

**EUREKA CITY
COUNCIL MEETING
SEPTEMBER 13, 2021 7:00 P.M.**

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nick Castleton – Present
Council Member Darrin Carlson – Present
Council Member Larry Ezell – Present
Council Member Travis Haynes – Present
Council Member Leslie Rice – Absent
Council Member Robert Trepanier – Present
City Recorder Patricia Bigler – Present
City Attorney Melissa Mellor – Present via Zoom

PUBLIC IN ATTENDANCE

Brent Pulver – JCSO, Drake Underwood – JCSO, Travis Kenison – JCSO, Douglas Anderson – JCSO, Greg Thornock, Ted Haynes, Derk Palfreyman, Chris Dever, Brandy Kirgan

APPROVAL OF THE MINUTES

Council Member Trepanier made a motion to approve the minutes from August 9, 2021. Council Member Ezell seconded. No discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, Trepanier – Aye

TREASURER’S REPORT

**EUREKA CITY
TREASURER’S REPORT
FOR AUGUST 2021**

Checking Beginning Balance:	\$181,722.12
Deposit Amount:	\$ 69,961.74
Withdrawal Amount:	\$121,335.62
Checking Ending Balance:	\$130,348.24

Council Member Carlson made a motion to approve the Treasurer’s Report. Council Member Trepanier seconded. No discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, Trepanier – Aye.

CLAIMS AGAINST THE CITY

Council Member Ezell made a motion to pay the bills. Council Member Haynes seconded. No discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, Trepanier – Aye.

REPORT OF OFFICERS AND COMMITTEES

Nick Castleton – A proposal from Rocky Mountain Power to convert the streetlights to LED's. The upfront total cost for the 62 lights will be \$11,605.78, A handout was given to each Council Member for their thoughts. Council Member Ezell asked if we own the lights or will Rocky Mountain Power. Rocky Mountain Power will retain ownership of the lights. Council Member Haynes wanted to know if we needed more light around town. Mayor Castleton was not sure about more lights, but he would like to move lights. A discussion took place about using the money we save to add and move lights. The soonest we can do this is October. Look around town to see where a light is needed. The Council discussed the option of taking money out of a CD to pay for this project. The Council felt upgrading our lighting is important and we need to ask how much it would be to add and move lights. Need to have this added to the October agenda. He also had a proposal from UDOT for a crossing light at the bottom of Beck St. We would have to pay for the maintenance of the light. Wants the Council to look it over and we will have it added to the October agenda. Attorney Mellor had not reviewed the contract, she will before the October meeting. Council Member Ezell would like to have the speed limit for Main St. reduced to 25 mph.

Robert Trepanier – Service group from the LDS church came out and cleaned up the cemetery, pulled sagebrush and other weeds.

Travis Haynes – Tintic Silver Jubilee was good. Had some issues with the wind, but overall, really good. Recorder Bigler did not have the figures for what we made but she said it was close to what was spent. He is working with AYL on trails grant. Trying to get a commercial for Eureka. He will be looking at working on some roads next spring. Mayor Castleton said we do have some issues with the sides of the road washing away and have put in for a FEMA grant for the last 3 years and they never have enough money to fund our project. Will be putting in for a grant from the State in January.

Darrin Carlson – Nothing to report

Leslie Rice – Absent

Larry Ezell – Nothing to report. He would like to thank everyone who worked on the celebration.

Council Member Haynes did have one more item he would like to discuss. He would like us to start adding any soil purchases to the resident's utility bill instead of billing them separate. This way we have a better record of who has paid. Recorder Bigler said she can print the bill separate from the others with a message. She informed the Council that the office does not always get told who is purchasing soil. When Ted Haynes or Travis hauls the dirt, we are told, but with the rest it is hit or miss. The area is gated but the gate is usually unlocked.

