

## Minutes of the March 11, 2013 City Council Meeting

The meeting of the Eureka City council was called to order on March 11, 2013 at 7:00 p.m. by Mayor Miller in the councilroom of the Municipal Building with the following present: Mayor Miller, Councilmembers Bertsch, Billotto, Goehring, Ottenbacher, Regula, Weisbeck and Finance Officer Ottenbacher. Also present was Linda Bergman with the Northwest Blade.

At 6:30 p.m. prior to the 7:00 meeting, Mayor Miller, Bertsch, Billotto, Goehring, Regula, Weisbeck, Supervisor Boschee and Finance Officer Ottenbacher met at the city shop to view potential sites for a new compost pile. It was discussed at the 7:00 p.m. council meeting, so no decisions were made while viewing the sites.

A motion was made by Bertsch and seconded by Regula to adopt the agenda with the addition of Electricity at the Airport. All voted Aye. Motion Carried.

This being the time and place as advertised, a public hearing was held to open sealed bids for resealing the City streets. The Jensen Rock and Sand, Inc. bid was opened for approximately 30,000 sq. yds. of seal coat at \$1.27 per sq yd equaling \$38,310.00. The Bituminous Paving Inc. bid was opened for 30,000 sq. yds. of seal coat @ \$1.36 per sq. yd. equaling \$40,800.00. A motion was made by Ottenbacher and seconded by Weisbeck to accept the bid from Jensen Rock and Sand, Inc. All voted Aye. Motion Carried.

Deputy Scott Warzecha was present for the police report. Warzecha worked 139 City hours and 48 county hours.

Maintenance Supervisor Boschee joined the meeting for his monthly report.

The roll-off container will be loaded at the transfer station for the last time on April 2, 2013 and Dependable Sanitation will be responsible for closing up the building at that time. The City is not interested in purchasing the transfer station building. Dependable Sanitation will be responsible to have the transfer station building removed by September 1, 2013. Beginning April 1, the City will no longer pick up recyclables curbside. The recycling container will be parked by the fire hall and residents are welcome to drop their recycling there. A motion was made by Billotto and seconded by Ottenbacher to send a letter to Dependable Sanitation in regards to the transfer station. All voted Aye. Motion Carried.

The garbage truck was discussed. It will be added to next month's agenda.

The recycling trailer will be advertised in the Municipal League magazine.

There was discussion on putting a new compost pile on the north side of the city shop. A motion was made by Weisbeck and seconded by Goehring to move the compost pile to the north side of the city shop, reusing as many of the materials from the old spot as

possible. The tree branches will go to the east of this site. All voted Aye. Motion Carried. Boschee is looking for estimates to electronically monitor the site.

The City has been approached on mowing the north part of the museum lot. The City will take over the mowing of this property and the parking lot will be sprayed.

There was discussion on the letter that went out to everybody in City limits, in regards to the garbage pickup. It stated that the last day for residential garbage pickup would be March 25; however, Heartland Waste will not begin duties until April 5. That leaves a 10 day lapse period in garbage pickup. A motion was made by Weisbeck and seconded by Ottenbacher to have an additional residential pickup on Thursday March 28. All voted Aye. Motion Carried. Residents need to have their garbage curbside by 8:00 a.m. for a final garbage pickup on March 28, 2013.

There was discussion on how economically feasible it is to recycle. A motion was made by Bertsch and seconded by Goehring to keep the recycling container and place it by the fire hall for Heartland Waste to haul away at no charge. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Ottenbacher no, Regula yes and Weisbeck no. Motion passed 4-2. Recycling will continue with no curbside pick up and recyclables will be hauled away twice a month.

The City owned Batwing Mower is worth \$9,000.00 and is 10-15 years old. This was tabled and may look at it again at budget time.

When Highway 10 was designed, it trapped water on properties and there are some manholes that aren't on the maps and uncertain as to where they are draining. Our lines need to be cleaned and televised so the new maps can be updated and compared to the old one, so the City knows exactly where they are draining. K & A has two storm sewers and the new maps will help show where they are draining to.

