

**EUREKA CITY
COUNCIL MEETING
DECEMBER 14, 2020 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 – Present
Council Member Robert Trepanier – Present
City Recorder Patricia Bigler – Present
City Attorney Mellissa Mellor – Present via Zoom

PUBLIC IN ATTENDANCE

Robert Pagnani via Zoom

OPENING OF BIDS FOR SURPLUS PROPERTY

Hydraulic Trailer - \$60.00 accepted
Orange Dump Truck - \$6,200 not accepted
Cabinet - \$10.00 accepted
2005 Silverado - \$258.00 accepted

A discussion took place on the bid for the orange dump truck. Council Member Haynes felt the bid for \$6,200 should not be accepted because the Council had put a minimum bid of \$10,000 on the truck. The hydraulic trailer went to Ted Haynes with a bid of \$60.00 vote taken Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye. The orange dump truck did not sell the bid for \$6,200 was not accepted. The 2005 Silverado went to Jack Garbett with a bid of \$258.00 vote taken Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye. The Kenworth dump truck did not get any bids and it was decided to give it to Ted Haynes for the work he done at the cemetery vote taken Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye.

APPROVAL OF THE MINUTES

Council Member Ezell gave a follow up on the generators. He said the generators are on SCADA and are run once a month. Once every other month the generators are ran with a load on them. The people who maintain them are doing a good job. He also asked how things were going with the Building Inspector. Recorder Bigler said everything was going good with him. Council Member Carlson called and discussed the issue with the upset resident. There was some communication breakdown between him and the resident. Council Member Carlson said we need to work with him and look at the way we are doing things. We might want to look at getting a

lockbox to put plans in when the office is closed. We need to figure out a system that will work. We need to get with him on how to invoice the extra inspections he sometimes needs to do. Council Member Ezell made a motion to approve the minutes from November 16, 2020. Council Member Haynes seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye.

TREASURER’S REPORT

EUREKA CITY TREASURER’S REPORT FOR NOVEMBER 2020

Checking Beginning Balance:	\$ 83,321.13
Deposit Amount:	\$177,714.12
Withdrawal Amount:	\$ 78,814.67
Checking Ending Balance:	\$182,220.58

Certificate Account 103 & 104 will mature on 01/10/2021. These certificates will automatically renew for another year. The dividend rate and annual percentage yield for these Certificates have not yet been determined but will be available on 01/10/2021. The current dividend rate and Certificate amounts are as follows:

Certificate Account 103
Current amount \$10,849.40 with a dividend rate of .450%

Certificate Account 104
Current amount \$3,256.40 with a dividend rate of 1.930%

Recorder Bigler read the Treasurer’s Report. Mayor Castleton asked why the percentage rate on account 104 is more. He thinks we need to check on them before January. Council Member Rice made a motion to accept the Treasurer’s Report. Council Member Carlson seconded. No discussion all in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye.

CLAIMS AGAINST THE CITY

Claims were presented to the Council. Council Member Haynes asked about the child support if it comes out of the employees pay. It is taken out of the employees pay each payday Council Member Ezell asked if we had ever received Taylor’s stimulus coupons. We had and Recorder Bigler said we received Chuck’s today. Council Member Haynes asked about the claim from Juab County Treasurer. Recorder Bigler explained it is property tax on a piece of property the city had traded with Jerry Sanderson a while ago and it was never recorded in his name and the other is where the caboose sits. We checked into getting that property put in the City’s name but our Attorney at the time (Tim Merrill) said it would be more expensive than just paying the property tax. He thought Bill Powell owned the property. Recorder Bigler said no the City does.

Council Member Ezell made a motion to accept the claims. Council Member Haynes seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye.

