

**EUREKA CITY  
COUNCIL MEETING  
JUNE 11, 2018 7:00 P.M.**

**Pledge of Allegiance:**

Mayor Nick Castleton led everyone in the Pledge of Allegiance

**Staff in Attendance:**

Patricia Bigler – City Recorder

Tim Merrill – City Attorney

**Public in Attendance:**

Shantell & Nathan Charlesworth

Riley Hopes

Ray Schow

Ferrel Thomas

**ROLL CALL:**

Leslie Rice – Present

Brandy Kirgan – Present

Nick Castleton – Present

Tamra Jameson – Present

Kimberlee Clem – Absent

Hortt Carter – Absent

**APPROVAL OF THE MINUTES:**

Council Member Kirgan made a motion to approve the minutes from May 14, 2018. Council Member Jameson seconded. All in favor motion carried.

**TREASURER’S REPORT:**

**EUREKA CITY  
TREASURER’S REPORT  
FOR MAY 2018**

Checking Beginning Balance:	\$ 82,948.51
Deposit Amount:	\$177,254.95
Withdrawal Amount:	\$191,829.40
Checking Ending Balance:	\$ 68,374.06

**Certificate Account 101 Maturity Notice** **\$ 10,331.87**  
**Will Mature on 08/10/2018 will automatically roll over for another 12 months with a new Maturity Date of 08/10/2019**

Council Member Rice made a motion to approve the Treasurer's Report for May 2018. Council Member Kirgan seconded. All in favor motion carried.

**CLAIMS AGAINST THE CITY:**

Claims in the amount of \$26,531.45 for the month of May 2018 were presented. Council Member Kirgan made a motion to pay the claims. Council Member Rice seconded. All in favor motion carried.

Claims in the amount of \$31,804.93 for part of the month of June 2018 were presented. Council Member Kirgan asked about J-Mart claim for reissue of January & February payments. Recorder Bigler explained that J-Mart contacted the City and said they never received the checks for January and February 2018. Check # 5895 had not cleared the bank so Rachel cancelled the check and issued a new check # 6037 to take care of the issue. Recorder Bigler mentioned the City may have to look into finding someone else to do the newsletter. J-Mart is taking longer to get them back to us. Council Member Kirgan asked why there was a bill for basketball it has been over for a while. Recorder Bigler said the City just received the bill. It is for the cost of the Jr. Jazz fees and jerseys.

**REPORT OF OFFICERS AND COMMITTEES:**

**Mayor Castleton** - He asked Recorder Bigler if there was any news on the property the City wanted appraised. Recorder Bigler said the lady with the appraisal company called and the appraisal is done and was going to send it to her.

**Council Member Jameson** – Looking in grants for a recording system. She contacted a contractor to come and look at the Memorial Building second floor ceiling. She asked if the City would be interested in taking over the Boy Scouts now that the LDS Church is no longer sponsoring them. Attorney Merrill said he has been hearing a lot about this subject and has done some research on it. The City could be a sponsor but could not have any staff involved. There would need to be 2 public officials to fill the positions of the figure head of the Chapter and the Coordinator and then have someone like the Elks run the troop. Mayor Castleton asked Nathan Charlesworth, Exalted Ruler for the Elks, if the Elks would be interested. This is something that needs to be looked at. Nathan said he would be willing to work with the Mayor and Council Member Jameson on this issue.

**Council Member Rice** – Garbage is going along with no issues. The Planning Commission discussed set backs at their last meeting.

**Council Member Carter** – Absent

**Council Member Montgomery** – Currently recruiting members for the Tintic Silver Jubilee. She has been contemplating asking the City about selling beer at the Park during the celebration. She printed off the State application to see what it said. Attorney Merrill gave her the code 32B-4-421 to look up. He said an ordinance would need to be adopted.

**Council Member Clem** – Absent

## **Planning Commission**

### **1. Tim Merrill - Rezoning Process**

Attorney Merrill passed out a hand out to the Council Members on rezoning. He said that a rezone is where the Planning Commission really gets to shine. He said all rezones originate in the Planning Commission. There certain notice provisions that must be followed before the Planning Commission can hold a public hearing. The applicant must prepare notices to mail to every affected owner and every adjacent land owner within a certain amount of feet (will be in the zoning ordinance). Then the Planning Commission can hold their meeting where all those notified can come and talk. Formal objections can be submitted at the meeting. These objections would be recorded in detail in the Planning Commission meeting notes. These notes must be submitted to the City Council when it comes before them.

