

Erda City Council Minutes

11/10/2022 – 7:00 pm

Tooele County Building - Auditorium

1. Call to Order 7:02pm
2. Roll Call
 - a. Jess Blrd, Craig Smith, Terry Miner, Kael Martin, Scott Droubay
 - b. John Brems-City Attorney, Jennifer Poole- City Recorder
3. Pledge
 - a. Kael Martin led the pledge of allegiance.
4. Public Comment
 - a. There was no public comment made
 - b. Craig moved to close public comment, Kael seconded the motion
 - c. Voting was unanimous to close public comment
5. Approve meeting minutes from 10-27-22
 - a. Jess-moved to approve the minutes from 10-27-22, Scott seconded the motion.
 - b. Voting was unanimous to approve the meeting minutes from 10-27-22
6. Sheriff's Report
 - a. No representative was present to give a report.
7. North Tooele Fire District Report
 - a. Buck Peck- We received 10 calls in Erda last month and we participated in Chipper days. We rented a grinder to grind up broken trees, we did dumpster days as well for the same reason. We also participated in trunk or treat and the Erda station division of air quality is expanding onto our property. We have in the south west corner an air quality station. It gives us our index on when it is good to have a burn day. The state division of air quality requires that the clarity index be over 500 ft, it's cool, you can see it if you stand back.
 - b. Jess- Where do the wood chips from chipper days go?
 - c. Buck- Some people wanted to keep their own, there is a bundh left over in the parking lot in the Stansbury fire station. I'm sure if you wanted some we could get you some.
 - d. Jess - I'll be sure to come by and grab some.
8. Committee Assignments Report and Discussion
 - a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry- Deposits made into the checking account were \$780.25 for building permits, \$210 for business licenses, and \$27.80 in interest. Our expenditures were: \$750 for accounting, \$5,000 for legal, Ensign Engineering \$19,527.50, North Tooele Fire District impact fee for homes \$1,676.79, clerk salary \$887.28, State tax \$50, and \$311.54 in federal tax that go along with the clerks salary for a total of \$28,203.11. Then I got an email from our accountant. The final draft of the financial report with no finding is on its way.

- b. John- We received a proposal from Tooele County for services. Terry and Craig formed a committee to work out a response and I wanted to make sure you were okay with it. Roads they had a provision in there of "or could be received" We will update that language to all the B & C road funds, then Police services, they've proposed a formula and it turns out to be for Oct-Dec for 72k then for the next 18 months 85k a quarter. It's a formula that allocates approx 70% of the municipal fund is to allocated. We want to send back a proposal for 2023 that 65% of the municipal funds collected in Erda plus a 12.5 % administration fee. It works out to approx be 77k a quarter for sheriff services. We want to add a provision to reconcile all funds, we may have been shorted on property taxes, sales tax is going to be impossible to determine as the state does it. So we need to make a decision on our next step. We've been told that by the end of June 2024 they will not do any of those services anymore.
- c. Scott- What is the municipal service tax?
- d. John- When the county levees a tax for municipal services within the Erda area prior to our incorporation. So whatever was collected there for that municipal service needs to be sent to us. We are collecting our own tax now.
- e. Craig- Historically the municipal service fund was 60% percent of the Sheriff's budget and then the 40% from the general fund. They are now asking for 70% we want to send it back and say 65% is a more appropriate amount.
- f. Scott- They based that on a per capita basis? They came up with a formula on how much they need from us for this?
- g. Craig- I was looking at the formula, it essentially came up the same. It was more complicated but it mostly came up the same. There wasn't a good easy way to define. If you are further out it takes longer but we are centrally located. It did just seem to follow the county's method they've put together. Based on our call and call volume that 65% is probably more appropriate.
- h. John- It ends up being close to 77k a quarter for the year.
- i. Scott- So it's close to 350 a year for sheriff and dispatch.
- j. Terry- We need 3 people to give us a head nod to give a go ahead on this contract.
- k. Kael- If this doesn't happen what's the state law on this?
- l. John- The sheriff must respond to emergencies. But non emergencies they do not respond.
- m. Kael- I am saying we shouldn't allow ourselves to get pinned in a corner. I think we might want to look into other options.
- n. Scott- I think we need to have a sheriff department and pay them what it's worth. I don't know if in the next 18 months there will be any changes. But we need to convince Tooele County that continuing to service those towns is really in their best interest. If we only have a 2 man police force we are not going to have many experts. It benefits us all to keep working together.
- o. Terry- It would be nice to have those services

