

**EUREKA CITY
COUCIL MEETING
JULY 11, 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, Paul Peckham – CentraCom, Cindy Child, Christy Hansen, Ted Haynes, Wade & JoAnn Terry

Roll Call:

Leslie Rice, Brian Underwood, Nick Castleton, Kimberlee Clem, Hortt Carter was absent, Brandy Kirgan texted and she will be late

Approval of Minutes:

Brian made a motion to approve the minutes from June 13,2017. Leslie seconded. All in favor motion carried

Treasurer’s Report:

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

Checking Beginning Balance:	\$311,441.43
Deposit Amount:	\$193,640.21
Withdrawal Amount:	\$221,289.76
Checking Ending Balance:	\$283,791.88

12 Month Certificate Account 101 for \$10,219.44 will mature on 08/10/2017. The Certificate Account will automatically renew for another 12 months with the new maturity date being 08/10/2018.

The Mayor called for a motion. Brian made a motion to approve the Treasurer’s Report. Kim seconded. Nick brought up the CD that will be maturing in August. The Council was okay with letting the CD rollover. All in favor motion carried

Claims Against the City:

Brian made a motion for the warrants to be drawn and the bills to be paid. Leslie seconded. All in favor motion carried.

Report of Officers and Committees:

Nick Castleton – Didn't have anything to report.

Leslie Rice – No new news. She mentioned that the Council will be discussing the new Nuisance Ordinance tonight. She had a quick question concerning the unfinished section of the extension of Leadville. She wanted to know when it will be asphalted. Nick said that they haven't started asphaltting yet. Leslie was concerned that the contractor would finish up and forget to pave that section. Nick said the final payment to the contractor would only be paid when all the work including paving that section of road was finished.

Brian Underwood – He mentioned that there would be a meeting tomorrow, July 12th, to open bids on the sewer lagoons. He said he would not be able to attend the meeting. He asked Nick to talk to Jesse about changing the meeting time or date to Friday when he is off from work. The bid meeting will be at 2:30 p.m. Jesse would like to meet with Al or Steve to go over the punch list. Nick will check with Jesse about the time for the punch list meeting.

Brandy Kirgan – arrived at 7:16 p.m. Didn't have anything to report.

Kimberlee Clem – She put in for the grant with the Forest Service on the 30th of June.

Nick said one thing he forgot was about the grant for this building (City Hall). He said Jeff Albrecht is now with Savage and Albrecht Engineering. CIB recommended them because of the work they have done with historic buildings. Jeff and Ryan will be here tomorrow morning at 9 a.m. for a walk through. If we get the grant, CIB will be willing to give us the money early for just the purchase and installation of the furnace. The rest of the money would be given during the normal time period.

Planning Commission – Tim Merrill reported he had a training meeting with the planning commission. They went over Ethics, Open Meeting Laws, Variances, Appeals, Administrative versus Legislative actions and functions. He felt it was very productive.

Introduction and Adoption of Resolutions and Ordinances:

Ordinance No. 07-11-2017 – A Nuisance and Beautification Ordinance

Tim Merrill said the purpose of the ordinance was to give the City more items to enforce, to make it a misdemeanor so the City can enforce the ordinance. The Mayor asked if there were any citizen comments concerning this ordinance. Ted Haynes had a comment. He said he didn't have an opportunity to read the ordinance but would like to know what it states about vehicles on property. Tim said that once it goes to court it will be up to the Judge to decide if there are too many vehicles. Ted asked how the City is going to enforce the ordinance when their maintenance yard is full of junk. Nick said that the City has been trying to get it cleaned up. Tim said that every city he has worked with is complaint based. He said if your neighbor is really bothered by your yard then they call the city and want something done. This ordinance provides the City with the opportunity to get something done. Leslie feels like there needs to be a warning letter sent first. Tim said the problem with that is something people will say that they never received any notice. Tim said the ordinance can be changed to read something like prior to enforcement in court the City will mail 1st class to the last known address notice of the violation with 14 days to

fix the issue All the City would need to show the Judge is a copy of the letter sent. Tim said the Council can approve the ordinance with the change. Leslie would like to see some wording in the ordinance or letter stating that the person can come to the City to discuss the issue. Tim stated there needs to be check and balances. #1 Council with the authority to change the ordinance or repeal the ordinance if the Council feels it is being abused. #2 Mayor. #3 City Attorney. #4 Judge. Leslie made a motion to approve the Nuisance and Beautification with changes 15 day notice sent 1st class to last known address. Nick said along with if you do not agree with this notice contact the City Hall at the City number. Tim said if the ordinance passes he will go back and make the changes and then send Patricia the new copy. Brandy seconded. All in favor motion carried.

New Business:

Appointment of Appeal Authority

Nick said he has not been able to talk to Jeri Ezell yet. Christy Hansen asked what the Appeal Authority is. Nick asked if she would be interested in the position. Christy said she has an issue right now with the garage she wants to build. She talked to Darrin (Planning Commission Chair) and she doesn't meet the 20 foot setback and would need a variance. Tim stated that only the Appeal Authority can grant the variance. She will need to go through the Planning and Zoning and then to the Appeal Authority.

Teri Steineckert – Application for Kennel License

Teri Steineckert was not present.

Unfinished Business:

Franchise Agreement with Central Telecom Services, LLC

Tim said he is legally fine with the agreement but there are 3 stipulations he would like included in the agreement or changed. Change the term from 15 years to 10 years. Wants the 3.5% tax. Any future infrastructure be underground or if proposed above ground approved by the City Council. The gentlemen from CentraCom said they do not put in poles. They have a contract with Rocky Mountain Power who puts the poles in. If there is already an existing pole they will use it if they can. Tim and will get with these gentlemen for the changes. Brandy made a motion approve the franchise agreement with Central Telecom Services, LLC with the 3 stipulations. Leslie seconded. All in favor motion carried.

Citizen Comment:

Nick asked Cindy if she had any questions. She said no she just came to listen. Wade asked if the City had heard anything from the IRS yet. Patricia has contacted them again. They have left a message saying they are working on it and it could take a couple of weeks and would contact the City when they are finished.

Executive Meeting:

Nuisance Properties

Adjournment:

Brandy made a motion to leave regular meeting and enter Executive. Brian seconded. All in favor motion carried.

