

**EUREKA CITY  
COUNCIL MEETING  
SEPTEMBER 12, 2017 7:00 P.M.**

**Pledge of Allegiance:**

Mayor Nick Castleton led everyone in the Pledge of Allegiance

**Public in Attendance:**

Tim Merrill – City Attorney, Auddie Zufelt, Cheyanne Zufelt, Joyce Wright, Cindy Roberts, Russell Roberts, Suzanne Carter, Shena Draper, Rodney Draper, Ferrel Thomas, Darrin Carlson, Ryan Thacker, Destiny Thacker, Heike Anderson, Daniel Theile, Fred Garbett

**Roll Call:**

Leslie Rice, Brandy Kirgan, Nick Castleton, Kimberlee Clem, Hortt Carter. Brian Underwood was not present for the meeting

**Approval of Minutes:**

Brandy made a motion to accept the minutes from August 8, 2017. Leslie seconded. All in favor motion carried.

**Treasurer’s Report:**

**EUREKA CITY  
TREASURER’S REPORT  
FOR AUGUST 2017**

Checking Beginning Balance: .....	\$293,913.63
Deposit Amount.....	\$114,560.66
Withdrawal Amount: .....	\$150,150.28
Checking Ending Balance: .....	\$258,324.01

Hortt made a motion to accept the Treasurer’s Report. Brandy seconded. All in favor motion carried.

### **Claims Against the City:**

Hortt asked about the claim for ACE Rents. Patricia said the invoice has been turned into the contractor. The City paid the bill because we kept getting notifications that the bill was due. Hortt inquired about street lights. Patricia showed him that they are bundled. Hortt made a motion to pay the bills for \$89,250.74. Kim seconded. All in favor motion carried.

### **Reports of Officers and Committees:**

**Nick Castleton-** mentioned as a point of interest that is was stated in the last Council Meeting that the audit would be done by August 25<sup>th</sup>. We have received a notice from the State that we are late on our audit. The problem is going between the 2 systems. The auditor should have the audit done in a day or two.

**Leslie Rice-** Reported that the City has started working with Michael Clay on the new City Plan in conjunction with Planning & Zoning. Nick said that there is a meeting tomorrow night with the Council and the Planning & Zoning, it is open to the public. Leslie said that a survey will be sent out asking for public feedback as to the direction they would like the City to go. She didn't have anything to report on garbage.

**Brandy Kirgan-** Didn't have anything to report.

**Brian Underwood-** Not present

**Kimberlee Clem-** Brought up the remaining \$14,000 left on the grant for the cemetery. She would like to have the road chip sealed. She wanted to know how to go about getting it done. Nick said to get in touch with some contractors. He said that JCI was going to do it last spring. Steve would be the contact she needs to talk to. She didn't have anything more to report.

**Hortt Carter-** Met with Jesse to go over some issues that need to be completed concerning the water and sewer project. Patricia said that Jesse met with Steve. Hortt didn't have anything else to report. Hortt said he talked Jesse about the fire hydrant up by Leslie's. Even though it was not part of the project it was paid for by them and it needs to be fixed. Hortt wants to make sure the City is not sent a bill for that repair.

### **Introductions and Adoption of Resolutions and Ordinances:**

#### **A: Energy Sales Tax Ordinance**

Nick asked Tim Merrill if he had found anything on whether propane was included in the Energy Sales Tax. Tim said it does include propane. After looking deeper into things Patricia and Tim discovered the City doesn't have an ordinance. The City is collecting the 3% from Rocky Mountain Power is because of the Franchise Agreement. Tim said that if the Council wishes to enact a sales tax on energy then they would pass this ordinance. The ordinance would go in to effect in January 2018. Auddie Zufelt commented that he knows about propane companies. He said they should be already collecting a city tax along with their tax and should be turning over the tax to the cities. He said it doesn't matter if we have an ordinance that it the way it works. Leslie commented that it appears it is not working that way any longer. Tim says he thinks that we are taking two different taxes. This is not a sales tax but a franchise tax. This ordinance would allow the City to charge the 6% tax that the State allows. Rodney Draper was concerned that this might force the propane companies to charge their customers more. He thinks we should consider that Eureka has a lot of people on a fixed income and this might hurt them financially. The Council is under the impression that the tax is already being charged but not coming to Eureka because we do not have an ordinance. Hortt made a motion to approve Energy Sales Tax Ordinance 09-12-2017. Leslie seconded. All in favor motion carried.

