

**EUREKA CITY
COUNCIL MEETING
JANUARY 9, 2023 7:00 P.M.**

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Chris Dever – Present
Council Member Greg Evans – Present
Council Member Travis Haynes – Present
Council Member Tom Nedreberg – Present
Council Member Jeremy Snell – Present
Council Member Robert Trepanier – Present
City Recorder Patricia Bigler – Present
City Attorney Melissa Mellor – Present via Zoom

OTHERS IN ATTENDANCE

Barbara Lewis Palfreyman, Lindsey Andrus, Clinton Painter, Marty Palmer, Lynn Elliott, Sydney Chan, Craig Barnitz (UDEQ/DERR), Dave Allison UDEQ, Michael Storck UDEQ, Cindy Child, Steve Child, HeatherAnn Zufelt, Shelly Stansfield

APPROVAL OF THE MINUTES

Council Member Snell made a motion to approve the minutes from December 2022. Council Member Haynes seconded. No discussion all in favor motion carried.

TREASURER’S REPORT

Council Member Haynes made a motion to approve the Treasurer’s Report. Council Member Evans seconded. No discussion all in favor motion carried.

**EUREKA CITY
TREASURER’S REPORT
FOR DECEMBER**

Checking Beginning Balance:	\$316,901.23
Deposit Amount:	\$ 89,557.10
Withdrawal Amount:	\$ 58,736.74
Checking Ending Balance:	\$347,721.59

Your Certificate Account # 103 will mature on 01/10/2023. The Certificate Account will automatically renew for another 12 months with your new maturity date being 01/10/2024. The dividend rate and annual percentage yield for your Certificate Account have not yet been determined but will be available on 01/10/2023.

CLAIMS AGAINST THE CITY

Claims in the amount of \$43,500.22 were presented to the Council. Recorder Bigler informed the Council the Rocky Mountain Power bill for the wells was input this afternoon and was not included in the claims report. Mayor Dever explained about the bill for the leased truck. We had to turn it in within a few days of the last accident. We are working with our insurance company to see if they will cover the total cost of the repairs. Council Member Snell asked about the bill for BlueStakes. Recorder Bigler said the city has contracted with BlueStakes. We are required to pay anytime someone calls in a request. Council Member Nedreberg made a motion to approve the claims. Council Member Evans seconded. No further discussion all in favor motion carried.

REPORT OF OFFICERS AND COMMITTEES

Chris Dever – He has been working on the dog issues. We have ordered cages for both dogs and cats. If anyone has a dog or cat, they better get it licensed. He is still working on the water audit. He would like to attend the April ULCT conference in St. George and Council Member Nedreberg is going as well. He would like to see the rest of the Council attend too.

Robert Trepanier – Nothing to report.

Travis Haynes – Nothing to report.

Thomas Nedreberg – He attended the ULCT conference earlier today on “Your Land Your Plan.” He learned about developing the land and using the cities assets to their greatest capacity. It was fascinating and worth attending. He will bring the ideas to the work sessions. The Mayor thanked him for attending the meetings and for getting the business cards.

Greg Evans – Nothing to report.

Jeremy Snell – Nothing to report.

Planning Commission – Council Member Nedreberg said the report will come under the new business section of the meeting.

Attorney Mellor mentioned had the chance to watch the Tintic High School Cheer compete in Cedar City. She said they did very well and qualified for State. Alyssa Grange for Tintic took 1st place in the jump off competition for the 1A/2A schools.

NEW BUSINESS

Clint Painter, Juab County Commissioner and Brent Boswell, Economic Development – Discussion on City/County Business

Clint Painter and Marty Palmer came to award Cast Iron Bistro with the Six County 2022 Juab County Business of the Year Award. Clint read his speech and then presented the award. Council Member Nedreberg asked the Commissioners if they ever got any information from the bookmobile. He did get an email about scheduling a time but has not heard anything else.

Lindsay Andrus, Realtor for Barbara Palfreyman, Discussion on combining 4 parcels of property into 2

Lindsay said Barbara has four lots on Dublin St and would like to combine them into two equal pieces. She would like to build a twin home which would give both parties a more usable yard space. She would like to get approval to move forward. Council Member Nedreberg said after talking about this in the work meeting it was decided a zone change would be needed. As to combining the property it is hers to do what she wants. The Council didn't have a problem with moving forward. Lindsay mentioned Barbara had purchased a ¼ acre piece of property from Chief. She had the property surveyed and hopes sometime in the future to build a single-family home on the property. They just want to give the city a heads up on what she is planning to do. The Council didn't have any problem with what she was planning to do with the property. Mayor Dever said the consideration here is the street. He wants to make sure it gets deeded to the city. She said she told Chief Barbara didn't want to purchase the road and they needed to deed it to the city. Recorder Bigler said the Planning Commission and City Council need to be aware of the lots being sold by Chief. Our ordinance says a permit is required when splitting a lot and they have not been doing it. Mayor Dever thanked Lindsay and Barbara for coming. The Council discussed the issue with the roads. Recorder Bigler said Attorney Mellor was involved in it from the beginning. Attorney Mellor said it has not been resolved. It breaks down with the legal descriptions of the property. If someone has this information she will help and can reach out to Chief's legal counsel. Mayor Dever said let this lie until we have another interaction with Chief. He will bring it up the next time he talks to them.

Lynn Elliott, Juab County – Discussion on CWPP for Eureka

He said with his grant money he can thin down some of the trees and sagebrush by the cemetery. For him to get bigger grants he will need every city in Juab County to complete a CWPP. Mayor Dever said they will review it over the next couple of weeks, go over it at the work meeting, and vote or sign it at the Council Meeting.

