

Erda City Council Minutes

6-2-2022 – 7:00 pm

Tooele County Building - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8ffnx>

1. Call to Order 7:01pm
2. Roll Call
 - a. Jess, Terry, Kael, Scott and Craig were all in attendance. City Attorney John Brems attended via google meet
3. Pledge -Was led by Terry
4. Public Comment
 - a.No public comments made.
 - B. Craig moves to close the public comment, Kael 2nds the motion, voting was unanimous.
5. Approve meeting minutes from 5-19-22
 - a. Jess- Moves to approve meeting minutes, Craig 2nds the motion, the voting is unanimous.
6. Tooele Resource Center (Christy Johnson)
 - a. Failed to be in attendance.
7. Tooele Emergency Management (Bucky Whitehouse)
 - a. Bucky Whitehouse- I appreciate the ability to talk to you tonight. It's a request for the council to sign a letter of intent to have a disaster mitigation plan and that they will participate in the process with the county. We are interested in having the Erda profile updated and to identify the risks and create strategies to handle them. It's an important aspect to have your own plan. Once you do then you can apply for a grant to get money to fix those issues and risks. With those issues and risks being identified you can get those grants. I've seen in this county grants for 300k to 700k that have already been issued to fix some things. It's been used to fix culverts, and fire hazard areas. We are asking you to have 2 members of the council to be involved in those public meetings and participate in them. We have a specialist who can help with that . And to have a committee of 5. 2 council members 3 can be volunteer members. We will be doing this July-Nov so we can have it in place hopefully by Sept. It will be helpful to identify these hazards and then put a plan in place to get this fixed.
 - b. Craig- How do we identify these hazards? How are we to know what they are?
 - c. Bucky- We bring a little of that info to you, like fault lines, questionable soils, wildlife deers things, there are about 25 different things for you to look at and it goes to a prioritization process that you can help decide. The city does have a flood channel going right through it. It was identified 20 years ago and there is a study being done on it now. Its important background for you to know about your city.
 - d. Craig- How soon do you want this committee of 5?
 - e. Bucky- In the next 2 weeks we need the letter of intent to participate in adding Erda city to the county's plan.

- f. John- What financial commitments are we making?
 - g. Buckey- None, just the people and labor, there is a cost but the county has that budgeted and will pay for it.
 - h. Jess- Reads a letter of intent to participate in the county's hazard mitigation plan.
 - i. Craig- Moves to authorize the council chair to execute and deliver the letter. Scott 2nds the motion, the voting is unanimous.
8. Committee Assignments Report and Discussion
- a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry- This month's bill to date \$1,000 to Jeffery Sager for website design, \$1,500 to Anthony Nocella for the discussion series. \$300 for accounting services, \$1,143.10 for clerks salary (249.00 of that was for reimbursement of the computer program objective redact), \$5,000 for legal fees, in total the monthly expenditures were \$8,943.10. We currently have \$332,427.18 in our checking account and in savings 25,000.22 we are using that to secure our credit cards. In our PTIF account we have 446,126.12. However it looks good but in the next 2 or 3 months we have a few hefty bills that need to be paid to the county in the next 2 or 3 months. I had Dave do a little different version of the budget to show the monthly expenses, I'd like to go through it with the council at some point.
 - b. Craig- Moves to accept the treasurer report, Scott 2nds the motion. Chair accepts motion and 2nd.
 - b. Land Use/Zoning (Bird/Smith)
 - a. Jess- Planning has recommended the general plan to us, we will vote on it next Thursday.
 - b. Scott -Where can I find it?
 - c. Jess- I will send it to you.
 - c. Roads (Droubay/Miner)
 - a. Terry- Scott and I have a meeting on UDOT to discuss transportation on the Wasatch front including Tooele County.
 - d. Ordinance Adoption (Smith/Martin)
 - i. Discussion of Erda City Code and Fee Schedule
 - a. **Moved and 2nd to move this to the end of the meeting.**
 - a. John- The fee schedule is really a part of the code that I wanted to go through, this is the Fee schedule that Tooele has. I think the best thing would be to go through the code itself.
 - b. John- Title 1 is general housekeeping matters rules of construction, chap 2 deals with incorporation stuff.
 - c. Terry- I Have a question about page 5. It's when we did the election we did a thing for a 5 member council and not a mayor, this treats the council chair as a mayor. When this was first established it was 5 equal members of the council, we all had equal rights. I am not sure what this means.
 - d. John- I did this because the statute says mayor and not sure what to put there. There are things that say the mayor has to do this. This is just the council chair.
 - e. Scott- We always approve the council chair to do things, he does them with our approval.

