

Erda City Council Minutes

12/16/2021 – 7:00 pm

Tooele County Building - Auditorium

1. Call to Order
2. Roll Call
 - a. Terry Miner, Kael Martin, Jess Bird, Craig Smith all present
 - b. Scott Droubay in another meeting (Council of Governments), arriving late (7:05 pm)
3. Pledge
4. Comments from Debbie Johnson - Utah Department of Administrative Services
 - a. Scott: She called me today and said she can't come. She requested next week. I told her we would take her any time she is available.
5. Committee Assignments Report and Discussion
 - a. Roads (Droubay/Miner)
 - i. Terry: Scott and I went to the Council meeting on Tuesday. We asked for some financial help. They set up a committee. They want to meet with us starting next week to officially go over what we are requesting. The County Council has to approve anything we do. Scott: Did we tell this council that the county is willing to keep doing what they have been doing? Terry: Yes. We just need to add in the weeds and the shoulders of the roads. He said that his guys are only in Erda like 6 days a year or something.
 - b. Police (Smith/Droubay)
 - i. Taken first since Droubay not present
 - ii. My next step is to meet with Andy to get contracts moving forward
 - c. Ordinance Adoption (Smith/Martin)
 - i. Kael: Nothing new, same as last time. Been focused on the map, etc. Craig: I think most of us agree that Tooele County Ordinance with major modifications to come and deleting major chapters is our best option. The county is changing everything in their format over to Word, one word document. That will make it easy for us to modify and change. They are in process of that for the county. It will be a couple of weeks before it's finished. Jess: My concern is that they send us a rough draft, maybe lacking some of the work we would want them to have done. It will be difficult to keep their final draft straight with the changes we start to make. Craig: I think it's

important to have the ordinance in place before incorporation is complete so that we can't be taken advantage of on land use or anything else. Scott: I agree with what Craig says. If we incorporate without ordinances, anything going on in Erda could be grandfathered in to stay because it was there before we had ordinance. We can't have an ordinance that comes in after the fact and changes some use. It has to be in place. Kael: So you think we should accept Tooele County all out right away? Scott: Yeah, with any quick changes that we can make. Craig: There is a lot of stuff that we could scrap right away that are obvious. Some stuff will have to stay right away, like speeding and traffic accidents. I think we will have to adopt them and make changes after. Terry: It will be easier to change before than after. Jess: I think we can adopt the county's knowing that major modifications will be coming soon.

d. Articles of Incorporation, Map, Retirement Letter (Martin/Bird)

- i. Jess: We had a fun field trip to the Capitol building today. We had to call Lydia Hoge for the appointment that we had made. She sat us down and had a good, positive conversation. We turned in all of the materials we had discussed last night along with the copy of the final boundary plat map. I expect to hear tomorrow or soon thereafter what their response will be since it's not the final, original or approved map. We are just kinda waiting to hear back. Kael: Just waiting on the map. Scott: How does she seem? Optimistic? Jess/Kael: Very nice and optimistic. Kael: They'll be good to work with. Left the meeting with really good feelings for the future. Jess: Her parting comments were asking for suggestions for changes to code to make it easier for future cities.

e. IT (Martin/Bird)

- i. Addition of Recorder email - Jess: This allows an email account that is GRAMA searchable to do minutes, revisions and have access to folders on Google Drive. Craig: This is something we need for even after Cory leaves us.

f. Attorney (Droubay/Miner)

- i. Terry: Yeah, we need one. Scott: 4 applicants: 1. Janet Conway 2. Scott Shields 3. Blaisdell Church Johnson (BCJ) 4. Hayes Godfrey Bell (HGB). . . The 2 firms in Salt Lake have sent us pretty extensive proposals/resumes. Terry and I feel like we have pretty good options here. Are we agreed that we don't need to advertise this? Are we going to get in a bind if we don't advertise this? I thought we might get in a bind. Craig: Right now we don't have any

