

Erda City Council Minutes

3/28/2024 – 7:00 pm

Tooele County Building - Auditorium

1. Call to Order 7:00pm
2. Roll Call
 - a. City Councilmen: Terry Miner, Clyde Christensen, Scott Droubay Craig Smith, Sheldon Birch-Via Zoom
 - b. Jennifer Poole- City Recorder, Rachelle Custer- City Planner, John Brems - City Attorney
3. Pledge
 - a. Scott Drouby led the pledge of allegiance
4. Public Comment
 - a. Claire Cressel- I live north of the Mattern property. How long does it take to make a decision? You've got neighbors against neighbors, this has been the sixth meeting. Make up your mind, is it that hard to do? We need to know if you're going to put in a commercial property we need to know. We need an answer.
 - b. Bret Brockmeyer- I see a lot of what is being commented on on Facebook. As far as who's up to be on the council and planning and zoning. My advice is don't listen to what people are saying about these people. If we have people willing and able to help work through the problems as a city. You need to get to know the actual person and see what they have to say. It should be based on that. There is a lot of back and forth on the internet and going back and forth on this. Take the time to get to know these people and make your decision based on that.
 - c. Michael Jensen-I live on the north east side of Erda. I typed out some things so I don't ramble. First I made a commitment when I came to these meetings that I would thank you for your time and effort that you've put into the city. As you know my name has been put on the agenda to be put on the Planning Commission. I didn't ask to be put on the Planning Commission. I got a phone call and was asked to serve and I said I would. Quite frankly I'm sad Jerry Hansen is leaving, he's been doing a good job and he'll be missed in the community and his family. You might ask what qualifies me to do this. I have the time and ability to help. We have a great variety of people here. From lifelong residents that have always lived here to transplants such as myself. I remember the Droubays welcoming us with open arms when we moved here along with many others when we started filling up the fields. I am familiar with serving on Planning Commissions and the ability to work with others. I have various qualifications. I am a long time member of this community. I understand growth and change are inevitable and hence why we have a planning commission. I look forward to working with the other commission members and the city council members to create unity. Thanks for your time.

- d. Nancy Martin- As the one person came up and said we have been going over this as far as home based businesses in RR-5 zones. The things we put in are good. But we haven't done the whole compass of what is involved or how we could mitigate or police the things that could happen if this is approved. If we do allow this we are going against some of the ordinances we have adopted. Why do we have rules and laws, to keep people from killing each other. We need to be law abiding citizens. A lot of these people have lived in these 5 acre communities for years and years. By allowing this home based business all over Erda. It's not just for this community, it's for the entire city. In the powers and duties handbooks it gives us clear guidelines. Why did we have the ordinances we had before? Because they found that they worked. We don't want to have fight after fight after fight. Even with all of our efforts I know we've missed stuff.
- e. Miranda- Erda became a city so we can be a rural community. There are many people in the community that went to the county's meetings and felt ignored. That is a big part of why we became a city. Many of these councilmen campaigned to keep Erda rural. Many have felt that actions have not lived up to what has happened. Much of my family lived in Herriman and Riverton and those cities are no longer a rural community. That is a scare for our citizens. We ask that those councilmen that campaigned to keep Erda rural show that with their actions.
- f. Pamela Pay- I have been here as a police and fire dispatcher for 36 years. If there's a consideration to change the laws for those zoning. There are different responses for different areas, it's very different for residential than for business. If there is a semi truck a hazmat team has to be there. If you have businesses in there you have to have additional resources. Please remember and consider the fire response.
- g. Scott moved to close public comment, Clyde seconded the motion
- h. Voting unanimous to close public comment
- i. **Public Comment Closed**

5. Approve meeting minutes from 3-14-24

- a. Clyde moved to accept the minutes from 3-14-24, Scott seconded the motion
- b. Voting was unanimous to accept the minutes from 3-14-24
- c. **Meeting Minutes from 3-14-24 APPROVED**

