

Erda City Council Minutes

5/14/2026 – 7:00 pm

Deseret Peak Recreation Complex- Auditorium

Call to Order

1. Roll Call

- a. Council Members: Kyle Matthews, Clyde Christensen, Sheldon Birch, Larry Kimpel, Scott Droubay
- b. City Staff in attendance: Jennifer Poole- City Recorder, Jessilyn Stagg- Deputy Recorder, John Brems- City Attorney, Rachelle Custer- City Planner

2. Pledge

- a. Buck Peck led the Pledge of Allegiance

3. Public Comment

- a. **Sheldon moved to open public comment, Clyde seconded**
- b. **Sheldon moved to close, Larry seconded**
- c. **Public Comment Closed**

4. Approve meeting minutes from 4-25-26

- a. **Scott moved to approve the meeting minutes, Larry seconded**
- b. **Voting unanimous to approve the meeting minutes from 4-25-26**
- c. **Meeting minutes approved for 4-25-26**

5. Treasurer Report

- a. Scott- This is the monthly report for the month of April. Our PTIF Account has an ending balance this month of \$6,022,000.00 most of which has been donated for a public works building and yard. This month we wrote about 25 checks for \$37,134.99. We had a total of \$112,704.63 deposits. Most of that will go to pay for building inspections and our engineering department.
- b. Sheldon- We do have 3.3 million dollars set aside in capital project funds in hopes that we won't have to bond for a city hall.

6. Sheriff's Report

- a. Sheldon presented the April activity report, which included 94 total calls for service, 12 arrests, and 99 citations. Significant incidents discussed included a DUI arrest on April 10 after

a deputy located a driver passed out in a vehicle off the roadway, an April 17 child abuse investigation resulting in felony child abuse charges against an adult male for assaulting a juvenile family member, an April 20 incident in Bates Canyon involving possession of a controlled substance, and a DUI arrest on April 26 following a traffic stop during speed enforcement where the driver registered a breath alcohol concentration of 0.283 and was booked into jail. The report also noted a juvenile was charged with assault and threats of violence at Bronzewood.

7. NTFD Report

- a. Buck Peck- There will be an agenda item on your next meeting regarding the firework map. I will give you my report then; today I would like to read a letter to clarify some of the language in Ordinance No. 26-05 dated May 12, 2026. Buck read the letter into the record. A copy of the letter is attached to these minutes.
- b. Sheldon- Thank you for all you do to protect us and keep us safe. We will do our best to support you in this.

8. Consideration of **ORDINANCE 26-04** Erda City be removed as a party to the Lawsuit Captioned as Erda Community Association Inc VS Grantsville City and Deidre Handerson as Lt Governor

- a. Sheldon- Read Ordinance 26-04.
- b. John- This is both a new ordinance and the same as the old one.
- c. Sheldon- I am not in favor of the City of Erda continuing on in this lawsuit. I voted against it originally. I do not see a path forward where this land stays in the City of Erda. I do not see the point in taking any risk with potential taxpayer dollars to be a part of the lawsuit and do not see it serving the best interest of Erda. If a law has been broken then perhaps there should be a court hearing to point that out and set a precedent. Laws being broken could occur in multiple named entities. The Lieutenant Governor's office may prefer to have a court hear on this matter. That is for their benefit. It doesn't really serve a purpose for the city. I would prefer to get out of it.
- d. Kyle- Nothing has changed since we voted on it. The hearing is next Thursday. The potential results could destroy the city of Erda economically and impact the city's tax base. 20% of the population is included in the annexation.
- e. Scott- 20% of our population is in Six Mile Ranch?
- f. Kyle- If this goes through it creates islands, legally they can't do that. Who will take care of them? It will be a constant fight. They will create a new law to allow the surrounding city to swallow up those islands, so yes, it would take 20% of the population. One of our largest tax bases would be lost, the Egg Farm.
- g. Scott- They pay agricultural property tax, they don't pay sales tax because they are a wholesaler and an agricultural industry. I haven't seen checks come in from Cal Maine. We don't see much money from them.
- h. Kyle- Gundersen Acres is about 20% of our population and would be lost to Erda.
- i. Scott- That seems like a stretch to me.

