

**EUREKA CITY  
COUNCIL MEETING  
JUNE 14<sup>TH</sup>, 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 – Present  
Council Member Robert Trapanier – Present  
City Recorder Patricia Bigler – Present  
City Attorney Melissa Mellor – Present via Zoom  
Public Works Director Lynn Elliott – Present via Zoom

**OTHERS IN ATTENDANCE**

Chris Dever, Jonathan Langford, Kurt Marchant – Ensign Engineering

**APPROVAL OF THE MINUTES**

Council Member Ezell made a motion to approve the minutes from May 10<sup>th</sup>. Council Member Haynes seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trapanier – Aye.

**TREASURER’S REPORT**

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

Checking Beginning Balance:	\$160,068.46
Deposit Amount:	\$ 65,441.41
Withdrawal Amount:	\$ 64,216.82
Checking Ending Balance:	\$161,293.05

Council Member Rice made a motion to approve the Treasurer’s Report. Council Member Carlson seconded. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trapanier – Aye.

## **CLAIMS AGAINST THE CITY**

Recorder Bigler mentioned the fuel bill had not been put into the system yet. Council Member Ezell asked about the 2 bills for Widdison. Recorder Bigler explained the second bill was for the second trip they made to fix the booster pump and she was told it was supposed to be under warranty still, but we received a bill anyways. Council Member Ezell said he wanted more information about that second trip before we pay for it. He will get with Lynn to discuss it. Council Member Carlson asked why they keep going out. Council Member Ezell thinks it is being overworked, but he is not sure he cannot get any information. Council Member Haynes said Lynn told him we have a pump down and could not afford a new one. However, it will probably cost the same amount as we are paying for this one around \$20,000 to \$30,000. Council Member Haynes made a motion to pay the bills except for the \$4,200 bill from Widdison. Council Member Ezell seconded. Discussion on motion. After the discussion it was decided to go with the original motion. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trapanier – Aye.

## **REPORT OF OFFICERS AND COMMITTEES**

Nick Castleton – Brought up the mess dogs are making at the park. He would like to ban pets from the park because of the this. He would like to order signs to be put up. All the Council agreed with the Mayor except Leslie. She did say she would go along with the majority. Council Member Carlson feels the signs should say no pets allowed to avoid any further issues. Council Member Rice was worried about events that might have a petting zoo. We will draft an ordinance that will take care of this. Attorney Mellor will draw up the ordinance and said service animals are allowed. He would like to have the ordinance done by next meeting so it can be voted on.

Robert Trapanier – Will be finding out about the cemetery grant by the end of this month.

Travis Haynes – Does not have anything to report on streets. The Silver Jubilee has been meeting every Wednesday. He thinks it is going to be a good year. We have some new events and changing up some of the old ones.

Darrin Carlson – Looking into reapplying for the grant on the Memorial Building. He is waiting on Six County to get back with him.

Leslie Rice – Did not have anything to report other than the Chief Con Mine and the development people hosted a dinner at the park last week.

Larry Ezell – Nothing to report

Planning Commission

## **ACTION ITEMS**

1. Review, Discussion and Adoption of Animal Control Ordinance.

Attorney Mellor went over the Ordinance and said it mirrors Nephi's except we have added cats to ours. The ordinance allows up to 3 dogs or 3 cats. The kennel ordinance is still in effect. Mayor Castleton had an issue with the section on cats. He thinks this section maybe hard to

enforce. Council Member Haynes does not see the difference between cats and dogs. Mayor Castleton said we need to figure out how to enforce this. The County is still looking at setting up a County wide animal control. Recorder Bigler asked if the dates for the expiring licenses could be changed to May to match what we are currently doing. A discussion took place on some of the items in the ordinance. Council Member Carlson made a motion to adopt the ordinance with the changes discussed. Council Member Ezell seconded. No further discussion. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trapanier – Aye. Ordinance number is 06-14-21-1.

## 2. Review, Discussion and Adoption of a Fire Restrictions/Fireworks Ban Ordinance.

Mayor Castleton said we are planning on banning fireworks all together. Council Member Carlson had concerns about putting water restrictions on City residents but not on the ranchers, sheep herders and the mine. Council Member Haynes agreed, and he has had people come to him about this. Recorder Bigler said that the agreement they sign to get water states they are the first to be cut off if we need to do water restrictions. A discussion took place on how to restrict them. A couple of the ranchers are signed up under the Mammoth Water Users. Council Member Carlson asked Recorder Bigler if this restriction can be done. She said yes. We would need to monitor their water usage every day and when they reach the cut off, she can switch their account to inactive. If there is an agreement the Attorney would like to see it first. Council Member Ezell is concerned that when we tell the ranchers/sheep herders they are going to be cut back that they will turn around and go to the Mammoth Water Users and get as much water as they want for only \$5.00. The citizens of Eureka are subsidizing the Mammoth Water Users. They paid for the well and the fill station. We need to meet with the Mammoth Water Users and get the contract redone. The citizens of Eureka do not get any benefit from the fill station except for those who are with the Mammoth Water Users and are using that water to water their lawns here in town. We have been talking about it for years let us get it done. Council Member Carlson made a motion to accept the Resolution and to address the other concerns at the next work meeting. Council Member Trepanier seconded. No further discussion. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trepanier – Aye. The Resolution number is R-06-14-2021