6. Treasurer Report

- a. Terry- We need to start off with an announcement as of July 1, 2024 I will no longer be the treasurer. We will do an RFP for a treasurer. I will continue to be on the finance committee with Scott. I will also take care of the budget and audit. But hopefully by July we will have a permanent part time treasurer. My time is coming to a close and I want some time to get the new system set up. As for deposits in the checking account there was a deposit of \$14,216.03. Total disbursements are \$6,967,64. On the credit card we had 84.03 on the credit card. Paid on the 21st. Also this is the end of the quarter we will be paying law enforcement and dispatch and all the other quarterly costs so that will be the big one. We got the Utah League of Cities and Towns. It's going to be close to \$2000 dollars. As a heads up it's been around \$2000 a year each year. So it's stayed consistent.
- b. Clyde-What do we get for that?
- c. Terry- Jenn get's to go on vacations, they do seminars and help with anything we need.
- d. Craig- The training we went to was provided by the League.
- e. Terry- They also have legal offices that we can get information and help from.
- f. Scott- So other than legal advice and training what do we get John?

- g. John- They have lobbyists that work with the State Legislature to get things passed that help out cities and towns. They advocate for Cities.
- h. Craig-Moved to accept treasurer report, Clyde seconded the motion
- i. Voting was unanimous to accept the treasurer report.
- j. **Treasurer Report ACCEPTED**

7. Consideration of **Resolution 24-04** A Resolution of the City Council of Erda City, Utah (the "City"), acknowledging receipt and certification of a request for certain services signed by 100% of the property owners in the proposed service area; Declining to provide the requested services, and acknowledging the receipt and certification of a petition for creation of the Mid-Valley Improvement District, and the inability of any other parties to file an adequate protest to the city's proposed action

- a. Joe White- A couple of months ago we filed a petition for Erda City to provide water and sewer services, which municipalities usually provide. We understand that is a stretch but as part of the process of creating a Special Service District that is part of the process we have to petition the City first. Then if it's declined we can apply to do the special service district.
- b. Terry-This new district will be for Copper Cove and Oquirrh Point? Aren't they supposed to have water as part of their Development Agreement already?
- c. Joe- Yes we do have a will serve letter from SPID for those developments. But there are more things we'd like to do as a partnership with SPID to provide for these developments. This will provide for the infrastructure.
- d. Craig- In Copper Cove they may use some of the park area for their detention ponds.
- e. **Scott moved to open the public hearing, Clyde seconded the motion**
- f. **Voting was unanimous to open the public hearing**
- a. **Public Hearing Open**
- b. Miranda- I have a question, I am confused you say the parks are going to be detention ponds? Which is it? Are they going to be parks or detention ponds?
- c. **Craig moved to close, Scott seconded the motion**
- d. **Voting unanimous to close the public hearing**
- e. **Close Public Hearing**
- f. Joe- Yes you are going to get parks and storm drains. When people smarter than me figure it out to make it better. I don't get to decide the design but the engineers decide based on best practices. It'll go through our engineer, the city engineer and they will work that out.
- g. Clyde- I've had a few people in Lake Point worried about getting more smell down there than they already do.
- h. Joe- The state is wanting to go away from those lagoons and move to package plants. The state also has some new procedures and regulations they will have us follow.
- i. Clyde- What about the additional trips to the dump?
- j. Joe- For two thousand people about one trip every two weeks or so.
- k. Scott-There will be some pretty significant restrictions in the future. With all that will be required in this I am not in favor of providing these services.
- l. Clyde- Neither am I.
- m. Craig- To be clear this resolution denies the request for services, and acknowledges the request of 100% of the landowners on a request to create an improvement district.
- n. Matt- John and I have talked about that a couple of times. Once the district is created an interlocal agreement will exist between the district and the City. We have proposed that

for 10 years the property owners would be responsible for the district. To get it up and going then after 10 years the City will have the option to fill the board with whomever they would like and essentially take it over. We are committed to working with the City. The only role the City will have is appointing land owners to the board. Then after 10 years you can add anyone to the board, and at that time add City Councilmen to the board and essentially take it over at that point.