- j. Larry- I have split emotions on this. The law was created for 2 months to allow some of this to happen and was then removed. I think that was wrong. I am still in favor as I feel we should hold them responsible.
- k. Scott- The Lieutenant Governor wants us on that lawsuit to try to correct problems they have faced. Erda has nothing to gain. We didn't create this problem and we're going to be paying for solving it. It all centers around Six Mile Ranch which is not staying in Erda. This case has been thrown out 3 times. Even if we win, Six Mile will not stay in Erda. We have received less than \$500 in taxes in the past four and a half years. These are not big tax revenues. This will not affect Erda City's viability. It does create distrust between us and surrounding areas. There will be animosity from this that wasn't ours to begin with. There will be costs. We have a statement and article put into this resolution so we would not be responsible for the costs. To quote John, "It was worth a try." I don't think it will stand. We not only offend Grantsville, we offend Tooele City and Tooele County. As long as we continue this we move down the list for nuclear campus. We have a lot to lose by sticking with this and nothing to gain. It will not help Erda.
- l. Clyde- I agree there is no good outcome to this lawsuit. Good, bad or ugly I said I would stay in this until the court date next week. After that regardless of the outcome I will probably make a motion to get out in the next meeting.
- m. Kyle- I would like John to clarify if the city will be on the hook for any attorney fees.
- n. John- There is a possibility, as of now those fees in representing Erda have been paid by a third party. At the end of the day they may file a lawsuit against Erda.
- o. No Motion was made by Council Member who previously voted yes to entering the lawsuit.**
- No Action Taken**

9. Consideration of **ORDINANCE 26-05** An Ordinance Adopting a temporary Land Use Regulation Pursuant to Utah Code **§10-20-504** for the Disconnect Areas

- a. Larry- For the disconnect area, does that mean just those areas?
- b. John- I have updated that ordinance so it only applies to the disconnect areas not the whole city.
- c. Kyle- I think this is necessary right now. Why would we waste our time and effort to deal with something when we don't know where it will end up.
- d. John- I have updated that ordinance so it only applies to the disconnect areas, not the whole city. This is only for new applications and will not affect those who already have permits. It applies to both disconnected areas.
- e. Sheldon- I feel this unfairly targets some citizens. This is the government placing restrictions on property owners who did nothing wrong and had no say in the matter.
- f. Scott- I don't think this serves Erda. Paragraph 4 claims this may significantly affect Erda financially and threaten the city's viability, but Erda does not pay for building permits, the

applicants do. We can still enforce our code while they remain in Erda even if code changes if they become disconnected in the future. Paragraph 6 states the temporary land use regulation promotes the health, safety, morals, convenience, order, prosperity, and welfare of Erda residents. I would like to see the research showing how denying building permits improves the morals or convenience of current or future residents. These statements feel like words strung together to justify denying permits. I believe a moratorium like this will only strengthen the resolve of those wanting to leave Erda. I don't see what Erda gains from this, but I do see important things we could lose.

- g. **Sheldon- Moved to DENY Ordinance 26-05, Scott seconded the motion**
- h. **ROLL CALL VOTE: Kyle- No, Clyde- Yes, Sheldon- Yes, Larry- Yes, Scott- Yes**
- i. **Ordinance 26-05 NOT APPROVED**

10. **Consideration of ORDINANCE 26-06** An Ordinance Vacating (Cancel or Annul) the Copper Cove Development Agreement