## 3. Review, Discussion and Adoption of a 6 Month Moratorium on Developments outside City Limits.

Chris Dever, Planning Commission Chairperson, said there are several issues associated with developing in this City. Some of these issues could put the City in extreme liability when it comes to development and plan checking. He had a scenario of what could happen and then discussed what the city could do about it. We have storm water issues especially on the east side of town, EPA issues, the wells on the east side of town. We need to make a list of the items that need to be taken care of. Council Member Haynes asked will this have anything to do with annexation. It does effect annexation. We have existing infrastructure in place right now that is buildable and is already currently there. Any addition to that will affect any annexed portions of town that do not have connectable or readily accessible utilities. Council Member Carlson asked if this moratorium is for all building. Yes, it is for all building. Eureka City cannot afford any possibility of a developer or contractor leaving a project abandoned. To clarify the moratorium is for any property that currently does not have utilities/services in front of their project. No utilities

or no roads would fall under this. We are not anti-development or anti-growth basically this is giving us 6 months to get our ducks in a row. Can we get everything done during this time? Attorney Mellor said the State only allows six months and cautions against doing another broad moratorium right after. We would need to look at where we stand after the six months. Council Member Haynes made a motion to adopt the ordinance establishing the 6 Month Temporary Land Use Regulation Moratorium prohibiting the construction or development of any property without existing infrastructure to service the property within Eureka City. Council Member Trepanier seconded. No further discussion. All in favor motion carried. Council Members Carlson, Ezell, Haynes, Rice, Trepanier – Aye. Temporary Land Use Regulation Ordinance # 06-14-2021-2

## **DISCUSSION ITEMS**

### **1. Review and Discussion of Ordinance concerning Special Event Permits.**

There was a discussion on what they want in the ordinance. This would be for groups of 100 or more holding the event on City property. Attorney Mellor will work something up and then it can be discussed at the next meeting. Requiring a 30-day notice and Council Member Rice has an issue with the garbage that comes with these events. We could require a refundable cleanup deposit and insurance. Be flexible on the venue, for example if they rent the park but the weather forecast shows it maybe bad weather, they could change to the memorial building if available.

### **2. Review and Discussion of Non-conforming Lots/Cottage home Ordinance.**

Attorney Mellor has done some research and had some information for the Council. A discussion took place and Attorney Mellor will put together some proposals. It will need to go through the Planning Commission and Chris Dever would also like input from the Council.

## **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.)

Kurt Marchant with Ensign Engineering located in Richfield came to introduce himself and what his company does. They do surveying, structural engineering and help find funding for the small rural communities. They just wanted to let the Council and town know they are here and are willing to help.

1. Jonathan Langford, Request to purchase a piece of city property down by the Tintic Junction. He talked to the Council about the property he wishes to purchase. He owns a 16-acre piece of property that his business currently sits on down by our well at the Junction. The City owns 30 acres next to his property and was wondering if the City was willing to sell. Council Member Haynes said our well sits on that property and feels we should not sell any of that property. The Council suggested he check with the County to see if he can even build a home and how many acres he would need to purchase. His business is getting up and running, but he is need of water for a restroom. It was suggested at the last meeting by Jim Larsen that maybe he could use the overflow water that comes from the well it would be non-potable water. Laura Kirgan asked if we had a well protection zone. We do and it is 200 feet in all directions.

## **EXECUTIVE SESSION**

No items to be discussed

**ADJOURNMENT**

Council Member Ezell made a motion to adjourn. Council Member Haynes seconded. Laura Kirgan spoke up and wanted to know why we charged the food vendor, Brandon Gout, a \$100 for the park when it was a free event. Mayor Castleton said Doug Meadows was supposed to pay for the rental of the park. When Brandon came into the City Office, he was told the Park had not been reserved. He filled out the paperwork and paid the fee. He will need to contact Doug Meadows for any reimbursement. After the question had been answered, Council Member Ezell's motion to adjourn was seconded again by Council Member Haynes. All were in favor and the meeting was adjourned.