Erda City Council Minutes

4/25/2024 – 7:00 pm

Tooele County Building - Auditorium

1. Call to Order 7:00PM
2. Roll Call
    a. Councilmen- Terry Miner, Clyde Christensen, Sheldon Birch, Craig Smith, Scott Droubay
    b. Jennifer Poole-Recorder, John Brems - City Attorney, Rachelle Custer- City Planner Via Zoom

3. Pledge
    a. Terry led the pledge of allegiance

4. Public Comment
    a. None Made

5. Approve meeting minutes from 4-11-24
    a. Craig moved to approve the meeting minutes from 4-11-24, Terry seconded the motion
    b. Voting was unanimous to approve the meeting minutes from 4-11-24
    c. Meeting Minutes from 4-11-24 APPROVED

6. Treasurer Report
    a. Terry- Couple of things, the accounting department and myself have been working on the tentative budget. It is close to being released to the council. There was a problem with the property tax and we got a letter from the Tooele County Auditor. They will be correcting that overage. With the budget, I am working with the notion that we aren't going to raise any taxes and do the certified county tax rate like last year. The total cost for the seminar came to $2728.14 which included payroll. Deposits for this month was a total of $19,285.46. Total disbursements were $9692.97. We had $938.35 on the credit card which was paid.
    b. Sheldon- Thanks Terry, any progress on getting that position open and posted?
    c. Terry- Not yet

7. **Consideration Resolution 24-07** A Resolution of Approval of Contract for Interlocal Agreement for Roads and Law Enforcement as well as an interlocal contract for Dispatch Services with Tooele County **(Timestamp 7:10)**
    a. Terry- Are we going to add GIS to that?
    b. Craig- We can table this and talk to them about getting that on there.
    c. Terry- We are supposed to be assigning addresses.
    d. Jennifer- The County Auditor Jerry Houghten has been doing that for us.

e. Craig- I think maybe we need to get all of this in the interlocal.
f. Sheldon-So do we need to do anything different with this Resolution?
g. Terry- I think we can approve the signature of these and keep working on them.
h. Scott- I think it's mostly the same as it was.
i. Terry- Some things went up and others went down
j. Sheldon moved to approve Resolution 24-07, Craig seconded the motion
k. **ROLL CALL VOTE: Terry-Yes, Clyde- Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
l. **RESOLUTION 24-07 PASSED 5-0**

8. **Consideration of Resolution 24-08** Adopting amended Planning Commission Rules of Procedure **(Timestamp 13:50)**
   a. Sheldon- This is an amendment to the Planning Commission procedure to allow any two members of the City Council to add items to their agenda.
   b. Terry- I was wondering what was the emergency to getting this on the agenda in such a hurry. I also want to know why we would ever take something to the planning and zoning.
   c. Craig- We have an application for a roadway but it's been denied because the property already has 2 driveways and they can't put that third connection onto Droubay Rd. We have been skirting the rule by having John or Rachelle send something to the planning commission. It makes sense that members of the city council can start land use code amendments.
   d. Terry-This scares me because there was a city council member that gave something to the planning commission and they were told it came from the City Council like we as a whole wanted them to do this.
   e. Craig- I say three scares me because it's the majority of the city council that doesn't give them any leeway. It feels like the City Council is telling them what to do. I prefer two or even one. It just starts something, it doesn't guarantee anything.
   f. Scott- John, how do other cities do it?
   g. John- There aren't any other cities that have restrictions on their council to sending them items to work on.
   h. Sheldon- So what is it that worries you?
   i. Terry- I don't think the City council should dictate to them what they should do.
   j. Craig- I feel like if three of the City Council members send it it feels like the whole council is sending it instead of just a councilman.
   k. Terry- I know people don't want the staff to grow, but it creates layers and oversight.
   l. Craig- Most small cities often have people that do overlapping jobs.
   m. Terry- There should be a managing body and a governing body. We are the governing body.
   n. Clyde- Well if a single councilman says it then it should be presented as a single councilmen not as City Council.
   o. Sheldon- One option is eliminating the prohibition all together and us being better and clear communicators. The other is to amend this prohibition.
   p. Clyde- I'm new to this game but I agree with Terry that the City Planner should be the one sending this to the Planning Commission.
   q. Craig- So right now we don't have any ability to send something to the Planning Commission.
   r. John- If the council wants to bring something it should be done through the staff.
   s. Sheldon- So we are back to it would require a vote?

