

Erda City Council Minutes

9/12/2024 – 7:00 pm

Erda City Fire Station - Office

1. Call to Order
2. Roll Call
 - a. Terry Miner, Sheldon Birch, Craig Smith, Scott Droubay,
 - b. Jennifer Poole-City Recorder, John Brems-City Attorney
 - c. Absent and Excused - Clyde Christensen
3. Pledge
 - a. Sheldon led the pledge of allegiance
4. Public Comment
 - a. Kyle Matthews- My comment is for Scott Droubay. It shows that you are having Mike Higgins appointed to the PC. Is that correct? In what world is that not a conflict of interest. My opinion and comment is nowhere on this planet should Mike Higgins be on the PC due to conflict of interest. There isn't a single topic that won't create a conflict of interest. We just got something from the court of appeals that guarantees we are going to win every lawsuit. So now we give him a chance to strike Erda from within? Remember the referendum from January? Is there one thing that comes back from that is that you spread misinformation to the general public. We are still considering a lawsuit about that, and we have Craig Smith dead to rights on bribery.
 - b. Hallie Mattern- I wanted to comment on the driveways and easements. When I was reading what was proposed. Is it still only the two? Also with the corner lots that the driveways have to face the front of the house? Can we make it so that if it faces a collector road that you can have more than one driveway facing a different direction than the house?
 - c. Mike Higgins- To talk about myself. I've been an Erda resident for my entire life. Served for 25 on Erda Days various community efforts. Anybody that knows me can vouch for my integrity. Thanks for considering putting me on the PC. If I get to serve I will do so with the best of my capacity.
 - d. Miranda Smith- It did mention that there is a discussion area for the residential treatment home. I just feel like we have so many of them in Erda. If I'm counting right we have 4 which are substance abuse and behavioral issues. Erda is supposed to be a family area. We want to come and raise your kids and family to feel safe. People have been here their whole life and we want peace and safety. When you bring them in here it's hard to feel safe. I know these people are wanting to get help but they do have slip ups. It can cause our city to not feel safe.
 - e. **Sheldon closed public comment**
 - f. Sheldon moved to move Zions Bank and Bronzewood Dr to just after the NTFD report

5. Approve meeting minutes from 8-8-24
 - a. Craig moved to table this till the next meeting when they have enough councilmen to vote on this.
 - b. **Item TABLED**
6. Sheriff's Report
 - a. Regina Nelson- I am filling in for Sheriff Wimmer. I brought the reports that you asked for. The incident reports and the stats report on this.
7. NTFD Report
 - a. None
8. Treasurer Report **(Time Stamp 1:40)**
 - a. Terry- We are still in the middle of our audit. It's ongoing. This is a good time to remind the council. In order to spend funds things have to happen. It has to be listed in the budget, we have to have the funds to spend. Since the last meeting we've had a total deposit of \$27,433.88. We've had total payments of \$ 22,545.44. The credit card has been paid off at the end of August.
9. Zions Bank- Discussion/Presentation on Impact Fees
 - a. Susie Becker from Zions Bank Public Finance- This deals with new development. When you have new development it does have an impact on the city. You can charge impact fees to pay for capital improvements, not ongoing costs. The guiding principle on impact fee there should be a nexus on the fee charged and the improvements provided. You can't retroactively charge fees to cover some problems that you have either. You will have to have an impact fee analysis, and an impact fee facility plan. The engineers will look at what the impact is of the growth, and identify the needed facilities and additional resources.
 - b. Sheldon- In order to increase an impact fee a new study would have to be done. And that we can institute this and rescind this as needed. We can also do this for several different items.
 - c. John- Timing is important. I think we should work backwards on this and if you want to do this start in November so we can include this in the new budget.
 - d. **Move to item 15**
10. Consideration of Ordinance 24-10 Amending the Erda City Council Regular Meeting Schedule **(Time Stamp 1:43:28)**
 - a. Sheldon- This Ordinance is to move our permanent meeting to the Fire Station
 - b. Sheldon moved to adopt the ordinance, Scott seconded the motion
 - c. **ROLL CALL VOTE: Terry-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
 - d. **ORDINANCE 24-10 PASSED 4-0**
11. Consideration of Ordinance 24-11 Amending Chapter 2 of the Erda Land Use Code Entitled Context and Definitions and Use Tables 15-5-3 & 16-4-3.2
 - a. John- You have an amendment to the definitions that I made, Putting commas in the right place and having the correct syntax. But the meat is on page 11 the new definitions of a home based business. The second item is on page 13 the low impact business has been removed. Then the table in the back on page 25, it removed low-impact as a use

and then home occupation in those zones was made a permitted use. That is all the changes.