- a. Kyle- We don't know where this property will end up, as it is involved in the disconnect.
- b. Clyde- I have been against this subdivision. I have always voted no since I was on the planning commission and everything that has come along since then. I would like to see Erda stay at least 1 acre lots minimum if we can. Hypothetically if we go into a lawsuit over this I would like to discuss if this would be worth the fight.
- c. Kyle- Is there a risk of a lawsuit?
- d. John- There is always a risk. They might sue for interference with a contractual relationship. That is what happened with Tooele City.
- e. Sheldon- I have an advisory opinion from a Salt Lake City case involving applicants and vested rights. While not identical, it addresses the same issue. The ruling favored the applicants, stating vested rights cannot be impaired unless there is a compelling countervailing public interest, such as a serious threat to public health, safety, or welfare. In that case, the county did not demonstrate a sufficient threat, so it could not override vested rights.
- f. Kyle- I think vested rights are a questionable issue at this point.
- g. John- The current status in the state of Utah is if you complete the application and pay the fee you are vested. Some Supreme Court comments have suggested that this is not an appropriate vested point, but that is where it is at now.
- h. Larry- I think we should put it on hold until we find out how the disconnects go.
- i. Scott- There was a similar situation in 2001. It was a 26 million dollar lawsuit. Utah Constitution Article I, Section 18 states the government cannot impair contracts or apply laws retroactively unless there is a compelling public necessity related to health, safety, or welfare. I don't see a compelling interest here, and this appears to breach the city's agreement with the developer. I also don't see how this impacts future residents' safety. Ordinance 26-05 was already denied, so that does not support this action. Additionally, there is ongoing state-level movement, including Governor Cox's interest in expanding state control over zoning. This

could escalate to the legislature and risk local control over planning and zoning, which would be the most significant consequence of this ordinance.

- j. John- The contract is drafted in such a way that there are escape clauses. If there is a compelling countervailing public interest, it wouldn't necessarily be a breach. However, the other side might argue otherwise.
- k. **Clyde- Moved to table Ordinance 26-06 and have a work session to discuss the logistics, Larry seconded the motion.**
- l. **Kyle- Yes, Clyde- Yes, Sheldon- Yes, Larry- Yes, Scott- No**
- m. **Ordinance 26-06 TABLED**

11. Consideration of **RESOLUTION 26-07** Tentatively adopting the tentative budget for Fiscal Year 26-27, and establishing place and time for public and hearing on tentative budget.

- a. Scott- The printed budget shows what we budgeted for last year, what we propose to budget for this year and what was spent during the past year.
- b. Jennifer- Each page is broken down into each category so you can see how the general fund is broken down into the small parts that go into it so you can adjust each fund as you feel you need to.
- c. Scott- There is extra funds in the public safety fund in case it goes up. We need to consider adding to this fund for code enforcement.
- d. John- You can adopt this as the tentative budget. The final budget must be adopted by June 22.
- e. Sheldon- We will need to set the public hearing for the second meeting in May and plan to adopt the budget in the first meeting in June so we have time to put into practice what comes from the public hearing.
- f. **Scott moved to tentatively adopt the tentative budget. Public hearing will be May 28, 2026, and the final budget will be adopted June 11, 2026, Larry seconded the motion.**
- g. **ROLL CALL VOTE: Kyle- Yes, Clyde- Yes, Sheldon- Yes, Larry- Yes, Scott- Yes**
- h. **Resolution 26-07 APPROVED**

12. Consideration of East and West Applications to Disconnect from Erda City

- a. **Clyde moved to open the public hearing, Scott seconded**
- b. **Public Hearing Opened**
- c. Derald Anderson- Representing the disconnection applicants, provided a presentation regarding the proposed East and West disconnections. He reviewed the entities included in the petitions, outlined the statutory requirements for disconnection under state law, and discussed the applicants' position that the requests meet those requirements. He presented maps of the proposed disconnection areas and discussed impacts related to city boundaries, services, planning and zoning, utilities, fiscal considerations, development agreements, and

parks and trails maintenance. He concluded by summarizing the applicants' position that the proposed disconnections satisfy the statutory criteria for approval.

