses that want to buy instead of rent. Mr. Trunnell did not think a lot of things were correct from the previous Council meeting, such as the burden it would be on the Town and the responsibility if problems arose between owners. He stated that Daniel has a responsibility to help develop its commercial zone. He said that by condominiumizing, all owners would be local and have a vested interest in staying local and being economically viable.

Councilmember Walton said that the further the Council delved into the situation and the liability the State Code put on the issue, they concluded it had no advantage to the Town. Planner Bunker added that there would be no economic benefit to the Town and has the potential to have negative effects. Mr. Trunnell disagreed, saying that it has great possibilities. He would like to build two more phases with the money earned from the first phase of building.

Councilmember Walton addressed the State Code and the fact that Daniel is a small town and doesn't have the manpower to address certain issues in relation to enforcing the State Code.

Councilmember Pearson addressed the concern that the different businesses would not "fit together." Mr. Gordon stated that the CCRs would give control over those issues.

Ms. Trunnell pointed out their effort to be creative and address others' needs to not be outpriced and to keep locals here so they don't leave.

Councilmember Pearson asked how many business owners were interested in buying their space. Mr. Trunnell responded that 4 owners, or half the building, would like to buy. Councilmember Pearson asked how insurance works in a condominiumized building. Mr. Gordon explained that the HOA would carry general liability insurance on common areas, and individual owners would carry insurance for anything inside their unit. Mr. Trunnell said that there would be an HOA fee that owners would pay to be set aside for any maintenance, etc. on the building.

Mr. Jason Stewart addressed the Council and the public. He lives on Little Sweden Road, across from Mr. Trunnell's commercial building. Mr. Stewart is concerned about the traffic from the building that is exiting on Little Sweden Road and is wondering how to get the traffic to exit onto Highway 40. Ms. Trunnell said they are working with UDOT to improve the main entrance.

#### **4) Discussion and possible adoption of contract extension through December 2025 for Jones & DeMille Engineering services as the Daniel Town Engineer**

Matt Laurendeau, from Jones & DeMille, explained that their services are contracted through December 2025 and that the original budget has been reached. The proposed amendment would increase the budgeted amount by \$30,000 and would be allocated to a variety of engineering projects for the Town.

Councilmember Pearson questioned what the original budget was. Mr. Laurendeau answered: \$45,000. Councilmember Walton stated that the new budget will get the Town to the end of the year. Planner Bunker pointed out that the Town has been issuing more permits and doing more inspections.

Councilmember Pearson asked Mr. Laurendeau where their offices are located. Mr. Laurendeau stated that they are located in Springville, but that the inspector is Dave Thacker, who is local, and that they also do inspections for Wasatch County and are in the area often. He also made note that the majority of the funds are being reimbursed through the permit applicants. Mayor Kohler noted that the Town has a lot of building going on. Councilmember Pearson would like to explore the option of getting competitive bids.

Councilmember Walton questioned whether Jones and DeMille would put together a new package so that the Council could get an idea of what to budget for 2026. Mr. Laurendeau said they would and also mentioned that the \$30,000 is only a forecast and may not be reached by the end of the year. Planner Bunker stated that data will follow, and fees will be adjusted as necessary for 2026.

***Councilmember Pearson made a motion to adopt the proposed amount for the contract extension through December 2025. Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

Councilmember Pearson would like it recorded that the Town requests proposals for contracts before January 2026.

#### **5) Possibly set a public hearing for JDCO re-zone request from RA-5 to Industrial at 2530 S Daniel Road**

Planner Bunker explained that the Town has received a completed application for a rezone request. Half of the property is zoned industrial, and half is zoned RA-5; the applicant would like to change the entire parcel to industrial. The Town Council will need to schedule a public hearing.

***Councilmember Pearson made a motion to set a public hearing regarding the zone change for the October Town Council meeting. Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

## **6) Business Licenses**

One new business, King Street Productions, was presented for approval. Amity Waldecker from King Street Productions addressed the Council. Ms. Waldecker is a location manager for King Street Productions, and they are filming in Wasatch and Summit Counties through the end of the year. They had scheduled one day of filming in Daniel at the mobile home park on the corner of 3000 S and Daniels Road. The company coordinated with the sheriff's office for driving scenes; they also reached out to the fire district. Ms. Waldecker mentioned that they would be filming scenes involving a shoot-out in which they would be brandishing fake guns. Councilmember Pearson questioned if the Town was additionally insured, and Ms. Waldecker confirmed they were. She also coordinated with neighbors and homeowners.

***Councilmember Walton made a motion to accept King Street Production licensing on a shoot for one day at 3000 S and Daniels Road. Councilmember Pearson seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

Clerk/Recorder Duggin made note that the filming would occur on Thursday, August 7<sup>th</sup>, all day, with a helicopter landing in the evening.

Businesses for renewal were Heber Valley Storage, John Glodowski, LLC, and Hungry Bunny Bakery. Mayor Kohler stated that the Town had no complaints against these businesses.