- f. John-So it could say the chair shall also act as the capacity as mayor, the chair or anyone else approved by the council to act as mayor.
- g. Terry-It talks about the election of a chair but not about a co chair. I don't know if we need the verbiage on that. Is it common knowledge ?
- h. John- I'll make the changes, to put, chair and vice or co chair.
- i. Terry- Setting the council's agenda, this says that it takes 2 people to approve anything on the agenda. We do this a little more informally.
- j. John- I can take it out, but when it becomes controversial you'll want to have something to have here.
- k. Terry- I looked at the base salary thing, can we put in not at this time? John we can put in an ordinance at that time when we need it.
- l. Jess-What does anchor location mean? John-That is where the computer is at that is showing the meeting. This is for an electronic meeting, you're either going to have it at the auditorium or the fire station.
- m. John-This next chapter talks about bonds, in chap 4 I didn't adopt personnel policies, we should have something in the near future. Chap 5 is procurement, that is already what you've adopted. I'll add tonight's amendment. And disposal of surplus property, I've left blank we can fill it in later. Chap 6 is the GRAMA government records and management act.
- n. Terry -page 8 I have a question about bids that should be used to be determined by the council, not just the chair. Council agrees to this change. I think that it should be the council as well, in the 3 full and complete accounting of all expenses. ABC take out "chair" there as well on 1.5.5. John-So it should read "The council or its designee". Terry probably with I,K,J change that to the same language. John-I got it changed. John I'll do a global search and change all council chair to council.
- o. Terry- 1.5.12 It's after the contracts it says the council fm1her states... What is that? John- my fingers... it's supposed to be council states.
- p. John-GRAMA Terry- can we make it be more specific? John we usually use state statute, this just puts in a fee and an appeal process. Jess- I don't think the appeal person should be the chair, let's change it to the co-chair. Okay, John- Okay i'll change that, next turn to the fee schedule, the fee contemplated is compensation times the wage. Jess- That's state statute. John- Title 2 taxation- this is verbatim what you've already adopted from the county. Title 4 I adopted what we've already adopted from when we created for the planning commission. 4.8.2. And 4.8.3. Change the language from mayor to the council chair with the advice of the city council. TITLE 5, I adopted an administrative code and enforcement process, this is basically if someone who has junk in their yard its the process they go through, this is an appeal process. If you have a decision maker, you have to have an appeal process for that. 5.2.4 We can change the day from 10. Council wants to change it to 30. There are a few things that would take 30 days to bring into compliance. This is after they are given notice they have 30 days to get in compliance.
- q. John- Chap 6 is about abatement and nuisance stuff, admin code and enforcement hearing. Chap 6 allows for an appeal to the district court, chap 7 allows the city if there is a violation that isn't fixed you can file a notice with the court. Civil penalties, turn to the fee schedule. There is a civil penalty fee that we need to adopt in 5.8.1 we need to establish what this will be.

- r. Jess- What does Milcreek have? John-They \$20 a day for the first 30 days then \$100 a day after that with no maximum. This is after they determine they are in violation and haven't fixed it after the 30 days. Craig- I am in favor of this,\$20 a day then jumping to \$100 a day it's to penalize. Jess- I can't do \$100 a day, how about \$50 a day instead? And are we making provisions for substantial compliance. The fee stops if they have done this.
- s. John- There are people who might just pay the maximum fee and let it go. And never come into compliance. It's been done in Millcreek.
- t. Scott -I don't think there should be a maximum. It needs to be something that people won't just let go. Craig- If we don't put a maximum can't we just waive any penalty at any time. We could then take it case by case if we have this problem.
- u. John-There is a provision for the hearing officer to waive a fee for just cause. Jess- I'd like to propose a 10k maximum? Kael likes it, Scott likes it, Craig likes it.
- v. John-Okay let's put that maximum. If it's a real problem you can put a lean on the property and it's a tax lien to fix up the property. Title 6 Public Safety I adopted the Utah criminal code by reference and the justice code is done by the county. For motor vehicles I just adopted the motor vehicle code. Terry-. 6.6.3 What about being able to advertise the sale of your vehicle along the side of the road. John- I know that's the county's code. We are concerned about people putting their cars on the roadway and leaving them. I don't want to worry about hitting them with snow plows or stuff. Scott- If we leave this in does this allow for those that have the car where they would normally park it? Yes, that would be allowed.
- w. John-State code by reference to it, Chap 6.8 Make it illegal to operate unlicensed vehicles on roads. Chap 11 curfew I left what the county had, it's a touchy subject.
- x. Jess I'd get rid of all of 6-11. No curfew at all. John- If you want to take it out take it out. Terry -stay, Scott- stay, Craig- stay, Jess take it out, Kael take it out. Jess let's create an exception for someone heading to work, farmers, things like that. Craig- I don't think we need to enforce this, but it gives the sheriff a tool to use.
- y. John- Public assemblies, this says you have to have a permit, bathrooms, and safety personnel. They will have to get a license if they have more than 100 people. Craig, are there exceptions for church gatherings? I've had meetings with over 200 people. John we could put an exception in there for that. Usually there is something in there for that. Jess- Why are we regulating this? Terry- I think it covers liabilities to the city. John-Someone could say that because you don't have regulations you'd be held liable. This section does not have to be in there. Jess we have big property and there are a lot of big functions here. Jess we have 3 votes to take out Chap 12 large assemblies, Jess, Scott, Kael want it removed.
- z. Jess-We'll pick this up at another meeting. We'll end on PAGE 52, Jess should we do a special session on this.
- aa. John- There is a lot you still to do, but the business licensing you'll want to talk about. It may take another. I think you need a special session to get it done.
- bb. Jess-Lets do a work meeting, then talk about it and pass it in the business meeting.