REPORT OF OFFICERS AND COMMITTEES

Nick Castleton – We have received an email concerning the Enterprise Zone. It will expire the end of this year. The Mayor said Donna Robinson, the Council Member at that time, got everything approved to begin with. She spent a lot of time on it. Council Member Rice sees the benefit, but what kind of work is needed to get it done. The Mayor gave some examples of what needs to be done and it would need to be completed by the end of this year. He asked her if she wanted to pursue the matter herself. Council Member Trepanier asked if we can just use the last one and change the dates, maps, etc. Mayor Castleton thinks we can. If she can get it done, she would need to get it on the agenda for the Special Council Meeting being held on Dec 28th. He spent considerable time discussing the dirt and gravel pile with Michael Storck. The 20-year lease for the ground is up next year and we will need to move it or give it up. Michael said we can do what we want with the soil. Council Member Ezell said we could get rid of some of it to Dominion Energy. We are currently selling the road base for \$7.95 a ton. Recorder Bigler said Bob Pagnani asked over zoom if residents can purchase the soil. She told him yes, he would just need to find someone to haul it for him.

Robert Trepanier – Nothing to report

Travis Haynes – Spoke to UDOT Traffic Engineer Doug Bassett concerning the sidewalk grant. We did not get any estimates in. He was told we would not get the grant. They will try to add in doing pads into a project for 2022. He said if the City has two plows then when the guys are out plowing, they need to be in separate vehicles. He said the potholes in front of Terry Kirgan's are getting worse.

Darrin Carlson – Had a question concerning the proposed ADA Policies & Guidelines that is listed on the agenda. Attorney Mellor was looking into it on Friday. She said of course the City wants to be in compliance with ADA, however; with Eureka being a small City she does not want us to over commit to these policies as far as these are the accommodations we will do. She does recognize the need for a procedure. She has a potential resolution that states we are going to be adopting the policies. She does not have the exact policies drafted. She would like the Council to go over them and understand what they are. The resolution she does have states that the City identifies the need to implement these policies and we do want enact them. The exact language of the policies can still be determined. She wants to find a way for the City to be compliant but not place an undue burden on the City. She is sending the drafted policy to Recorder Bigler as she was speaking.

Leslie Rice – As far as garbage is concerned there is something on the agenda under unfinished business.

Larry Ezell – Needs to get with Lynn and Drew to make a schedule to pump the wells on the East side of town. The Vulcan is the only one on SCADA and we need to start pumping out of that well too. He will get with them and report next month.

B. Planning Commission – Nothing to report

NEW BUSINESS

A. Melissa Mellor, Open Meetings & Ethics Training

Unfortunately, one of her files is corrupted and this will need to be done later. She asked to be the last item on the next meeting agenda. The Mayor wants to have another Special Meeting on December 28th for the CARES Act Funding. Attorney Mellor said the Council passed it on the last meeting. She did not have the spending, so she drafted a resolution that reflects the actions the Council took. There are some figures that need to be changed. The Mayor said they talked about doing hazard pay for the employees. She said it was decided to have another meeting to discuss the amount of the hazard pay. She will email the resolution with the corrections right now.

UNFINISHED BUSINESS

A. Pre-Disaster Mitigation – Adoption of the Six-County Pre-Disaster Mitigation Plan. Attorney Mellor explained this resolution is to adopt the most recent Mitigation Plan. Council Member Haynes made a motion to approve Resolution R12-14-2020-4. Council Member Ezell seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye. This resolution is available for public viewing at the City Office during regular business hours.

B. Discussion and Approval of IT Contract.

The Council discussed the 3 bids they had. The Council had approved going up to at least \$8,000. If Les Olsen's bid with cloud backup goes over that amount the coverage can be approved in the Special Council Meeting. Council Member Carlson made a motion to go with Les Olsen negotiable on cloud backup. Council Member Ezell seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye.

C. Decision concerning Roll-Off Container Use by Mammoth Residents.

The Council was not in favor of letting Mammoth residents use our roll-offs. Council Member Haynes said our citizens are paying for the dumpsters. If they want to live in the County, then the County needs to take care of them. Mayor Castleton explained to Attorney Mellor the City was doing the billing for their garbage. It was recently decided we would no longer take care of this service. We sent out letters explaining they will need to take care of their own garbage. They now asked if they can still use our dumpsters at the City dump. Council Member Rice said the City dump is not a land fill but some dumpsters we pay to have emptied. Attorney Mellor agreed the City should not be paying for garbage from other cities. She wanted to know if we had an agreement with Mammoth to take care of their garbage. Council Member Rice explained when the City went with Country Garbage, they asked us to take care of Mammoth's billing because they were such a small community, and we did. Attorney Mellor said it is difficult for her to advise the City if she does not know whether we have an agreement with them or not.

