

Erda City Council Minutes

8/24/2023 – 7:00 pm

Tooele County Building - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8fjfnx>

1. Call to Order 7:00PM
2. Roll Call
 - a. Jess Bird, Craig Smith, Kael Martin, Scott Droubay, Terry Miner
 - b. Jennifer Poole-City Recorder, John Brems - City Attorney
3. Pledge
 - a. Scott led the pledge of allegiance
4. Public Comment
 - a. Chair opened public comment
 - b. Hallie Mattern- I came to previous meetings about my dog treat business. I think we got this cleared up about that. I am here on behalf of RTM trucking that my husband Travis owns. When we started this we came to a meeting to discuss this. I am not sure if I spoke at the podium or just at the table. A little background on Travis he left his job of 23 years to start his own business. He wanted to start a dump truck business. We've started building a building. We got a business license and got started. Now we are being told that he can't run that business off of his property. But the way it's set up is if he parks in trucks in the back would that work? I want to see if we can get a code change to allow this in some way. According to Rachelle if we fall under a home based business it would be okay, she did say we would have to get a code change and we can ask them to change the code. We just want to see if we can get this going and take care of our family. We will do what it takes to be in compliance and do well. We paid the \$800 for the CUP and that was denied, and she said that we could apply for a text amendment change and it's another \$800 just to apply for that. We will do whatever it takes to be in compliance and good standing.
 - c. Terry-We should talk to Rachelle about this and see what we can do about this.
 - d. Scott-It's a place to park the trucks. They don't haul anything in or out of that property.
 - e. Jess- I remember our home based business when we started this, and it feels like this fits.
 - f. Craig- Our low-impact business does not fit this, we don't allow any vehicle over 26000 lbs to fit this as well. If it was me I wouldn't apply for the zoning change or the text amendment it is highly unlikely that those would be approved and I wouldn't want you to waste your money.
 - g. John- Your options are to do a re-zone or amend the code. Both would have to go before the planning and zoning and you and will take a couple of months to do. I would direct staff to create something for your review.

- h. Terry- We need to be careful what we do with this issue.
- i. Derald- I couldn't agree more the fees can be problematic. In the Erda City code it does say that if you do a site plan review it's 500 per acre and then so much after that. Which is fine if the project is small. But I wanted to touch base with you, on Tuesday night we had a great discussion with Planning and Zoning. It did give us a good chance to talk about the idea of combining Erda Estates and Tealby Village under 1 development agreement and to get rid of those Chapter 9 issues. It also increases the commercial a great deal. I know the attorneys are working on this right now. Something else we talked about is putting in an updated Concept Plan for Erda Estates. We wanted to go down both options just in case. I have some great concerns with Chapter 9. I can see that we are going to really struggle with Chap 9. It's going to take a lot of work on all sides to work through that.
- j. Sheriff's Department Rep.- In July there were 82 details. There were 18 arrests and 75 Citations.. There was one significant issue: it was an aggravated domestic assault and shots were fired. The person was arrested and booked into the jail on felony charges. We had a burglary at Tooele Valley Bicycle. We are still looking into this. And there were 14 juvenile arrests for various crimes on Bronzewood Cir.
- k. Buck- NTFD doesn't have anything significant to report. Another issue that needs to be brought up is the car dealership that is going in across from Tooele Valley Motorsports. They've purchased a cargo container to work as their shop. We are working on a way to get it work with-out having to do the tank, it would bankrupt them. We are trying to see if they can work out an agreement with Tooele Valley Motorsports to lease the possible use of their tank if it's needed. We are working on this issue.
- l. Craig moved to close public comment, Scott seconded the motion
- m. Voting was unanimous to close public comment
- n. **Public Comment Closed**

5. Approve meeting minutes from 7-27-23

- a. Jess moved to approve the meeting minutes from 7-27-23, Craig seconded the motion.
- b. Voting was unanimous to approve the meeting minutes
- c. **Meeting Minutes from 7-27-23 Approved**

6. Committee Assignments Report and Discussion

- a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry- Deposits from 7/28-8/23 are \$18,918.82. As for payments: for the clerks salary \$857.33, payroll tax state \$34, federal payroll tax \$394.72, accounting services \$1,750, legal \$5,000, city planner \$3,375, Civic Renew renewal \$4,500, clerks salary \$718.57 for a total of \$16,629.62 There was also \$134.88 on the credit card that was for the renewal for go daddy website. For this meeting we got an invoice from Ensign Engineering for \$2,527.50, clerks salary \$873.81, CVE tech \$310.41 payroll state tax \$31, federal tax \$385 for a total of \$4,128.24 with \$20,757.86 so we are kinda going even. We had \$30.21 on the credit card that's from Microsoft and Adobe and was paid off on the 22nd.