- cc. Craig- How about 5pm next Thursday with a work meeting then 7 a business meeting?
- dd. Jess-Concerning the business licenses expiring at the end of June, we won't have enough time. Will we just be accepting expired Tooele County licenses for the next 60 days. We'll operate under that.

ii. Ordinance 22-23 Financial Administration Amendment

- a. Jess-Jess reads the ordinance 22-23, this just amends our current reimbursement ordinance to reimburse employees and council members.
- b. Terry-I would like to see everything done in 2's. So there are always two eyes on every purchase including the council chair and co chair to look at it. You want to amend it so that the payment needs to be approved by another council member that is not the treasurer and the chair.
- c. Jerry- Terry's thing is that he wants both to authorize it.
- d. John-So it will be council chair AND another council member will need to approve it. John will amend it to read the Chair and another member in both places.
- e. Craig- Moves to accept the ordinance with the amendment to the document
Terry 2nds the motion
- f. **ROLL CALL VOTE Scott-Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-Yes**
- e. Economic Development (Martin/Smith)
- f. IT (Martin/Bird)
 - i. Civic Review Software for permits and licenses
 - a. Jess-This is a proposed software that Jenn has proposed to do. We got a proposal from a place called Civic Review. It's all online, all permitting applications would be done online, each person can check their status in permits, and can print their own permits when it's been approved. Jess it's beneficial to start with day 1 instead of trying to get this done later. We spoke with him and he is willing to work with us, and discounted it. It is 500 to get it set up.
 - b. Terry- Is this for GRAMA stuff?
 - c. Jess- This will do all business permits, and all other permits potentially.
 - d. Craig-We hope that the business licenses will cover this expense. Anyone can get on and apply for a license. It will email anyone who needs to do it. Plus it will do the license itself.
 - e. Jess-I think the city would move to this eventually.
 - f. John- Do they service any cities in Utah?
 - g. Craig-They service several places like Springdale, and Brigham city.
 - h. Jess-They are local and out of Logan. We pay a fixed subscription fee and then we find our own processor to handle the payment side. In terms of accounting, we'd get payments from the processor and send it to Dave.
 - i. Terry-Is this currently in the budget? Where would this come out of?
 - j. Jess- licenses and fees? Terry- Do we have it in the budget?
 - k. Jess-That's a valid question- We have money in technology
 - l. Craig- Moves and Kael 2nd's the motion to authorize the council chair to execute the contract. The voting is unanimous.
- g. Office (Martin/Bird)
 - a. Kael-I got the location of our mailbox. It will be directly across the street from the fire station. We need to find out which one we need to get.

- b. Craig-You can get one from home depot that you can slide your mail in it and you have to have a key to open it. It would fit larger packages.
- c. Kael- I think anything we need to mail we just take to the mailbox
- d. Terry- We haven't secured or paid the rent for the firestation, we need to go through people to make sure that we can pay in full. I've been in contact with the county to talk about the voter box. We are working to get that approved. Jess- When might we receive that ballot box? Terry- Tracy is working on it.
- e. Jess -What did we decide on document storage? Terry -Did we decide on a safe and a filing cabinet. Jess- I think we can wait till next time on this.

9. Council Representative Reports

- a. Terry- I did a comprehensive emergency management plan. As a city we need to set up a disaster emergency plan, like where we meet and put together a list of people that have resources that can be used in an emergency and where we can set up in a disaster. We are supposed to do what we can ourselves, then the county, then the state. The next meeting was on the 16th. That's when we will come up with an outline for a plan. There are a couple of ways to do it, it can be the council chair to be the person or appoint an emergency operations officer.
- b. Scott - We need to get a 5 member committee to work on our own personal plan here. Jess-That makes sense. Scott- So Terry and I are already on that, should we make suggestions on who we might involve? Community people, ask for volunteers to shoot us an email.
- c. Jess- We'll have Jenn get on facebook and ask for volunteers for these committees.
- d. **Jess let's go back to the city code and fee schedule. Return to that agenda item.**

10. Comments from Council Members

11. Adjournment

- a. Craig Motions to adjourn, Kael 2nds the motion, the voting is unanimous.

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

Prepared by: Jennifer Poole, Erda City Recorder

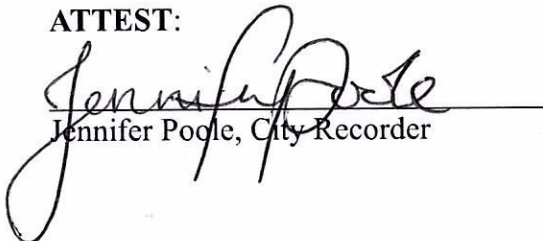
PASSED AND APPROVED by the Council this 9th day of June, 2022.

ERDA



Jess Bird, Chair

ATTEST:



Jennifer Poole, City Recorder