Planning Commission

A. Chris Tilby – Request to replace older single-wide trailer with a newer model on Railroad St. Chris Dever said Chris Tilby had come to the last meeting to ask if he could replace the old single-wide trailer located on Railroad St with a newer model. The Planning Commission approved his request with the stipulation that he get the necessary building permit, bring up to code, inspections, and to dispose of the old trailer in a timely manner. The Council discussed this for some time. It was mentioned that we have a section in our ordinances about not allowing single wide trailers. The trailer must be at least 20 feet wide. There is railroad property in front of the existing trailer that needs to be purchased. Chris Dever said the Planning Commission is currently working on an ordinance that will address these issues. Recorder Bigler said that the connections were given up years ago so new connections would need to be purchased. Ted Haynes had some questions concerning the service for this property. He said JCI ran the sewer service for this property down through his property without an easement. Council Member Ezell made a motion to table this item until more information is available and it goes through the Planning Commission again. Council Member Haynes seconded. No further discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, & Trepanier – Aye. Council Member Haynes said the Planning Commission needs a map of all the properties so they can address these issues before sending items up to the Council and before a building permit is issued. To get the building permit they are required to have a survey of their property.

B. Derk Palfreyman – Request a waiver from Moratorium to build on his property on Haulage Road. He started the process on this property a year and half ago before the moratorium was put into place. He said this will be just a single-family home not a subdivision and as no frontage issues. He was notified of the sinking sewer trench from the recently built home on Haulage. He would like to fix that issue when he digs the trench for this home. He would like the Council to waive the moratorium for this property and allow him to build the home. Attorney Mellor asked is there existing services or any issues with access to the property. If it is subject to the moratorium then it cannot be built unless the moratorium is lifted. The Council and the City Attorney discussed the issue. Council Member Ezell made a motion to grant the building permit for Mr. Palfreyman because the infrastructure is in front of the lot for sewer, the infrastructure for the power and water is in the front of the lot, which will not harm our moratorium, and it is a conforming lot. Council Member Trepanier seconded. No further discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, Trepanier - Aye

PRESENTATIONS.

1. Ian Wright – Discuss Stewardship Program to protect historical sites. Called early in the day to say he would not be able to make it to the meeting and to put him on the agenda for October.

DISCUSSION/ACTION ITEMS.

1. Theodore Haynes, Discussion concerning water leak on his property and request partial dismissal of charges. He had a water line break on one of his rentals. He caught it as soon as it showed and had it fixed. He has put a new water line in. He would like at least a half and half deal. Council Member Ezell asked if he thought it had been caused by the EPA. Council Member Haynes said

it was redone during the water/sewer project. Chris Dever said it is common practice in most cities to go half and half if the owner brings in proof that the issue was fixed. Council Member Ezell made a motion to go 50/50 on the bill for the month August 2021 due to a water line break. Council Member Carlson seconded. Council Member Haynes abstained from voting after expressing a conflict of interest. No further discussion all in favor motion carried. Council Members Carlson, Ezell, Trepanier – Aye and Council Member Haynes abstaining.

2. Superintendent Gregory Thornock and Sheriff Doug Anderson, Discussion of Possible Contract with the Juab County Sheriff's Office for law enforcement coverage.

Mr. Thornock started off by saying it was an honor to be a part of the Tintic Silver Jubilee. He appreciated the partnership between the City and the School District. Council Member Haynes said he also appreciated working with the School. Mr. Thornock said the District had spoken to the Juab County Sheriff a few times about getting a School Resource Officer and this time they were able to come up with funding for a 3-month pilot program. Budgeted \$28,000 for an SRO program. A lengthy discussion took place and Council Member Ezell is in favor of getting a deputy here. Council Member Haynes has concerns because in the past there have been issues with the Sheriff's Office not enforcing City ordinances and tickets issued for speeding. Sheriff Anderson said officers have full discretion on whether to issue a citation or not. The City had a contract with the Sheriff's department until we no longer saw any money from the fines that were being written here in Eureka. There would be an increase in presence, and we would have to have a contract/Interlocal Agreement in place for the off season. Council Member Carlson recommended talking about this at work meeting. Each of the deputies in attendance spoke of their passion for wanting to help the school and this community. Council Member Ezell thanked the Sheriff's department and said let us keep the doors open.

