

Erda City Council Minutes

10/24/2024 – 7:00 pm

Erda City Fire Station - Office

1. Call to Order
2. Roll Call
 - a. Councilmen: Scott Droubay, Craig Smith, Clyde Christensen, Terry Miner, Sheldon Birch
 - b. Jennifer Poole-City Recorder, John Brems- City Attorney, Rachelle Custer -City Planner
3. Pledge
 - a. Scott led the pledge of allegiance
 - b. Craig moved to add the Sheriff report to the meeting.
 - c. All voting unanimous to add this item
 - d. ****Sheriff Report as item #4 added to agenda****
4. *Sheriff Report
 - a. Sheriff Blazzard- You had 11 arrests and 61 citations. There was a very concerning incident at the Boys home on bronzewood Cir. There was also a threat call at Excelsior and there will be charges that follow him.
 - b. Terry- Have you been making more patrols at that Bronzewood?
 - c. Sheriff Blazzard- We have an extra patrol there every shift every day. It does seem to be helping.
 - d. Scott- Craig Hansey has a matter for the Sheriff's department.
 - e. Craig Hansey- Is there an option to get a lighted sign that tells you how fast you are going? They are going like 50 to 60 down there on Toms Lane.
 - f. Sheriff Blazzard- We do a rotation and we can get that on there.
 - g. Scott- We had a long discussion about Toms lane. Is there anything going on there?
 - h. Sheriff Blazzard- I am there often and we are doing what we can.
5. Public Comment
 - a. Craig opened public comment
 - b. Craig moved to close public comment, Scott seconded the motion
 - c. Voting was unanimous to close the public comment
 - d. **Public Comment Closed**
6. Approve meeting minutes from 8-8-24, & 9-12-24
 - a. Craig moved to approve the meeting minutes from 8-8-24, Scott seconded the motion
 - b. Voting was unanimous to approve the minutes
 - c. **Meeting Minutes from 8-8-24 APPROVED**
 - d. Craig moved approve the meeting minutes from 9-12-24, Scott seconded the motion
 - e. Voting was unanimous to approve the minutes from 9-12-24
 - f. **Meeting Minutes from 9-12-24 APPROVED**

7. Treasurer Report

- a. Terry- Last meeting in September we had deposits of \$96,196.96, till the end of September. Then in October we had \$199,289.52 for a total of \$295,487.48. Total disbursements for the same time frame are \$224,696.03. The credit card was paid off at the end of September.

8. Floodplain Management Presentation

- a. Tracy Harrison- I am the Floodplain Manager and Mackenzie is the floodplain designer. I am here because Tooele County asked us to come in and update and map the known and unknown floodplains. We are looking at the community and to see what your risks are. I want to talk to you about the National Flood Insurance. This is a voluntary program between FEMA and the community. It was developed by Congress. There are many homeowner insurances that have pulled out and wouldn't offer flood insurance anymore. This federal program puts together standards of buildings that if you adopt and are a part of your ordinances it allows you to have the ability to have access to those federal funds and the federal flood insurance. Pros and Cons: If you choose to participate you put together an ordinance and right now as we don't have a map it would be very general. The more we know the more detailed the ordinance would be. In the State of Utah, we don't typically get a lot of disaster dollars from the Federal Government. This program is about giving the homeowner more options to protect their home. You can use those maps to determine your zoning and where you wanted to put commercial, parks, and residential.
- b. Scott- I know that Rachelle and I saw those maps and we had quite a few issues with it. Can we have someone come out and discuss this?
- c. Craig- I think there is wisdom in learning more about this, not that we are ready to join but to be able to see what's going on and get input.
- d. John- You should be involved in making the map or else it will just happen to you.
- e. Craig- It would make more sense to do it in a work meeting where we can dedicate time just to you. Is anyone opposed to that? Council agrees to a work meeting

