

**EUREKA CITY  
COUNCIL MEETING  
FEBRUARY 13, 2023 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Mayor Chris Dever – Present

Council Member Greg Evans – Present

Council Member Travis Haynes – Present

Council Member Tom Nedreberg – Present

Council Member Jeremy Snell – Present

Council Member Robert Trepanier – Present

City Recorder Patricia Bigler – Present

City Attorney Melissa Mellor – Present via zoom around the middle of the meeting

**OTHERS IN ATTENDANCE**

HeatherAnn Zufelt, Brandon Gout, Krystal Gout, Laura Kirgan, Bonnie LaCario, JaNeel Nielson, Marisa Davis, Joe Carpenter, Shelly Stansfield.

**APPROVAL OF THE MINUTES**

Council Member Trepanier made a motion to approve the minutes from January 9th. Council Member Nedreberg seconded. No discussion all in favor motion carried.

**TREASURER’S REPORT**

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

**EUREKA CITY  
TREASURER’S REPORT  
FOR JANUARY 2023**

Checking Beginning Balance:	\$347,721.59
Deposit Amount:	\$ 93,444.80
Withdrawal Amount:	\$ 68,551.91
Checking Ending Balance:	\$372,614.48

**CLAIMS AGAINST THE CITY**

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

## **REPORT OF OFFICERS AND COMMITTEES**

Chris Dever – Just had a meeting with the employees and talked about some of the expectations the Council has for them. He is grateful for the workers we have.

Robert Trepanier – Nothing to report.

Travis Haynes – Nothing to report.

Thomas Nedreberg – Nothing to report.

Greg Evans – Received a notification that the sewer screen should be shipped on Feb 20<sup>th</sup> and be here mid-March. On Friday went over the information the city has on the wells down in homansville. He will be checking on the water rights and the deeds to make sure everything is good. He wants to get that area cleaned up and fenced in.

Jeremy Snell – Talked to the veterinarian in Delta on their protocols. He wanted to find out what other cities he works with are doing. He will discuss this more later in the meeting.

Planning Commission – Council Member Nedreberg said the biggest project the Planning Commission has will be working on the 5-year plan. Mayor Dever mentioned we need to recruit more help. We are need of at least one person to fill the vacancy left by Travis Fields and a second person to be an alternate.

## **NEW BUSINESS**

Discussion of what qualifiers are necessary to be a citizen of Eureka. Mayor Dever said he had been approached by an individual on what the definition of a citizen of Eureka was. It had to do with the purchase of a cemetery plot. This person lives in Mammoth but owns property and a business in Eureka. This individual felt he should be able to get the plot for the same price as a citizen of Eureka does. The Council discussed the issue and Recorder Bigler stated there is a section in the cemetery ordinance that includes this information. Council Member Evans found the section and read it aloud. It establishes what is necessary to purchase a plot as a citizen of Eureka. After more discussion Mayor Dever decided to table this for now.

## **DISCUSSION ITEMS/ACTION ITEMS**

Review/Acceptance of Water Lease Agreement with Mammoth Water Association. The agreement is for the lease of water from last year. Council Member Evans moved we sign the 2023 agreement for the 2022 usage. Council Member Nedreberg asked if this had to do with the money, we are paying Mammoth. Recorder Bigler said it is for the lease of the water and the change application that is filed every year with the State. She sent an email out last week that explained the process. They give us a check and then we must pay them back for the leased water and change application and it comes out that they are only paying \$410 for the year. Council Member Evans said we need to move forward with this and then take a separate action to amend the agreement. Council Member Snell said Attorney Mellor did say in the work meeting the agreement is extremely one-sided. He feels it is in our best interested to protect our water rights. Council Member Nedreberg seconded the motion. No further discussion all in favor motion carried.

#### Discussion and Adoption of Amendment to Fees for Fill Station Use.

Council Member Snell asked when the billing for these accounts go out. Recorder Bigler pays them at the end of each month. If we were to adopt a new rate it would take effect on first of next month. Council Member Evans said when we talked about it at the work meeting it was going to be \$20 per 1,000 gallons along with a monthly service fee of \$60 per user that has an account. The fee will be for commercial use only not for Mammoth. Council Member Trepanier made a motion to adopt the new waters rates that were outlined in the work meeting and proposed by the Mayor. Council Member Nedreberg seconded. No further discussion all in favor motion carried. Recorder Bigler asked if the motion included a setup fee. She knows it was discussed before. Council Member Snell explained why having a setup fee was discussed. People were coming in and Recorder Bigler was having to set them up with an account even though they were not using it right away. He was wondering if the \$60 a month would be in lieu of the setup fee. Council Member Evans feels we are fine with just charging the \$60. Council Member Snell wanted to know when this would take effect and it should be next month. Laura Kirgan asked for some clarification. She said if a person who lives in town has an account at the fill station and only uses it a couple times a year will they be required to be the \$60 service fee. Mayor Dever said no it was only for commercial users and farmers. Recorder Bigler stated that we have three categories: commercial, industrial, and Mammoth users. It will be for everyone except Mammoth.

