

Erda City Council Minutes

9/8/2022 – 7:00 pm

Tooele County Building - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8fifnx>

1. Call to Order 7:01 PM
2. Roll Call
 - a. Terry Miner, Kael Martin, Jess Bird, Craig Smith, Scott Droubay
 - b. Jennifer Poole-City Recorder, John Brems-City Attorney Via Zoom
3. Pledge
 - a. Jess led pledge of allegiance
4. Public Comment
 - a. Craig moves to close public comment, Jess 2nds the motion
 - b. Voting was unanimous to close public comment
5. Approve meeting minutes from 8-25-22
 - a. Jess-Moves to approve meeting minutes from 8-25-22, Kael 2nds the motion.
 - b. Voting was unanimous to approve the meeting minutes from 8-25-22
6. Sheriff's Report
 - a. Sheriff Wimmer- July statistics,(he clarified later this was actually August's statistics) you took a bit of a dip. You usually have 80 but you had only 70 this month. The most significant incident was the person who pointed a gun at people. He was taken into custody and put where he belonged. That was really the only noteworthy incident.
 - b. Kael-Any more problems with the boys home on brookeville?
 - c. Sheriff- Not that has been significant. The problems that exist there are usually minor but occasionally there are more serious things that we need to intervene on.
7. Disaster Mitigation Committee Report
 - a. Terry- I got an electronic copy of the handout and sent it to those on the committee. Do you guys want a copy?
 - b. Scott- We contacted the church farm about using that property there, it's got 3 different barns. We were hoping to use that area as a disaster staging area for the community. They are on board with doing that. They are looking forward to seeing what we have planned there. They do want a copy of our liability insurance. They were perfectly willing to help us however we might need to use that property.
 - c. Terry-In the land use it covered a couple of things but there are a few others that are still missing. The purpose of having the comprehensive plan is so we can get funds to help when we need it. They are supposed to send us a ranking of items that we are most in danger of. When they do that we can move on from there with the plan.
8. Committee Assignments Report and Discussion
 - a. Finance (Miner/Droubay)
 - i. Treasurer Report

- a. Terry- We had our accountant request to go to a monthly payment system. He sent a contract for \$750 a month and to no longer do hourly. And \$3,000 for the audit.
- b. Jess- I understand that the contract would be 12k a year and then anything else over and above what's in the contract we pay \$85 an hour.
- c. Terry-I have no problem with taking this contract. I would say we go with it.
- d. Terry-Made a motion to authorize the chair to approve that contract for another year at \$750/month for the accountant.
- e. Voting was unanimous to approve the contract for the accountant.
- f. Terry- I deposited \$353.50 into checking for building permits, we received \$1,510 in business license monies, we also received \$31.86 in interest. In our PTIF account our reinvestment deposit was \$848.81 then we finally received our road funds for May and June in the amount of \$63,781.83. I wrote 3 checks, one was the clerk's salary for \$764.57, legal fees to John of \$5,000, and \$450 for the accountant. I paid \$250 on the credit card for the conference. We had another purchase on the credit card of \$1,389.69. We bought the office safe, and Jenn just bought stamps.
- g. Craig- Have we been receiving any sales tax into our PTIF account.
- h. Terry- Yes, I think I recorded it last time, it was like \$6,545.15 and also , 642.15 from T and L which I think is the transit tax.
- i. Jess- Sales tax was \$6,000?
- j. Terry -It doesn't really specify what those sales taxes are from. The business license money should start tapering off.
- k. Jess- I've been told that we had gotten an incomplete list that was missing about 75 names. So Jenn is going to work on those.
- l. Terry-I think we need to look at getting our own audio and visual equipment to do our own meetings. Just in case.
- m. Jess- I have searched high and low and they don't make sound systems like this anymore. But we should have a back up.
- n. Kael- How much is in the IT budget?
- o. Terry-\$8,000 or close to it.
- p. Jess-I was told that we have covered the cost of the business license software, at least for this year. This software does give us other benefits. It is handling our complaints, and we received our first one.
- q. Jess-We did receive our first complaint today; it's about Excelsior and the traffic that is there. They think we should have a sheriff presence. I don't think we are to that point, but we do need to come up with a more long term solution.
- r. Scott- I was talking and it was mentioned that we should make that a school zone there. To help slow down the traffic in the area. Maybe John can tell us what we need to do for that.
- s. Sheriff-Usually you need a traffic study to get the information and see if it meets the criteria.
- t. Scott-Is this a state or county issue?
- u. Sheriff- Usually it's a county issue.

