**EUREKA CITY COUNCIL MEETING**

**MINUTES**

**NOVEMBER 10, 2015 5:00 P.M.**

**PLEDGE OF ALLEGIANCE:**

Mayor Nick Castleton opened the meeting and led everyone in the Pledge of Allegiance.

**ROLL CALL:**

Donna Robinson, Brian Underwood, Ned Allinson, Nick Castleton, Hortt Carter, Judy Jones

**APPROVAL OF THE MINUTES:**

September’s minutes were reviewed and Council member Hortt Carter made a motion to approve September’s minutes. Council member Donna Robinson seconded. All in favor.

**TREASURE’S REPORT:**

Council member Brian Underwood made a motion to approve and Council member Hortt Carter seconded. Ned had a question under the Memorial Building it is listed utilities, electricity, and heating. Is the utility for the water and sewer? Patricia said no, it is for the phone. We have not yet started to bill for water and sewer yet until we get the new system in place. All in favor.

**CLAIMS AGAINST THE CITY:**

Hortt asked what the Miranda Wood property is. It is where the Caboose sits. Patricia doesn’t know how to contact the family. It was supposed to be the Historical Society’s responsibility to get it either in their name or in the City’s name. If someone wants to see how to get it into the cities name since we already pay for the taxes. Nick said he will check with Historical Society which is Lloyd Conder. Brian asked if we were all done with Century Equipment. Patricia said yes, but the payment was late and so we were charged a $13.00 late fee. She didn’t think it was late since she paid it with the rest and they said that was what was left. Brian made a motion to have the warrants be drawn and the bills paid. Ned had a question about Mountain Land Supply Company. He wanted to know if the city was buying these plumbing supplies and what they were used for. Patricia said that some have been used for cities building and one was actually for someone who needed parts, they did come in and pay. Ned seconded. All in favor.

**REPORT OF COMMITTIES:**

Street lights – Nick talked to Bernie today. They replaced all the street lights that needed done and installed the light at the end of Leadville. It seems to be working fine. He talked to Black & McDonald (subcontractors) and they said there were no wires going to the light up by the elementary school by Church. Bernie will take to them about getting a light in by T Street. He thinks there shouldn’t be any cost to the city. Bernie said he will get back to Nick as soon as possible.

All fencing is in at the cemetery and Judy said that she asked for a report of what it costs so we can pay Teddy. Nick said he has already been paid but we need to apply to the CIB to get the money back. Patricia said that she gave the letter we received from the county that showed how much time that they put in.

Donna gave everyone a copy of the Enterprise Zone that she has been working on. She said she has looked up our population census and it said we have like 650 people is that right? Patricia said she that it said 670 and Nick thought it was around 680 on the last census. She said she will put down 680. On page three of the application they needed us to list what our plans were to get business in here. So we had to list our Planning and Zoning and the Juab County Plan. They also wanted to know what specific steps we are taking to ensure the benefits are going to our local businesses. She said she was going to be putting it in the newsletter and doing a direct mail to all local businesses. She will be putting together a packet. She said that none of this can be done or has to be done until this whole thing gets approved by the State. We have to approve it, and then have a public meeting and do the minutes all of that has to be submitted with the application. She has noted that we have streamlined the process by having a packet that lists everything that the new business needs to do. We have the new water and sewer project going in that shows we have been helping business by putting in better infrastructure. The third thing was to have the option of purchasing a 1 or 3 year business license. She thought that maybe if they purchased a 3 year business license then we could give them 50% off. This shows the State that we are trying to help get new businesses and get them to stay. This needs to be done by the end of the year. We will try to get this on the City webpage before the public meeting. Hortt made a motion to approve adoption of this at the next meeting in December. All in favor motion carries.

Brian said the water project was on hold today because of the weather. He said he made it to the last progress meeting and things are moving along. The water project is about 44% done. Donna asked about the big holes in of some roads. He said that it is construction and things get covered and dug up it is just the way it is. Nick said that JCI has gone from 4 ten hour shifts to 5 8 hour shifts. The construction meetings will be on Fridays at 10 am. Sunrise said that if the weather gets to bad then they will shut it down. As long as the holes are marked with cones then the City is not liable if someone drives into the hole. Nick said the City is not liable anyways it is the contractors.

Brian said that on the TV issue Mike Seely is going to be helping us with the CIB grant. He told Brian that until everything is in order we cannot go to CIB for the grant they will shut us down. The County is willing to do the maintenance part of it once we get it up. It should be between 30-40 channels. The County said they will redo the road up to the peak.

Tim Merrill looked up the sink hole liability that Donna had brought up. The immunity is waived in this instance meaning we need due diligence to avoid liability. What would a reasonable person do to help others/passersby avoid the hole. So the Council needs to think through what is good enough and what else they may need to do.

Ned said he needs to get with Patricia to order another camera for the shop. We need to have one at the new fill station. Patricia said she needs to order new phones for the shop. The phone company wants to underground with the line up at the snack shack for the camera. We cannot attach a USB until this is done. We need to get Fred and Lynn to get the soccer nets off the lawn.

Hortt didn’t have anything to report but he did want to say thanks for getting the street lights done.

Judy is waiting on a bid to spread the road base at the cemetery.

Nick asked if they could vote on Darrin Carlson’s business application. Everything was in place on his application. Hortt made a motion to accept Darrin Carlson’s business application and Judy seconded it. All in favor.