3. Review and Discussion of Water Contract, led by City Attorney Melissa Mellor.

Attorney Mellor said herself, the Mayor, and 2 Council Members attended a meeting with 3 members of the Mammoth Water Users. She said the meeting was to explain the City's position. The contract is locked into a low rate which is impractical as the expenses keep going up. The City is looking for something that is more equitable. She said Mammoth was concerned about seeing the costs for what it takes to operate the fill station. We need to get these costs to them. Council Member Haynes said according to the 2020 expenses sheet there is a person on the Mammoth Water Users who is not even a resident of Mammoth. They are using the water for livestock. Recorder Bigler said in the original agreement it states Eureka City would be third party to all contracts with Mammoth. We have never seen a contract from them. At the end of each year, we are provided a list of people who they have allowed to be part of the Mammoth Water Users. Attorney Mellor said she needs more information from both Eureka and Mammoth before she can move forward. She felt it was the right approach to have this meeting and address the concerns from both sides. We need to get the numbers together before we meet with Mammoth again. This item will be put on the work meeting agenda.

4. Review, Discussion and Adoption of Resolution to Update Employee Policies and Procedures to include the latest changes in the Utah Retirement System to be compliant with State Law. Council Member Ezell made a motion to adopt Resolution No. 09-13-2021-01. Council Member Carlson seconded. No discussion all in favor motion carried. Council Members, Carlson, Ezell, Haynes, Trepanier – Aye.

5. Review, Discussion and Adoption of Special Event Ordinance.

It was decided to table this item and add it the work meeting agenda. Council Member Ezell made a motion to table the Special Event Ordinance. Council Member Trepanier seconded. No discussion all in favor motion carried. Council Members Carlson, Ezell, Trepanier – Aye.

6. Review, Discussion and Adoption of an Ordinance concerning Pets at City Park Facilities.

Attorney Mellor said the previous drafted pet policy covers cleaning up after pets, so she does not think we need a new ordinance. She suggested putting up signs saying to clean up after pets, they need to be on a leash. For places that we do not want pets like on the ball fields signs that say, “No Pets Allowed.” We need to get the signs ordered.

7. Review, Discussion and Adoption of a Cottage Home Ordinance.

The rough drafts need to go before the Planning Commission to address any concerns. Chris Dever said that the quorum at the last Planning meeting agreed with the concerns that were referenced. Council Member Ezell had a question on the setbacks. Chris said the setback are proportionate to the lot size and the size of the house. He said the ordinance they are using as a reference is Park City’s and it is comprehensive. Mayor Castleton suggested to the Council to read the draft and give the any feed back to the Planning Commission before their next meeting.

Review, Discussion and Adoption of proposed Ordinance for Performance/Guarantee Bond Requirements.

The rough draft needs to go before the Planning Commission.

CITIZEN COMMENTS.

(Citizens who had submitted their question or concerns in writing prior to the meeting may do so at this time but will be limited to two minutes each.)

Chris Dever asked the Council about the bill for Andy Jo Midgley concerning her sewer line being damaged by Fugal. He wanted to know who was responsible for paying for it. He said Andy Jo had called him and told him that her sewer was plugged. He went up to help take care of it. He said that Fugal was right there while he was there. The line in use was not marked but an older line that was abandoned was marked. Council Member Haynes said the City gave Dominion Energy and Fugal access to our GIS program. Council Member Ezell felt this is a Sunrise Engineering problem because not all the connections were marked. Chris said the resident should not be responsible for paying for it. There was a discussion on who is responsible. Council Member Ezell said we need to go after Sunrise. Attorney Mellor said the City needs to contact Sunrise. Council Member Haynes said let us look at the GIS too and if Fugal missed the mark, then they will need to pay for it. If the GIS is wrong, then we need to go after Sunrise. This is defiantly not Any Jo’s responsibility.

ADJOURNMENT

Council Member Ezell made a motion to adjourn. Council Member Haynes seconded. All in favor meeting adjourned. 9:43 p.m.