

**EUREKA CITY
COUNCIL MEETING
OCTOBER 15, 2024 7:00 P.M.**

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Toni Dever – Present
Council Member Greg Evans – Present
Council Member Travis Haynes – Present
Council Member Tom Nedreberg – Present
Council Member Scott Pugh - Present
Council Member Jeremy Snell – Present
City Recorder Patricia Bigler – Present
City Attorney Melissa Mellor – Present

OTHERS IN ATTENDANCE

Steve Child, Susan Pugh, Neils Wright, Lindsey Andrus, Jesica Severa, Shelly Stansfield, Wesley Dever, Michael Alexander, LouAnna & Ted Haynes, Shay Morrison via Zoom.

APPROVAL OF THE MINUTES

Council Member Snell made a motion to approve the minutes from September. Council Member Evans seconded. No discussion all in favor motion carried.

TREASURER’S REPORT

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

**EUREKA CITY
TREASURER’S REPORT
FOR SEPTEMBER 2024**

Checking Beginning Balance:	\$130,485.81
Deposit Amount:	\$ 52,935.25
Withdrawal Amount:	\$ 71,740.21
Checking Ending Balance:	\$111,680.85
Share Savings (Water Loan):	\$ 62,100.31
Savings (General):	\$133,223.11
Savings (Water):	\$197,389.70
Savings (Streets B & C Roads):	\$170,979.12

Money Market Fund (Wastewater Loan):	\$ 14,112.62
CD 101 (General):	\$ 11,692.20
CD 103 (General):	\$ 12,891.75
CD 104 (General):	\$ 3,551.69
Savings (Park & Rec Impact Fee):	\$ 7,824.41
Money Market (Wastewater Impact Fee):	\$ 10,339.52
Money Market (Water Impact Fee):	\$ 2,118.14

CLAIMS AGAINST THE CITY

Council Member Snell wanted to know what the bill for TeamViewer was and the bill for Rocky Mountain Diesel. Council Member Snell made a motion to approve the claims. Council Member Evans seconded. No further discussion all in favor motion carried.

REPORT OF OFFICERS AND COMMITTEES

Toni Dever – The Tintic Chamber of Commerce asked if we would pay for the porta potties and waive the permit fee for the Halloween Spooktacular. The Council said we have done this in the past and agreed to do it again.

Scott Pugh – Nothing to report. Mayor Dever mentioned she had assigned Scott as the Council Member over Planning Zoning.

Travis Haynes – Nothing new to report on roads. He had put in to do a project this year but would like to hold off until Spring. He said the broom he was looking at was sold. He said the State Road shed here in Eureka turned in the one they had. It has heat, air conditioner, and is in good shape for \$15,000. Mayor Dever asked how we would pay for this. It would be covered under the B & C Road Funds. He mentioned there was a group that came up and cleaned the cemetery. Council Member Evans wanted to express his thanks for all the work they did.

Thomas Nedreberg – He contacted CiviclinQ and CivicPlus for quotes to make our ordinances searchable online. CiviclinQ initial set up is \$4,000 then \$1,000 per year to maintain. CivicPlus initial set up is \$9,500 then \$2,500 per year to maintain. He said Shay had mentioned at the Work Meeting he would be willing to help with the State mandated Subdivision ordinance, however; CiviclinQ can also do this for us. They work with the Hansen Planning Group and their proposal is for \$14,000. The State would pay the cost to have this done for us. Shay said he feels the Subdivision draft he has written up is a good one. He has contacted the States Ombudsman on the simple lot section to see where we are allowed to involve the Planning Commission and still be compliant. He is waiting for their response. He said the Hansen Planning Group usually includes charts that help simplify the process for some people. They can review what Shay has already done and provide a good draft.

Greg Evans –
Eureka Mills - IC Funding Agreement

The contract we had with DEQ expired back in 2020. He has been working with them to review the contract. They provide the funding for the permit coordinator and the maintenance we are required to do.

Wastewater Violation – Proposed Settlement and Possible Mitigation Project.

The fine started out at \$30,000 and he has been working with them to reduce it. If approved will be reduced to \$3,050 along with a \$10,000 mitigation project at the park. The Lead & Copper report is due tomorrow. He submitted the initial submission yesterday with Sunrise Engineering. He is working with Riley Water on our water rights. Specifically on transferring our water rights on the East side of town to the Vulcan Well as the point of diversion. We need to look at maybe two sites of diversion instead of five. This may help us improve and maintain the area more easily. We still need an easement on Vern Thorpe's property. He is willing to give us the easement once we have located where it is. On the booster pump area by the sewer plant, we found a check valve that will match. Widdison will try to get it ordered and give us a lead time on getting it repaired. We need to get a GPS receiver for the maintenance workers. It will tie into what was done during the water/sewer project. It will be a big help in accurately locating things. Rural Water talked to the State on our behalf concerning the discrepancies we had on the sanitary survey. The State sent out a couple of gentlemen to do a reinspection. They have overturned some of the items. The remaining items need to be fixed by the end of December. He will continue to work on these items.

