

**EUREKA CITY  
COUNCIL MEETING  
OCTOBER 13, 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 Hortt Carter – Present  
Council Member Travis Haynes – Present  
Council Member Leslie Rice – Present via Zoom  
Recorder Patricia Bigler - Present  
Attorney Mellissa Mellor – Present via Zoom  
Public Works Director Lynn Elliott – Present via Zoom

**OTHERS IN ATTENDANCE**

C. Troy McKenna, Dena Green, Travis Green, Sadie Clark, Glen Wahlberg, Patricia Wahlberg, Paulette Carpenter, Gregory Thornock, Via Zoom JaNeel Nielsen

**APPROVAL OF THE MINUTES**

A. May 11, 2020 City Council Meeting.

Council Member Carter made a motion to approve the minutes from May 11<sup>th</sup>. Council Member Haynes seconded. No discussion. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

B. May 18, 2020 City Council Special Council Meeting.

Council Member Ezell made a motion to approve the special council meeting minutes from May 18<sup>th</sup>. Council Member Carlson seconded. No discussion. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

C. September 14, 2020 City Council Meeting.

Council Member Ezell had a question about the franchise agreement with Dominion Energy if it was approved with the 20-year agreement. Mayor Castleton responded with yes it was approved. Council Member Ezell made a motion to approve the council meeting minutes from September 14<sup>th</sup>. Council Member Haynes seconded. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

**TREASURER’S REPORT**

Council Member Haynes made a motion to approve the Treasurer’s Report from September. Council Member Ezell seconded. No discussion. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

**EUREKA CITY  
TREASURER'S REPORT  
FOR SEPTEMBER 2020**

Checking Beginning Balance:	\$ 67,947.87
Deposit Amount:	\$105,285.99
Withdrawal Amount:	\$ 93,593.28
Checking Ending Balance:	\$ 79,640.58

**CLAIMS AGAINST THE CITY**

Recorder Bigler mentioned an invoice from the water attorney Smith Hartvigsen we received but is not showing on the claims report. The bill is for the meeting about the annexation in the amount of \$695. Council Member Ezell asked why we are paying this bill? Mayor Castleton said he wanted to make sure everything was being done correctly. Council Member Ezell said we have plenty of time to do this after they come to use with the development and water. He does not understand why we are paying for Attorney's about water coming in that we are not looking for. We are getting ahead of the game. This is something the developer does not us. Council Member Carlson agreed with Member Ezell on this issue. Council Member Ezell asked if this legal advance came across this board before we spent any money. Mayor Castleton said no, he did not have a chance to talk to anyone on the Council. He wanted the water attorney to look at it while they were discussing it. Council Member Ezell said the water is not going anywhere this should have come across this board first. Council Member Carter said we should send Chief the bill for them to pay. The Mayor will contact Chief about paying this bill. Council Member Carter made a motion to pay the bills of \$97,447.59. Council Member Rice seconded. Motion Carried Council Members Carlson, Carter, Haynes, Rice – Aye. Council Member Ezell abstained.

**REPORT OF OFFICERS AND COMMITTEES**

Nick Castleton – Nothing to report

Hortt Carter – Nothing to report

Travis Haynes – Nothing to report

Darrin Carlson – Nothing to report

Leslie Rice – Nothing to report

Larry Ezell – Nothing to report

B. Planning Commission – Nothing to report

**NEW BUSINESS**

A. Clifford McKenna, request to use City Garbage Facility.

Clifford lives at Pinyon Canyon properties which is located over the lime quarry and would like to use the City's roll-offs for his household garbage. Council Member Carlson had an issue with this. He said we just took Mammoth off our garbage and should not let another person outside of town do the same thing. He suggested contacting Mammoth or Country Garbage. The Council suggested getting a regular garbage tote from Country Garbage and then bring it to the highway every Wednesday to get emptied.

