

**EUREKA CITY COUNCIL  
MEETING  
AUGUST 9, 2016 7:00 P.M.**

**Pledge of Allegiance:**

Mayor Nick Castleton led everyone in the Pledge of Allegiance

**Vote for Unexpired Term of Council:**

There were two applicants for the Unexpired Term of Council- Gary Boswell and Kimberly Clem. Gary Boswell did not attend the meeting. Kim Clem gave a small speech as to why she applied for this position. The Council then voted and Kim Clem was voted in. Patricia Bigler, City Recorder, Read the Oath of Office to Kim Clem

**Roll Call:**

Donna Robinson, Brian Underwood, Nick Castleton, Kimberly Clem, Hortt Carter

**Public in Attendance:**

Tim Merrill, City Attorney, Coleen McNulty, June McNulty, Rachel Carlson, Darrin Carlson, Peggy Woodward, Shena Draper, Briki Draper, Travis Fields, JC Mickelson, Nebonet.com, Brandy Montgomery, Leslie Rice

**Approval of Minutes:**

Brian made a motion to accept the minutes from July 12, 2016. Hortt seconded. All in favor motion carried

**Treasurer Report:**

The treasurer report was not completed before the meeting. Patricia said that she can show them the bank statement if they want to see it. Hortt read the bank statement to the Council. Donna made a motion to accept the treasurer report as read by Hortt and Patricia. Kim seconded. All in favor motion carried

**Claims Against the City**

The Claims were read and a motion was made by Hortt to accept and pay the claims. Donna seconded. All in favor motion carried

Shena Draper asked why we pay for an attorney to come up to our council meetings. The Council explained that Tim is the City Attorney and one of his responsibilities is to come to the council meetings.

**Report of Officers:**

Nick had a question for Donna concerning the business license ordinance she was working on. He asked what UT Code 763-301 the penalty for not having a business license. Tim answered the question and said it is the generic code for what a Class B misdemeanor fine can be which is \$1000 and that is the maximum amount. Nick asked if the City requires a fire inspection each

year to renew a business license. Donna said she believes we don't and probably should. Patricia said that all businesses including home businesses are supposed to come in and fill out a renewal which includes a fire inspection.

Donna did not have anything to report

Brian did not have anything to report

Hortt did not have anything to report. He did ask that he get keys for the buildings.

Nick asked Kim if she felt she was ok taking over the departments that Adam had. Donna felt maybe we should wait until next month so she can get acquainted with the departments that Adam had.

### **Planning Commission:**

Nothing to report

### **New Business:**

Nick asked the Council if they had read over the business license ordinance so they can discuss the proposed changes. Hortt asked if they could discuss the Miner's Diner business license first and then go back to the ordinance change. Briki Draper addressed the Council she let them know that the Diner didn't pass the building inspection. The fire suppression system had not been completed. The Fire Chief, Lynn Elliott, told her that they need a certificate of safety for the overhead sprinklers, an evacuation plan, and the fire extinguishers need to be serviced. The Council told Briki as long as they stay doing business as Miner's Diner then they are good to go until they can get their paperwork and inspections in order for the planning and zoning meeting. Briki said they are working to get the name changed and the beer license re-done with the State.

The Council went back to discussing the business license ordinance changes. Tim informed the Council that anytime you have an approval or denial process you need to have dew process. If there is a denial there needs to be an appeal. He asked if the Council was going to be the appeal authority and they are. Tim suggested some wording changes to section 11-15-B. The other issue Tim had was with the wording of Non Profits. He suggested they take out the Non Profit. Tim feels that this ordinance with the changes will be a good ordinance for the City. Hortt made a motion to approve the new business ordinance 08-09-2016 as amended. Donna seconded. All in favor motion carried.

Travis Fields addressed the Council about the piece of property he would like to purchase from the City that adjoins his. He came up and explained why he wants to buy the property and where it is located on the plot map. The Council and Travis will need to discuss this in more detail in the Executive Session.

### **Unfinished Business:**

Nick had JC Mickelson come up front to meet with the Council. Tim said he would like to have the Council and JC to go through the terms of agreement together. Nick talk to the Water division with the State and received a list of what cannot be put on the water tanks. The

equipment that JC was putting on the tanks does not appear on the list. Donna wants it in writing from the State that putting the equipment on the tanks will be fine. The utilities were next on the list of issues to discuss. In paragraph nine of the agreement on how the electricity will be metered and paid for. JC said the equipment does not use much power. He can install watt meters that will do a running usage of watts. He thinks that the power for each one should be less than \$20 a month. This is brand new equipment and the advantage to it is that it is faster. JC said he will be putting in a meter to measure whatever power is used. JC would prefer to pay for the power yearly. The Council decided that would work best for everyone. JC will pay \$500 fee up front and then settle at the end of the year for power. The last issue to settle is the lease amount. The Council decided to go with \$150 per month that equals 2 connections. Tim will make the revisions to the contract and get it out to the Council tomorrow. Hortt made a motion to accept the lease with the changes of \$150 a month \$1800 annually and JC will monitor the power with \$500 up front and will balance annually of Aug 15<sup>th</sup> to Aug 15<sup>th</sup>. Donna seconded. All in favor motion carries. JC will need to get a building permit and business license. He was given the paperwork at the end of the meeting. JC said it will be tight to get up and running before winter.

June and Colleen McNulty, with the Historical Society, came to discuss the Old City Hall and taking people through it. Nick said lets discuss this next month when the stairs and wheelchair ramp are completed.

**Adjournment:**

Hortt made a motion to adjourn and go into executive session. Donna seconded. All in favor motion carried