Jeremy Snell - Thanked the Recreation Committee for the block party on Saturday. The next meeting is tomorrow night for those who are interested. They will be discussing the Christmas Event. The County is planning a County wide, light up your community, event on November 30th.

Maintenance Technician Report – Recorder Bigler said she didn't put them on the Work Meeting agenda because they would not be able to make it to the meeting. She put them on for tonight, but they were not able to make it.

DISCUSSION ITEMS/ACTION ITEMS

Mireya Lopez – Request relief on water usage amount due to leak.

Mireya was not in attendance and her item was skipped.

Michael Alexander – Tintic Historical Society, Request for Road Base/Gravel for Old Miners Union building.

Michael said they were able to remove all the block from the Old Miners Union Hall thanks to a UDOT Service Project. He is asking for a donation of 120 tons of gravel to back fill and level the inside area. That is roughly eight dump truck loads. Council Members Snell and Evans commented that the last time this was discussed the Council had preliminarily agreed to this and was just waiting to find out how much gravel was needed. They are still working on the plans for what the park is going to look like. They need to talk to the building inspector on a section of the building. They are planning to have the bricks engraved with the names of the people who have made donations. Council Member Evans made a motion to approve up to eight loads of gravel for the pocket park. Council Member Haynes seconded. No further discussion all in favor motion carried.

Bonnie Burt – Discussion concerning Building Permit for her property on Church Street. Bonnie called in and asked to be taken off the agenda. She did not have her paperwork completed.

Adoption of Ordinance No. 2024-10-15-01, An Ordinance Creating a Planning Commission Code.

Attorney Mellor said she had made the minor changes discussed at the last meeting. It should be ready to sign. The ordinance does not specifically come out and say how many members are needed but that three members are needed for a quorum. The terms could be for 2-year, 3-year or 5-year so long as they are staggered. This helps prevent having to appoint a whole new commission. A person can be reappointed at the end of that initial staggered term. This ordinance does not contain term limits. Council Member Nedreberg made a motion to adopt ordinance 2024-10-15-01 with the exception to change the term 5-years instead of 4-years. Council Member Pugh seconded. Council Member Evans said he thinks this is a different ordinance than the one Shay had drafted. Attorney Mellor said she did not receive the copy that Shay had drafted. She said on the motion you would amend it to state Eureka City not Eureka Town. The one Shay drafted is six pages and states a 5-year term. He believes all the ordinances he drafted were not directly sent to Attorney Mellor. This item was tabled for a few minutes while Attorney Mellor read through the ordinance. Council Member Evans said we need to adopt the Planning Commission Code before we can move forward with the other ordinances listed on the agenda and wants to table them. Mayor Dever moved to the next agenda item listed after them. This item was returned to later in the meeting after Attorney Mellor had a chance to read through the ordinance. The following is a few items she felt needed to be changed.

Planning Commission – Change Eureka Town to Eureka City throughout the ordinance.

Section 1 - can read 3 members or up to 5 members.

Section 3C – Quorum would be 2 members for a 3 member commission and 3 members for a 4 or 5 member commission. If you would want to allow that. Ideally a commission is made up of 5 members.

Section 4-3b – She does not like the language used. Shay explained the intent of the language.

Sub Paragraph C – Change Legislative body to City Council. Shay said instead of adding City Council in every time that it could be handled in the definition page saying the Legislative Body is the City Council. She would still like it to have City Council in parentheses.

Section 4-4a – 3 extensions beyond district boundary she wasn't sure what the district boundary is. She made a recommendation to amend this section to make it clearer.

She read the recommended changes for the amended motion. Council Member Nedreberg made a motion to amend the motion as per legal counsel's advice to include from 3 to 5 members, and to change quorum requirements to 2 members for a 3 member commission and 3 members for a 4 or 5 member commission, to put in parentheses in Section 4 -3b the legislative body is the City Council, to include in Section 4 – 4a - 3 the word “any” zoning district, make sure Eureka City is spelled throughout the ordinance, and to add the new Council Member Scott Pugh at the end. The previous seconded by Council Member Pugh stands. Mayor Dever said without objection you accept the amendment to the motion.

Roll Call Vote – All members voted in favor.

Council Member Evans stated that the other ordinances were still tabled until we can get a Planning Commission put in place. Attorney Mellor mentioned the Council can review them and give input as to what they want changed or added. Council Member Evans said they all need to

have Eureka Town replaced with Eureka City. We still need to figure out how to incorporate the administrative code into each of the other ordinances. Attorney Mellor said there is someone at her office that is assisting her with these ordinances. For questions or concerns contact Attorney Mellor and Shay.

Review/Adoption of Ordinance Creating Procedures for Approval and Development Standards for a Subdivision Code.

Tabled

Review/Adoption of Ordinance Creating an Administrative Code Enforcement Program.

Tabled

Review/Adoption of Ordinance Creating a Nuisance Code.