statute, ordinance or resolution for procuring bids is. Jess: We would be relying on any state/federal laws. Scott: What if we hire one of these and get them to fix it. Hayes Godfrey Bell is the legal counsel for the league of cities and towns. Craig: If we did put it out, the RFP is minimum 45 days, the whole process can take 2-3 months. I don't think we have that kind of time. Scott: We could call one of these and tell them we are leaning their direction, and ask if we have to advertise before making a decision. Craig: I think we have to advertise in a public meeting, but it doesn't have to be advertised for a competitive bid. Jess: Do you and Terry want to work on a recommendation for the next meeting? Scott: I already have one. Blaisdell Church Johnson. We have 2 firms with multiple attorneys. They have different areas of expertise. If we are working on zoning, we could get a zoning attorney, etc. Jess: All these lawyers would be the same rate? Scott: Yes. Their rate is actually a little bit better than most of them. The reason I like BCJ over HGB is because HGB doesn't do any litigation. If, for some reason, we need someone to go to trial or to defend in court we would have to hire a different lawyer. BCJ have a lawyer on their team that does that. Jess: Same rate? Scott: Yes, same rate. Craig: They have one rate that is \$300 for bonding. Terry: The other option is to go with HGB and hire a litigator if we need that. Scott: That's true, but BCJ seems to cover a better spectrum and their rates are better. They also won't charge us travel time to come to Tooele for our meetings. Craig: They also have a subscription to a law library that they give to us for free. I thought that was a nice bonus as well. Jess: Is that standard? Terry: They also don't have any conflicts of interest because they only represent public bodies. Craig: Yes Jess, they were the only ones who mentioned that in their proposal. Scott: As we talk to people we think could help us, a few told us 'No, we are not a municipal lawyer'. These 2 firms BCJ and HGB were actually referred to by other lawyers as the guys they go to when they have questions. So, my impressions are supported by municipal lawyers and others who know these folks. [Craig: We ought to move this forward into our business meeting for next week to hire an attorney. We should post it in the meeting.](#) We can discuss more between now and then. If we want to hire someone relatively soon, it would have to be in a business meeting. So, either next week or in 3 weeks. Terry: Why 3 weeks? Craig: That would be our next business meeting. Scott: The one in 2 weeks is tough for me. Terry:

The plan was to put out a name on the 23rd. Craig: Yes, but we need an agenda out immediately for the 7 days notice. Public information about the law library. Jess: [Let's move this to our business meeting, I'll have an agenda out tomorrow morning.](#)

g. Garbage (Martin/Smith)

- i. Craig: Quick and easy. Everyone is still out until 12/19, I haven't been able to talk to anybody. They are all on vacation. Kael: We do need to focus on a garbage can count to get to Ace so they can make their decisions. Craig: I'll talk to the county guy on the morning of the 19th to meet with him. Scott: So, we're just planning on the county plan? Craig: We have 2 options, county and Ace. We are kind of leaning towards the county, but don't know yet.

h. Land Use/Zoning (Bird/Smith)

- i. Craig: I had a map populated, it had some mistakes and problems. I went back to the county engineering dept, and asked to make it more accurate. They told me they haven't updated Erda in a while and they will do it by Friday. We'll have new maps by Friday. Jess: Can we have an electronic copy? Craig: Yes, I'll also get a large printed map and small ones as well. Terry: Have there been recent changes? Why would it not be up to date? Craig: Somebody hasn't gone in and updated it in the software. There are some big chunks of R1-10 that are not R1-10. We just need to see what it actually looks like today. This is similar to ordinance in the sense that we need it in place before we become incorporated so that no one can take advantage of not having a zone. Jess: I agree, with the caveat that we need a moratorium. Craig: Everyone seems to agree that a 6 month moratorium is a good idea. It is legal as long as we have a reason. Coming up with a general plan is a good reason. We can make some changes if we want and then put a moratorium while we get a general plan and get a zoning commission. These are legitimate reasons for a moratorium. Kael: Can we vote on both of those in the same motion? Jess: It depends on how the motion is made.

i. Finance (Miner/Droubay)