Round 1: The Planning Commission: The Commission must formally vote for or against the rezone and all verbal and written objections must be taken in consideration. All of this would be passed onto the City Council.

Round 2: The City Council: The Council is not bound by the Planning Commissions vote or recommendation because the Planning Commission is an advisory body only. The City Council would need to decide if the rezone is in the best interest of the City. The City Council would make the decision and it must be by ordinance. The rezone must be put in writing. There is normally a legal description of the area and the application material is pretty in depth. Attorney Merrill could do first one and then Recorder Bigler could use it as a template for all future ones and just change the information. He brought a rezone application from Highland to show the Council what the procedure looks like in other cities.

a. Richard & Sue Renzello and Riley & Stephanie Hopes. Request to Rezone Sharp Acres. Council Member Rice wanted to make sure things were being done properly. She asked if Mr. Renzello going door to door and getting signatures of the people involved was correct. Attorney Merrill stated that a notice must be mailed to all property owners adjacent to the property. Site specific zoning can be done but generally it is a legislative act to rezone a parcel of property. The reason this is important is because if there was something controversial about the rezone and a lot of people were upset it is referendable. This means that within 5 days of the Council deciding to rezone 5 sponsors could come and file a referendum which would essentially halt the rezone. Until there is a vote in the next general election. In the case of the Hope's wanting to combine their lots, purchased in the old Sharp Acres mobile home park, to build a home Attorney Merrill said that it wasn't a rezone issue and was not sure why the County Recorder told them it was. The property is zoned as residential multi units, but it is still residential property. The multi units means that a mobile home or duplex could built in that area. Attorney Merrill said Recorder Bigler had just shown him the plat map that means there has been a subdivision done. Therefore, we are amending a subdivision plat by combing 2 lots into 1. The City does not need to rezone Sharp Acres but needs to approve a subdivision plat map amendment to show those lots combined. This is all the Hope's and Renzello's are trying to do. Attorney Merrill found State Code 10-9a-608 Petition to amend a subdivision plat. This code lists the steps the applicant needs to take to amend the subdivision plat. This issue will still need to go through the Planning Commission and they hold a public hearing. Then it goes before the City Council who has the final vote. Attorney Merrill told the Council and the Hope's to go online and read State Code 10-9a-608 it spells out what needs to be done. Attorney Merrill said before it goes to the Planning Commission all affected property owners need to have their letters

mailed to them, a new professional plat map must be drawn up. The Hope's and Renzello's can coordinate this process together.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES.**

A. Resolution No. R-06-11-2018-1 Approval of Budget Amendment for Fiscal Year Ending June 30, 2018.

The Council voted to approve the budget amendment for fiscal year ending June 30, 2018.

Council Member Jameson – Yes  
Council Member Kirgan – Yes  
Council Member Clem - Absent

Council Member Rice – Yes  
Council Member Carter – Absent

B. Resolution No. R-06-11-2018-2 Approval of Budget for Fiscal Year Ending June 30, 2019.  
The Council voted to approve the budget for fiscal year ending June 30, 2019.

Council Member Jameson – Yes  
Council Member Kirgan – Yes  
Council Member Clem - Absent

Council Member Rice – Yes  
Council Member Carter – Absent

C. Discuss Updating Cemetery Ordinance.

Attorney Merrill said the cemetery ordinance needed to be updated. He started writing a new ordinance but needed some information from the Council.

He wanted to know the hours. The hours are 6 am – 8 pm.

No pet burials allowed only human remains.

Does the City want to allow double burials meaning burying people on top of each other? We do allow a cremation burial to be placed on top of a family member if that is what the family wants.

The Mayor didn't want double burials.

Lynn Elliot is the sexton for the cemetery.

Does the City have specs for burial such as using a concrete vault? We do require a concrete vault.

Does the City maintain the Cemetery? We do cut the weeds in the open areas and maintain the roads.

Attorney Merrill suggested the City should have it surveyed and have a company print out a plat map of all the burial plots that could be kept in the City office. The City would then know what lots have a burial in them and what lots are for sale. The City does have records but not all of them are accurate and may not show what lots the person is buried in. Recorder Bigler she has looked and there are still grants available for cemeteries to do a GIS system.

Does the City regulate size and height of headstones and markers? In the new section there is a restriction on the coping around the plots. This is now a non-issue because State Law says Cities cannot sell burial plots only burial rights.. State Law says if a burial right is not used within 60 years the City can reclaim them. The City sends out a notice to the family. Attorney Merrill feels that the cemetery fees need to be redone.