- p. John- Nobody is concerned about the quality of service, it's all about the cost. I've worked with other cities and in the end all 3 of those other cities have formed their own police force. Everybody likes the service provided but can you afford it?
- q. Scott- My preference is go ahead with the county but start looking at what it's gonna take to start our own force. I'm in favor of sending that proposal.
- r. Craig- I am in favor of sending this proposal back
- s. Terry- I am in favor of this too.
- t. Kael- I am in favor of this, but as time goes on we should look into our police force. I think it's in the county's best interest so they don't
- u. Jess- It doesn't make any sense to break Erda's bank to afford Tooele County service while simultaneously setting up our own police force. If that is what they want us to do. I would like some help in doing that.
- v. John- I can't understand why the county is wanting to do this. They cut off their nose to spite their face. It's gonna make them have to cut officers out.
- w. Scott- What was our garbage contract?
- x. Terry- It was 7 years.
- y. Craig- There was 5.5 years left on that contract that we are committed to having to live it out.
- z. Scott- Doesn't that make them 100k a year on that?
- aa. Jess- I felt that was a good will on our part.

b. Land Use/Zoning (Bird/Smith)

- i. Proposed Ordinance 22-35 REZONE OF PROPERTY LOCATED AT APPROXIMATELY 524 BRYAN ROAD, ERDA UTAH MORE PARTICULARLY DESCRIBED AS LOT 3 PAINTED ACRES SUBDIVISION, TOOELE COUNTY FROM RR-5 (RURAL RESIDENTIAL 5 ACRE MINIMUM) TO RR-1 (RURAL RESIDENTIAL 1 ACRE MINIMUM) WITH CONDITIONS Paul Kunz rezone application (REZ 01-2022)
 - a. Open Public Hearing
 - b. Jess motioned to open the hearing, Scott seconded the motion to open the hearing.
 - c. Voting was unanimous to open the public hearing.
 - d. Buck Peck- Is this the area that is going to be on the east side of 36 and south of Bryan Rd, I don't believe that there is any water to those back lots that have been proposed. That is something that will need to be considered and looked into.
 - e. Craig moved to close public comment, Scott seconded the motion.
 - f. Voting was unanimous to close the public hearing.
 - g. Close Public Hearing
 - h. Paul- I asked Jess to pull up this interactive map from the county. I've done some density studies and this fits the better density of that area.
 - i. Cory- I want to apology to the applicant and his wife. I could have done a better job 2 weeks ago in explaining the planning commission decisions. I have a few points and questions for the council. This is the general plan. Some of us have it in our mind the line down Droubay east of

Droubay is low density and west of Droubay is medium. His application is west of Droubay Rd, but east of 36. The taxpayers pay 25k to have this general plan done. Everyone voted on it, it passed unanimously. This is what we all have decided what the city will look like in 25 years. We should use the general plan when making the land use decisions. It's about the planning commission, these rezones come through us before it goes to the city council. It was passed unanimously, to my knowledge no one reached out and asked any questions or sent questions to us about what we should be looking at or why we didn't look at something. I feel that when it passes unanimously that should be taken into consideration.

