

Minutes of the June 9, 2014 City Council Meeting

The meeting of the Eureka City Council was called to order on June 9, 2014, at 7:00 p.m. by Mayor Opp in the councilroom of the Municipal Building with the following present: Mayor Opp, Councilmembers Bertsch, Billotto, Goehring, Obenauer, Regula, Weisbeck, Finance Officer Ottenbacher and City Attorney Marshall Lovrien. Also present Linda Bergman with the Northwest Blade.

A motion was made by Bertsch and seconded by Weisbeck to approve the agenda with the addition of Lucas Hoover with Helms and Associates and Residential Lots. All voted Aye. Motion Carried.

Mel Kary was not present.

Lucas Hoover joined the meeting.

Brittney Appel-Halvorson presented paperwork prior to the meeting for the upcoming Laser Tag Event. She will provide the final agreement closer to the event date.

Robby and Tricia Grajczyk and Chris and Kristi Gonska joined the meeting.

Tricia Grajczyk was present to discuss a high spot on the lake and live video taping of the council meeting. There is a spot on Lake Eureka by the flagpole that is higher and the boats are hitting it. Finance Officer Ottenbacher called Game, Fish and Parks and was told, "If the City marks the high spot on the lake and anything happens, the City would be liable and the Game, Fish and Parks does not want the liability risk either." Ottenbacher was told, "That all boat owners are responsible for their property and they take the risk of those kinds of situations when they put their boats in the water." Grajczyk will contact Joe Gailbrath, with Game, Fish and Parks on the possibility of putting up a goose nest in the high spot.

Grajczyk feels she has learned a lot from attending monthly meetings and feels that if the meetings are videotaped it would get the community involved. She also, provided the cost of \$905.00 for videotaping, which would include all of the equipment. City Attorney Lovrien said, "If the Council was in Executive Session and the camera would not get shut off for any reason, it would create a lot of problems." The City would also, be responsible for storing and making copies of the tapes and have them available for up to 90 days from the date of recording. Regula said, "This item has not been placed on the budget." The Mayor placed a motion on the floor to accept the cameras. It was read twice and then a roll call vote was taken. Bertsch no, Billotto no, Goehring no, Obenauer no, Regula no and Weisbeck no. The motion failed due to the lack of votes.

Grajczyk and Gonska left the meeting.

John Hilgemann joined the meeting. Hilgemann would like permission to shave about 10 inches out of a 25 foot path in his alley to the north, to prevent his vehicle from scraping. As long as the adjacent land owners are okay with it and it is understood that it is a public right of way, permission will be granted.

Lucas Hoover with Helms and Associates was present to discuss the change orders for Dahme Construction, Co. on the Phase I and Phase II project. The items on the change order were not on the unit price. Hoover would like to see concerns brought to them in a more timely manner. He sometimes does not see a bill until the work has been completed. Hoover reminded the council that engineers are hired to oversee the project and make sure things are going smoothly. The City has \$100,000.00 in contingency money. The fire hall lift station was raised; blocks were laid with mortar mix, lowered the building and replaced 19 inches of OSB on the bottom for \$5,600.00. They added in a heater air

condition unit. The City has a KW11 cat generator and it is not large enough to run the lift station. Hoover will look into why the City is being billed twice for the wet well and the trash basket. The road by the lake is very dusty and Hoover will see if a prime coat could be laid down to help eliminate the dust and then chip seal the road, until it can be given a healing period. Hoover will check with the SRF and CDBG Grant Funding to see if the road needs to be repaired this year or if it can wait until 2015. Dahme Construction, Co. will be contacted to get the road fixed. Hoover will look into the change order closer and will present it to the board at the next meeting. The Mobridge Department of Transportation and residents with concerns will be encouraged to come to the next meeting to discuss the grass, sidewalk and driveway issues.

Lucas Hoover left the meeting.

There was no police report.

Public Works Directors report was presented prior to the council meeting.