Helm's & Associates were out last week and did some surveying. An email was sent in regards to the City's priority manholes and nothing has been returned. The City is waiting for the final plans to send to the State for approval and then the project will be ready to bid.

Swanson Electric, LLC has sent a quote in the amount of \$1,311.23, for replacing existing surface fixtures for low profile 38 watt fluorescent fixtures with lamps and replace the existing switches with motion sensors in the park restroom building. A motion was made by Ottenbacher and seconded by Bertsch to approve the updated light fixtures and motion sensors. All voted Aye. Motion Carried.

The park restrooms also have some soft spots on the roof and the men's bathroom needs some repair. The roof should be replaced with a tin roof. This will be looked into.

The round reservoir has some shingles missing. Boschee will get some cost estimates.

A gas monitor was ordered that will measure carbon dioxide in the manholes and sewer holes.

The airport project should be completed on Wednesday March 13. The PAPI lights need to be sighted in, to avoid a costly flight check.

A business would like to haul it's own garbage out and burn on private property. The state was contacted and no bona fide business is allowed to haul trash to any place and burn it. The business owner will be notified.

Helm's and Associates will be putting in some new storm sewer lines along the lake area behind the Randy Beck property and down through the lake area. All the property is City owned except 15' of the Jim Cantalope property, which will need an easement drawn up and signed before the storm sewer can be put in. The sewer lake has already been surveyed and pins will be put in so the council can view the area.

Code Enforcement property is at the attorney's office and awaiting action.

A bid for tires on the Mule from Kary's Home Oil was for Carlisle all trail tires at \$85.00 per tire plus \$40.00 mounting fee equaling \$380.00. No other bid was received. A motion was made by Weisbeck and seconded by Goehring to approve the bid for 4 Carlisle tires from Kary's Home Oil. All voted Aye. Motion Carried.

Trees at the park will have to be protected from snowmobiles next winter.

The highway 10 project will begin sometime between April 15 and May 1. The concrete and asphalt work has not been decided yet. The City owned property across from Kary's Home Oil will house the construction equipment. MDU will be contacted to hook up power. Pipe and regrind will be stored at various spots in town. When the project begins they will work with 4 blocks at a time. Mailboxes were discussed and the contractor will move the boxes and return them after completion.

A motion was made by Bertsch and seconded by Weisbeck to approve the minutes with the following change to the police report. All voted Aye. Motion Carried. Police report should have read: Deputy Warzecha presented his monthly report with 139 hours for the City and 32 hours for the County. Sheriff Ackerman and Neuharth were present to discuss any concerns with the police contract. The actual year-end costs for the joint law expenses were less than what the City paid for the contract agreement. The County refunded the City the difference of \$4,547.95. The contract will be monitored throughout the year and both parties will look at the actual costs again at year end. Neuharth stated that one commissioner will try to come to a meeting every six months to keep the lines of communication open.

A motion was made by Weisbeck and seconded by Billotto to approve the financials as presented. All voted Aye. Motion Carried.

A motion was made by Billotto and seconded by Ottenbacher to approve the bills as presented. All voted Aye. Motion Carried.

**December Financials:**

Helm's & Associates, waste water impr. - \$45,640.00

**February Financials:**

Finance Office - \$4,795.57, Gen. Gov't. Bldgs - \$93.51, Streets - \$2,120.67, Snow Removal - \$1,657.01, Library - \$742.51, Water - \$861.37, Sewer - \$850.76, Sanitation - \$3,176.94.