- d. Bonnie Houze- We became a city over 5 years ago because the majority voted for rural lifestyle. People were upset when the council adopted the Tooele County laws. They wanted our laws made from scratch. We wanted to get away from the high density housing the county was approving. We have a council who believes in the rural lifestyle and we are trying to correct what has been done. Erda is not against development. We just want it done right. We need businesses. People are looking for 1 acre lots. If the developer offers these people will buy them. People want a rural lifestyle. The developers are breaking up Erda, they want high density. They are doing this for retaliation and greed. We don't want people moving here who will complain about the smell of farms. We didn't do the map of the city, the state drew the City of Erda map. I want you to vote no on the disconnect. It will hurt us. If it goes to the county we will have stacked apartments. We don't want what Kimpbell did to Stockton, we don't want to hire a police department. We have saved money by contracting out services. We don't want sewer, we have septic. They say 20%, right now it is because we will lose that tax base. Even if we did one house per acre. We contract all of our services. Nothing has changed because we pay for our contracted services. I would like you to vote no on the disconnect, it will hurt Erda. It will get developed, the roads won't be wide enough. Any development in that area will affect our aquifer. People will buy homes on 1 acre lots.
- e. Leann Bedell- I live in Erda. I have had connections with Erda since it was established. In reading the materials that the principal backers of the disconnect proposal have put forth, I was disturbed, but not surprised to see that they are presenting this as a favor to the Erda community. If you are aware of the history of the incorporation of Erda and why it came to be you will realize that the disconnect is far from what it is being presented to be. In the time prior to incorporation much of Erda was zoned for one to five acre minimum lots. The county had jurisdiction over zoning changes and what could or could not be built. The backers of the disconnection, along with some other developers in rapid succession, proposed zoning changes that would allow subdivisions with much higher density than was allowed. The county approved nearly everything that was proposed. Many Erda residents became alarmed and could envision their beloved rural community becoming just one more generic suburb. The things that made Erda a desirable place to live were endangered. Referendum efforts were undertaken to reverse some of the decisions enacted by the county, and some were successful in at least delaying some of the construction of massive suburban developments. One of the referendum efforts was in opposition to a proposed development by one of the backers of the proposed disconnect. When it became evident that this referendum had enough signatures to get on the ballot, and considering the overwhelming rejection of another high-density proposal by the voters in another area of the county, the developer asked for a so-called emergency meeting, emergency only to him, of the county commission to withdraw his proposal. It appeared that he was afraid to hear what the voters would say, and this gave him a quicker route to reproposing this development than if it had been rejected by the voters. Do these actions appear to be those of someone who cares for the community and for the residents? They don't to me. They are actions of someone who finds it

inconvenient to deal with what the community members want. This disconnect is not a favor to the citizens of Erda. It is an expedited route to turning our community into another suburb, like so many others. I find it ironic to walk by one such development here, where the signs "advertise quiet neighborhood", when the very building of that subdivision will destroy that quiet that makes it desirable. Please do not be fooled by slick brochures posted on social media sites, this disconnect would be very wrong for Erda.

- f. Jeff McNeil- I would like to set the record straight. If the disconnection will pull 20% of the people that would be 5,400 people. Facts need to be facts, not just made up. If there were, we would be underrepresented. If we don't approve this disconnect and end up in lawsuits we will end up like Tooele City and pay for it. I saw this happen with Tooele City. The city ended up paying 26 million dollars. We have personalities that are bound and determined to get their way on both sides of the issue, the only solution is lawsuits. I would urge you to consider this disconnect. I don't want to be part of a lawsuit that may come because of that. These actions are vindictive. Petty, uninformed, frivolous people that are unbecoming part of the city, and they're unbecoming of the representatives of this city, and we need to stop with that.
- g. Anna Marie Vail- I have a lot to say but I will only say a little. I am upset I am being lumped in with those who want the disconnect. They took neighborhoods and roads. We don't want to be a part of it. Pull my ten acres out. I don't think it's fair that we are included when we don't want to be. I don't need sewer, I don't need water, and I got two gun safes full of guns. I don't need the sheriff very often either, and I know the law very well.
- h. Drew Scown- I live here in Erda. I moved here to enjoy open spaces. We sold 2 houses to afford land in this community with the understanding that this would be a low density rural lifestyle. Disconnection is only being requested so the developers can build high density housing. It is shocking to see the false information that has been posted online and in mailers to make it seem like disconnection will protect our rural lifestyle. When this is clearly false, it is clear the reason for the disconnection is to rezone for higher density housing. I demand our property rights be protected. By denying the disconnection and allowing my family to stay within Erda City, where zoning will not be allowed for higher density housing, I ask you to look out for our interests, not developers' interests, by denying the disconnection.
- i. Nicole Dubois- I feel so gaslit. City council member I am begging you to see through the smoke and mirrors. I understand there are strong opinions. I understand not everyone has had positive experiences with the city leadership. However, from the outside looking in, some of the rhetoric and momentum behind this movement appears to just be driven as much by personal grievances and hurt feelings as it is by greed and the plans of a few large landowners and developers who have dollar signs in their eyes. When emotion and desire to get back at people become the driving force it becomes hard to have productive conversations. Focused on what's truly best for Erda, its average residents, not the rich ones, and its future. As an