The alley by the Post Office is complete and will be closed until June 16, 2014, to allow for proper curing of the concrete. All businesses were notified.

Boschee will be replacing the tennis court lighting and all the switch boxes on each light pole with a breaker type connection at the cost of \$34.00 a piece.

The City is currently discharging from the wet lands and it will be completed soon. All tests have been sent to the State and results have been good.

The fire hall lift station is up and running except for the generator. Dakota Pump and Control stated that during the lift station startup the new panel is only a cabinet to house the VFD's and line reactors. The State has not signed off on the Highway 10 Project and is currently creating a punch list for the contractor to take a look at.

An airport cost breakdown for areas one (\$3,828.40), two (\$1,339.10) and three (\$7,189.80) were reviewed. These three areas do not fall under the FAA Funding guidelines. Area one covers a portion of the apron directly in front of the hangers (not to be confused with the ramp that the owners put in, to get into their hanger) and an extension to the west, area two and three to accommodate the new hanger. The portion in front of the building, which houses the airport equipment, is covered, because it was purchased with airport funds and used for the maintenance of the airport. Bertsch would agree with supporting areas two and three for a total of \$8,528.90. If Interstate Engineering comes in higher, than the City would like them to supply us with a bid. Bertsch felt that we could move money from the snow removal budget to the airport budget for this item.

Boschee and Duquette will be replacing two fire hydrants, screen the chips and compost, continue mowing and spraying the weeds, fix the fence at the beach, chipping and fixing the potholes and fixing big breakups in the streets.

The Cantalope and Fauth properties are completed and ready for asphalt. They went straight out rather than dropping off on the Cantalope property.

Boschee will continue as Code Enforcement Officer. Letters were sent out to comply with the grass ordinances.

A motion was made by Bertsch and seconded by Billotto to approve the SRF Pay Request #11 in the amount of \$13,484.25 for Helms & Associates. All voted Aye. Motion Carried.

A motion was made by Weisbeck and seconded by Bertsch to approve SRF Pay Request #11 in the amount of \$16,216.66 and CDBG Pay Request #6 in the amount of \$112,000.00 for Dahme Construction, Co. All voted Aye. Motion Carried.

Arlo Bertsch met with the commissioners to discuss the interpretation of city police and law enforcement in Ordinance 2014O-2. It was agreed that city police or law enforcement are the same and the 30 hours of police work does include delivering water bills according to our ordinance and not billed separately.

A motion was made by Weisbeck and seconded by Obenauer to approve the minutes from May 12, 2014 and May 27, 2014 as presented. All voted Aye. Motion Carried.

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

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

May Financials:

Finance Office - \$4,247.02, Gen. Gov't. Bldgs - \$257.50, Streets - \$1,431.54, Sanitation - \$1,087.59, Park - \$2,234.61, Library - \$752.63, Water - \$715.25, Sewer - \$1,900.89

May Financials:

Airport Project: Interstate Engineering, runway project - \$19,506.25

Phase II Wastewater Project: Dahme Construction Co., CDBG Payment #5 - \$157,241.40