Tabled

Review/Adoption of Ordinance Creating a Parking Code.

Tabled

Review/Adoption of Ordinance Creating a Short-Term Rental Code.

Tabled

Review/Adoption of Ordinance Creating a Mobile Home Parks and Recreational Vehicle Parks Code.

Tabled

Discussion/Decision on MOU to go with Shay Morrison our Community Advisor or a Consultant for mandated changes due to SB 174.

Council Member Nedreberg passed around some documentation on the Hansen Group. He felt if we used the Hansen Group the Subdivision Ordinance would be easier to use. The State will be picking up the cost. Shay explained how the Hansen Group works. He would be happy to help the Council answer the questions they will ask. Council Member Evans made a motion to enter into an MOU with the Hansen Planning Group to review the Subdivision Ordinance Shay has drafted and to help get us in compliance with SB 174 by November 30, 2024. Council Member Nedreberg seconded. No further discussion all in favor motion carried.

Attorney Mellor finished reading through the Planning Commission Code and the discussion returned to that item on the agenda.

Approval of Equipment Purchases.

Council Member Evans talked to Trevor. Trevor is going to do some homework to see what he could come up with for a Mini-X and then get back to Council Member Haynes. We did receive the FEMA Grant for the storm drain improvements. Council Member Haynes asked what the dollar amount was on the grant. We have not been told an amount yet.

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.)

Jesica Severa - Tintic Chamber of Commerce Halloween Spooktacular Event – She had already talked to the city about the porta potties and the permit. It was approved. She asked about blocking off the road from the Silver Club to the open parking lot next to it. Council Member Haynes didn't have a problem with it. The city may have barrels or cones and if not UDOT may have some they can use.

Shelly Stansfield - Tintic Elks Lodge Fall Ball – The event will be on November 9th, and they are asking for a single event permit local consent to sell alcohol. Council Member Nedreberg said we have done it in the past and moved to approve to do the local consent. Council Member Haynes seconded. All in favor motion carried. Recorder Bigler asked if a business license is required. Council Member Nedreberg said if a business license is required then they need to pay for it. She paid \$25 the last time.

Lindsey Andrus was representing Cole Palfreyman – There seems like there is some misconception about the subdivision. He will not be developing any part of the properties. She explained about the parcels he would be selling to Mr. Draper and the Vallero's. Cole is keeping the lot behind his house neither have frontage along Last Chance. The two unimproved lots do have frontage along Last Chance, and he will be selling them off. She had Juab Title do a title search. It is on record with the County that there are mining claims. Council Member Haynes had a question about the road that runs behind the homes that allows access to the south property from Last Chance. Cole owns the property now. The Draper's will access their back property from the north side on their own property. Mayor Dever still had some concerns and wants to study this subdivision some more. Unfortunately, not all the information was submitted before the agenda deadline so this cannot be voted on. Council Member Snell was concerned there might be an EPA covenant on the properties. Lindsey said that does not change anything. Cole had Lindsey list the properties as unimproved and to contact the city for more information.

Ted & LouAnna Haynes – They were also left off the agenda. She brought the paper she told them she would bring and would like the Council to look at it. Her application is filled out. She will not be able to make it to the regular November Council Meeting. She asked if it is possible to request an additional meeting prior to November 12th and prior to the ordinance changes on November 30th. A discussion took place as to why they were not placed on the agenda for tonight's meeting. The paperwork had not been submitted to the city office. The office needs all the paperwork for the subdivision along with the paperwork for the rezoning of the property from RMU to R1. LouAnna went over the subdivision paperwork and checklist. She wanted to know if it was done correctly and if anything else was needed. Council Member Evans said she needs to complete the rezone application. LouAnna asked for a paper copy she doesn't have a way to print the one online. The rezone and the road going through the trailer park were discussed. Attorney Mellor read the noticing requirements. A Special Council Meeting on November 4th at 6:00 pm was set up for the rezone then the meeting after to discuss the subdivision. All paperwork must be handed in on Thursday before the meeting.

Neils Wright – renewing conditional use permit – He had some issues with the contractor. He was hoping they would have walls up by now. He will be getting with the contractor again and if he cannot get anywhere, he may have to get a new contractor. He did make a change on his plans changing a window to a door and putting in a deck out that door. He is still working on the property to get it cleaned up. Mayor Dever said to get with Recorder Bigler to fill out a new permit. Council Member Evans said as far as your building permit you were trying to get your property straightened out. Approval was pending until that was completed.

Attorney Mellor said she talked to Mayor Dever and wanted to inform the Council she will be resigning as the City Attorney effective January 1, 2025. Her Law Firm has decided not to provide legal counseling to municipalities anymore.

ADJOURNMENT

Council Member Evans made a motion to adjourn. Council Member Nedreberg seconded. All in favor meeting adjourned 9:47 pm.

EXECUTIVE SESSION – The Executive Session was not held.

Discuss threatened or pending litigation.

Discussion regarding the possible purchase, exchange, or lease of real property, including any form of a water right or water shares.