- v. Terry-Jenn is there a way if I send you the treasurer report you can get that up on the website?
 - w. Jenn-We will have to send it onto Geoffery to get it uploaded. We are working on getting trained on how to do that.
- b. Land Use/Zoning (Bird/Smith)
 - i. Proposed Land Use Ordinance and Map(Annexation Policy)
 - a. Public Comment Currently Open
 - a. Terry- I think we have some things that still need to be changed.
 - b. Craig- There has only been 1 draft of the annexation policy. We've changed the map a lot but nothing on the policy itself.
 - c. Terry- I noticed on 1 that we lost the illustration and that some of the tables were not lining up and some of the wording needs to be fixed.
 - d. Craig-What page in the policy is it that you are looking at?
 - e. Terry-It's the one with the exploding targets.
 - f. Craig- This is the annexation policy, that is land use. I think you are in the wrong document. I think it was listed wrong on the agenda.
 - g. Terry-Did we get people from the Clegg 90 area?
 - h. Craig-We had multiple people from there to ask to be included in the area. It will be a few hundred more dollars to have PSOMAS to make the final map. I know we needed to take out Mr. Robinsons land. I think in the last meeting we agreed to bring the Clegg 90 in. I think we could adopt this.
 - i. Kael-Do you know the owner of the Holiday Oil over there?
 - j. Craig-I don't know them personally I do know that it's 2 brothers who own and run the place.
 - k. Kael-I think they should be included in the area if the Clegg 90 decides to annex into Erda.
 - l. Jess- John are there any significant changes to the last draft?
 - m. John-No it's similar.
 - n. Craig-We need to decide and list line by line what is in and what is out and then vote on it.
 - o. Terry-Didn't we just want to remove all of Mr.Robinsons land that was still included, and add in the Clegg 90 area. Wasn't that all we wanted to do?
 - p. Jess-Yes
 - q. Craig- I move we close the public hearing on the Annexation Policy and Map, Kael 2nds the motion to close the public hearing.
 - r. Voting was unanimous to close the public hearing.
 - s. John-There are 2 ways to do this. You have the map in front of you, you can make those changes or you can direct those changes to be made and then be brought back.
 - t. Craig-I think we can make those changes tonight and vote on it. On the map the parcel of Chris Robinson is the north east corner, the Clegg 90 is that little peninsula on Bates Canyon Rd. John, is there a resolution on this yet?
 - u. John-Not yet
 - v. Craig-I think our best bet is to have the map fixed and the resolution drawn up and then have this for approval at our next meeting. I will give this amended map to Chris to have it ready for our next meeting.
 - w. Jess-Chair moves to table the Annexation Policy till the next meeting.

ii. Consideration of Resolution 22-18 Approving a Policy statement for establishing Public Infrastructure Districts. (PID)

- a. Jess- With the amendments John has in there I am all for it. To summarize the changes: For Residential PID no MIL levee's are allowed. There will be no such restriction on commercial properties.
- b. Scott- Wasn't there a discussion on that if we don't have a MIL levee, then a PID won't be an option?
- c. Craig- If you have a PID that doesn't have a MIL levee you essentially don't have PIDs. The bonding people won't issue funds solely on this system. They want the funding over the next 30 years. If we put in there you can't have a MIL levee then a bonding agent won't issue bonds solely on fee based.
- d. Scott-Marcus would be happy to come out and discuss it again.
- e. Craig-I know there has been a lot of discussion about the hidden tax, the 2nd or 3rd buyer won't even know it's there. I know in purchases of properties there are disclosures that are required in every sale.
- f. John-I don't know, we should ask Zion's and see what that would do for development with no MIL levees.
- g. Scott-I would like to know the answer to this. If Zion's can't make it clear or be fair, who can we talk to about it?
- h. Jess- I don't think
- i. Craig- From what I've been told, from the many meetings I've been to, is that if there is no MIL levee then it won't happen. I'd be happy to have a MIL levee low enough to be possible. Also with the way this is written, I think it could be exploited. They could have a 10 MIL levee on it. Oquirrh Point isn't solely for residential purposes, it also has commercial. So they could base that levee on the commercial portion.
- j. John-I think that Oquirrh Point would have to divide up their PID requests.
- k. Jess-John let's revise that policy to say mixed residential can apply separately. I don't want to have those loopholes.
- l. Craig-How do you separate this? Let's take Oquirrh Point, when they put in sewer and water, in that area is that for commercial or the residential? When they put in 33rd is that for the commercial or the residential? How do you split that?
- m. Terry-On this policy there are a few blanks that we need to fill in? Who do these applications go to?
- n. John-If it's a formal request it should go to the city recorder or attorney.
- o. Craig-Moves to table 22-18 till they can get further information on this. Scott 2nds the motion
- p. Roll Call Vote -Scott-Yes, Craig-Yes, Jess-No, Kael-No, Terry-No**
- q. MOTION FAILS**
- r. Jess-I am not ready to vote on this until there are further amendments on this.
- s. John-I think we can legally make these questions, but the question is will anyone want to buy it with those changes.
- t. Jess-Moves to table this 22-18 till next meeting, Scott 2nds the motion to table this resolution.
- u. Roll Call Scott-Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-No**
- v. MOTION PASSES, to table this resolution.**
 - c. Roads (Droubay/Miner)
 - a. Terry-We could put up no U turn signs on the road by Excelsior.
 - b. Jess-Imagine living down Liddell, they take up a quarter of a mile. You're stuck there for 20 min.

