

Erda City Council Minutes

6/23/2022 – 7:00 pm

Tooele County Building - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8fjfnx>

1. Call to Order 7:00 pm
2. Roll Call : Terry, Jess, Craig, Scott will be there later.
3. Pledge :Jess Blrd leads the pledge.
4. Public Comment
 - a. Jess Opens the public comment,
 - b. Aubrey Smith from Erda, thanks for the jobs you do. I know the work that goes into this, the meetings and talking to people. I know the attendance wanes. I know there are big decisions coming up, subdivisions coming, the moratorium coming up. I know that's when people get nasty, rude comments, and emails. Just remember no one was here when you were making the policies and decisions. They weren't here when you were trying to work out all the bugs. Don't take their meanness too seriously.
 - c. Craig moves to close public comment, Jess 2nds, voting is unanimous.
5. Approve meeting minutes from 6-16
 - a. Jess-It was suggested that we table approving meeting minutes from 6-16, all in favor, all agree to table to the next meeting.
6. Committee Assignments Report and Discussion
 - a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry- I only wrote one check this week for \$5,100 to PSOMAS. I deposited 811.14 from building permits. I want to make everyone aware that July is going to be a bad month. Here is a list of items that are going to be paid in July. Civic Review- \$2,750, Utah Local Governments \$4,341 that's for our liability insurance and treasurer bond, Roads is \$103,441 Law Enforcement is \$132,205 for a total \$242,737.
 - b. Craig-Just for the record how much have we paid PSOMAS in total up to date.
 - c. Terry-We've paid \$24,075 I don't know if it's going to be the last one. But that 's what we've paid up to date.
 - ii. Public Hearing for FY 2023 Budget
 - a. Jess moves and Craig 2nds motion to open public hearing on 2023 City Budget.
 - b. Craig-Moves to close the public hearing comment section Terry 2nds the motion. Voting is unanimous.
 - iii. Ordinance 2022-25 - Adopting FY 2023 Budget
 - a. Craig this is something that's been out there for comment and people could look at. Put in anything we've requested and had comments. I move that we adopt the fiscal year 2023 budget.
 - b. John-You need to put in a certificated tax rate on this section.

- c. Craig- I was in the budget meeting with the county and they don't have that rate yet. We have said that we won't raise taxes and so I agree with John that we can go along with the county's certified tax rate.
- d. Jess-Can we put in something that will in a way retroactively selects the rate that they come up with?
- e. John- Yes we can put something in there that says that we will use the certificated tax rate as determined by the Tooele County assessor.
- f. Jess-I think the blank is a typo, we will strike that. Everyone okay with that? Any other questions about the budget? Let's talk about some vague numbers here. It looks like we are anticipating 1,474,00 million in revenues and our total expenditures 1,474,000 but at the very end it has a reserve of 613,545. That's a carry over because we're not expecting to collect any property taxes this year. My point is that we are well under budget, barring any unforeseen circumstances.
- g. Terry- Everything is already just an estimate as it is. What we've been paid can go up or down. They were guessing what it would have been for 6 months.
- h. Jess-Inflation is going to cause the tax rate to go up.
- i. Craig moves to adopt ordinance 22-25 as amended Terry 2nds
- j. Roll Call Vote: Terry- Yes, Jess- Yes, Craig- Yes motion carries

Land Use/Zoning (Bird/Smith)

b. Roads (Droubay/Miner)

i. Resolution 2022-24 - Erda Interlocal Agreement

- a. Jess- We have a resolution to approve the interlocal agreement for road services. This is an extension agreed upon at the beginning of the year. This is the option to take that option for the next 3 months. It will end Sept 30th, 2022. Jess reads the agreement. \$51,720 to the county for the services provided.
- b. Terry- It's a little scary that they are talking about messing with the federal fuel tax, state fuel tax. That may have an effect on what we receive. Everybody thinks it won't happen. It just makes me nervous.
- c. Craig- If the federal does this it wouldn't affect the state road funds at all. For the record, there wasn't an extension clause. It was a hard stop on the roads. The county has worked with us and extended the offer to do this. We can work with them on a long term contract.
- d. Jess-Chair moves to adopt resolution 22-24 approving the interlocal road agreement as amended. Craig 2nds the motion.
- e. Roll Call Vote- Craig-Yes, Jess-Yes, Terry-Yes Resolution passes.