- o. Joe- I believe this is under the state rules, and they have to follow the same rules as you do as the city council. We have the same noticing requirements and such.
 - p. Clyde- In 10 years if we take it over we become the responsible parties meaning we have to hire repair people or employees to maintain operations.
 - q. Craig- Would it make sense to add to this resolution to have an interlocal agreement created as part of the process?
 - r. John-It makes sense but there isn't a board or entity to make an agreement with at this time.
 - s. Craig- Would it make sense to have a member of the City be on the board from the beginning?
 - t. Matt- In the beginning only property owners can be on the board at the beginning.
 - u. Terry- So what is the boundary? I've heard it being the PID, and now I've heard it being the whole city, so which is it?
 - v. Joe- So initial boundaries are the PID and the rest of Erda is in the boundary of the possible annexation area.
 - w. Matt- That annexation can't be forced on anyone, it would require the property owners requesting to be served by the district.
 - x. Terry- Do we want to put that amendment in there?
 - y. **Craig- I move we adopt Resolution 24-04 adding line 14 an interlocal agreement between the board that gives the city the right to appoint those members in 10 years as drawn up by the attorneys. that allows the City to appoint members of the board 10 years from today., Scott Seconded the motion with the amendment**
 - z. **ROLL CALL: Terry-Yes, Clyde-Yes, Sheldon-Yes, Scott-Yes, Craig-Yes**
 - aa. **Resolution 24-04 APPROVED Vote 5-0**
8. Consideration of **Resolution 24-05** Appointing Michael Jensen to the Erda City Planning Commission replacing Jerry Hansen
- a. Terry- My point is I think it should have been done in the same manner as the first at large appointments. We should canvas the city and see who wants to be on the board. Then discuss it and give an opinion to the council chair.
 - b. Craig- I feel that Sheldon did that in our last meeting.
 - c. Terry- I think it should have been done like last time. I wasn't asked for any consent.
 - d. Clyde- I was under the impression we'd throw out some names tonight.
 - e. Scott- I'm okay with waiting.
 - f. Clyde- The only drawback is having an even number
 - g. Sheldon- I wasn't around when you did this the last time. I asked for advice and wasn't given very much to work with. So I went about calling around.
 - h. Terry- To me it's two separate processes.
 - i. Sheldon- I'm open to waiting if the council needs to.
 - j. Terry- I'd like Jennifer to put it on the website to canvass the city for those that are interested and would like to put their names forth.
 - k. **Terry- Motioned to table this motion till next meeting, Clyde seconded the motion**

- I. **ROLL CALL VOTE: Scott-Yes, Sheldon-Yes, Terry-Yes, Clyde-Yes, Craig-No**
- m. **Resolution 24-05 TABLED until next meeting Vote 4-1**