t. Craig- So if we strike that out altogether and that allows us to speak to the staff and get something on the agenda I'm all for that.
u. Rachelle- Usually a county councilman will come to staff and ask to add something to the planning commission agenda. I'm not opposed to any of the discussion. I do agree with the fact that if you have to have 3 people to get something on the agenda the City Council has already made up their mind.
v. **Sheldon- Motioned we approve the resolution 24-08 with the modification to the wording to be: Items may be placed on the agenda by any member of the Planning Commission, by staff, or by staff on behalf of applicant who has filed the application and paid the corresponding fee, or by staff as requested by the City Council, Craig second the motion**
w. **ROLL CALL VOTE: Terry-Yes, Clyde- Yes, Sheldon-Yes, Craig- Yes, Scott- Yes**
x. **RESOLUTION 24-08 PASSED 5-0**

9. Consideration of Third Amendment to MDA for Oquirrh Point **(Timestamp 33:10)**
    a. Terry- What was the second one? I thought it was moving the church from Erda way.
    b. Craig- They are looking to have more flexibility in where they put the homes. They wanted to move 165 houses to POD A. They can't change the amount of homes it just spreads them out over the different areas.
    c. Terry- I think the only difference is adding the
    d. Joe- The Catholic Church moves to POD E, and those homes move to POD A. There are a few things we need to get that map updated. It keeps at an even density throughout the development. By changing the catholic church to POD E on Droubay Rd and 33rd Parkway, and change this more to a Civic area. Instead of having
    e. Terry- I don't know about the rest of the Council, but some of us want the City Building on Erda Way and the public works building on 33rd.
    f. Joe- I for one appreciate your perspectives Terry. It's important to have differing opinions. I would really like to make this a true Civic Center, with a regional park. I don't think having your roads department here is the best.
    g. Clyde- Well I think we really liked having the 5 acre lots there.
    h. Joe- The point when we negotiated (Listen to this) We are working
    i. Clyde- If the Catholic Church builds here will they do a school along with it?
    j. Joe- They might, I'm not sure.
    k. Clyde-So that will create congestion along Droubay now?
    l. Joe- I think they will have to go to 33rd Parkway.
    m. Sheldon- I see 33rd parkway as being better able to handle the traffic than Erda Way.
    n. Craig- So Churches are protected uses they can go in anywhere they want.
    o. Scott- You said something about a 20 acre park and 10 acres to the Catholic Church so all of that would be 12 acres. That doesn't look right.
    p. Sheldon- The main issue is on this amendment is moving 165 homes into POD A and the Catholic Church moving to POD E,
    q. John- There is another issue with Oquirrh Point that you asked me to look into. You asked me to look at paragraph 13 in the first amendment. The question was what does "fully developed" mean. I told them what we mean with Roads, sewer, completely ready to be built on. Their attorney is looking to amend that. It will be a discussion item.
    r. Clyde- So you are going to sell these lots to other contractors, or on the five acre lots can I go in and buy one and build on.
    s. Joe- Probably not, we'd sell it to a developer.

t. Sheldon-I think we should ask our City Planner to make a plan and have her bring that recommendation to us. If we are talking about fully developing POD E, we need to decide what fully developed means.
u. Terry- We do get some say on a few things.
v. Joe- On the west side of Tooele you have the Education Campus. What would happen if you had 4 residences in the middle of that? You can't expand, you'd have to go buy that lot and then try to expand.
w. Terry- I couldn't find amendment number 2 Jenn do you have that?
x. Jenn- I will send that to you.
y. Craig- When you look at POD A it's all residential and the limit is 6-8 homes an acre. I would bring that down to 220. I understand what they are trying to do, they are trying to shift some of that density. I am saying allow up to 220, in a residential POD.
z. Sheldon-So we direct this back to Rachelle and have her look at this.
aa. Rachelle- This is the first time I am seeing this. I haven't had a chance to look this over and give an opinion on this.