average Erda resident who actually lives in Erda. I believe the community deserves transparent solution-oriented decisions that prioritize the stability of our city, accountability for everybody, and thoughtful growth rather than division. Whether someone supports or not we should be asking the same question. What outcome will benefit the citizens of this community? All you see on our community pages is people complaining about traffic. It will be worse with high density. As far as services go, Tooele County is providing them for Erda. How are we supposed to get them if we don't save money? I don't want to go into debt as a city. Are we spending it frivolously, I don't see that. How will Erda ever have those services if we keep taking pieces back to Tooele County? It is not about the services. It is about not having thousands of people on top of us. It's not about the land owners. It is about the people who live here. Erda days will be here long after the disconnect, but maybe it won't. Maybe it'll be too large to support if the population is too large. City council members, I implore you to vote no. The regular people here do not want it.

- j. Craig Hansey- This is an interesting discussion about what is in the best interest of everyone. Based on what I know about you individuals I do not think this will pass. You need to look at this carefully. If a few landowners can override thousands of individuals and what the detriment is to them. There are some issues that are brought up that are probably solvable. One solution would be for them to petition for Erda to accept the rest of their land into Erda. However, I think this is about money. If there is a lawsuit against Erda City they cannot come against the property of the individuals. It is not an issue that they will come after you. I encourage you to get out of the lawsuits. It makes no sense. I encourage you to allow the plat development to go forward. It was approved before Erda City was a city. We don't want lawsuits coming after us because you are trying to stop the development that was approved before Erda was a city. If we disconnect and there are massive amounts of development they have to bring a 21-foot-deep hole up my road for the water and sewer line. That is what happens when you have high density development around rural areas. I was disheartened when I received the first message that included the plat map. This was before I realized it was a land issue, not a people issue. One thing they could do is take the big pieces of property and let them disconnect. They don't need to take the smaller properties with them. Thank you, I know you will vote appropriately and then we will have to face the legal issues that will happen.
- k. Phill Rawlings- I live in the area that is proposed to be disconnected. I am against it. I was happy to become part of Erda and to have the rural feel protected. You have an unenviable job. The feelings I understand, but there is a point where the law has to be followed. You have to decide. There is a point in the items that Derald pointed out. Inside the fairness and equity clause. We can point out the lifestyle. We can say it will impact our lifestyle and legally that is a reason to deny the disconnect. He also talked about the income that came from the development, but if they are taken away it will impact the city financially.
- l. Racheal Myers- My property was included in the petition without my consent. It is troubling that people can kidnap our land. They are trying to bypass the law. They are using our acreage as leverage. By throwing all of these areas together they create a buffer to not create islands. We were told we would face financial ruin if we stay which feels like a threat and

discourages asking questions. There was an official looking letter designed to trick people into signing it. It is sad they feel they had to trick people into signing it. I have no say, how is that fair or just. I refuse to be a pawn in this game. I want to be clear I do not want to be included in the disconnect. We should not be forced out because a small group wants a cleaner map. I feel it is disingenuous to say how great this map is when most property owners have not signed the disconnect. Based on that I do not believe you have met the state code. We want a voice in our future infrastructure. Development and growth are unavoidable. I support keeping our area rural. I do not want to be a part of this and I do not think you should vote for it.