Recovered Hands Non-Profit – Plan for Chief #1 Historical Site.

Mayor Castleton asked if the Council wants him to write a letter to the Chief saying we are in favor of them donating the property to them. Council Member Rice asked for an

explanation of what this non-profit does since she was not presented at the meeting where they discussed it. Mayor Castleton brought her up to date. Council Member Trepanier was concerned about the type of non-profit they are and that they rambled about several things they wanted to do with the property. He is all for historic preservation but felt the City does not know enough about them. Council Member Carlson did not think a letter from the City was necessary. If the Chief wants to donate the property, they can it is not up to the City. Council Member Ezell said now Chief is fighting among themselves and now wants to put liability onto the City. He does not want to send a letter. Attorney Mellor if there is a letter it needs to be in compliance with City codes and State law. Attorney Mellor said the City can decline to act. The Council agreed not to take action. Dies on lack of motion.

E. Discussion on Excess Water.

Council Member Ezell said this is a dead issue he is not going to vote to sell water. Attorney Mellor said even if the water rights have not been used, they have been preserved. Council Member Haynes said we are preserving them for growth inside City limits. If they want to annex, they need to bring water rights. He also pointed out we already approved development up by the fire station and Cole Canyon and that is future growth. When a subdivision is built, they must bring in water rights. Attorney Mellor said in her opinion when someone comes to the City on water rights as to what can and cannot be done, then burden should be on them not the City. They need to present them in its entirety to the City and then the City should go over it. This is what should happen. The Council feels this is a dead issue until they bring plans before the Council. If they keep coming back with this same issue, she would be happy to have the City refer them to her.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES

A. Consider and Enact Resolution No. 12-14-2020-01 Proposed Policies for Electronic Meetings. Attorney Mellor explained what the resolution was about. Council Member Ezell made a motion to adopt Resolution 12-14-20-01. Council Member Haynes seconded. All in far motion carried. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye. This resolution is available for public viewing at the City Office during regular business hours.

B. Consider and Enact Resolution No. 12-14-2020-02 Proposed ADA Policies & Guidelines. Council Member Trepanier made a motion to approved Resolution 12-14-20-02. Council Member Haynes seconded. Council Members Carlson, Ezell, Haynes, Rice, and Trepanier – Aye. This resolution is available for public viewing at the City Office during regular business hours.

C. Consider and Enact Resolution No. 12-14-2020-03 Proposed CARES Act Business Stimulus Plan.

This was discussed and agreed on at the Special Council Meeting held on December 7th.

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.)

Zoom Chat questions asked and answered during the meeting.

00:56:34 Robert's iPad: can residence in the city purchase it? (referencing dirt from the dirt & gravel pile)

00:57:16 Patricia Bigler: Yes, you just have to contact the city. You do need to have a way to load and haul yourself.

00:57:50 Robert's iPad: can you put that in the next newsletter?

00:58:16 Patricia Bigler: Yes, we can do that.

00:58:36 Robert's iPad: thank you

01:34:50 Robert's iPad: The Cares Act is paying for Jr Jazz and also Hazardous Duty Pay for employees?

01:37:29 Melissa M: the CARES Act pays for sanitation supplies for Junior Jazz - hand sanitizer, masks, cleaners, etc. Hazard Pay is also a consideration. That has not been approved, but cities certainly have been applying CARES Act funds for hazard pay. Eureka has not done so but is considering it.

01:37:29 Patricia Bigler: No, it is only paying for masks & hand sanitizer or supplies needed to carry out the games safely.

01:39:24 Patricia Bigler: The hazard pay is still being discussed. They are looking into paying hazard pay to our employees that have had to continue working throughout the pandemic on providing the necessary services to the residents.

ADJOURNMENT

Council Member Haynes made a motion to adjourn. Council Member Carlson seconded. All in favor meeting adjourned at 9:04 p.m.