- c. Kael-I was driving down there once and it was so crowded that I couldn't even get passed.
- d. Jess- I see the need for a school zone, but this won't solve the traffic problem.
- e. Terry-So should we have the county come do a traffic survey and see what they want to do about it. There isn't any foot traffic at all, it's all cars.
- f. Jess-I know they have a system that worked pretty well, but it's still too crowded.
- g. Craig- I think we can do a few things like no U turns. Also the school has people out there directing the traffic.
- h. Jess-That doesn't solve the amount of traffic.
- i. Craig-Let's look to the county to see what suggestions they might have for that.
- j. Jess-Does someone on the roads committee want to call and talk to them.
- k. Scott- I will call and talk to them.
- l. Jess- My thought is if people are doing U turns, then we should try to accommodate the need for why people are making U turns.
- m. Kael-Should we have the roads meet with the county and then have a meeting with Excelsior to try and get these issues resolved.

9. Council Representative Reports

- a. Craig-We did have 1 thing come up. The question has come up from Ensign about agriculture permits. There is a very reduced fee, and according to state code there is no engineering required. Ensign got an agriculture request and they want to know what we want them to do. The state code says you have to be 5 acres or if in a city 2 acres and it has to be an agricultural use. Ensign wants to know what we want them to do. A site plan is still required, but they are asking if we want to require engineering.
- b. Terry-Isn't that in the code that we passed?
- c. Craig- Ensign is asking if we want to require any engineering.
- d. Jess- I like the status quo, if that's what the state says I'm okay with that.
- e. Scott-That's worked out for me a few times.
- f. Craig-Just to be open, I am the one who submitted the agricultural permit to Ensign.
- g. Scott- I know of a neighbor that wanted to put up an agricultural building, they submitted the plans to Ensign. They weren't sufficient. So they declared it to be an agricultural building and they parked their cars in that. What do we do when people misuse this? I think with an agricultural building there can be no required engineering but how do we keep out abuse? I am in favor of leaving the statute the way it is.
- h. **3 City Council members agree with keeping agricultural building permits and requirements the same as the state statutes.**

10. Comments from Council Members

11. Tooele County Interlocal Agreement Discussion

- a. Jess-Let's discuss this interlocal agreement.
- b. Terry-John, have you done an RFP for snow removal?
- c. John-Not yet.
- d. Terry-Do we have a copy of what Tooele County is proposing for the next agreement?
- e. Jess- No they haven't passed anything yet, and they won't till September 27, so we will probably need an emergency meeting after that date to discuss it.
- f. Craig- I went to the county council meeting on Tuesday night where they discussed it. There were only 3 commissioners so no one knows what the final looks like. There was little discussion on the roads. They felt that if they collected all the money from the roads they would do those services till 2025. The payment of \$424,000 didn't sound like

that had a lot of support. But that will largely depend on what those other commissioners have to say.