- m. Kristine Beck- I bought my property for the reason of 1 acre lot. I want it to stay that way. I feel like we are being bullied into "you do this or we will sue you". It is so disingenuous. I think there are plenty of us that are for staying a part of Erda.
- n. Joyce Zumwalt- I live in the proposed disconnected area. I moved out here 24 years ago to hear the peace of the land. My grandkids have all moved out here to be where it is peaceful. I am against this. I want to keep it the way it is. We are a new city. We are learning. Mistakes are expected to be made and we will continue to learn. That is part of being in any new position. Maybe we make judicial errors but we can get over and past them. I am on the edge of the east side. I want them to leave our neighborhood alone. We are next to where it cuts off. It's interesting that he said we can't tell people what to do with their property, but he is telling us what to do with ours. What is the difference? Why are we only concerned about part of Erda and not the whole? Erda has a lower tax bracket, Tooele County has a higher tax bracket and who knows what will happen if the disconnect goes through. The people of Erda spoke when they made Erda a city. A few votes made a difference. The people spoke and wanted this area to be a city. If people want a say in what goes on in our city then they should vote. We should have our vote and voice. I hope you vote against this.
- o. Ron Robinson- How many people that are left here were asked if they wanted to be disconnected. This is not 84% of the people. Scott, you have lived longer than me by a year. The people should have a vote if they want to be a part of it. The map should show how many of us have not signed and do not want to be a part of it.
- p. Kimball Carter- Does anyone remember the term FUD? Fear, Uncertainty, and Doubt. I think there is a lot of uncertainty and doubt. Everything I heard has to do with lawsuits and money. That as a resident we would become financially responsible for lawsuits that are lost. I don't know if that is true. I would ask the city council to find out if that is true or not. That has a large impact on how they feel about this. They are concerned about it being a financial issue. I am mixed on this because of the lack of understanding on what will happen. I would prefer it if it stayed the way it is. I want to know if there is a financial threat or not. I think every citizen should know that and it is your responsibility to find out and let us know so we can make an informed decision.
- q. Camille Higgins- I have lived in Erda my entire life and for me it is not a city or boundary. It is the way we treat each other, serve each other and even the way we disagree with each other. I watched the rural Erda I enjoyed change. Before these developments and neighborhoods that was rural Erda for me. I have been here my entire life. I stayed where I love. Lucky for me

many of the people I love have moved to me. The growth has been so difficult for me. I never fought a neighborhood or home built even though it was hard. I am thankful to the people who have come and added to my life. I support the disconnect for many reasons, one being the financial burden that has been spoken of.

- r. Craig Smith- Everyone who has been dragged into this disconnect, if they look into their soul they will see how Six Mile felt when they were dragged into Erda and didn't want to be there. These disconnects aren't about animal rights, rural living, density or growth. It is about what is best for the City of Erda. These disconnects are not best for Erda. They need to be denied. Then let the petitioners go to court and try to prove they should be allowed to disconnect. On your agenda it is listed as for consideration. You have 45 days, but you can vote on it tonight. There is no reason to not do the right thing tonight.
- s. Mike Martin- If things change it would be terrible. I have been here since eighty, right after I got out of the Army. I was there in 1953 and I came to this farm land. Where is the water coming from, where is the sewer coming from?
- t. Cory Stewart- The disconnect should not go through. I think you should vote no. This will open the door for more. I feel this is all about money and greed. We became a city because we wanted to keep this out. The land owners that are trying to get out are the main force for getting us a city originally. I don't know who got in their ear, but I feel the builders have gotten in their ears and they won't be able to follow through. For Copper Cove, the infrastructure is not there. I hope you make the right decision on both disconnects.
- u. Terri Christensen- Derald said that all of the landowners who signed onto this they are not doing it to develop. With that being said, Derald Anderson, Moyle Family, Walter Ranch, Running U, Ensign, the Bleazard Family, are all for development. Our planning commission made a good agreement with them but it didn't pass unanimously so they were not happy, they wanted all 5 so they withdrew. Why would a rancher and farmer want to leave a farming community? Sagers family trust is next to our property, if they disconnect it will be developed. When the planning commission voted on Copper Cove, Derald said it was voted against because of the disconnect, but that is not true. It had nothing to do with the lawsuit. They found it was not legal. The Lieutenant Governor requested that the lawsuit proceed.
- v. Amber Kuzimek- I am in the disconnect area, no one asked me and I am against the disconnect.
- w. Marion Deware- I moved here to be rural, we voted to be a city to be rural. I hope you will not approve the disconnect and keep us as 1 acre lots. When you want something you have to work for it. So many people have worked to be here and I hope you will support them.
- x. Jamie Bawden- I am against the disconnect. There is a list of names out there with a Chase and Jamie Beazer which is close to Chase and Jamie Bawden. That seems odd. I don't know who is checking the list. I grew up in Herriman. I remember when Herriman and Bluffdale became cities. I don't know why we are forced into the disconnection. Bluffdale has stayed a little more rural and Herriman has let everything in. If we are talking lawsuits, we are not getting out of those with the county either. We all know it is going to grow, but we can grow with control. If you want to take a field trip to Herriman and Bluffdale you can see how it can be developed and stay rural and be successful cities.