#### Discussion on types of Bonds and Fees associated therewith, to be included in City Fee Schedule.

Mayor Dever said this has to do with the \$10,000 performance bond if work is done within the city. If you are a developer, it will be 120% of the project. These are cash bonds, but also insurance bonds and good for at least one year. Bonds are used to protect the city and its residents. Council Member Snell asked if we need to make a formal amendment to the fee schedule. Mayor Dever would like a to see a motion to just adopt the fees. Council Member Nedreberg made a motion to include in the bonds and their fees in the City Fee Schedule. Council Member Snell seconded. No further discussion all in favor motion carried.

#### Discussion of Snow Removal Policy and Action Plan.

Mayor Dever wanted to table this item. He felt there were too many loose ends and needed more discussion. Council Member Haynes made a motion to table this item. Council Member Nedreberg seconded. No further discussion all in favor motion carried.

#### Discussion of Preliminary Budget Review.

Mayor Dever told the Council to start looking at their budgets so we can be ready when it is time to do the budget. He asked if they wanted to do a budget retreat again. Council Member Snell felt a study or work session would be more appropriate. He said we really need to look at our revenue stream and maximize what we have. Mayor Dever asked Recorder Bigler to propose some dates to have a meeting and post them in Google Drive.

#### Discussion on Pet Protocol.

Council Member Snell felt the biggest issue we are facing is the prosecution side of it. He spoke with Deputy Beese after the most recent dog attack and thinks we need to figure out what steps/process does the city take next. The Vet told him most city's hold the dogs for 3 days while they try to find the dog's owner. After the 3<sup>rd</sup> day the city pays a \$50 surrender fee and turns the dog over to the Vet who then starts the adoption process. Mayor Dever said lets table this until the Work meeting. We need to get it all worked out and come to the next Council meeting ready to adopt it. Council Member Snell said we may want to get information on contracting with an outside source. Attorney Mellor walked them through the steps of how the prosecution side works. She will go into more detail at the Work meeting. Council Member Snell said he talked with Ryan Peters, County Attorney, they are willing to help, but they don't have staff to prosecute the cases on our behalf. He suggested maybe all of Eureka's cases could be handled on the same day. Council Member Snell said we need to establish a process or protocol for what happens once the ticket is written. This process or protocol would apply to all our ordinance not just for animals. He said we need to establish actual consequences to the process.

#### Discussion of Noise Ordinance.

Mayor Dever said we have discussed this with Six County, and he will be talking to Attorney Mellor some more before the work meeting. He wants to get this ordinance finished.

### **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.)**

#### JaNeel Nielsen and Bonnie LaCario, Dog Issue in town.

Jessica LaCario said she really appreciates all the work the city is doing to get the animal ordinance in place. She just recently had her neighbor's dog come into their yard and kill all their chickens. Her and her children are quite upset, and she hopes no one else will have to go through this. Bonnie LaCario wanted to thank the city for taking care of the animal issue. She asked what the city can do so that children are not having to witness these vicious attacks. Mayor Dever said it is not just a city issue it is all over the place. He said part of the burden lies on citizens to help with this issue and take care of their animals. We are doing our best. You have the right to protect yourself on your own property.

#### Shelly Stansfield, Comments concerning the Noise Ordinance.

She asked when the noise ordinance will be on the agenda again and how can she participate if she is not here. Council Member Evans asked her what her concerns where. She said it had to do with the event times. She said across America it is usually last call 1:00 am and shut down is 2:00 am. She feels this is reasonable and fair. Council Member Nedreberg said they have been talking about the permitting process. This will also protect the businesses. She just wanted her thoughts heard.

Laura Kirgan said she had sent a letter to the city asking for a waiver of some of the fees on her building permit. Mayor Dever said the Council will take what she had said into consideration.

Mayor Dever asked for a motion to close the meeting and go into an executive session. Attorney Mellor had a question about what was going to be discussed at the executive session. Mayor Dever said it has to do with the possibility of setting up the position along with the financial impact of setting it up. Attorney Mellor had some concerns with the way it was noticed and its eligibility of it being under an executive session. Mayor Dever said then we will table it for tonight and he will confer with her as to what is going on and then address it at the work meeting.

#### **EXECUTIVE SESSION**

Discussion of City Manager Position.

#### **ADJOURNMENT**

Council Member Nedreberg made a motion to adjourn. Council Member Evans seconded. All in favor meeting adjourned 8:42 pm.