- j. Terry- So you are saying that you have the sole authority, so if you decide yes we just have to go along with it.
- k. Cory- No, just that we would like more feedback, or better understanding of why it's being going against. Just to have better input. You are the elected ones and can do what you want.
- l. Craig- I've been on a planning commission before and sent recommendations to the county, and it's been significantly changed or denied. Sometimes it really made me scratch my head. But different people see things differently.
- m. Scott- Maybe we need to have a coordination meeting, Maybe the city council and planning commission in some sort of a meeting to understand each other's perspectives are a little bit better. That way we'd understand what you're looking at and what we're looking at. Like how do we define medium density?
- n. Cory- That's a good question, I think it was left ambiguous on purpose.
- o. Scott- So if your council and our council have a meeting on what that "medium" means.
- p. Cory- I think it's great to get on the same page. If we give you something and you reject it, that's fine. We'd just like to be a little more in line. I would also like to understand what the council sees as an appropriate rezone? The Fackler and the Kunz seemed really similar to me. So I didn't understand why this was initially rejected. So if the council's direction is, there is something different then let's sit down and talk about what constitutes a good one.
- q. Craig- These two bodies look at things differently and that last rezone did pass with conditions.
- r. Cory- We approved 2 developments up north on Bates and Droubay. It is 1 acre lots. We need to be careful about not making a monopoly for developers. Are we going to make it so it is only for the people who have lots of lots to develop land or include those that just have 3-4 lots. I don't love how this rezone looks. But I realize the role of governments is to protect individuals property rights. He can only put so many houses on there anyway.
- s. Jess- Do you feel like the general plan guides the Planning Commission's decisions?
- t. Cory- Yes the general plan is a part of many discussions.
- u. Terry- So what is your idea of what medium intensity?

- v. Cory- In our minds it is 1 acre lots.
- w. Jess- What chopped me 2 weeks ago, It seemed to me that Oquirrh Point is high intensity and that 1 acre lots for medium is a given and low is 5 acre and above. At least that is one man's position.
- x. Craig- A note of clarification the first time this came to you it was tabled for a concept plan, he provided it then, it was approved.
- y. Kael- I agree with you on a lot of things. What worries me is with all of these little developments it will create a lot of random things everywhere.
- z. Craig- I agree with you on this, Larger rezones are easier and will be better planned. The smaller ones make things more hodge podge. If you want to put a buffer between the larger lots and the commercial along the highway. If we do the rezone now it'll make it very hard to go denser later. Just because the way houses will fit. Paul's lot is just shy of 10 acres. If we want to protect the area of larger lots to the east it's better to do so now. My condition is that it follows that concept plan and the access road is on the west side. I'd be okay with putting those conditions on this, as long as the access road is on the west side. That is what they forwarded to us, with the concept plan. I would just put in the conditions that it follows the concept plan and I could support it.
- aa. Scott- The big difference from your committee and ours is we answer to those that elected us and we have a duty to represent those who elected us. One of the chief reasons we are an incorporated city now. Is that almost anything that wanted to be planned in Erda could be planned in Erda. That 's why we have Oquirrh Point and a medical center. The people of Erda had no voice. We felt like we had no voice that was a chief reason we incorporated. When you set some of those things aside a 1 acre lot in Erda is pretty medium. It is medium intensity but it has a tendency to push us to more than medium. Those areas that are now designated as 1 acre lots don't want that type of intensity creeping everywhere else in the city. That strip along the hwy is medium intensity. I wouldn't say that's a medium we have 5 acre lots and larger. 1 acre seems like that's on the small end of intensity. We made this compromise with the Lawsons to have the 2 homes on their 5 acres. We offered to give him 4 homes on 9 acres. I feel we are following the same pattern as the Lawsons if we stick with 4 homes on the 9 acres. I'm still where we were 2 weeks ago.
- bb. Cory- Maybe one of the things is we can amend the general plan and we could define what those intensities are so we can know what to do moving forward.
- cc. Kael- I have a hard time doing a rezone piece by piece like this. I think if it's done in larger chunks that there will be better development there.
- dd. Scott-We have some good projects that are going to be of benefit. We have Oquirrh Point and the medical center. I think those will be good assets to Erda City. I don't know that we want to start pulling up homes and putting business on hwy 36.
- ee. Paul- If my house wasn't there it'd be 9 acres. 5 lots on 9 acres is almost a 2 acre a piece. Which is close to the same density across the street. I

am a little open to a zoning condition to a maximum number of lots. An RR1 would allow you to do a lot more. I don't think it's an unreasonable thing, just because you don't want it. It kinda violates my personal property rights just because you don't want it.

ff. Jess- Everyone of our ordinances go on the website whether passed or not, for public information. Maybe at this time we could discuss possible conditions and get 3 head nods on possible conditions. Craig mentioned some zoning conditions and I'd be in favor of those.

