

## Erda City Council Minutes

7/11/2024 – 7:00 pm

### Tooele County Building - Auditorium

1. Call to Order
2. Roll Call
  - a. Clyde Christensen, Terry Miner, Scott Droubay, Craig Smith, Sheldon Birch
  - b. Jennifer Poole-City Recorder, John Brems-City Attorney, Rachelle Custer-City Planner
3. Pledge
  - a. Craig Smith led the pledge of allegiance
4. Public Comment
  - a. Michael Webb- I talked to a few of you this week. I am here as a resident to talk about Comcast. I am on the Erda Acres water board. We have already had two water lines broken by Comcast contractors. There is not a clear understanding of the Utility easement on our properties, they have dug outside of them in a few places. As a resident I am very concerned that they are here and doing this, we need to make sure that they are playing by the rules.
  - b. Tom Isom- Were these drilling companies that are working for Comcast given drilling permits? If they weren't then why were they allowed to dig? I am on the board of Erda Acres Water and we have spent the better part of the last 4 weeks blue staking and fixing the two lines that they broke. I am concerned that the code isn't being enforced. Erda Acres is unique, it's a small water company and we don't have contacts and employees to do this during the day. They hit two of our lines even though they are blue staked. Was a permit issued, why are they allowed to dig if they didn't have a permit, and why wasn't there an agreement with the city. Also who pays for the Erda Acres water lines if there needs to be a repair?
  - c. Derald Anderson- Last city council meeting I made a few comments off the cuff. I wanted to touch base with you. The last meeting there were a couple of comments about the new communities paying their own way. I agree that if the city is providing a service then you should have an impact fee. Oquirrh Point doesn't have any impact fees. Because of the impact and listening to the community. Oquirrh Point has committed to pay the city 1.5 million dollars in cash. It's also providing 6 acres to the city as public ground. We also took off the responsibility of the county to build in the 33rd parkway signaled intersection from Hwy 36 to Droubay Rd. That's another two million dollars. We also have 10 acres set aside for the school district for any schools that need to be built. That's another couple of million dollars. I understand the need for impact fees. But we just want to show that Oquirrh Point is bringing in 10 million dollars. Then in Copper Cove there are going to be 2 parks that benefit the entire community and a 2 mile trail that those homes have to take care of. So they are paying their way.
  - d. Shedon-Closed Public Comment
  - e. **Public Comment Closed**

5. Approve meeting minutes from 5-23-24 and 6-13-24
  - a. Sheldon motioned to approve the meeting minutes from 5-23-24 and 6-13-24 meetings, Scott seconded the motion
  - b. Voting was unanimous to approve the meeting minutes
  - c. **Meeting Minutes from 5-23-24 and 6-13-24 APPROVED**
6. Sheriff's Report
  - a. Sheriff Caldwell- There are a few stolen cars this month. A few animal issues and suspicious activities. Vehicle burglaries went down so that's good.
  - b. Scott- We spoke last month about the heavy truck traffic.
  - c. Caldwell- I passed it on, but I will remind them again to look after that area.
  - d. Craig moved to move item 11 to next item on the list, Terry seconded the motion
  - e. Voting was unanimous to move item 11 the next item.
7. Treasurer Report
  - a. Terry- Deposits from June 10 to July 11 we had \$122,462.49 of that \$93,000 was a transfer from the PTIF account to cover bills. Total checks paid for that time \$131,101.99. On the credit card we had \$8.82 for monthly microsoft. The audit has started and is ongoing.
8. Consideration of Resolution 24-11 A Resolution of the Erda City Council Approving the Re Appointment of Nancy Martin to the Planning Commission
  - a. Clyde move to approve Resolution 24-11, Terry seconded the motion
  - b. **ROLL CALL VOTE: Clyde-Yes, Terry-Yes, Scott-No, Craig-No, Sheldon-Yes**
  - c. **Resolution 24-11 PASSED with a 3-2 vote**
9. Consideration of Resolution 24-12 A Resolution of the Erda City Council Approving the Appointment of Chase Bawden to the Planning Commission
  - a. Sheldon- This is the position vacated by Cory Warnick. This is my recommendation, he is qualified.
  - b. Terry-What about the discussion to change the at large positions having to be approved by a super majority?
  - c. Sheldon- I do remember having that discussion but I don't think it got followed through on.
  - d. Craig- We can direct John to make an Ordinance that states that.
  - e. Sheldon moved to approve Resolution 24-12, Craig seconded the motion
  - f. **ROLL CALL VOTE: Terry-Yes, Clyde-Yes, Scott-Yes, Craig-Yes, Sheldon-Yes**
  - g. **Resolution 24-23 PASSED with a 5-0 vote**
10. Consideration of Ordinance 24-08 An Ordinance Amending the Erda City Municipal Code 4-5-2 Appointment Regarding the Planning Commission
  - a. Craig moved to approve Ordinance 24-08, Clyde seconded the motion
  - b. **ROLL CALL VOTE: Terry-Yes, Clyde-Yes, Scott-Yes, Craig-Yes, Sheldon-Yes**
  - c. **Ordinance 24-08 PASSED with a 5-0 vote**