9. Audit Report from Larson & Co

- a. John Hadderly- I will go over the report. The audit report goes before the financial statements. We have an unmodified and unqualified opinion. Which is a clean opinion in our book. Because of COVID there are some changes made, that if there are conditions or events that could prohibit you from being able to financially function for the next 6 months you are required to disclose this. The financial statements come after the audit. Part of the audit is looking over your controls and to make sure they are in place. Those controls help to protect yourself against misappropriation of assets. There were no deficiencies in your financial statements or errors that were not caught in a timely manner. Our opinion on your compliance with the Utah State Code is Unmodified. I don't want to spend a lot of time on this. It's all laid out in the report. Any significant risks we have identified we are required to let you know. We haven't identified any risks. There weren't any difficulties in performing the audit. We get a signed letter from Dave and Terry stating that you've been honest and forthcoming in your representation of the financials. The Fraud risk assessment has been uploaded to the State auditor website. You as a council should be going over the Fraud Risk assessment together and understanding what your risk is, and put controls in place to mitigate any of those risks. As far as the audit, it went really smooth. Anything my staff asked for they got it almost

immediately. We are always here to help. In my opinion the controls you have in place for the size you are is sufficient.

- b. Clyde- You hear every once in a while people stealing hundreds of thousands of dollars from cities. If they are doing these reports how does this happen?
- c. John- Typically people are getting really good. They usually do it over a long period of time. But to avoid this, scrutinize every invoice. Make sure that it is what you've agreed to. 70% of the time fraud is caught by someone on the inside asking questions.

10. Consideration of Ordinance 24-13 Amending and Restating Chapter 31 Planned Community Zone (P-C)

- a. Rachelle- This is based off of an application by an applicant. We've had many meetings back and forth with the Planning Commission and John and I. We are requiring that there is a Master Development agreement at the time of rezoning. Any changes to that will have to come back before you for your approval. This is tailored to the applicant, it states that you have to have 4000 acres and be North of Pole Canyon Rd. What this offers is a mechanism for a Planned Community. This will give you the opportunity as a council to have input and decisions on that. This gives a lot of flexibility. The planning commission went through many meetings on this until they felt comfortable with this.
- b. Clyde- This PC only pertains to six mile?
- c. Rachelle- Yes.
- d. Clyde- Why are we even doing this? They have a lawsuit against us so why are we even considering this?
- e. Terry- So what's the difference between this and what they gathered signatures for last time?
- f. Rachelle- The amount of land required was significantly increased. The area is specific to north of Pole Canyon Rd. And the allowed density is much lower.
- g. Terry-My main issue is nothing has changed from when the people didn't want Planned Communities. I ran on only 1 acre lots, and I'm not the only one. I want to make sure I'm listening to the people in my area and community.
- h. Rachelle- We did hold a public hearing and took much of the community's input and put it in this.
- i. Clyde- I would like Six Mile to drop the lawsuit and decide where are you going to be? Who are you going to stick with? Why are we putting in all of this time and energy?
- j. Rachelle- When we receive an application we are required to go over this and get this application to this point.
- k. Sheldon-I would like to better understand the whole issue behind this, the lawsuits and annexation and how that relates to this. I would like to know what the downside would be to codifying this now? Can we now go to this applicant and ask if this moves the needle would they be willing to drop the lawsuit?
- l. John- Yes you can ask them and we can have that discussion.
- m. Craig- I can share that they would be unwilling to drop the lawsuit unless there are some stipulations as to what they are granted. They are trying to protect what entitlements they've been given.
- n. Sheldon- So why don't they drop the suit now?
- o. Craig- They want to make sure that the land is protected.
- p. Sheldon- So even if we pass this they won't drop the suit until they are vested in this.
- q. Scott- This is the way I read this. I think talking with Six Mile is a good idea. The work on this is already done. If we pass it it has no effect on them if they end up withdrawing

from Erda. If we don't pass it we are again throwing up another roadblock for them to stay out of Erda. I don't see any reason not to pass or at least vote on it.