DISCUSSION ITEMS/ACTION ITEMS

Shay with Six County AOG Review and Discuss Updating 5 Year/General Plan – Set public hearing for community input

Shay went over the process for the General Plan update. The Planning Commission will start the process and a 10-business day notice of intent is needed. A public hearing is required for any changes that are made. Six County will work with the Planning Commission to come up with a draft they think is sufficient then recommend it to the City Council for review or approval. Shay will send an email that outlines this process. Attorney Mellor would like to be included in all the emails. Shay gave an overview of the pilot program for the City Administrator program. The Nephi City Administrator, Seth Atkinson, will be working with him and Six County on this project. When the program is in place Six County hopes to expand their services. If they do not receive funding a fee will need to be charged. They hope to fund at least 2 full-time employees and then down the road to fund 4/5 more full-time employees. Attorney Mellor is intrigued by the program but asked how they would handle a conflict. Shay said they will work on these as they arise. Attorney Mellor really thinks this is a great resource.

Review and Discuss Updating Noise Ordinance and Enforcement Procedures for all City Ordinances

Tyler sent the city the ordinance with the changes that were discussed at the work meeting. He said with all the ordinances he sent out he suggests going over them with the Attorney before adopting them. In the ordinance he included a section on UTV's and vehicles with audio systems. There is also a section on liquor license establishments that addresses failure to control noise or having outside entertainment. He looked into setting a decibel level, but feels it is too hard to enforce. Council Member Evans said he also looked at different decibel levels and agreed with him. Tyler also emailed a sample permit and the information he found on the TRT tax and short-term rental. Mayor Dever would like this as a discussion item at the next work meeting.

David Allison, Division of Environmental Quality & Craig Barnitz, EPA – Discussion on Eureka Mills Superfund Site Five-Year Review Request

David Allison said the Mills Superfund site was delisted. They have done their site inspection and some interviews for their 5-year review. They will write a report and make recommendations. It will be reviewed the EPA in Denver. Michael Stork, EPA, said he really enjoyed working with Eureka City. He did have a concern about the open cell repository. The fencing was down and there was construction debris. The repository should only be used for lead contaminated soil. He said the city has a responsibility of keeping it maintained as well as the upper and lower gulch and the McCrystal drainage. The prudent thing for the city to do is get a sampling plan in place. If the soil is sampled and tests low, then it doesn't belong in the repository. Craig, State of Utah, he is the new project manager along with Sydney for the EPA. He said there is an opportunity to build new relationships with the city. A new funding agreement needs to be put into place as the old one has expired. Council Member Nedreberg ask how long it will take to get the 5-year review published. It should be done in July. Mayor Dever thanked them for coming.

CITIZEN COMMENTS

(Citizens who had submitted their question or concerns in writing prior to the meeting may speak at this time, if present, but will be limited to two minutes.)

Marty Palmer, County Commissioner, commented he would like to hold a County Commission Meeting in Eureka once a year. The Council thought that was a good idea.

Shelly Stansfield, Comments concerning the Noise Ordinance

She thinks the noise ordinance should be on the bottom of the list of things the Council needs to do. She is not opposed to rules, but she sometimes feels this ordinance is a punishment and that she is being targeted. She appreciates all of them and the work they do. She is hosting Small Business Alliances at her home and invited them all to come. Mayor Dever explained after the Council reviews the draft at the work meeting it will be posted, a public hearing for comment will be held, and then it goes to the Council meeting for a vote. Council Member Nedreberg commented the whole permitting process should help the businesses so if someone complains we can say they received the proper permit. The advantage of an ordinance is to set boundaries instead of it being who is louder than who. Council Member Trepanier brought up there is a section where open air building noise is prohibited. Mayor Dever said this is why the Council needs to review each item of the ordinance before it is voted on.

Steve Child said he has been listening to lots of talk about ordinances and it is good to see the dog thing moving forward. His neighbor who built the new home across the street from him has had the sewer line trench collapse. Because of this he now has trouble getting into his driveway. He would like to know who should have enforced the ordinance. Council Member Haynes asked if a bond was ever received. Recorder Bigler said no. The ordinance mentions a bond but does not say how much it should be. She has been asking the Mayor and Council how much it should be and how to do one since it was added to the ordinance. Mayor Dever said he has the contractor on the hook right now. He will contact Steve in the next day or two. Council Member Nedreberg asked if Steve would like to sit on the Planning Commission. Steve told him he has already been on the Planning Commission.

Council Member Snell said this is where our enforcement comes in and the role of the Planning Commission. He said this begs the question of how we can get a higher functioning Planning Commission and is this where the problem is or not. Council Member Evans said we have no procedures on what needs to be done. Mayor Dever said let's put bonds on the work meeting. He feels we are taking baby steps in the right direction.

Council Member Snell made a motion to move into Executive Session to review personnel. Council Member Evans seconded. No discussion all in favor adjourned into Executive Session.

EXECUTIVE SESSION

Review of Applicants for Maintenance Technician Position

Back into regular meeting. The Zoom meeting did not record. The following is from the Recorders notes.

Set interviews for Thursday or Friday of the following week. Council Member Haynes made a motion to approve. Council Member Nedreberg seconded. No further discussion all in favor motion carried. Mayor Dever would like to have the Council go over each application and rate it. He also wants them to come up with five questions from their departments and have them in by Wednesday. Council Members Snell and Evans will help with the interviews. Council Member Haynes had a conflict of interest with one of the applicants. Council Member Snell mentioned using an outside source and Recorder Bigler suggested someone from Six County.

ADJOURNMENT

Council Member Nedreberg made a motion to adjourn. Council Member Evans seconded. All in favor meeting adjourned.