A & B Business Inc., office supplies - \$61.04, Arlo Bertsch, mileage - \$38.50, Bank of America, office computer - \$841.31, Bank of America, Amazon books - \$404.32, Bert Martin, customer deposit - \$75.00, Cahill, Bauer & Associates, progress audit - \$7,820.00, Cash, postage - \$13.78, Dakota Backup, computer backup - \$132.37, Dakota Country, gas - \$83.37, Dakota Country, supplies - \$347.93, Dakota Fence, posts for beach - \$274.59, Dakota Pump, pumps for lift station - \$22,272.38, DENR, annual dues - \$600.00, Doyle Laib, customer deposit - \$75.00, Efraimson Electric, Inc., repair wires - \$796.46, Eureka Manufacturing, cut & weld blades - \$256.33, Eureka Plumbing & Heating, park repair - \$24.15, Eureka Ready Mix, repairs - \$1,526.00, Fischer's Plumbing, repair municipal roof - \$52.55, French Curb & Gutter, cement work - \$3,450.00, Grainger, light bulbs - \$258.45, Great Plains Bank, water project - \$1,694.00, Great Plains Bank, ACH water utilities - \$14.10, Hawkins, Inc., supplies - \$2,380.27, Heartland Waste Management, sanitation fees - \$5,093.20, Jim Grode, customer deposit - \$75.00, JP Lumber, supplies & repairs - \$20,102.59, JP Lumber, customer deposit - \$75.00, Kary's, gas and tire repair - \$246.43, Ken's Food Fair, supplies - \$66.59, Lillian Miller, customer deposit - \$75.00, Marin Biel Insurance, airport insurance - \$1,563.00, McPherson County, police contract - \$3,500.00, Michael Todd, rake handle - \$144.06, Montana Dakota Utilities, utilities - \$34.72, Montana Dakota Utilities, utilities - \$3,811.76, Northern Plains, fuel oil - \$3,182.00, Northwest Blade, adv. & publishing - \$617.90, Phil Parsneau, refund of over payment - \$17.50, Premier Equipment, supplies - \$119.78, Servall, office supplies - \$90.94, SD Dept. of Health, drivers license - \$180.00, SD Dept. of Health, water samples - \$26.00, SD One Call, message fees - \$64.05, SD Retirement, retirement - \$1,343.62, SD State Treasurer, sales tax - \$460.73, Sheila Mulder, customer deposit - \$75.00, Six Wingmasters, customer deposit - \$75.00, United Industries, diving board part - \$44.91, US Postal, postage & utility - \$549.00, Valley Telecommunications, phone utilities - \$337.94, Wellmark, health insurance - \$2,154.76

The City will not do certified letters for utility disconnection, but will have law enforcement deliver the letters. A motion was made by Weisbeck and seconded by Regula to approve the 1st Reading of ordinance 2014O-2 – Utility Disconnection. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Obenauer to approve the 1st Reading of Dog Ordinance 2014O-3 – Kennels and Kennel License. All voted Aye. Motion Carried.

Ordinance 2014O-4 – Dynamic Braking or air braking prohibited, will be put back on the agenda for the 1st Reading in July, with the ordinance reading a fine only. There is no state regulation on dynamic breaks.

A motion was made by Obenauer and seconded by Weisbeck to approve the 2nd Reading of Ordinance 2014O-1 – Delinquent Water Payments. All voted Aye. Motion Carried.

ORDINANCE 2014O-1
AMENDING WATER SERVICE SYSTEM

AN ORDINANCE REVISING CHAPTER 13.04, Water Service System, OF THE CITY OF EUREKA'S ORDINANCES

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

Sections: 13.04.300, Delinquent Water Payments be revised as follows:

Chapter 13.04, Water Service System

13.04.300 Delinquent Water Payments

If full payment is not received by the 20th of the month when the bill is due, a 5% penalty will be assessed and notice will be mailed to the customer and delivered to the customer by a law enforcement officer. If full payment for utilities is not received by the 1st day of the month, the water will be disconnected at 11:30 a.m. on the 1st of the following month and will not be reconnected until full payment including 10% penalty has been received plus the disconnect and reconnect charges. No partial payments will be allowed. Water will not be disconnected on a holiday or weekend, but will be disconnected on the following business day. (Ord. 2014O-1 § 13.04.300)

First Reading: May 12, 2014

Second Reading: June 10, 2014

Published: June 26, 2014

Effective: July 16, 2014

Mayor – Mark W. Opp

ATTEST:

Bobbi Ottenbacher – Finance Officer

Water permits for pumping water from the lake were discussed. The Department of Transportation is okay with the permit, but the Game Fish and Parks needs to be contacted before a permit can be put together.