**February Financials:**

A & B Business Inc., office supplies - \$405.98, Bank of America, magazine subscriptions - \$236.06, Bank of America, books - Amazon - \$460.93, Bertsch, Arlo, mileage Leg. Mtg - \$96.20, Boschee, Guy, Pesticide School travel - \$125.86, Butler, couplers - \$260.64, Cash, mailings, stamps - \$54.44, Dakota Backup, computer backup - \$117.73, Dakota Country Store, retirement - \$8.76, Dakota Country Store, fuel - \$954.00, DENR, water/waste renewal - \$48.00, Dependable Sanitation, January sanitation fees - \$2,286.36, Dependable Sanitation, February sanitation fee - \$2,555.73, Eureka Manufacturing, repairs & maintenance - \$22.76, Evergreen, cylinders - \$6.30, Ferguson, annual maintenance contract - \$750.00, Great Plains Bank, ACH water bills - \$14.05, Hawkins, Inc. chlorine cylinder - \$5.00, JP Lumber, water line supplies - \$214.80, Kary's, gas - \$69.50, Ken's Food Fair, retirement - \$119.41, Library petty cash, cash - \$5.50, McPherson County Auditor, police contract - \$3,500.00, M & M's C-store, ethanol - \$222.55, Meierhenry Sargent LLP, attorney bond fees - \$14,790.00, Miller, Lloyd, retirement - \$75.00, Montana Dakota Utilities, utilities - \$2,698.77, Northern Plains, LP Gas, Info. Center & Shop - \$1,167.71, Northwest Blade, publishing - \$331.06, Ottenbacher, Pam, cookies retirement - \$26.00, Servall, cleaning supplies - \$87.20, SD Dept. of Revenue, drivers license - \$215.00, SD One Call, one call fees - \$15.75, SD Public Assurance, liability insurance - \$15,930.34, SD Retirement, February retirement - \$1,670.68, SD Sales Tax, February sales tax - \$544.03, SD State Health Department, water samples - \$13.00, US Postmaster, stamps - \$92.00, Sweeney Controls, water controls - \$451.25, The Keeper of the Stationery, flag retirement - \$17.30, Valley Telecommunications, phone utilities - \$331.80, Wellmark, health insurance - \$2,338.68

**March Financials:**

FEM, utilities - \$1,050.59, WEB Water, water - \$4,312.56, Great Plains Bank, payroll taxes - \$3,697.59, Great Plains Bank, RDA water loan - \$1,694.00.

No building permits for the month of February.

A motion was made by Bertsch and seconded by Regula to approve the highway project Notice of Award for Duinick Inc. All voted Aye. Motion Carried.

The rural user portion of the ordinance had some changes. A motion was made by Weisbeck and seconded by Bertsch to approve the 2<sup>nd</sup> Reading of Ordinance 2013O-1 -

Garbage Collection and Disposal with the changes. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Ottenbacher yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

ORDINANCE 2013O-1  
GARBAGE COLLECTION AND DISPOSAL

AN ORDINANCE REVISING CHAPTER 8.04, Garbage Collection and Disposal, OF THE CITY OF EUREKA'S ORDINANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EUREKA, SOUTH DAKOTA AS FOLLOWS:

Section 1. That Chapter 8.04, Garbage Collection and Disposal, be revised as follows:

Chapter 8.04. Garbage Collection and Disposal

**8.04.010 Definitions**

The following definitions shall be used throughout this chapter.

“**Compost site**” means a site located within the city limits for residents to deposit compost, leaves, and garden waste.

“**Garbage**” means kitchen and table refuse and every accumulation of waste, animal and vegetable matter that attends the preparation, cooking, and eating of food or the storage, handling, sale, or decay of food, or any other substance that is in the process of decay, which gives off an odor offensive to the senses.

“**Recyclables**” means items within the following categories: (1) Steel cans - food and beverage containers; (2) Plastics - numbers 1 and 2 only; (3) aluminum - beverage containers; and (4) Newspapers.

“**Restricted use site**” means a locked site located outside the city limits of Eureka and maintained for the placement of rubble, white goods, ash and yard waste.

“**Rubble**” means concrete, brick, stonework, asphalt, concrete blocks, fiberglass shingles, painted or stained wood, insulation, metal, scrap lumber, sheetrock, furniture, mattresses, tires, and branches.

“**White goods**” means refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals.