- y. Aaron Frailey- I live in Hidden Acres. I have a different point. I had a friend tell me local government is better than government far away. I do not know who the Tooele County representatives are. I think there is a point to letting the local government do its thing. I am included in the disconnect. I am against it. If there are property owners that want to do things with their property, let them follow the process. It feels like you are representing us more locally. I think it is wise to keep it Erda City. If landowners have issues, let them elect someone else.
- z. Glenn Terry- I moved to Erda right after it was incorporated as a city. I thought it was interesting that someone made the comment about being a bully. Part of the reason we are in this situation is because the Erda City Council became a bully. We joined a lawsuit. Nobody wanted to disconnect until that lawsuit was joined. There are agreements with Copper Cove. I don't like it. The city council made an agreement that they felt was better, but we have breached that. I am worried the city will be liable for lawsuits that come from that. I think it would be nice to create a disconnect with those who want out, but leave those who don't want to be without creating islands. I am not sure it has been done fairly. They are not going to take our property, but they will raise taxes to cover lawsuits. I hope you can try to create a win-win so we don't have to pay lawyers tons of money. If we have to do the disconnect can we make it smaller so it doesn't include so many people?
- aa. Aubrey Smith- I live in Erda, I am included in the disconnect, I was not asked. I know you have really crappy jobs. I know the pay sucks, the hours are long, the meetings are endless. But, I know it's easier to push it off and go home and think about it, but I think getting the vote over tonight would be the right thing for the city. Whatever happens, this has and will always be Erda. I implore you to rip the bandaid off if you are able to. Vote and get it over with so we can move on. We do not throw Grandma Judy under any bus, she would never throw any of us under the bus.
- bb. Larry moved to close the public hearing, Scott seconded.**
- cc. Public Hearing Closed**
- dd. Sheldon- I want to share one piece of this puzzle I have been involved in. Joe and Derald did approach Clyde and myself to discuss the maps that were drawn. Clyde did not attend the meeting as he was out of town. Those two allowed us to carve out neighborhoods, it was an expectation for me to draw the map. I didn't feel that would be fair. I felt it was the applicants responsibility to decide what they are applying for and then we deal with that. I also was given the impression that it was only on the table as a matter of the council voting in favor to stay out of court. My decision was to tell them it was not my responsibility to draw the map. I encouraged them if they wanted to draw a second map and make it part of the public discourse. I wanted to make that point clear.

13. Fraud Risk Assessment Evaluation and Approval

- a. Jennifer- This was requested to be added to the agenda by Dave. Every year we have to do a fraud risk assessment. Terry used to do this every year. If you feel any changes should be made please let us know, if not and you agree we can move it forward.
- b. Sheldon- This looks similar to the last time I saw this and I think it looks good.

- c. Clyde- I looked it over and it looks good.

14. Discussion of Transportation Utility Fee

- a. Rachelle- The state legislature allows you to charge a transportation user fee. It is much like any other utility. Erda City doesn't charge those fees right now. It is a study that evaluates how much per household should be charged to help maintain the roads. COG has agreed to pay for that study out of the third quarter sales tax dollars. COG needs to know what entities want to be included in the study. Once the study is done the municipality can decide if they want to implement the fee or not. This is just to be included in the study.
- b. Sheldon- This is a different way of looking at how a city pays for roads. We have been considering adding an impact fee, which would be charged to new residents to help pay for roads. This fee would apply community-wide and would be based on household size. It does not lock us into charging the fee; it is only a study.
- c. Council agreed to be included in the study.
- d. Sheldon will take it back to COG

15. Select and Award bid for 33rd Parkway Connection

- a. Sheldon- This refers to a short section of road that needs to be constructed west of Tooele Valley Motorsports that heads south off of Cimarron Way. We received a grant to pay for the construction. We agreed as a city to have our engineer send this to bid. We received two bids. They were reviewed by a committee of 5 people. The lowest responsible bidder was Broken Arrow Construction. John was asked to draw up a contract.