A motion as made by Weisbeck and seconded by Bertsch to approve the appointments as presented. All voted Aye. Motion Carried.

Appointments

Mayor	Mark Opp	NECOG Representative
Ward One	Dawn Regula Ricardo Weisbeck	insurance, parks and recreation streets and alleys, purchasing, (Alt. NECOG Rep.)
Ward Two	Barbara Billotto Floyd Obenauer	ordinances and ECDC Representative sanitation, water, sewer, purchasing
Ward Three	Arlo Bertsch Cornelius Goehring	police airport, purchasing finance and buildings
Park Board	2015 – Laurie LaCoursiere, Clyde Ottenbacher 2016 – Sidney Maier, Rev. Gary Bergman 2017 – Gervase Imberi, Ray Rohrbach	
Zoning Board	2015 – Jackie Eberhart, Sharon Kunz 2016 – Ricardo Weisbeck, Vacant 2017 – Barry Lapp, Todd Hieb Executive Director – Bobbi Ottenbacher	

A business would like to expand but has not gotten approval from their board yet. The City could apply for the Agri-business loan if this business expands. Mayor Opp will follow up with this.

The Chamber is looking at hanging 22 banners on the lights along Highway 10. The banners will be 30" x 60" in size, cloth material and will be hung with a harness clasp. Ordering of the banners is contingent upon the State DOT checking to see if the poles are designed to mount this type of banner.

The curb and gutter was damaged on B Avenue and has never been repaired. The Finance Officer will contact Midcontinent.

Building permits were reviewed for Victoria Lapka, Jordan Opp, Clyde Ottenbacher, Clara Janke, Craig and Polly Gab, Dawn Regula, Delores Heupel and Charlie Neuharth. A motion was made by Bertsch and seconded by Billotto to approve the building permits presented. All voted Aye. Motion Carried.

Brent Goertzen was present to ask for permission for his daughter to sell prepackaged ice cream items a few hours each day on J Avenue. A sales tax license will be obtained before starting. The Department of Transportation will be contacted to see if a flashing light for safety purposes could be obtained.

Mickey Neuharth contacted the City on getting the Cornerstone Café and Convenience Malt Beverage License transferred back to M & M C-Store. The City will start the advertising of the license for a transfer. A motion was made by Regula and seconded by Goehring to approve the Malt Beverage License for the Lyric Lanes. All voted Aye. Motion Carried.

Victoria Lapka	805 G Avenue	Retail (on/off sale)
d/b/a Lyric Lanes	Eureka, SD	Malt Beverage License

A motion was made by Weisbeck and seconded by Regula to approve the surplus of outdated computers. All voted Aye. Motion Carried.

A petition with about 100 signatures to bring back the noon and supper whistle was filed with the City. The City is currently trying to hook up the emergency siren using digital technology and will look into the noon and supper whistle.

Dennis Schwingler filed a nuisance complaint on a resident's dog messing on his property and not cleaning it up. Regula will talk to the resident.

Garbage bins and recycling items for rural users was discussed. No action taken.

A resident is interested in purchasing a small portion of city property. The Finance Officer will check with the necessary parties to obtain more information and bring back to the July meeting.

Pre-Disaster Mitigation Plan was presented for the Council to review.

There was discussion on property owned by Stan Stabler and an interest in some city property.

A two minute break was taken.

A motion was made by Weisbeck and seconded by Regula to go into executive session SDCL 1-25-2 (1) at 9:54 p.m. All voted Aye. Motion Carried.

Finance Officer and Bergman left the meeting.

A motion was made by Regula and seconded by Bertsch to come out of executive session at 10:49 p.m. All voted Aye. Motion Carried.

A motion to adjourn the meeting at 10:55 p.m. was made by Regula and seconded by Billotto. All voted Aye. Motion Carried.

Mark W. Opp – Mayor

ATTEST:

Bobbi Ottenbacher-Finance Officer