“**Yard waste and compost**” means leaves, garden waste, and grass clippings.  
(Ord. 2000-4 8.04.01

**8.04.020 Classifications**

The collections of garbage is divided into the following classifications:

- A. Residential;
- B. Seasonal Residential-seasonal, vacant, hunter housing, or snowbirds in which water is connected at the curb stop;
- C. Apartments;
- D. Duplexes, Triplexes, 4-Plexes

## Sanitation Policies:

- A. Each apartment complex or house with an additional apartment in the building will be required to pay the apartment rate per unit.
- B. If water service is connected at the curb stop, the residence, business or apartment is required to pay for the garbage service at the appropriate rate.
- C. No reductions in rates will be made if the individual is gone during the month due to vacations, medical leave, etc. If water is turned on, the monthly garbage rate is due.
- D. Seasonal Residential: Regular residential sanitation fees must be paid when residence is occupied and water and sewer services are being used. When residence is unoccupied for extended periods of time, no garbage fees will be collected. It shall be the consumer's responsibility to notify the Finance Office of change of status of occupancy of home. There will be no prorating of sanitation fees within a month's billing. (Ord. 2006-11 S .04.020)
- E. All commercial accounts will be serviced out on an individual basis and billed directly.
- F. All residential accounts will be serviced by an outside sanitation collection agency but billing will be done through the Finance Office of the City.

### **8.04.030 Collection rates.**

The rate for the collection of garbage for the above classifications shall be set by the city council and on file at the city finance office. The billing for garbage shall be paid monthly. Where garbage and rubble is not deposited or kept in containers as provided in this chapter, or where the quantity is unusually large, the city office shall determine such charge as deems reasonable for the cost of making such collection. (Ord. 2011O-3; Ord. 2006O-12; Ord. 2000-4 S 8.04.03)

### **8.04.040 Collection periods.**

- A. Garbage shall be collected in all areas of the city at least one time per week and more often as the city sanitation department may deem necessary. No animal remains or carcasses, yard waste or compost shall be included in the garbage. All garbage containers and garbage must be available for curbside pickup by the sanitation department.
- B. Tree branches shall be collected in all residential areas of the city two times per month, with the schedule to be determined by the city sanitation department. Tree branches must be cut into three foot lengths.

### **8.04.050 Garbage container.**

The occupant of every private home or dwelling place and the operator of every place of business in the city is required to deposit and keep the garbage which accumulates each day upon their premises in a disposable garbage bag or watertight plastic or metallic garbage container of no more than thirty (30) gallon capacity. The garbage container must be kept in a sanitary condition at all times and secured so that it cannot be tipped over or spilled by dogs or other animals. (Ord. 2000-4 S 8.04.05)

**8.04.060 Non-collection of rubble, compost and recyclables.**

Rubble, compost and recyclables will not be picked up by the city sanitation department.

- A. All rubble must be delivered and deposited at the restricted use site and shall be subject to a dumping fee that shall be on file with the city finance officer. All refrigerators, air conditioners and other units that contain Freon must be drained and tagged by an individual licensed for the disposal of Freon prior to delivery to the restricted use site.
- B. All compost must be delivered and deposited at the compost site. (Ord. 2000-4 S 8.04.06)
- C. All recyclables must be delivered and deposited to the recycling container site.

**8.04.10 Non-resident use of City facilities**

It shall be unlawful for any non-resident of the city to deliver, leave, or place any garbage or rubbish in or upon the city streets, city property or private property within city limits. Any person convicted of a violation of this section shall be subject to a fine in an amount set by the city council and on file at the city office. (Ord. 2013O-1)

Section 2. That any and all ordinances in conflict herewith are hereby repealed.

First Reading: February 11, 2013  
 Second Reading: March 11, 2013  
 Published: March 21, 2013  
 Effective Date: March 31, 2013  
 ATTEST:

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 Mayor

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A motion was made by Bertsch and seconded by Billotto to approve the 2<sup>nd</sup> Reading of Ordinance 2013O-2 - Amending Service Availability Rate. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Ottenbacher yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

ORDINANCE 2013O-2  
 AMENDING SERVICE AVAILABILITY RATE

AN ORDINANCE REVISING CHAPTER 13.04, service availability rate, OF THE CITY OF EUREKA’S ORDINANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EUREKA, SOUTH DAKOTA AS FOLLOWS:

Section 1. That Chapter 13.04, Service Availability Rate, be revised as follows:

Chapter 13.04. Service Availability Rate

**13.04.400 Service Availability Rate**

There is hereby established a service availability rate for residential and commercial water and sanitary sewer accounts during extended periods of vacancy of 30 continuous days or more.