- g. Scott- I spoke with Ty Hoffman today and he doesn't think that's going to go through. I am in favor of not having it go through and looking around.
- h. Craig-There was no fee in the original contract but I'm sure that would change.
- i. Terry-These contracts make it sound like we aren't paying our share.
- j. Craig-There are some on the council that don't think we are paying our way.
- k. Terry- We are paying over \$200,000 for that Sheriff's thing. I mean that's paying for something. They got money from those TARPA funds.
- l. Craig-That was from COVID expenses that they are being refunded.
- m. Terry-I don't understand why they think they are giving us a hand out.
- n. Craig-They say they are doing these contracts at a loss. The auditor has sent us an audit that it was \$232,000 a year on average for the last 6 years to police the Erda area specifically.
- o. Terry- I think we should use the cost of living allowance to project the future costs on those contracts.
- p. Terry-My greatest concern is that we just don't have the money to pay for those services. We only have an estimate of how much money the City will have or bring in with taxes. We don't actually know how much money we are actually going to be able to work with. I want to be careful on these contracts and spending.
- q. Craig- The estimate I have from Travis Romney to have our own police is, the start up cost 103k in year 1 to start up and he's missing a few items, Salaries: was \$126,000 for a marshall and 1 officer for the year.
- r. Jess-The reality is we might have to look into this. We might not even be offered the option for services. My goal is to come up with some sort of agreement with the county. If it's 6 months or 2 years I'd like to see something. I'd do 2 more years for a good price. Or at least give us the time to find a good plan B.
- s. Craig- The truth of it is, they are spending that much money to police Erda. It will cost them less if they don't have to service us.
- t. Terry- So in Rush Valley they pay for the 911 calls and if they have to have an on-call officer they pay them double time.
- u. Jess-So that was an interlocal agreement they have with them?
- v. Terry-Yes.
- w. John-I just got a proposal from Collin at the county in the last hour. This is what he is going to present to the County Council. \$63,000 a quarter till the end of this year then \$68,000 a quarter till the end of 2023.
- x. Craig- 272,000 for policing for the year is a bargain for those services.
- y. Terry-This doesn't seem to be much different from what they've already proposed.
- z. Craig-There are a few things that needed to be determined like if they will be offering services past this year, and what it could be in the future with the cost of living expenses. In the county council meeting I requested they make the cancellation of a policy at least a 6 month cancellation deal, to provide protection for both sides.
- aa. John-That seems completely rational. We'll see if they respond to that. They also added an extraordinary event provision, terrorism, flood, ect we'll have to come up with an amount to agree upon.
- bb. Craig- I don't love that, but I can live with that.
- cc. Terry-If we pay quarterly I think we can work with that on our budgeting.

- dd. John-Option A has an amount in Oct 1-Dec31 and another row Jan1-Dec31 for the calendar year. The other option is Oct-Dec31, and Jan-June23. There is no difference in the numbers so I'm not sure what that is.
- ee. Craig-The long and short of this is, we won't know what they will offer until their meeting. We will need to hold a special meeting to either approve this or not. Their meeting is on the 27th at 7pm.
- ff. Jess- So if we plan a meeting at 8:30 that night to talk about this?
- gg. Craig-I think we need to try to work on these sooner and send these items to them and not wait for them to send us these things.
- hh. Scott- I don't entirely agree with their accounting that we aren't paying for what we're receiving. I think we are paying for what we receive. I think we receive really good service from them. I think we would be putting ourselves at risk, if we don't accept something that's reasonable. We can't get an RFP sent out then cancel the RFP then we'll get a reputation. Once we do find out what the City will be getting in a year's time we'll have a better idea of what we can actually do.
- ii. Terry-We don't have a steady stream of funds and we got those funds several months late.
- jj. Scott- I think once we know what we will be getting in funds then we can move forward, and save money where we can for the future if we need it.
- kk. Craig-I feel like we are paying our share, based on what the auditor says it costs to police Erda. But there are other items that the county does have cover like search and rescue, and when they are called out to places with no tax base. Just for comparison I talked with the Sheriff at Unified and they estimated \$900,000 for the year. So that makes it seem like a good deal.
- ll. Terry-Well like I said, the Marshall idea where we pay the \$70,000 salary and the benefits. It would fit within our budget.
- mm. Craig-You'd be surprised, it'll come out much closer to that \$275,000 than you think.
- nn. Terry-So we'll get hours to figure out if we want to accept what they may send us?
- oo. Jess-That could be what happens.
- pp. John- I can try to get you a contract of an idea of what they would be sending you.
- qq. Jess-I have 1 last thing. It's possible that some of the sponsors and the next elected officials of Lake Point would like to come and do a Qand A at our meeting. They want to try and learn from us and try to get some information and see what we've done. I think it would be good for the two cities to talk.

12. Adjournment

- a. Craig-moves to adjourn the meeting, Kael 2nds the motion to adjourn the meeting.
- b. Voting is unanimous to adjourn the meeting

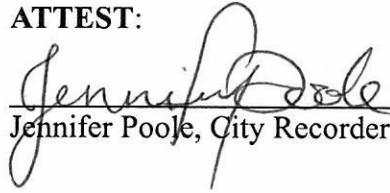
Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Jennifer Poole, Erda City Recorder

PASSED AND APPROVED by the Council this 22nd day of September, 2022.

ERDA

ATTEST:


Jennifer Poole, City Recorder


Jess Bird, Chair