## **New Business:**

### **A. Appointment of Appeal Authority**

Patricia said Anitra Cornish and Suzanne Carter were interested but no applications. Tim said there is also a proposed Appeal Authority Ordinance he would like to have it put on the agenda for the next meeting. Tim drafted the ordinance requiring 3 members for a majority vote. A new posting of the position will be posted with a due date of October 3, 2017. Patricia will make a new application for the position.

### **B. Fred Garbett- Use of Soil for Erosion Control**

The EPA needs to do erosion repairs but cannot find a contractor from the State's list that can do the job before next year. They would like to know if the City would be interested in doing the contractor work for a contractor wage. Fred said we have the equipment and if we have the time. Fred said he would leave it up to the Council to decide. Hortt and Brandy are not interested in the City becoming a contractor for this job. The Council didn't feel that it was the City's job to clean up the EPA's erosion issue. Auddie Zufelt says that he has a rock gully that the EPA put in his yard. He feels this is a hazard to his grandchildren. Fred said he will get some pictures and send them to Michael Stork with his concerns.

## **Unfinished Business:**

### **A. CIB Grant Application**

Nick attended the CIB hearing and the vote was 6 to 4 to offer half loan/half grant for the renovation of City Hall. The loan would be differed for 5 years when one of our loans will be paid off. They have not granted the money that will be on October 5<sup>th</sup>. Nick talked to Shad West with CIB he suggested we go back and plead poverty. One of the CIB board members is concerned with how we are going to maintain and take care of the building once we get the grant. The member would like to see a maintenance plan in place. Nick, with the Councils ok, would like to go before the CIB board and plead our case. Hortt is totally against doing the project if all we can get is half loan/half grant. The Council was fine with Nick going back before the CIB board to plead our case. Nick commented that Council members were welcome to come with him.

## **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):**

Fred Garbett felt that the Council shouldn't be putting the City and the next Council in debt with a loan to renovate City Hall.

Shena Draper presented the Council with a packet. She then proceeded to tell the Mayor that she wants him to resign and have nothing to do with the City. She said that she is pressing charges against him over the Eureka Welcome sign. She wants the minutes from the Council meeting that discusses the community service project. She said that there is prove that the sign is not Eureka City's and is Briki Draper's. She said that he is a liar and wants him out. She is going to go forward with the charges.

Heike Anderson feels that the sign was donated to the City and needed to be repaired. Nick's granddaughter was the one who repaired the sign. Her experience with Nick is that he helps people when he can. We are a small community why can't we get along.

Auddie Zufelt said at the bottom of his driveway he had road base level with the asphalt. When the new water lines were put in the contractor didn't put in enough road base. On the other side

of the road where he puts his garbage can there is a section of the road there is indentation. He wants his driveway put back the way it was before. Nick said he will try to get it on the punch list.

Cindy Robert said she filed a complaint and sent pictures to Patricia about her lawn getting dug up. She said all the contractor does is bring in road base. She said it looks like crap. She would like to have her grass put back. Nick said he wasn't sure it was on the punch list but he will make sure it gets on the punch list.

Rodney Draper wanted to clarify for the people in attendance and to Nick that the Eureka Welcome sign was not supposed to be painted. Briki wanted a rusty look. Mr. Evans mistakenly painted the sign. Rodney stated that Briki had most of the supplies donated and the City had nothing to do with the sign. This is not about the sign but about the Mayor overstepping his authority. He feels the Mayor is out of line.

Hortt made a motion to go out of regular meeting and go into executive meeting. Brandy seconded. All in favor motion carried.

### **Executive Meeting:**

### **Adjournment:**

Back in regular meeting. Tim told the Council to get him a letter of who is violating, what is their address, and what are they doing. He will send them a letter saying they need to come into compliance and give them so many days (need to decide on how many days) before we file a nuisance violation in court. Tim said that pictures would be a good thing to keep in their file for showing in court.

Hortt made a motion to adjourn. Brandy seconded. All in favor motion carried