- b. Craig- If you recall we put a hold on the low-impact business and sent it to the Planning Commission. What the Planning Commission has done is merge the home based business and low-impact business. It made it easy but still limits what can be there.
- c. Terry-This is a little confusing.
- d. John- I showed every change I made no sneaking anything in, but the syntax is different. They are minor things like adding commas and such.
- e. Sheldon moved to approve this ordinance with all of the edits that John and the Planning Commission have suggested, Craig seconded the motion
- f. **ROLL CALL VOTE: Terry-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
- g. **ORDINANCE 24-11 PASSED 4-0**

12. Consideration of Ordinance 24-12 Amending Chapter 6 of the Erda Land Use Code Regarding Limiting Driveways for Residential Lots

- a. John- This changes driveways for residential lots, paragraph 6-7 it sets up 3 categories. Residential lots less than 1 acre, in lots that 1-4.9 they shall have no more than three driveways, each of which shall not exceed 35 feet wide at the lot line immediately adjacent to the street. Lots that are 5 acres or more may have an additional driveway for every 150 feet of street frontage, each of which shall not exceed 40 feet wide at the lot line immediately adjacent to the street
- b. Craig moved to adopt Ordinance 24-12, Scott seconded the motion
- c. **ROLL CALL VOTE: Terry-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
- d. **ORDINANCE 24-12 PASSED 4-0**

13. Consideration of Resolution 24-14 Appointment of Mike Higgins to the Planning Commission to replace Diane Sagers

- a. Terry- This might help alleviate. There is a difference between an appointment and a nomination. Each councilman has the right to appoint 1 person from their district that best represents their districts. To appoint means they get to choose, it's not a nomination or a suggestion.
- b. Sheldon- I am not going to back up to the 4 fourth fifths vote. Why would we have a super majority to get them on but only 3 people to take them off.
- c. John- Read from the city code.
- d. Craig moved to adopt Resolution 24-14, Sheldon seconded the motion
- e. Scott- I am appointing Mike because of the people that are willing to serve he knows what Erda has been and what it should be and will be fair and partial.
- f. **ROLL CALL: Terry-Abstain, Sheldon-Yes, Craig-Yes, Scott-Yes**
- g. **RESOLUTION 24-14 PASSED 3-1**

14. Consideration of Resolution 24-15 Approving the Third Amendment to the Master Development Agreement for Oquirrh Point

- a. John- So the question is, is it the right map?
- b. Derald- It was sent out on the 10th.
- c. Craig-The main changes are that by the recording of the 600th lot they have 18 months to do all the improvements for POD E.

- d. Terry moved to Approve Resolution 24-15 with the amendment to 3-4 to Read "all as may be approved by, zoning administrator, city planner, and city council." Scott seconded the motion
- e. **ROLL CALL VOTE: Terry-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
- f. **RESOLUTION 24-15 PASSED 4-0**