The service availability rate shall be a monthly charge of \$5.00 for water and \$5.00 for sanitary sewer, and \$2.50 for surcharge to be due to the city each month in which the water service is disconnected at the street connection.

The service availability rate shall become effective upon the end of the current billing period immediately following the notification to the City by the property owner to disconnect the water service. There will be no prorating of services (water, sewer or sanitation).

The service availability rate shall be removed once the water has been reconnected at the property and full services will begin with the current utility billing period. There will be no prorating of services (water, sewer or sanitation.)

The service availability shall not apply to non-residential properties that no business has been operated or no services have been used within the last 24 months. However, in the event that the property is sold, the seller would be responsible for up to \$500.00 if the new owners would want to be connected to services.

The service availability rate shall not apply when a mobile home, building, or other structures is removed from the property. (Ord. 2008O-6 Nov. 2008; Ord. 2005O-2)

Section 2. That any and all ordinances in conflict herewith are hereby repealed.

First Reading: February 11, 2013

Second Reading: March 11, 2013

Published: March 21, 2013

Effective Date: March 31, 2013

ATTEST:

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Mayor

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A motion was made by Weisbeck and seconded by Regula to approve the 2<sup>nd</sup> Reading of Ordinance 2013O-3 - Amending Service Availability Rate. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Ottenbacher yes, Regula yes and Weisbeck yes. Unanimous Vote. Motion Carried.

**ORDINANCE 2013O-3  
AMENDING SERVICE AVAILABILITY RATE**

**AN ORDINANCE REVISING CHAPTER 13.08, service availability rate, OF THE CITY OF EUREKA’S ORDINANCES**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EUREKA, SOUTH DAKOTA AS FOLLOWS:**

Section 1. That Chapter 13.08, Service Availability Rate, be revised as follows:

Chapter 13.08. Service Availability Rate

**13.08.12 Service Availability Rate**

There is hereby established a service availability rate for residential and commercial water and sanitary sewer accounts during extended periods of vacancy of 30 continuous days or more.

The service availability rate shall be a monthly charge of \$5.00 for water and \$5.00 for sanitary sewer to be due to the city each month in which the water service is disconnected at the street connection.

The service availability rate shall become effective upon the end of the current billing period immediately following the notification to the City by the property owner to disconnect the water service. There will be no prorating of services (water, sewer or sanitation).

The service availability rate shall be removed once the water has been reconnected at the property and full services will begin with the current utility billing period. There will be no prorating of services (water, sewer or sanitation.)

The service availability shall not apply to non-residential properties that no business has been operated or no services have been used within the last 24 months. However, in the event that the property is sold, the seller would be responsible for up to \$500.00 if the new owners would want to be connected to services.

The service availability rate shall not apply when a mobile home, building, or other structures is removed from the property. (Ord. 2008O-6 Nov. 2008; Ord. 2005O-2)

Section 2. That any and all ordinances in conflict herewith are hereby repealed.

First Reading: February 11, 2013

Second Reading: March 11, 2013

Published: March 21, 2013

Effective Date: March 31, 2013

ATTEST:

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Mayor

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A motion was made by Regula and seconded by Ottenbacher to approve Resolution 2013O-2 - Amending 2012R-6 - 2012 Sanitation Fee Increase. All voted Aye. Motion Carried.