c. Economic Development (Martin/Smith)

d. IT (Martin/Bird)

e. Office (Martin/Bird)

- a. Terry-Tonight the fire station is having their board meeting and should get an up or down on whether or not we can pay for a year at a time.
- b. Craig- Kael brought over the mailbox and the drill over to me. I'll get it welded up and put together. I'll brush it and paint it. I'll paint it black.
- c. Jess- I don't know exactly where it's going.
- d. Terry- Almost straight across from the Fire Department.
- e. Jess-I'll come paint where I think it should go then call blue stakes to see what is under there and it's okay.

7. Consideration of Ordinance 2022-26 - "A Codification of the General Ordinances of Erda City"

- a. Jess- Boy you'd think this place would be packed. Craig-You'd think... Jess- An ordinance adopting a compilation of ordinances. We've discussed in depth and gone page by page for the last few weeks. I want to mention that on page 105 it does mention that for the city of Erda all existing business licenses will not expire before the end of August 31, 2022.
- b. Jess- At some point soon we should go through a reformat process and get it in the google docs format so it can be made searchable. If at that time we want to renumber the chapters we could. John, what do you think?
- c. John-Renumbering the chapters is a nightmare, because you have cross references and if you accidentally miss one it's a nightmare. But we can add that it was intentionally left blank and we can state that.
- d. Craig- I move that we adopt Ordinance 22-26 Terry 2nds the motion.
- e. Roll Call Vote: Terry Miner- Yes, Jess Bird-Yes, Craig Smith-Yes

8. Consideration of Resolution 22-23 A resolution of the Erda City Council Adopting a Fee Schedule

- a. Jess-What were the issues with this one?
- b. Craig there were a couple of things to add and change in the fee schedule. I think we could adopt this fee schedule with the changes.
- c. John-We can make those changes and we need to decide what we want to do with the fire department, we will have to come back and amend the fee schedule once we get an agreement with them. Otherwise someone who wants to get a building permit will have to go to Ensign And The Fire Fire Dept. That doesn't work well. How much should we charge to collect that fee? What has Ensign told you?
- d. Craig- They have said that for the fire it will take them \$10 to collect it, give it to Terry and do a quarterly report. They think they will get 6-8 permits a month and it will allow them to process it and do their quarterly report on it. They further suggest that as a city we charge an additional \$15 to \$25 on top of that for our costs to handle the permits. Whether we want to add an additional 15 to 25 that's open up to discussion.
- e. Jess-If we charge 15 that makes it 25 admin fee.
- f. Craig- We should try to recover the costs to the city to process in time and effort the permits. I think 15 will cover it.
- g. Jess-John we have 3 head nods on the 25 dollar admin fee.
- h. Craig-We ought to change the family residence to the IBC rate and the multi family residence card file to 2 hours IBC rate to match the single family. Further down subdivision reviews wich we are allowing, I would suggest we do for a general or major subdivision and this is the recommendation from Ensign Engineering \$3,500 plus \$100 per lot, and family residential sites under an acre, it says that under an acre isn't allowed, we should scratch that line and says sites under 3 acres 2000. Conditional uses, we have one of those coming to planning and zoning next week. The county charges \$600 for a conditional use permit, zoning map amendments, and general plan amendments. They are going to change their fee schedule. I think we should up that price to \$800 for all of those permits. I have spoken with our city engineer Jake and he agrees.
- i. Jess- I have some questions about conditional uses subdivision b seems pretty stiff to me. \$3,500 plus \$100 per lot. That sounds like it could be a little stiff for someone trying to divide a family lot of 10 acres or something.
- j. Craig-This is not for minor subdivisions like that. This is for major subdivisions and general subdivisions. Minor subdivision falls under a different scale that's not in here. If

it's under 4 lots you have a new and special set of rules just for you. It's not currently in the fee schedule; we will need to add that at some point.