- i. Scott: It attaches to what Terry said earlier. Last night I went to the County Council and proposed that they decide if they could loan us money (Terry: That was Tuesday). I was advised just before that meeting to not bring up numbers, so I didn't, but we have them ready. They established that committee with Hoffmann, Hamner and Welch. We are going to meet a week from tonight and go over

specific numbers. The state statute allows them to give us money, loan money or help in other ways. It does not COMPEL them to do it. They have expressed willingness to do it, but we have to try and convince them. If they don't help us, we would have to borrow money from a bank. This would be our least preferred way. Terry: Some of the councilmen wanted numbers. When it was over, I gave them a copy of what we had established to this point to give them an idea. Scott: One other thing, I have the EIN number. I went on the INTERNET and got us an EIN number. Jess: Can I have a copy of one of those? Scott: You can have this one right here. It is registered to my house right now since we don't have a physical address for the city. Terry: I think we could pick a bank next meeting as well. Scott: We have to have this (EIN) number to open a checking account. Then we'll see if we can get some money to put in the account. Jess: What are we moving to the business meeting next week? Terry: We could pick a bank. Scott: Terry and I feel like we could use Zions Bank. Terry: They did our feasibility study and have all of our information. Jess: So, we should make Zions bank approval an agenda item. Scott: I'll find out all their fees and what they are going to cover.

- ii. Terry: Any news on the bill from the engineer? Jess: We have not received an invoice yet. I'm proposing that we get checks from whomever wants to contribute, make sure they add up to \$4500 and send individual checks to the engineer.

j. Office and Meeting Places (Martin/Bird)

- i. Jess: Any reason to keep us on the agenda? Kael: No Jess: We are scheduled here through January and we'll try to continue it once we get closer.

k. Advertise for City Clerk and Treasurer

- i. Jess: It's kinda awkward to ask for applicants when we haven't got any money to pay them. I've been so busy with the map, etc. that I haven't put much effort into it. Scott: I'll give you 2 names to call. Jess: These are potential candidates? Scott: Yes, that actually live in Erda. Jess: We should look into minimum for time to advertise, etc. It's kinda the same thing that we're looking at with the attorney.

6. Council Representative Reports

- a. Report from Council of Governments meeting. Scott: As I was leaving they were talking about Erda. Probably about making Erda a member of that council. This is the organization of the cities and county of Tooele and it also includes the School District. It has included the Army Depot. A

colonel was there and asked to be removed. Things they talk about there:

1. Projects in the county that affect the county. le Bauer. They admitted that the work done this year will be in the Spring, it's just a band-aid to stop leeching and blowing there. 2. WFRC ??? - Don't know what it stands for. Economic Development. Board of Health. Transportation committee.

One member there said Erda should be on the committee. They are going to restaff some of these committees and we are going to want to be on AT LEAST the transportation committee, which helps get revenues from

Federal grants and state revenues to do work on roads in our community.

Brian Johnson was here last week, that is where he got \$300,000 to work on the roads in Rush Valley. Stockton got \$400,000 out of this to work on roads. So, we'll want to be on that committee. 3. ARPA - This is further

funding for new infrastructure and roads. Can also be used for parks and projects like that. Sounds like we're gonna want to be on that committee.

Marshall from Grantsville was on all of these committees. Probably because he wanted to make sure that Grantsville got any of the funds that were to be had.

[Jess: I will add to the agenda to assign a WFRC rep from our council \(Note from Recorder: The agenda may want to add an ARPA rep as well since Scott said we would want someone on that committee also\)](#)

- b. Emergency Management: Terry Miner - He wants to meet with us all. [So we need to put him on the agenda.](#) He wants all of the procedures and paperwork to fill out if we have any sort of emergency or disaster. [Jess: Ok, we'll add it.](#) Terry: Will be a training on 2/10/2021.

- c. Mosquito Abatement: Craig: Mosquitos are under control for the next 3 months. They do quarterly meetings, but I'll watch for the next one. Scott: Do they do any in Erda? Craig: Any standing water they do 2-3 times a week. They get out a lot.

7. Comments from Council Members

- a. Jess: I notice a sponsor here. Do you have anything? Ryan Sorensen: We have been doing what we can on our end, so we are here to support what the city is doing.

8. Adjournment

- a. Moved by Jess, Second by Scott. Motion passes. Adjourned.