***Councilmember Walton made a motion to renew licenses for Heber Valley Storage, John Glodowski LLC, and Hungry Bunny Bakery. Councilmember Pearson seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

## **7) Discussion and possible approval of contract with Central Utah Water to provide water to the Wasatch Mobile Home Park at 3000 S and Daniels Road**

Planner Bunker explained that the Town was in the process of taking over the water contract with Wasatch Mobile Home Park. It was determined that the original contract was not assumable and that the Town needed a new contract. He presented the new contract to the Town Council. Devin McKrola stated that the new contract was basically the same, but some things were changed regarding residential and municipal water.

Councilmember Pearson asked what would happen if the mobile home park was sold. The answer was given that the contract would act as a sales agreement with the Town. If there is any change in how the mobile home park is used, the contract will be amended if the Town would like to keep it.

***Councilmember Pearson made a motion to approve the contract with Wasatch Mobile Home Park, with the contract agreement being subject to:***

- 1. Legal review by Town Attorney***
- 2. Submittal and approval by the applicant of the Water Exchange Agreement with the State Engineer's Office.***
- 3. Approval of contract with CUWCD.***
- 4. A signed and notarized affidavit from Wasatch Mobile Home Park, to provide the Town with a Town-approved 4-acre feet water source, if any portion of this contract is denied or not approved by those Agents/Representatives.***

Councilmember Walton would like to have all council members present before making a motion. Councilmember Pearson stated that the mobile home park will run out of water if the Town does not move quickly. Councilmember Walton asked what the cost is to the Town and to whom the money goes. Mayor Kohler stated it would be roughly \$875/year. Mr. John DeLeon, engineer representing the mobile home park, stated that they had received funding from the State to connect to the Daniel Town water system and that they are trying to make sure they are following all appropriate paperwork and that all costs are covered. Mr. McKrola stated that the approved State application is for 10 residents. Councilmember Pearson stated that the Town has the authority to turn the water off if residents do not pay.

***Councilmember Walton seconded the motion to approve. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

- 8) Three policies prepared for Council Approval, specifically addressed in the annual Fraud Risk Assessment: Cash Receipting and Deposit, Credit Card Policy, and Procurement Policy; discussion only**

Time was turned over to Clerk/Recorder, Merry Duggin. She presented the policies and stated that they were reviewed by the Town Council the previous month and that the Clerk's office had made edits according to their comments. These policies are part of the fraud-risk assessment that is submitted to the State Auditor's office at the end of the year and will improve the Town's score on the assessment.

## **9) Council Reports**

Councilmember Pearson mentioned that UDOT is going through its critical decision phase regarding the bypass road and that they are going in the direction they proposed when reported to the Town Council in April. He would like to have an open discussion about water rates and add it to the Town Council meeting agenda for September.

Mayor Kohler relayed a message from Fire Marshall, Clint Neerings, that the State is in Stage 2 fire restrictions.

Councilmember Walton would also like to see a discussion regarding water rates. Specifically, he would like to know where the Town is in relation to other cities in the State, what revenues have been generated dollar per dollar that come in from customers, what is the monthly rate paid to the Town and see where the funds being generated by customer usage of culinary water is annually, monthly, and quarterly. He noted that the Town has hired a new water operator and still has 27 meters that are not reading. The cost to replace registers is about \$248, and with an additional \$45, the meter can be replaced. Walton made the Council aware that the deep well had been running for 2.5 days, but will be figured out in the next couple of days.

#### **10)Planner Report/Update**

Planner Bunker gave his report to the Council members and reported that the complaints listed were all at the attorney's office, and they are working on getting letters sent.

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

It was reported that the water systems are running great.

#### **12)Recorder's Office: Warrants approval, announcements, etc.**

The warrant sheet was presented to the Town Council. Deputy Clerk/Recorder Goodrich made note of an invoice from Xpress Pay that had come in that afternoon and was added to the Storm Haven and Daniel Water systems. Clerk/Recorder Duggin made note that, since the Planning Commission did not meet, those commissioners did not need to be paid for July.

***Councilmember Pearson made a motion to approve the July warrants. Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

Deputy Clerk/Recorder Goodrich announced a Town Hall meeting on August 11, 2006 at 6:00 at the Senior Center regarding non-conforming lots. Mayor Kohler explained

that the meeting would be an open forum for public comments regarding non-conforming lots only.

Deputy Clerk/Recorder Goodrich announced that the Clerk's office is looking for a new office space and that the Town is renting the current office space on a monthly basis. Goodrich also announced the posting of an administrative assistant to be hired for the Town.

### **13)Approval of Council Minutes for July 7, 2025**

***Councilmember Pearson made a motion to approve minutes of the July 7, 2025 Town Council Meeting. Councilmember Walton seconded. The roll call vote was Walton yes, Kohler yes, Pearson yes.***

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

There was no closed session held.

### **15)Adjourn**

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

Mayor Kohler adjourned the meeting at 8:01 PM.

*Megan Goodrich*

Megan Goodrich  
Deputy Clerk/Recorder