- k. John-I'm working on it right now, we will do a subdivision minor and a subdivision major. Does that define the term? So for a minor subdivision fee what should it be?
 - l. Craig-I'm not sure, Jess- I am not sure what type of work that entails on the engineer side of things. We need to cover that right?
 - m. Craig-Anyone who asks for a permit or review needs to pay enough to cover that permit or review. We need to find out what that is.
 - n. Jess- Would a minor subdivision review be much different than a conditional use permit review? Or a zoning map amendment.
 - o. Craig- I would guess yes that it's a little more than that. I would say minor subdivision \$2,500 and fix it later.
 - p. Jess- I'd like to see that more around \$1,000.
 - q. Scott-I have a county minor subdivision application; it's \$750 total plus \$50 for each lot.
 - r. Craig- We can't do it as cheap as them, let's do \$1,000 and \$50 per lot.
 - s. Jess-Everyone agrees on that fee for now.
 - t. Craig- Major subdivision is \$3,500 plus \$100 per lot.
 - u. Jess-Conditional use can we talk about what goes into that? I've never dealt with one. Let's say that we receive a CUP for something, we know that it starts out with Ensign Engineering and so we are paying for that process. But at that point we are at a low level, Rosanne dealing with that. Then what happens? So we keep all of that money and pay Ensign Engineering for that. They do that application. It will go to the engineer he will review if it's compliant or not then he has to come and present it to the Planning and Zoning. Jake's billable time is \$190 an hour.
 - v. Scott- Is there a reason that he has to come and do that? Can't the land owner come and present it?
 - w. Craig-The applicant has to be there also. It's like having your representative there with you. How it fits what conditions need to be put on it. The rules of what the Planning Commission can do and answer technical questions about it.
 - x. Jess- We will be reviewing the fee schedule within this first year to make sure that we aren't making any money on it.
 - y. Scott-Once they have the conditional use permit it doesn't have to be renewed or anything?
 - z. Craig-Nope.
 - aa. Jess-Anything else on the fee schedule?
 - bb. John-I'd leave the cost to amend the code blank, we don't have it yet.
 - cc. Craig-We will have that zoning map done in a couple of weeks, and as soon as we have that people can ask to amend it. \$800 is the recommendation by Jake for the rezone, the conditional use permit, and the general plan amendment.
 - dd. Jess-Everyone is okay with the \$800 fee for those permits and amendments.
 - ee. Chair moves to adopt resolution 22-23 as amended, Craig 2nds the motion.
 - ff. ROLL CALL VOTE: Scott-Yes, Craig-Yes, Jess-Yes, Terry-Yes
 - gg. Craig reviews all changes with John Brems to verify all changes were made correctly.
9. Council Representative Reports
- a. Scott-Derald was here last week and he asked who to talk to to get started on a subdivision that was approved years ago. I got a call this week, a neighbor was asking about an ADU on their property. She already has one on their property and she was under the understanding from the previous owner she could have like 4 on her property.

Jake was gunshy in telling her that she couldn't have another one. Her ADU is small and she could add on to that and keep it under the square footage. Who do we send these people to with these questions? Should they come to us?

- b. Craig-We send them to Jake. This is why we pay Jake the big money, to get thrown under the bus. He is our first line of defense.
- c. Scott-So it is Jake who we send this to, and he can call us if he needs further information.
- d. Craig-Derald had a different question about Erda Estates and Tilby Village. He wants to move those forward. Those were PUD's approved by the county then tied up in lawsuits. In my opinion, until the court allows those PUDS to move forward, we should do nothing.
- e. John-I absolutely agree, we don't know what the courts are going to say about it.
- f. Craig- If we go through and approve them now we are circumventing the courts. Until they come out of court we can do nothing. If you want to apply for a new application you can. But until the court says they are approved we can't move forward.
- g. John-I would suggest if he wants to move forward on a different basis then he is now doing then he can submit a new application and he can then he can dismiss those lawsuits. That would allow him to go forward with that new application.
- h. Scott-So who's suing who here?
- i. Craig- I think the ECA is suing them and the counties on that. We are still waiting on a decision on that.
- j. Terry-Fireworks, John can we make a policy on those?
- k. John-We can but we need the input from the fire department.
- l. Jess-The county warden is drawing a map and he wants to know what to put.
- m. Terry-If we say no for the whole area, we have to by state law come up with an area where it is permissible to do fireworks. You either do a policy or the whole thing is banned but we need to figure this out.
- n. John-If your fire guys say ban the whole city then let's do this and fight it out.
- o. Jess-If we were going to define where fireworks would be allowed. I would say the subdivision of 1 and ½ acre lots are mostly landscaped that would prevent the spread.
- p. Craig-A couple of years ago I spent my 4th of July putting out fires. We live in a rural community and we have a responsibility to our neighbors. I think we should ban all of them.
- q. Terry- Tomorrow morning I will tell the fire warden which way we were going so he can make his map.
- r. Craig-The North Tooele fire wants us to get rid of them all.
- s. Jess-I am not in favor of banning all fireworks, but I am also not taking responsibility for others' stupidity.
- t. Scott-I would say as a minimum nothing east of 36, and nothing west of Rose Springs Drive
- u. Craig--We could box it into a little section of higher density housing. There are still some risks. I could vote for an outright ban but I could compromise from 36 to Rose Springs Road.
- v. Everyone Agrees, John-I'll have an ordinance ready for the next meeting. You'll be able to tell the fire warden but it won't be binding till the meeting next week.
- w. Jess-Chair moves that they authorize the city attorney to draft an ordinance as well as notifying the county fire warden that fireworks are allowed between 36 and Rose Springs Rd with a line going north and south and banned in all other areas. And banned in all other areas. Craig 2nds the motion, voting is unanimous.