- 9. Consideration of **Ordinance 24-04** An Ordinance amending the Land Use Code Table 15-5-3.2 to make Home-Based Business as a Conditional Use in the RR-5 zoning district and amending the definition of the home based business.
 - a. Rachele- Gave the history of this request. Stated the additional stipulations added to this request. a) Owner of business must occupy residence as their primary residence. b) May be permitted to have no more than 4 employees or contractors that reside outside of the dwelling at the residence at one time provided there is at least one off-street parking area available on the property for each employee and contractor. c) All outside storage shall be screened by a view obscuring fence and set behind or to the side of the primary structure and no closer to the road than the front setback of the zoning district, d) All work shall be performed inside an enclosed structure. e) Shall be limited to two vehicles larger than a class 6 related to business operations; such vehicles shall not be allowed on residential neighborhood roads and business shall have frontage on a collector road and access shall comply with Erda Land Use Code 6-7 f) Hours of operation as per Erda Code 6-19-5 regulations and may be further restricted by Conditional use permit. The big change from the last time you saw this. Any business that operates a vehicle larger than a class 6 must have frontage on a collector road and be limited to two vehicles over that limit.
 - b. Clyde- What is a class 6?
 - c. Rachele- Larger than a school bus or over 26,000 GVW. I do want to bring up that this Ordinance does also change the definition of a home based business, so I would like to read that definition as well. "Home based business" means a business use of a scale greater than home occupation but which is still secondary to the residential use. It may be conducted entirely within a dwelling, an accessory structure or on the premises. A home based business does not include agricultural activities.
 - d. Terry- I have a neighbor that has two semis on a one acre lot. We live in a semicircle. Would this affect them?
 - e. Rachele- They are currently operating outside of the city code. But this wouldn't affect them. This affects the business if they are operated out of their home. Not if they are employed by another place and they drive their truck home at the end of the day as their work truck would be allowed.
 - f. Clyde- Do we have two different things going on here? The conditional use permits and all of these changes on the Ordinance?
 - g. Craig- No the conditional use permits wouldn't go before us, this is only an ordinance change.
 - h. Rachele- The change here is to allow a home based business as a conditional use. So if the ordinance were to pass then anyone wanting to operate a business that falls into these guidelines would then apply for a conditional use permit.
 - i. Terry- You said somewhere in there that all the work would have to be done inside and not outside?
 - j. Rachele- Yes it's item D, All work shall be performed inside an enclosed structure. They can store on their lot but the work needs to be done inside.
 - k. Craig- I have not been a fan of this from the beginning. Part because of what people will do once we do this. I have softened on this a little. But I got a phone call the other day from someone who said great if you pass that I'll put up a screened fence around my 10

acre property and do outdoor storage of boats and RVs and such. That's the very thing that has scared me about opening this door. There are some things that could mitigate that. I would like to amend paragraph C to say to not allow any outdoor storage and all storage material shall be inside an enclosed structure for equipment and supplies. I know we added that you had to be the primary owner. I also suggest that we modify paragraph E to say you have access to a collector road as approved by the city.

- l. Terry- I am okay with those.
- m. Scott- What about the trucks? We've talked about 4 trucks and this limits it to two. I think we should get this back to four. I am with Claire. We need to get this done tonight.
- n. Sheldon- I think we went through the right process on this. It has taken a lot of work and effort from the Planning Commission and staff. I think we've put a lot of effort into this. And I appreciate everyone's efforts. My own thinking is it seems like every time we meet we come up with a new exception to the rule. I think we could go on this forever. I don't think we can predict every possibility. For that reason I am simply against this change all together. I don't think it is a good thing to add this in a residential zone like this.
- o. Clyde-So will this change their tax rate? Or will they still get the tax discount of residential still?
- p. Rachele- They will still have the residential rate.
- q. Craig- We can't predict everything, and I've been tempered about the ability for people to use their property. We do have people that say we have rules and code, but we adopted it knowing we would make changes.
- r. Clyde- By voting yes to these changes we vote what?
- s. Rachele- If you vote yes you are allowing home based business in RR-5.
- t. Craig- We have a lot of businesses operating in Erda.
- u. Scott- There are a lot of businesses in Erda. The very thing I am talking about here I do it. Craig does it, there have to be dozens of businesses that do this and have been for a long time. Some of us have BMX courses and some of us have riding courses. The list goes on and on what we do on our five acre lots. And because we've been doing this for so long we should get our arms around it and put up parameters on when it's allowed to do this.. This was specifically brought up because of macherany. But if someone wanted to bring in chickens we couldn't say boo about it and it would be worse off.
- v. Hallie-When we looked at this whole thing, there are several people who are doing this. We did ask for permission to do this. We did get our business license. We don't bring loaded trucks into the property unless someone has asked. I would like you to make those changes of the 4 trucks and the approved access to the collector road.
- w. Terry-Any idea on how long it will take to get that road in?
- x. Hallie-Maybe 3 months?
- y. Craig- You need to make sure to get your building permit for your road before you begin construction.
- z. Hallie- The trucks will leave in the morning and come back in the evening. The trucks will start up in the building in the morning to hopefully mitigate the noise and smell.
- aa. **Scott-Moved to accept Ordinance 24-04 with the changes of C-the storage must be in a building, e-change the number of allowed trucks to 4, and later in e- having the access to the frontage road approved by the city, Terry seconded the motion**
- bb. **ROLL CALL VOTE : Sheldon-No, Craig-Yes, Clyde-Yes, Terry-Yes, Scott-Yes**
- cc. **Ordinance 24-04 ADOPTED 4-1**