16. Council Representative Reports

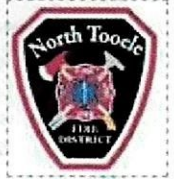
- a. None

17. Adjournment

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

North Tooele Fire District
179 Country Club
Stansbury Park, UT 84074
Buck.Peck@ntfdutah.gov

435-882-6730 – Office
801-633-0704 - Cell
Fire Chief – Kevin Nunn
Fire Marshal – Buck Peck



May 12, 2026

To: Erda City Council

From: Jack "Buck" Peck, Fire Marshal, North Tooele Fire District

Subject: Clarification of Fire District Response Regarding Ordinance No. 26-05

Members of the Erda City Council,

Regarding the Council's consideration of Ordinance No. 26-05, I am writing to explicitly clarify the emergency response capabilities and obligations of the North Tooele Fire District.

The proposed ordinance states that enacting a temporary land use regulation for up to 180 days in the East and West Disconnect areas will promote the welfare of the city by, among other things, "securing safety from fire and other dangers." As the Fire Marshal, it is my responsibility to ensure there is no public misconception regarding fire and life safety matters within our jurisdiction.

I am stating on the record that the adoption—or rejection—of this proposed moratorium will not alter, dictate, or influence the response of the North Tooele Fire District. To ensure the Council and the public have a clear understanding of our operational mandate, please note the following:

- **Statutory Duty to Respond:** The North Tooele Fire District is an independent local district governed under Utah Code Title 17B. Our legal duty to provide fire protection and emergency response to the properties, residents, and businesses within our boundaries is absolute. The disconnect areas encompassed by this proposed moratorium fall squarely within our district, and our obligation to respond to those areas is mandated by state law, not municipal land-use ordinances.
- **Operational Independence:** While the City of Erda has the authority to invoke the pending ordinance doctrine to restrict construction and subdivision approvals, "securing safety from fire" through emergency response is the purview of the Fire District. Our strategic deployment, response times, and apparatus dispatch are dictated by operational needs, life-safety priorities, and established district policies—independent of local disconnection petitions or temporary zoning regulations.
- **Continuity of Plan Reviews and Enforcement:** The North Tooele Fire District will continue to process and conduct all fire code plan reviews and site inspections in a timely and efficient manner. Our enforcement of the 2021 International Fire Code (IFC) remains uniform and uninterrupted, regardless of whether those plans and submissions originate from the City of Erda or Tooele County.

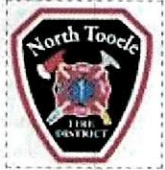


Board of Trustees

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Mark Herrera – Vice Chair * Kurt Stephenson – Board Member
Steve Manzione – Treasurer * Daniel Boone – Alternate

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- **Unwavering Commitment:** The citizens of Erda can rest assured that regardless of the outcome of this moratorium or the financial viability concerns of the city, North Tooele Fire District personnel will continue to respond to all calls for service with the same level of professionalism, speed, and dedication they always have.

We respect the Council's role in managing the city's growth and protecting its tax base. However, it is vital that the record accurately reflects that our community's "safety from fire" is actively secured by the sworn duty and ongoing operations of the North Tooele Fire District, which remains unchanged by this or any other land-use ordinance.

Should you have any questions regarding our response protocols or fire code enforcement within the city, please feel free to reach out to my office directly.

Respectfully,
Jack "Buck" Peck
Fire Marshal North Tooele Fire District



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

Prepared by: Jennifer Poole, Erda City Recorder & Jessilyn Stagg Dept Recorder

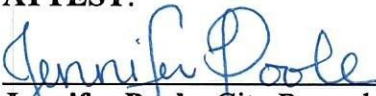
PASSED AND APPROVED by the Council this 28th day of May, 2026.

ERDA



Sheldon B. Birch, Council Chair

ATTEST:



Jennifer Poole, City Recorder