Nick said that Joe McClellan requested to purchase or trade city property that is adjacent to his property. He has had a survey done. In order to make this happen Tim Merrill said we will need to make a motion to surplus the property as long as it doesn’t have any benefit to the City. We have to declare it at surplus and get fair market value for it. Nick said we need to declare anything that is 5 feet from the road as surplus and then figure at either square foot for square foot or $.47 cents a square foot. Need a motion to surplus the city property between Joe McClellan and Mike LaCario. Hortt made a motion to surplus a piece of property that was commonly used as a coal rode on block 7 East Park Subdivision to make surplus so we can sell or trade for property to join the same property to make our street straight and Donna seconded. All in favor

Tim Merrill said with the unlicensed dogs running at large we can do more aggressive enforcement through the County or we ourselves designate an Animal Control Officer who would go around picking up these strays and enforce our city ordinances. We may have to wait to see what the county is going to do with Mona city they are having the same problem.

Cost of living adjustment and holidays for city employees there was some questions that came up when this was discussed at the meeting where Patricia and Nick were not present. They have put together all the information that was requested. Patricia had a list of the State and Federal holidays and there are a total of eleven holidays on the list. Currently our employees only get eight. Hortt made a motion that if the city employees are happy with the eleven holidays and Brian seconded. All in favor. The cost of living adjustments are 2% raise for Fred and Lynn and a 3% raise for Patricia. Hortt made a motion to include these changes in the motion he made to accept the holidays Brian seconded. All in favor

Ferrel Thomas said he is trying to comply with historic buildings to private residents. He has been in contact with Don Hartley and Kevin Knight with Utah State Historical Office and they really don’t have any solid answers and what he can and can’t do. He has talked to his lawyers and wants to turn the property into 50 3C nonprofit. He cannot afford to turn it into commercial property. Donna asked what was in the letter we sent. Nick said there was concern that he was renting the building so it would be a commercial building. What it is is he has been working to make it a historic building. People can use it but it’s a donation to preserve the building. He has been taking donations for everyone who has been using it. He has the documentation. Donna wanted to know what kind of insurance he has. He said it is a private residents and he has the option to insure or not to insure. He has them sign a waiver that says he is not responsible of any injuries that may occur. Donna wanted to know how soon he would have the nonprofit up. He didn’t have a time he has been working on it for 6 months. Donna asked if there is any problem with what he is doing as far as the city is concerned. Tim Merrill asked Patricia if our business licenses ordinance exempt nonprofits she said no. Tim said he would still need to have a business license even if it is a nonprofit because you are still conducting business. So he has to be licensed with the city. He said to be licensed with the city he must comply with our city development ordinances. So if you are out of compliance with the ordinances then you have to either stop business operations and not do anything under the table and not allow people to come in and rent a room and just sign a waiver. You must comply with the law or the city is going to have to enforce its ordinances against you. Donna asked how the Planning and Zoning can fix this to try and help him preserve this building since it is one of our historic buildings. He still needs to get building permits. Tim said he thinks that these are really easy solvable issues. It is not about pouring a million dollars into this property. It’s about number 1 you need to apply for a business license and pay for one. Ferrel said he gave up his business license and Tim said he needs to get his business license reinstated and pay the filing fees and to do that you have to comply with ordinances. This whole problem stems from not getting permits. You are doing work without getting the permits. He needs to run any sort of modifications he has done through the Planning and Zoning and get them to sign off on what you have done and get the proper permits he needs. The city is willing to work with you. We just want to do it the proper way through the proper channels. The third issue is if you are going to have an intended use of this property it just has to apply with the state standards. Eureka, as a city, were not being more restrictive than the state. We just want you to meet the minimum requirements that the state imposes. Tim says that we need to stop getting hung up on names it is the use of the property that counts. If you restored it as a residence but inviting people or public in and holding receptions whether for profit or not profit then the use is commercial and you need to comply with the standards imposed by the state. Ferrel said if he can get an answer from Don Hartley, the State Architect, there are exceptions for historic buildings. Hortt said while he tries to get a hold of him then this gives us time to decide what we want to do. He thinks we need to look at the zoning on Main Street.

Donna will get it on the Planning and Zoning agenda for next month.

Judy asked if we have heard anything on the new ambulance building. Patricia said she has Michael Stork working on it. He is checking on the property the EPA has put environmental covenants on all Chief property. He is checking with his lawyers and the EPA’s lawyers to see why this property has the environmental covenant on it. Judy asked what that meant. It lists what can be built or used on this property. It cannot be used right now according to the environmental covenant any hospital, clinic anything like that. The covenant was placed on all Chief property whether it was cleaned or not. Tim Buchanan is willing to work on trying to change the covenant within the city. She sent that information to Michael Stork who is having his lawyers look at it. He sent her back a copy of a map that shows that piece of property and it is not included and she sent that to Byron Woodland, County Commissioner, and gave him all contact information for the state. The county was to buy it before the end of the year.

Donna let Ferrel know that Planning and Zoning meetings are the1st Thursday of the month at 7 p.m. Tim said that we are not the Federal Government we are your neighbors so the local government is the best kind of government because we want to help and will work with you.

Patricia said we have to fill out the schools application and have a copy sent to our insurance before they will give us the certificate of insurance to cover anything under the school. School sent policy out on use of school.

Donna made a motion adjourn from regular meeting and Hortt seconded. All in favor