- x. John- I spoke with Zions and

10. Comments from Council Members

- a. John- I spoke with Zions and Bond Counsel on a PID, I want to establish a PID policy that requires the PID to be paid similar to an impact fee as part of a purchase price rather than something that is paid out over 10-20 years.
- b. Jess- That is my requirement, I won't push that on any other councilmen.
- c. Terry- I agree with that.
- d. Scott-I also agree on that.
- e. Craig- I think we ought to allow them to run it over a 30 year bond period.
- f. Terry-We really don't want to raise taxes especially for those on a fixed income.
- g. Craig- There are 2 ways to pay it. All up front or over the course of 30 years which will end up costing them less.
- h. Scott-So the people who buy the property will cost them less over time?
- i. Craig-It could, or it should.
- j. Jess- It gives the city more flexibility to use that PID money for things outside of the PID area. Such as a water tower is one of those things. I've gone back and forth, it doesn't sound right to me. That 10-20 year levee and tax line item just doesn't jive with me. I think it should be a 1 time impact fee repayment policy. I think that's what Erda City should be adopting at this time.
- k. Craig-When I talk with Brett Palmer from Stansbury Park, he says that impact fee's never end up covering the full cost and they are 2 million in the whole on their impact fees. Over time the price goes up before you get the money, they just don't fulfill themselves.
- l. Jess- It's the PIDS boards job to get that right.
- m. John- It's not an impact fee, it's paid at the same time as an impact fee and paid at the building permit.
- n. Scott-If we adopt a policy now, does this mean this is how these PID's will always be run?
- o. John-We can change the policy.
- p. Craig-I would say that the policy should have both options in it. Then we can adopt things as we go.
- q. Jess- If we have it as an option the limited option will never be chosen because of all of the benefits and flexibility that the 30 year option gives them.
- r. Craig- Well it's only what the city approves. The 30 year bond rate is much cheaper than a 30 year mortgage. I'm not opposed to it, but I am a minority voice tonight.
- s. Scott-So we're talking about the PID because of Oquirrh Point.
- t. Jess-But we are also setting a precedent and a policy.
- u. Craig- Oquirrh Point wants a PID but they can't do it till we have a policy in place.
- v. Scott- We are willing to accept it if it's paid up front, I guess that's got me leaning that way about Oquirrh Point. I'm worried that down the road it could get out of hand.
- w. Jess-John We have 3 head nods about doing PIDs if all paid up front.
- x. John-I want to talk more but not in a public meeting.

11. Adjournment

- a. Craig moves to adjourn the meeting, Terry 2nds the motion. Voting unanimous.

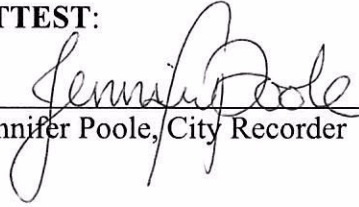
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Council this 30th day of June, 2022.

ERDA

ATTEST:



Jennifer Poole, City Recorder



Jess Bird, Chair