11. Consideration of Ordinance 24-09 An Ordinance Granting a Cable Television Franchise Agreement to Comcast of Utah II, Inc

- a. Sheldon- For me this started a few weeks ago, I noticed all of the markings on the street. I do have access to permits but didn't see any. In my opinion here there has been a lack of proper communication. Whether that's from the county to Erda City, or Comcast to Erda. I don't want to throw anyone under the bus, but there has absolutely been a lack of good communication. I know there has been a franchise agreement with the County. However we were never notified.
- b. Joe Silverwhite- I wanted to address these gentlemens comments. I wanted to apologize, there was a lack of communication. I know we met with you last September and let you know we'd be here sometime in 2024. But I do take personal accountability for that lack of communication. I thought that it was being communicated, when obviously it was not. With regards to the blue stakes, I recognize that you might not be able to keep up. If there are issues we want to hear them so we can work with you.
- c. Jennifer- I had a citizen call in and let us know that there was a crew 50 ft into his property digging. He spoke with the contractor and he fixed the issue and moved the lines. But can we be aware of where those easements are? I understand it may look different in a rural area.
- d. Joe- We are happy to fix any of those issues.
- e. Sheldon- Just for the citizens' information the permitting has gone through Tooele County as we have contracted them to do our roads. So they do have their permits; it was just done through the County.
- f. Joe- Again we should have been aware of that and also communicated with the City to let them know what was going on. We absolutely want to be a good neighbor. If there is anything that happens while digging we are happy to be held accountable for any issues or damages and to restore as good or better what was already there.
- g. Terry- Does this have any impact on any of the existing cable services?
- h. John-No this doesn't hurt them at all.
- i. Craig-Do you do your own blue stakes, do you use blue stakes?
- j. Joe- We do our best to work with blue stakes and we are going to be having a meeting with Beehive to get a better understanding of where their lines are.
- k. Craig- We have 3 small water companies. How do they get the notice?
- l. Joe- We do want to be a better partner and in working in the more rural areas with the smaller water companies. We just didn't realize the scope of difference in working in the rural communities.
- m. Michael Webb- You can get a list of those smaller water companies through the Division of Drinking Water.
- n. Clyde-Does your head construction guy have a list of where they are going? Then they can give us the notice so they can go out and get that marked.
- o. Joe- They do and we can make sure that this happens. It is a state code that we have to have blue stakes done. If blue stakes aren't done then the work should stop right away.
- p. Sheldon-I think we should have the restoration provision in the franchise agreement.
- q. John-I think that would be wise and you can add that in the motion.
- r. Terry- Well what if we wait on this and give them two weeks to improve what's been going on. If it's not better then we don't sign it. I also wanted to know if Erda Residents would be charged extra for this franchise agreement?
- s. Joe- Yes there can be up to 5% of the cable revenue as an additional fee that will go to the city.

- t. Sheldon- I just don't know why we would want to tax our citizens for this?
- u. John- It provides services to our communities.
- v. Sheldon-Motioned to table this until the next meeting, Terry seconded the motion
- w. ROLL CALL VOTE: Clyde-Yes, Terry-Yes, Scott-Yes, Craig-Yes, Sheldon-Yes
- x. Joe-I have a clarification question on what we are allowed to build and what we are not.
- y. Terry- I say let's let them apply for the 1 new phase and see how the communications work.
- z. Joe- So we get the permits with the county and then notify Jenn so she can get the word out.