10. Regional Animal Shelter

- a. Craig- There is a committee being put together for discussion of a regional animal shelter.
- b. Clyde- I will volunteer to be on that committee

11. Discussion of Infrastructure Inspector and Inspections

- a. Clyde- I was thinking while Joe was talking we will need someone fulltime to keep up with just their project.
- b. Craig- This is for roads, curb and gutter, sidewalk.
- c. Sheldon- I propose we make an agreement with the county for them to do this to start up while we get an idea of what it will look like.
- d. Rachelle-I've looked into it a little bit. Tooele County charges 3% inspection fees, Erda charges 4% but it includes the engineering fees.
- e. Terry- I think making the proposal is a good idea. We need to start having those layers of government, the governing body and the managerial body.
- f. Scott- I think that's a good idea as well.
- g. Terry-We have funds in our permits to pay for that inspector.
- h. Sheldon-I am in favor of working with the county to get a proposal for a public works inspector.
- i. Scott- I am in favor of that,
- j. Craig-So am I.

12. Council Representative Reports

- a. Scott- Terry and I have been going to many disaster mitigation meetings. On April 18th there will be a statewide Great Shake Out, we will follow the County's lead on this. We should look into something this summer or fall and have our own exercise on how we as a city would handle something like a wildfire or if we are without power for an extended period of time. But we need this on the Facebook Page and city website. Terry and I will be lead on this, if there is an emergency of some kind there needs to be a succession rate of who is in charge if Terry and I are out of town when something happens.
- b. Terry-Yesterday the Utah National Guard came out and talked about their civil support team. Like if there is a chemical spill we can call on them to come out and help out.
- c. Clyde- I made the comment a while back about putting a public comment on the end of the agenda but it hasn't made it on.
- d. Scott- I've heard that when there is public comment in more than one place that it creates more bickering and back and forth and the meetings go long.
- e. Craig- The other item on here was the progress on Roads with the money that was given to the county. Terry suggested we get Jake involved, I did call Jake. He is out of the country at this time but he is happy to be involved when he gets back. He will help us see what we can get done for that \$190,000
- f. Clyde-Are they still going to do Erda Way?
- g. Terry- That isn't on the slate till 2026 and that's just a chip slurry deal.
- h. Craig- Jake mentioned that getting that 1.5 mile area repaved could be up to a million dollars.
- i. Terry- I don't believe that for one second.
- j. Scott- I know a guy who will begin working on Droubay this summer. I can check with him.
- k. Terry- I also have a neighbor who works for Parsons and I can also check with him.

13. Comments from Council Members

- a. None

14. Adjournment

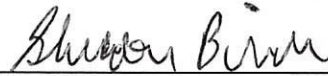
- a. Scott moved to adjourn the meeting, Clyde seconded the motion
- b. Voting was unanimous to adjourn the meeting
- c. **Meeting adjourned.**

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 11th day of April, 2024.

ERDA



Sheldon Birch, Chair

ATTEST:



Jennifer Poole, City Recorder