15. Discussion on Residential Treatment Home on Bronzewood Dr.

- a. Scott- We have this on our agenda today because we have ongoing problems with this treatment facility. It is on Bronzewood Dr. Almost 50% of all sheriff calls go to this home. What has come to a head is that Mr. Mattern went over there to ask if they could control the boys a little better. When they went over there they were surrounded, insulted and attacked by these boys. We need this on our agenda so we can address whether this should even be in Erda. I did call Troy; he was hesitant to be here. He asked for a private meeting with the City Council. I let him know that was illegal.
- b. **Sheldon reopened Public Comment**
- c. Hallie Mattern- Scott is correct myself and Travis went over there to stop the boys last Friday night from just the vulgarity, the congregating in like a group of them, six or eight boys, I don't know how many exactly were out there with this high pitched whistle, getting the dogs just agitated and going crazy. And in order, I don't mean just, like, just for like, 10 minutes, it was on and going on for a week. In that week, they started two fires in in the neighborhood, in as I was told, they stole a vehicle of an employee that was there and wrecked the vehicle. And then just the constant anytime you went by, you either get flipped off. You get told, "F" You, you can't walk. My son can't walk up to his friend's house on the corner. He gets harassed and vulgarity spoken to him. He's 11. He doesn't need that. And then so finally, I'd had it. Friday night, I was out there, and I just had had it. I walked up, and when I was walking, I had a mom walk going, I won't, I'm not going to lie. I was power walking up the hill, but I was going up there to go talk to that staff and say, Where is your staff? Why are these kids allowed to be out here acting this way? Why are they allowed to do this? And the girl, there were two young girls, maybe 20 something, that were on staff there with these young men. And when I approached the young men and told me, they said, "This is private property. You can't come on it." And I said, I can. I'm here to speak with the staff members, and they instantly surrounded me, and I knew I was in trouble. I have I'm not scared of much, but I was scared, and I felt, I felt an energy of anger and hostility and like they were going to hurt me. At that moment, they were telling they cussed at me. And at that time, Travis walked up and asked them if Did you really just call my wife a bitch? And one of them said, I did, and what are you going to do about it? And kind of went like that towards him, and Travis said, listen, just cool it. Knock it off. Stop this behavior. It's getting out of hand. You guys are you guys are yelling obscenities. You're flashing gang signs, you're doing all this stuff. And then you're the whistle blowing. Stop whistling. It's making all the dogs in the neighborhood go crazy. And it should No, no need for this. And then one of them screamed and said that "this, this is our community, this is our neighborhood, this is our home." And I said, then act like it, stop being punks. And then they started to come at me, and the the girl pushed them back, and they said, I said, Listen, my son can be a punk at times. It's not directed at you personally. It's your behavior, and it needs to quit. And we kind of thought that at that moment that it was settled, right? It kind of calmed down. They they stepped back, and we turned around and walked away, and you guys, Travis was attacked, there was so much force and so violent. I've never seen

anything like that in my life. In person, it was scary, it was violent. It was like a gang attack or something you'd see on TV that happens in prison. We can't have this in our, I told myself I wasn't gonna get upset, but that kid I talked to him, he knocked him down, and he kept kicking him, and then his knee went up and he was going to stomp on his head. And if I hadn't been there he could have killed my husband. And Travis is the nicest, most genuine guy, and if any one of those kids ever asked for help, he would drop everything and help those kids. He's not, he's not an aggressive man. He's very calm. He never fought back. He didn't have a chance to fight back. And he was told by the police, and that's why I wanted you hear he was told by the police that if you were to hit him back, they were taking you to jail. When we when I first spoke with Troy, when that first that that home first opened, I went over there, and this was my fear, because at the time, I had a two year old boy, and I thought, if those boys are in there and they're angry and they're jealous of him, are they going to come out and come out of that house and hurt him? And Troy specifically told me, and has told me throughout the years, and I've always been an advocate for him, and I wish he was here so I could direct talk to him, is that he's always told me that he goes in and handpicks these kids, and they're more on the spectrum table of children that are non violent, non sex offenders, and that he's there to get them out and to try to Help them get integrated back into the system, in the community, with life skills, to help them succeed in life. You know what? I thought that was a great program. I was scared at first, but I thought, you know, that's okay. That's not what's in that house. These kids are predators, they're violent, they're sex offenders, and they're considered categorized as prisoners. How can we have that in our neighborhoods? And this, these kinds of homes are popping up all over Utah. It's not just Erda, it's not just our community. This is all over. And at what point do we say enough's enough, and we take a stand and we say, we cannot have this. And that's, that's my question. I have here, right here, from the Health and Human Services, from JJYS. It says these youth are committed to JJYS for community placement under review of the juvenile court. So they're under the court system. They're they've already had 40 to 60 offenses. What before they come into that home. They are delinquent youth. But this program, it has to have a high level of supervision to ensure community safety. That's right on their front page of their, of this program, two young, 20 year old girls are not a high level of security for six to eight boys who are that strong and that powerful, those girls couldn't do anything. One girl tried to hold them back like this, and they just pushed her out of the way. The other one stood up on the porch and watched from a distance. And if there was, I don't understand how there's not men in there. Why do they have two girls? Some could happen to them. They should. They're probably fearful. They don't have a male staff. They should, and that's what I want to ask, Troy. Why do you not have a male all male staff with these boys? And have have sufficient staffing I have here for you guys, my Travis's medical report and everything. But I also wanted to have all those I wanted to request that. Sorry. I got kind of sidetracked. I wanted to request that these boys be removed. All of the boys in this incident be removed from that home, because if they bring in another kid, it's just going to keep, keep continuing. It's going to be a perpetual problem for our family because of the direct of what happened. My other thing is, is, if the home stays, I suggest we have them pay for the police protection, make the home pay for it. If 50% or more of our taxpayer money is going towards them coming to that home. Make them pay for it. Maybe that'll make them start thinking about the kind of kids they have in there. But in closing, just something drastic needs to happen. These homes, like I said, are all over, and we live in