- r. Craig-If the annexation is complete it would create a wall between Grantsville and Lake Point. There is no other place where this could even apply.
- s. Scott- I am okay if we vote on this now, I am okay to hold off and talk to them first.
- t. John- To me it's a dance, who's going to put the first move forward? If we do this, then what can they do to show forth their faith.? They can take a step and we take a step and pretty soon we're hugging.
- u. Scott- To me an old time Erda resident I've never considered that area as part of Erda. But if we can pass this then we can have a shot at getting them to the table. I'm with you Sheldon that they won't think we are willing to do anything. I'd like to try to move forward.
- v. Sheldon- Motioned to APPROVE Ordinance 24-13 , Scott seconded the motion
- w. **ROLL CALL VOTE: Scott-Yes, Craig-Yes, Sheldon-Yes, Clyde-No, Terry-NO**
- x. **ORDINANCE 24-13 PASSED 3-2**

11. Consideration of Savage Railroad crossing agreement

- a. Terry- We need to have them include the recommendations on the environmental study. Meaning the 2 crossings a day with 20 cars each time. And only being able to cross at certain times.
- b. Sheldon- So what's wrong with the rail beds?
- c. Craig- So the railroad thinks they have the deeds from 1917, but we've gotten some information from Jerry Houghton from the County and what the recorded roads and maps were, and it doesn't show on the 1917 maps that they have ownership.
- d. John- I think Terry has a valid point that their environmental study is now invalid, and they should have to do a new one, unless they will keep that number of cars.
- e. Sheldon- I think we need to get this moved forward and have John draft the letter that should be reviewed at least by Craig, that talks about the car limit, the crossing limit, and the environmental study.
- f. Terry- I think the whole council should look at this.
- g. Craig- I agree. My recommendation is they pay for the maintenance of those panels in agreement with Erda City when they need to be replaced. We ought to redline to put in a quad gate at the crossing. I know it's expensive but I think it's reasonable to require that.
- h. Council agrees to those directions.

12. Council Representative Reports

- a. Terry- At that meeting this morning all I got out of this was that Cities now get to choose what the speed limits are on the city roads. We did a roads meeting, they still didn't have all of the data compiled. We will get back with them when they have that ready. I do know they are replacing signs to make them more visible at night. He also asked us to check into what it might cost us to take over the roads. I know that Dominion Energy has been putting stuff in.
- b. Sheldon- On the subject of roads they said that it wouldn't be difficult to do. But we haven't gotten any.
- c. Scott- I can get with them and make sure to get that going consistently.

- d. Clyde- When Josh Martin called me about dropping the speed limit to 35, that's when we looked into it. I am okay with it being 45, but I do wish that was patrolled better. When Comcast backfilled they didn't do a good job of it. Can I do something about that to make it look better? Or does it create more liability?
- e. Scott- They claim they fixed the potholes but I haven't verified that.
- f. Sheldon- I have been working with Madison with the LAA rep. She's available to help with city policies and procedures and grants and things like that. Between her and COG there are some grants available to add or extend trail systems. I am working with her right now. We've put in a letter of intent to put in a trail system along Erda Way on SR36 along Chocrane to meet up with Rabbit Lane.
- g. Terry- There is a regional meeting on Nov 10th.
- h. Sheldon- She has also made me aware of a potential grant to widen the area on Erda Way on Excelsior.
- i. Craig- I have nothing to report.
- j. Scott- We have this letter from John to take to our intrusion fence guy.
- k. John- You need to send it first class and certified mail so you have to send it twice.
- l. Scott- We also have in Brookefield the chickens, the truck loads of chickens. I went over and spoke with them and showed them the ordinance that they are only allowed 25. When I told them that they thought they could have them gone by the 15th of September. Most are still there, I called them again and they said maybe they can have them gone by the end of November. But I am a little reluctant to even allow them a variance for 300 like they would like.

13. Comments from Council Members

- a. Terry- I have a question about roads. At what point do we get to name our roads? I'd like us to think about renaming that at some time in the future?
- b. John- You can create an ordinance and then you can name them anyway you want.
- c. Terry- Then will you please draw something up?
- d. **Craig- moved for a temporary recess and to move to a closed session, Clyde seconded the motion**
- e. **ROLL CALL: Terry-Yes, Clyde-Yes, Sheldon-Yes, Craig-Yes, Scott-Yes**
- f. **Council Moved to a CLOSED Session**

14. CLOSED SESSION:

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

15. Adjournment

- a. Craig 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

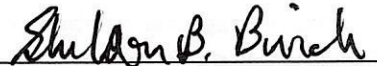
PASSED AND APPROVED by the Council this 12th day of December, 2024.

ERDA

ATTEST:



Jennifer Poole, City Recorder



Sheldon B. Birch, Council Chair