## **NEW BUSINESS:**

### **A. Tintic Historical Society.**

Ferrel Thomas asked if the old fire truck could be driven in the Silver Jubilee parade. The Mayor said the fire truck had a gas leak and that would need to be fixed. Ferrel said Recorder Bigler gave him some information that said the truck needed to be licensed and insured. He wanted to know if this was the case because it is an antique vehicle. If the vehicle is being driven, then yes it needs to be licensed and insured.

### **B. Nathan Charlesworth – B.P.O.E. Lodge No. 711, Special Events Permit. Request for fee waiver.**

Nathan asked the Council to waive the fee for the special events permit for their annual poker run being held on June 16, 2018. Council Member Kirgan made a motion to waive the fee. Council Member Jameson seconded. All in favor motion carried.

## **UNFINISHED BUSINESS:**

### **A. Dept. of Workforce Services Youth Training Program.**

The training program is helping the City hire summer hires this year. To be eligible the kids had to apply through Workforce Services and take a test. The City will pay the summer hires and will be reimbursed 100% by Workforce Services. The Mayor asked LouAnna Haynes if she would proctor the test for the kids. She agreed and presented the Mayor with the results, so he could turn them into Workforce Services.

The Mayor was wondering if he could work through the Dept of Workforce Services to hire two part-time employees to replace Fred Garbett, who turned in his resignation, and get them certified in water & sewer. The Mayor said a second time that he would like to work with Dept. of Workforce Services to hire 2 people to replace Fred Garbett. The Mayor mentioned that Workforce Services had a person under their tutelage, who has been in the workforce before and has a lot of contacts who wants to get into doing Economic Development. He needs to have a name on his resume. The City could borrow or rent him from the State for 3-4 months depending on how this works out with all the money. The gentleman hired would dedicate his time to finding businesses who would come in and establish businesses, call centers, and stuff like that in Eureka or whatever the Council approved of. The City has property that the businesses could use. Attorney Merrill asked what Fred's job was. The Mayor explained he was over wastewater, the park, and other duties as needed for the City. The Mayor said if we could get a couple of these kids on the same kind of grant from the State, they say they have more money than they can handle, so they are trying to find people to get them qualified and get them in here. The Mayor thinks this is an opportunity to get 2 people hired and doing the work Fred was doing and get them certified. Council Member Kirgan said she had an issue that the adults must work a minimum of 32 hours and the City will only be reimbursed 50% of the wages and it is for 6 months. Council Member Rice asked is this for the kids or for the adults. This is for the adults in the program. The Mayor said the City could afford to pay them and still be cheaper than what they were paying Fred. Council Member Rice said if they work 32 hours doesn't the City have to pay benefits. The Mayor said no, the State has their own rules and we would need to follow. Recorder Bigler said if we go over the 32 hours that's when we get into the issue with insurance. The Mayor said he would talk to the gentleman in charge to find out. The Mayor asked if it would be alright with the Council if he could see what he could work out and do something like

this. If he could hire 2 part-timers instead of 1 full-timer and the State would help them get training to get certified. Council Member Kirgan said it would be fine if the Mayor found out all the information about the program, but she didn't know if she was ready to commit. Attorney Merrill said the City may want to find a way to open the job to the public and go through the State. Council Member Jameson wants the job to be posted, so people here in Eureka can have a chance to put in. The Mayor said lets post it and let me go with this one and he will bring back to everybody what he found out and see what he can do. Recorder Bigler asked the Attorney if she still needed those forms on Fred. He said an exit interview for Fred would be a good idea and no form is needed. Council Member Rice asked if we know why Fred was leaving. He found a higher paying job that allows him to keep his retirement with the State.

Attorney Merrill wanted to keep the Council abreast of what was going on with our zoning enforcement with Mr. Mott. The case has been filed but the court has been very slow in giving anything. The County has not served Mr. Mott yet, and he has another case with them and it is still open.

Ferrel Thomas asked about the training at the Cedar City Planning Event. Does the City have the money for training? The Planning Commission does have money in budget for training.

**CITIZEN COMMENTS:**

(Citizens wishing to address the council may do so at this time with any questions or concerns but will be limited to two minutes each.)

**EXECUTIVE MEETING:**

There were no items to be discussed

**ADJOURNMENT:**

Council Member Kirgan made a motion to adjourn. Council Member Jameson seconded. All in favor motion carried.