the country, and we shouldn't be subjected as behavior. We all chose to live out here for a reason. We don't live in the city, inner city. We don't live in in that inner city environment, and we shouldn't have it brought out to our community. Please, as our council members and Sheriff, please help us, because we're scared. I'm scared. And to everyone that's here tonight, thank you. Travis didn't come because he does have a concussion, and I didn't want him here and have his blood pressure go up. My son wanted to come. I didn't want him to relive this again, but I want you guys to really think about how this has impacted us and how how it could have been way worse. He could have killed my husband.

- d. Regina Nelson from Sheriff's department- If your husband had struck first he would have been charged but he is allowed to defend himself. I am sorry that was miscommunicated.
- e. Jacklyn Mart- I am two houses from the boys home. I saw all that went down. It was very violent. I saw Travis was walking away, the boy snapped and charged him and with extreme violence. It was very disturbing to see, if I hadn't been there he could have killed Travis. Something needs to be done. Those two girls can't control them at all. Those boys are just a circus. Something needs to be done. I don't feel safe walking down my street. I worry for the boys in the neighborhood. I hope someone can do something to get this under control.
- f. John Baker- I have been a victim in the past with a stolen vehicle. Something that concerns me the most as a victim is that the sheriff's department tells us there is nothing we can do. I went through it. Troy is in it for the money. We need to have a meeting with Troy Shaw with JJS. They are paying the bills and Sheriff Wimmer. We need to get something done. He sits over there in salt lake and has two young girls watching those felons. Troy Shaw is in it for the money, he doesn't care. That's all I got to say, God Bless You.
- g. Liz Galteer- I am right across the street from the boys home. I came home two days ago. I had not told my kids anything about it. My daughter was out playing with her new razor and those boys were cat calling her. Now my kids can't even be out in the front yard without supervision.
- h. Andrew Bagley- I share a fence line with the live for life house. When we first moved in we had three young kids. Had I known I would not have moved there. I have a daughter who is turning 13. When my boys are out in the back they get obscenities yelled at them. I don't see how this is a rehabilitation center. I look out at them all day long. I don't see what they are doing. It scares the crap out of me, this has crossed the line.
- i. Koby Steaman- We moved here in December. I have been in Tooele County for a long time. I have lived all over. When I bought this house it was covered up that this boy's house was there. This last week I saw two fires be started. How does this guy keep getting a business license? Who gives this place the right to change what they are doing? These kids are hanging out the windows and yelling obscenities at people. I was out of town the night this happened, but I want to know who's giving out that business license and how long are we going to let this go on?
- j. Tonya Mulvay- I live four houses down. I went and got a report on this home. This home had 148 instances in 2023. Assault, drugs, sex offance, threats, vandalism, 911 hang up calls, psychiatric and suicide threats. 97 of those were from Jan 1 to Sept 10th. The items that went down were the non violent ones. I had a kid that came to my house and just tried the door. When calling the DA's office I called with a case number and incident number of 40. I have guns in my home and I don't know if I could have lived with

shooting a kid. He looked like an adult to me. I don't want this to happen. Some of these kids don't have respect for anything. Since the incident with the Matterns they've been taunting them by asking "how does your husband's head feel". This is a danger to the community. It averages every 4 to 5 days that the Sheriff's department responds to this house. I have had conversations with April from the State she is in charge of placing the kids. I asked her to change the kids out. She said that she can't move them out, there is nowhere for them to go. Can we charge them a conditional fee? We didn't want rentals in Erda, can we kick them out?

