**EUREKA CITY COUNCIL**

**SPECIAL MEETING**

**SEPTEMBER 24, 2018 7:00 P.M.**

**Pledge of Allegiance:**

Mayor Pro-tem Carter led everyone in the Pledge of Allegiance

**Public in Attendance:**

Brandy Kirgan

**Staff in Attendance:**

City Recorder, Patricia Bigler

City Attorney, Tim Merrill

City Worker, Lynn Elliott arrived late

**Roll Call:**

Nick Castleton – Absent

Tamra Jameson – Present

Leslie Rice – Absent

Hortt Carter – Present

Kimberlee Clem – Present

Gordon Grimstead – Present

**Discussion Item:**

Discussion of Geophysical Survey Access Agreement between Eureka City and Continental Mineral Claims, Inc.

Council Member Carter was acting as Mayor Pro-tem. We are here to discuss the agreement recently signed by Mayor Castleton. The Council was not made aware of this agreement until after Mayor Castleton signed it. Council Member Grimstead asked Attorney Merrill what powers the Mayor has, and do we have an ordinance which states what the Mayor’s duties are? Attorney Merrill read the statue of a 6-person City Council. According to the statue the only authority is the Council. The Mayor does have some special privileges. He is the Chief Executive Officer but doesn’t have any independent authority. Attorney Merrill asked Recorder Bigler if the City had any ordinances regarding the Mayors power and duties relative to the Council. Recorder Bigler said if we do that it would be an old one. He also read to the Council what the Statue says the Mayor can do.

Council Member Grimstead said after reading the email containing the Survey Access Agreement he had some questions and concerns and went to Recorder Bigler to see if she could help answer them. He found out she also had concerns about the survey being done so close to the City wells and sewer ponds. He wasn’t sure about the compensation Mayor Castleton had agreed upon. In lieu of compensation in the form of money the City was getting a TV for the Memorial Building. Mayor Pro-tem Carter said his concern was the well site and there is a State law concerning having no development on well property. Attorney Merrill asked what were the concerns the others had. Recorder Bigler said her concern was the official agreement. The Company who is doing the Survey is HPX, but the agreement is with Continental Mineral Claims. The map showing where they were going to do the survey was near the wells and sewer plant along with some property the City has leased to Caleb Williams for his horses. This is why she sent the agreement to Attorney Merrill. Attorney Merrill said he generally likes to look at agreements before they come before the Council. He said the choice before the Council would be to ratify the agreement or vote to rescind the agreement as being void for not coming before the Council. Mayor Pro-tem Carter feels the agreement is null and void because Mayor Castleton cannot sign anything without Council approval. Attorney Merrill said that was his opinion too. Mayor Pro-tem would like Attorney Merrill to draft a letter to HPX saying the agreement is null and void and they would need to get on the City Council agenda if they would like to pursue it any further. Council Member Grimstead made a motion the agreement Mayor Castleton had signed is null and void. Council Member Clem seconded. All in favor motion carried. Attorney Merrill asked Recorder Bigler who the contact person is for the Geological Survey. She didn’t know anyone from Continental Mineral Claims but the gentleman from HPX is Steve McIntosh.

Attorney Merrill will send a letter to the address we have in Salt Lake and let them know the Council has voted to null and void the agreement. He will also invite them to the next City Council meeting in October.

City Worker Elliott said the barrier around the wells is 100 feet. He said our Source Protection Plan says no one can be on our well property for any reason. According to the Source Protection Plan the protected property can go as high has 2 miles. The sewer plant is fenced and contained. Again no one is to enter the property unless authorized to do so.

**Adjournment:**

Mayor Pro-tem made a motion to adjourn from regular meeting at 7:28 p.m. to go into executive meeting. Council Member Grimstead seconded. Regular meeting was adjourned, and Council moved into executive.

Council came back into regular session. Recorder Bigler had the Council sign the subdivision ordinance on the mylar map for Robert and Heather Young. Mayor Pro-tem Carter made a motion to adjourn. Council Member Grimstead and Council Member Jameson seconded. Meeting adjouned.