**Resolution 2013R-2  
2013 Sanitation Fee Increase  
Amending Resolution 2012R-6**

WHEREAS, the City of Eureka has a municipal ordinance which specifies the sanitation rate increase due to entering a contract with Heartland Waste Management, Inc., whom will take over the billing of all commercial accounts and

WHEREAS, the City Council of the City of Eureka has the power to establish an increased fee amount and continue billing for residential, apartments, duplex, triplex and 4-plex sanitation services

WHEREAS, the City Council of the City of Eureka has determined the increased amount of the following sanitation services.

Residential	\$16.00 per household
Apartments	\$12.00 per unit
Duplex, Triplex, 4-plex	\$14.00 per unit
Commercial – rates to be determined by Heartland Waste Management, Inc.	

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Eureka adopt these amounts that apply for sanitation fees to become effective with the April 2013 billing.

Adopted: March 11, 2013  
Published: March 21, 2013  
Effective Date: March 31, 2013  
ATTEST:

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Mayor

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A motion was made by Weisbeck and seconded by Regula to approve the annual statement. All voted Aye. Motion Carried.

The Annual District Meeting will be held on April 4, 2013 at 6:00 p.m. in Groton. A motion was made by Weisbeck and seconded by Billotto to approve Mayor, Regula, Weisbeck, Asst. Finance Officer Lutz and Finance Officer Ottenbacher to attend the meeting. All voted Aye. Motion Carried.

A motion was made by Billotto and seconded by Goehring to approve the new bylaws for the library. All voted Aye. Motion Carried. The new By Laws change the summer reading program from K-8 to K-3 due to lack of interest in higher grades. It will also change the date for the computer and internet use policy adopted by the Eureka City council to February 14, 2011 rather than February 4, 2011.

A petition was taken out by Floyd Obenauer for Ward Two Councilmember with no opposition by Councilmember Ottenbacher. Councilmembers Weisbeck - Ward One and Goehring - Ward Three did not take out petitions but will remain in office unless a letter of resignation is received. A motion was made by Ottenbacher and seconded by Bertsch to approve the cancellation of election. All voted Aye. Motion Carried.

A motion was made by Bertsch and seconded by Billotto to approve the Broadband Quote and move forward with whatever is necessary to apply for the Grant. All voted Aye. Motion Carried.

A motion was made by Ottenbacher and seconded by Bertsch to pay Ron Hemmingson \$12.50 per hour for maintenance and mowing during summer employment. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Ottenbacher yes, Regula abstained from voting as she was called from the meeting for a moment and Weisbeck no. 5-1 Vote. Motion Carried.

A resident has not purchased a dog license yet and a phone call and letter have been sent. The Finance Officer was instructed to follow through with the Ordinance.

Opening of the Rubble Site and May cleanup was discussed. Darvin Ackerman will be notified. Instead of the community wide cleanup, the rubble site will be open for one week at no charge starting Saturday May 11 and Monday May 13 thru Saturday May 18 from 1:00 p.m. - 8:00 p.m. A motion was made by Bertsch and seconded by Ottenbacher to open the landfill on Saturdays starting on May 11, 2013, with May 11<sup>th</sup> and May 18<sup>th</sup> at no charge to the residents. All voted Aye. Motion Carried.

The annual equalization meeting will be held on Monday March 18, 2013 at 5:00 p.m...

A motion was made by Billotto and seconded by Weisbeck to approve the raffle at the Eureka Health Care Center for their annual Pie and Ice Cream Social. All voted Aye. Motion Carried.

Finance Officer informed the council that the liability insurance deductible will be raised to \$5,000.00 with the exception of employment related claims.

Electricity agreement at the airport with Bill McVay will remain at \$15.00 and when his hangar work is completed the City will review the bills and charge accordingly.

Bertsch gave an update on the HRC Phase II Project. Project is near completion and all units are rented. Tenants will be able to fully move in on April 15. An open house will be held on April 5, 2013 from 2:00 - 4:00 p.m.

The golf course purchased a mower and the City will have access to it.

A motion was made by Billotto and seconded by Ottenbacher to adjourn. All voted Aye. Motion Carried.

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Lloyd L. Miller - Mayor

ATTEST:

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Bobbi Ottenbacher - Finance Officer