- k. Sheldon- We do want to allow you to speak, we do value you and what you have to say. We appreciate you being here to support Hallie.
- l. Leslie Steadman- I was not told there was a boys home there until after we signed the last paper. Now that we had a violent incident I am terrified. My daughter is now not allowed to ride her bike in the neighborhood. We need to have more of a say in what is being allowed in our home. I do not feel safe in my own home.
- m. Shaline Schooley- I live right next to the boys home. I've had nothing but problems with them. I've lived here for five years. Those kids stole one of our cars, they bang on our doors. They've gotten my address attached to theirs and I don't know how this happened. I work from home and I see the cops going there all the time. Everything they said they were going to do when I met with them they have not done. None of their promises have been kept. It's time for someone higher to do something about it.
- n. Johns Gaultier- I live across the street from Hallie. I've never had a problem with the boys' house until recently. We've had a decent relationship in the past. But these ones are different. They are thugs, they are used to being in the system. They are not the lost boys that don't have a parent that are in a bad place. If we need to put something in place to keep those kids in the property. We need to find a reasonable safety net for our children. If it would have been me in Travis's position I would be in Jail right now, I self carry. I know you don't want this in your homes so whatever we need to do.
- o. Mark Spin- I have shared a fence line with the property for 16 years. I've seen this place go from a place you could tolerate to something that scares you. My wife, mother in-law, and son are all scared. I know that the reason this house is there is the developer didn't do their job and get the CC&Rs done. I'm with Mr. Steadman here, is there anyway we can pull their license so they can't operate there.
- p. Justin Murphy - I live down the street. I don't feel like we have the support of the Sheriff. I was part of the National Guard and we took care of each other. We need to stand together as a community. We don't procrastinate, we just get this done now. you cut off their power and water and that gets that done.
- q. Cris Chase- I also live on Bronzewood dr. I moved in in November. We did actually let our kids go around the neighborhood and sell some eggs. They did go to that door, and a neighbor did tell me about that house. We have seen people walking past continually at different times. We are not able to socialize, we have no idea when a kid is walking down the street we don't know if we should be weary or friendly. There is constant worry, it is wearing on the community. We can't go out and socialize with each other and get to know each other. It feels like they have more freedom than we do. I did witness the fire that was started. I've lived in other places that were unsafe. It is something that is out of hand. We just want to feel like it is a safe environment.
- r. Craig moved to close public comment, Scott seconded
- s. Voting was unanimous to close public comment.
- t. **Public Comment Closed**

- u. Craig- As a protected class, it is not as easy to close it down as we would like. If it were we would have closed it down by now. Please no vigilante justice that can get you sent to jail. Please document dates and times and send them to us. Please send us reports of any incident.
- v. Scott- I am thinking they have crossed the line of their protected class. If we can show that then maybe we can get that state license closed down.
- w. John- Initial thoughts are revoking their business license. Then they can't operate. We can also have a study done and they can pay their share of the use of the police force. Then we can also go to the state to get that license revoked.

16. Council Representative Reports

- a. Scott- We need to get comcast back in here. They are doing more shoddy work everywhere we look. This is on a designated horse trail, this is one of 7. And down on my side Bryan Rd, they've been putting in the cheapest boxes they have. We need to have Tier 22 boxes. Do we have an agreement with them?
- b. Sheldon- We do.
- c. Scott- We have that car dealership on Cimarron. I've talked with Buck, they should be able to get that approval from them. I've been in contact with Keith Toone and he has no intention of moving this fence. We need to send him a letter.
- d. Craig- What about that home with all of those adults living there?
- e. Scott- I've talked to Buck and he went in and checked it out, but I guess he went in when there wasn't a group living there. The owners don't seem to be fighting us on it.
- f. Terry- The widening of 36 will go till october then start again in the spring. I did talk to Mayor Chrichlow about a light back on Erda Way and Sheep Lane. It'll be on the south east side.
- g. Craig- We've had mosquitoes, the season is dying down. We did have one horse die from west Nile virus. But we haven't gotten any in the traps. As far as Savage railway goes they say they have an easement but haven't sent any paperwork showing that. There is a manufacturing business that would like to get some information. Do we have any interest in responding?
- h. Sheldon- There is a perspective out there that we as municipalities need to do more to get business out here to ease the burdens of taxes on the residents. I don't know of a right and a wrong on this. There is a concern out there being voiced by residents to do anything we can to bolster our tax base.
- i. Scott- We tell them they are welcome to come in here but we don't have the money to provide any services.
- j. Sheldon- We are approving Craig to hold the line with Savage and to respond to that attorney about that possible manufacturing business.
- k. Sheldon- There was a complaint about a home on church road and Cochrane. I went over and checked it out.

17. Comments from Council Members

- a. None Made

18. Adjournment

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

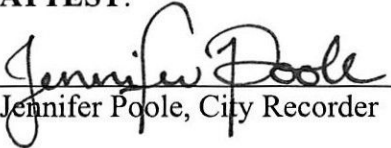
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

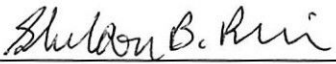
Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Council this 24th day of October, 2024.

ERDA

ATTEST:


Jennifer Poole, City Recorder


Sheldon B Birch, Council Chair

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