B. Declaration of certain City Equipment and/or furniture items as surplus property. Council Member Ezell made a motion to surplus the equipment on the 2020 list. Council Member Carter seconded. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye. Recorder Bigler will post notices around town and on our website.

### **UNFINISHED BUSINESS**

A. Patricia Wahlberg (for Ron Bray) request for Easement across City property (Railroad Property).

Patricia said she has talked to Tim Buchanan. He said Chief is tired of waiting on the City to get the roads surveyed so they can deed them over. Attorney Mellor has not had a chance to review the email from Jesse Ralphs. If there are no problems with it then she will forward it to Tim Buchanan. Patricia said her surveyor will be coming up next week and needs to know how wide our roads are. Our ordinance says roads are 60 feet wide and he should measure 30 feet from the center of the asphalt. She asked if the Council had discussed how she can get access to the property. Mayor Castleton said that Palfreyman was going to talk to her about the property. Some of the Council said he has not even come before them to discuss buying any railroad property and needs to do so. Attorney Mellor informed the Council that any right of way needs to be maintained. The Mayor will talk to Palfreyman and Chief. Council Member Carter said we do not give out conditional use permits for this. He wants the Mayor to talk to Council Member Rice, who is over the Planning Commission, to have them stop giving out these permits for everything. Glen wants to know what he should tell his surveyor when he comes up. He does not want to survey the property if he cannot get the easement. Mayor Castleton said he would talk to them tomorrow.

B. Discussion concerning the sale of City Property to Cabot Peacock adjacent to old Clinic. He was supposed to be working with Attorney Mellor on this. She has not spoken to him for a couple of months. She just found the concept plan in her spam folder. Council Member Carter said we have seen the concept plan and he needed to contact the State Historical Society about the ditch. In her last conversation with him he said he had talked to them. We need a letter from them stating their approval on what he wants to do. He needs to come to Council Meetings instead of having his real estate agent calling the office.

### **INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES**

A. Consider and Enact Resolution Adopting Updated Fee Schedule. The Attorney had a question on the added fee for the data log. With the explanation for the data log she can now finish the resolution. She will need to eliminate the fee for the Mammoth resident's garbage on January 1, 2021. She emailed the completed resolution to the Council during the meeting. She read the Resolution for adopting the updated fee schedule. Council Member Ezell made a motion

to adopt R-10/13/2020. Council Member Carter seconded. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

**B. Consider and Enact Amendment to the Water Ordinance.**

Council Member Carter asked if everyone had seen what was done. He asked are we adopting a new ordinance or just amending. Since our ordinances are not codified it makes this a little tricky. It is an ordinance amending the original ordinance. Council Member Carter made a motion to accept the amended water ordinance 10/13/2020. Council Member Ezell seconded. No discussion. All in favor motion carried. Council Members Carlson, Carter, Ezell, Haynes, Rice – Aye.

**C. Consider and Enact Amendment to the Wastewater Ordinance.**

Attorney Mellor did not have this amendment available.

**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.)

Travis Green asked to purchase the alley lot located next to his property. Council Member Carlson said he thought the alley property had already been sold to Travis's grandfather, Myron Carpenter, quite a few years ago. The Mayor said we have been having trouble selling these kinds property because of an issue with a probate judge. Attorney Mellor will do some research to find out how to fix that problem. Council Member Rice said she had researched the probate judge issue and told the Council about her findings a while ago. Attorney Mellor said we need to address all the property issues at the same time. We do want to sell the property we just need to get this issue with the probate judge settled. Council Member Carlson asked if we needed to do anything with Jim and Janet Larsen's request for a water connection. Recorder Bigler has typed up the letter that Janet had requested and had the Mayor sign it. She made a copy for each of the Council.

**EXECUTIVE MEETING**

**A. Possible Litigation.**

Attorney Mellor said instead of discussing this in executive meeting she wants the opens meeting act to be put on the work meeting agenda.

**ADJOURNMENT**

Council Member Ezell made a motion to adjourn. Council Member Carter seconded. All in favor meeting adjourned.