#### 12. Fireworks Restrictions for Erda City

- a. Terry- I brought this up because I have numerous phone calls from citizens wanting to know why their kids can't go out and do sparklers. I don't know if we want to do areas that are allowed, or just no aerals.
- b. Sheldon- Is this stated in city code?
- c. Craig- I think it was the likelihood that a fire could spread if something does happen. Which is why the central part was allowed and the fringes were not.
- d. Sheldon- Are we looking to change this?
- e. Terry- I just wanted to have this discussion so we could be thinking about it.

#### 13. Council Representative Reports

- a. Clyde- I had a phone call today to change the speed limit to 35 miles an hour on Droubay Rd.
- b. John-There has to be a traffic study done to see if it's warranted.
- c. Terry- I think we have somewhere in our code that allows us to put up signs for safety purposes.
- d. Terry-We had the town hall meeting. We had 20 people show up and share what their wants and fears were about the railroad
- e. Craig- We went over their priority list and the silent crossing is their number one priority. The good news is that the Railroad is willing to do that for us. At the beginning of the meeting they wanted a sound wall but at the end none of them really wanted that but they did want a security fence between them and the railroad.
- f. Terry- They did have a few other concerns about water drainage. Who do we talk to about people putting those signs in the public right of way?
- g. Jennifer- They are not allowed to have signs in the public right of way you can go take them out.
- h. Scott- Ponds, we have people putting in ponds on their one acre lots. We're trying to get the engineering company involved.
- i. Craig- Clyde and I met tonight with reps from Oquirrh Point and Copper Cove. The bigger question is going to come back to the City Council is POD A and POD E. It will have to be an amendment that may be back in two weeks. They will have a conceptual plan for it. The vast majority of the meeting was what the permitting process would look like. The 3rd quarter sales tax, the application will be due soon. But do we have any interest in applying for the grant?
- j. Terry- I think we could take one step forward and hire somebody who would be willing to write grants.
- k. Sheldon- I am in favor of applying for this grant, I don't see why we wouldn't.

- l. Craig- I just wanted to get approval from the council before I directed Jake to do the work and cost the city thousands of dollars. Do we want to have Jake do those cost estimates?
- m. Council agrees to direct Jake and to move forward with the Grant
- n. Scott- I wonder what the chances are to get a part time employee for the Sheriff's department to really patrol that area on Erda Way.
- o. Craig- We could ask a local DOT employee to patrol that area for a minute to deter those trucks.
- p. Clyde- We are going to need to hire some building inspectors. They are going to have 3 different building projects going at the same time. Will Ensign be able to handle that all?
- q. Craig- That is something we should bring up to Ensign

14. **\*\*Emergency Added Item\*\*** Moving location of meetings

- a. Jennifer- The county building will be under construction for the next few months so we will need to move to a different location.
- b. Sheldon- We will move our meetings to the Fire Station for at least the next two months.

15. Comments from Council Members

- a. Terry- I know that at some point we are supposed to get all of that money from Oquirrh Point. But that is at some point in the future. But after 2020 there was a legislature item about PIDs and we agreed to that. It just seems like the money that was promised has no real timeline.
- b. **Sheldon- Moved that they temporarily recess the Council meeting to go into a closed meeting for a strategy session to discuss pending or reasonably imminent litigation, Craig seconded the motion**
- c. **ROLL CALL VOTE: Clyde-Yes, Terry-Yes, Scott-Yes, Craig-Yes, Sheldon-Yes**
- d. **Sheldon- The motion passes and the Council will go into closed meeting for a strategy session to discuss pending or reasonably imminent litigation that will be held in this room**
- e. Sheldon-We are reconvening our regular session

16. Adjournment

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

17. CLOSED SESSION

- a. Sheldon-This is a closed strategy session on July 11, 2024 we have all above parties
- b. Craig moved to close the closed session, Scott seconded the motion
- c. ROLL CALL VOTE: Terry-Yes, Clyde-Yes, Scott-Yes, Craig-Yes, Sheldon-Yes
- d. **Closed session 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 25th day of July, 2024.

**ERDA**

**ATTEST:**

  
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Jennifer Poole, City Recorder

  
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Craig Smith, Vice-Chair