7. Consideration of Resolution 23-18 Approving an interlocal cooperative agreement with Tooele County and other municipalities to participate in the Tooele County Council of Governments
 - a. Scott- I go to those meetings and it seems like it's been useful.
 - b. John- This is just one of the things on their list of things to do.
 - c. Scott- We ought to have a voice there.
 - d. Craig- There is a lot of grant money there and it's important to be involved in where that goes.
 - e. Jess moved to adopt resolution 23-18, Criag seconded the motion
 - f. **ROLL CALL VOTE: Scott- Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-Yes**
 - g. **VOTE 5-0 Resolution 23-18 PASSED**
8. Discussion of Resolution 23-17 PID Creation Resolution
 - a. Terry- I have a few questions about this, 1-who was it that had it added to the agenda?
 - b. Derald -I think we paid the fees and it went through the process.
 - c. Terry-So you get to decide what's on the agenda? It feels like it was put on when I'm not here. Also it says that I'm the treasurer not a councilman... at least on this paper here. Also why did we allow someone else to have taxing authority? Did you know this?
 - d. John-We put in that anyone who wants to annex into this has to have a development agreement with the city, which is something that gives you the power.
 - e. Terry- Please explain the pioneering agreement?
 - f. John- That has to do with SPID and their impact fees and how they need to be allocated.
 - g. Terry- What is the difference between these districts?
 - h. John- This is the difference between the 3 residential districts and the 1 commercial
 - i. Jess moved to close discussion on resolution 23-17, Scott seconded the motion
 - j. Voting was unanimous to close discussion on Resolution 23-17.
9. Council Representative Reports
 - a. John-This deals with or a proposal to the city, This is a request by Erda Estates by Copper Cove development. Erda Code states "No more than 1 pending land use application will be accepted at 1 time for the same address". By ordinance it doesn't allow it. The attorney is concerned that if they proceed with this new application it would void the old application. We need to decide 1-would we waive our right to claim that previous application is void, 2-Are we going to let them proceed with 2 applications?
 - b. Craig-Could the argument be made that the first application was with the county and not Erda City? I'm pretty sure that Erda Estates and Tealby Village were approved. They've been through many lawsuits and won.
 - c. Terry- They were dismissed not on the merits of the case.
 - d. John-I don't think we need to decide on that, we need to decide if we will allow them to have the multiple applications, and not say they are denied if the other doesn't work out.
 - e. Jess-I for one would like to see the developers work on a new agreement with the city. I think it's in the best interest of the city to do this.
 - f. John-If they don't do a development agreement they can't be a part of the PID.
 - g. Jess-I think we try to comply with the spirit of Chap 9 and with working with the city.
 - h. John-To me you need to make a decision. The ordinance is pretty clear you can't pursue 2 applications at the same time.
 - i. Derald-The first one I want to speak to is, we don't like Chapter 9 the answer is yes it's a mess. It's taken us 6 attorneys to decide if there was a tolling in effect. The duplicate

application part of the ordinance doesn't apply to subdivisions that have multiple phasing plans. The whole section read in its entirety shows this doesn't apply to this application. We've already done it, when we rezoned a portion of the property to commercial. Let's talk about vested rights, you as a city took action on this application. If there were no vested rights then you shouldn't have taken any action on this.

- j. Jess-I understand this, but I think this ordinance makes it difficult to get that second application.
- k. Derald- I understand this, but we want to do better than what was approved 3 years ago. But our timeline is short. We have 8 months. I've been very upfront about this. But if we can't find a legal way to take another look at this then I just don't have any other choice. I am not trying to twist anyone's arm, I'm just being as upfront as I can be with you, but these are my limited options.
- l. Jess- Can this agreement be seen as a continuance of the original application.
- m. Craig-Part of paragraph 2 is so you can have a preliminary and final application of phases going at once. I think that's the intent. I only see this being problematic if you were to have an application for a subdivision or a preliminary and have a development agreement at the same time. Is there a way to have a tolling on Chapter 9 while we work on a development agreement? They've been given 12 months to get a building permit, if the development agreement doesn't work they are under a time crunch. Is it legal for the City to say there is a tolling while we work on this development agreement?
- n. John-That is something that we can work on. I think we should go to the Planning Commission and ask for an extension while they are working on this development agreement in good faith and get a tolling.
- o. Derald-I need this to be legal in every way and I want to avoid lawsuits, referendums, and the like.
- p. John- What does the council want? Should we send it to the Planning Commission and get an extension for this while they work on the development agreement.
- q. Council agrees to this course of action
- r. Derald-I worry that I don't have enough time to wait the 3 weeks to get before the Planning Commission and they may or may not agree to it.
- s. John- Let me work on this with their attorney to see if we can work on this to make this work legally. If I can work on this and get it to work do I need to bring this back to you?
- t. Council agreed to allow John to work through this with the other attorney in this new direction.

10. Comments from Council Members

- a. Terry-Are we to the point where we can go to 1 meeting a month and use the other as a work or business meeting?
- b. Craig-We can throw work meetings onto any meeting we want.
- c. Jess- He's talking about not adding any meetings...
- d. Craig-Anytime we have a short agenda we can have a working after it.
- e. Terry- This is from the state they are doing a meeting on the local trails, 2023 UDOT trail network workshop. They want to work on regional trails in the area. It'll be on Sept 27th.
- f. Craig- I think Ensign Engineering left those 3 boxes of desert there to be eaten.

11. Adjournment

- a. Scott moved to adjourn, Kael seconded the motion
- b. Voting was unanimous to adjourn the meeting
- c. **Meeting adjourned**

Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Council this 19th day of September, 2023.

ERDA

ATTEST:


Jennifer Poole, City Recorder


Craig Smith, Vice-Chair