gg. Craig- I look at it having a total of 5 lots and keep the road on the west side. WITH THOSE 2 simple conditions it changes his side of the road a little bit but it blends into skyline drive very well. It's an open field there now, but there are already 4 lots there and it will keep changing and it's not what I would want for the periphery but I don't own it either. 5 lots and the road will be on the west side. If he sells it to someone else it doesn't change.

hh. Jess- Would there be support for that condition?

ii. **Craig- Propose to adopt 22-35 rezoning the property; lot 3 of painted acres from RR5 to RR1 with the condition that access road be on the west side and no more than 5 lots be allowed. Jess seconded the motion.**

jj. Kael- Can he put an ADU on this? Can we add that in as a condition?

kk. Craig- We only gave them 2 houses total. And I was against that. If you have a 1 acre lot you could probably have an ADU. If we do a lot of conditions it could become a problem.

II. ROLL CALL VOTE: Scott- No, Kael- Yes, Jess -Yes, Craig-Yes, Terry-No

mm. Ordinance 22-35 PASSED WITH Conditions.

9. Disaster Mitigation Committee Report

- a. Terry- I got an email from Bucky. He has the final plan down and wants to meet next week. We told him when we are available and we will be setting up a time. We did do the committee and they came up with some things and this will be the final of that.

10. Council Representative Reports

- a. Craig- We received from Oquirrh Point an MDA they want to transfer it to another entity who is buying it. We voted already to let the chairman sign the assignment of the MDA. They also sent a conversation about an easement to us. We will have the attorney review and have that on the agenda for the next meeting.
- b. Jess- It's 17 acres for that easement?
- c. Derald- Oquirrh Point requires 90 acres open total. The Geraldine Sagers trust is 36 acres and that would be included in the 90 acres of open space so basically an AG preservation for open space. The process of selling Oquirrh Point will go in steps, we are putting the preservation of those 17 acres and providing that to the buyers, the rest of that parcel will also have the preservation easements put on it. Per the first amendment with Erda City all of those 36 acres will end up as open space. We have the 2nd Amendment. It was a little wording change. I need to get that recorded, we took a while to get to this even derelict on my end getting that done. The county has updated parcel numbers and the parcel numbers are no longer valid. She said that the parcel numbers need to be

updated before it can be recorded. It's under Exhibit A, I can update exhibit A with the correct parcel numbers.

- d. John- I would say just update exhibit A and get it recorded.
- e. Derald- I'll do that as long as the county recorder will accept that. You've received 2 things: 1 from Joe and 1 from Checketts, our attorney. Our attorney is working with the buyer attorney. I am guessing it's just a few minor word changes. Just send the last email to John and it will have the correct info.

11. Comments from Council Members

- a. Terry- I think with the crystal ball we are getting. We need to get our own equipment for our meeting and start doing our meetings at the fire station. If the new law enforcement gets approved I'll have to amend the budget because it's not approved. I went from what we had previously paid. The budget needs to be amended, so be thinking about what else we might need to be doing. Like adding to the IT budget. We already got our property tax monies, so all we are going to be getting is sales tax from here on out.
- b. Jess- If we need to amend the budget we will work with the guy on that. But look to the future and see if we are balanced. I think this meeting tech sounds very expensive to me. We would like to have them come and do a brief presentation. We would probably need 8-9 units. If it's okay with you we'll have him over at our next meeting. I don't want to meet on Thanksgiving, if the county accepts our counter then great. If they don't then we need to have an emergency meeting. But our next official meeting will be on Dec 8th.
- c. Craig- We may have to do an emergency meeting on the 29th or 30 depending on what happens with the county. Let's figure the 30th if we need to.
- d. Kael- I'm still not in favor of that rezone. That property right is a negative right and I don't feel like it will affect anyone around him. Even if I don't agree I think it's his right.

12. Adjournment

- a. Jess moved to adjourn the meeting, Terry seconded the motion
- b. Voting was 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 8th day of December, 2022.

ERDA



Jess Bird, Chair

ATTEST:



Jennifer Poole, City Recorder