10. Council Representative Reports **(Timestamp 101:10)**
    a. Terry- We had a meeting with Jake and Rachelle. One of the things brought up was the road in front of Excelsior school. They widened that area and now there are some people that park there.
    b. Craig- Terry would like a No Parking Zone on the North Side of that Road in front of that area.
    c. Terry-It's created a hazard, and it would be safer if we could make it a no park zone.
    d. Sheldon- What about the speed limit?
    e. John- Ask your city engineer, he should give the recommendations on that.
    f. Scott- We have weight limits on almost all the roads in Erda. My particular side of town draws truck traffic. I've noticed one truck going pretty regularly. I followed him, he was coming from the gravel pit in Stansbury all the way through Erda to the golf course. I spoke to him and asked him not to come through Erda. He said that the Sheriff told him to come through Erda. If there is truck traffic going past your home on a regular basis call me and I'll speak to them. Does the airport have permission to run gravel trucks down Erda way to the airport? I thought they were supposed to go through Sheep Lane?
    g. Terry- We have that designated truck route and it's supposed to be on Sheep Lane.
    h. Craig- You're supposed to take the shortest route from a designated truck route.
    i. Terry- With our meeting we had, we went over the contract how we will approach things, have Jake meet with Jed from the County Roads dept.
    j. Scott- In our discussions with the county if they know where the pothole is they can go out and fix it. So they should be calling the county. I have to give a tip of the hat to Jess. In our meeting Jess asked about vigilante pothole repair. They said not to do that. I was in a meeting about wildfire mitigation and Rocky Mountain Power and all they do to prevent their stuff from starting fires. Basically if there is going to be a wind event they will just shut off their equipment to prevent a fire. We are going to be bringing in lithium ion battery waste into Tooele County. That brings in some significant hazards in storing waste.
    k. Sheldon- In getting some word out to the citizens, I brought up to Jenn and discussed perhaps getting a newsletter people can subscribe to.

l. Sheldon- I spoke with the Sheriff's department about getting revenue with all of those citations? He said that not unless you want your own justice of the peace and prosecuting them.
m. Clyde- I went to the planning commission and got their thoughts. They wanted to keep the 7 members. They wanted to move the at large to Michael Jensen to be ending in 2025, and Cory Waricks ending in 2026.
n. Craig- I spoke with Cory and asked him if he would be willing to stay for an extended term and he said he would think about it. So we just need to adjust the initial terms of those two at large.
o. Sheldon- Do we need to hear from Cory first?
p. Craig- I think we should make those changes either way and have John draft the ordinance.
q. Clyde- I got a phone call from one of the neighbors in Brookfield and they are worried about the runoff from a building being built next to their property.
r. Craig- I know that the site plan calls for a swell on the property to contain the run off. I am sure that on final inspection it will be made sure to be there. Jake came over to my house the other day and we have had a few people who are having issues with people being able to put together a site plan. He said the time spent on those last 6 applications has cost way more money and time for the city. Jake was looking for approval from the city council to build that and add it to the application.
s. Council agrees to this
t. Craig-The airport is putting a water and sewer line from Grantsville and they will have to cross Erda way. It will require us giving them an easement. I suggest we give power to the Chair to sign the papers for that easement as long as John has approved it.
u. Terry- What would it say?
v. Craig- I've sent John an initial draft about it, but the only easement would be where the actual pipe is.
w. Sheldon- Would everyone like to see it before I sign it? We can have John send it out to everyone and if approved I will sign it.
x. Craig- On the county economic opportunities board. Of the 65k that was available to small businesses 18k will go to Erda City. Also as a note in the last planning commission meeting. Six Mile put in an application for an overlay zone. They looked at that overlay and a PC zone and decided to work on a PC zone.

11. Comments from Council Members
    a. **Craig - moved to go to a close session to discuss pending or imminent litigation after a short recess, Terry seconded the motion**
    b. **ROLL CALL VOTE: Terry-Yes, Clyde-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**

Board may elect to go into a closed session which will not be open to the public pursuant to Utah Code Ann. §52-4-205(1)(c). -To discuss pending or imminent litigation-

12. Closed Session
    a. **Craig moved to close the closed session, Scott seconded the motion**
    b. **ROLL CALL VOTE: Terry-Yes, Clyde-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
    c. **Closed session CLOSED**

13. Adjournment
    a. Scott moved to adjourn the meeting, Sheldon 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 23rd day of May, 2024.

ERDA

Sheldon Birch

Sheldon Birch, Chair

ATTEST:

Jennifer Poole

Jennifer Poole, City Recorder