

Minutes for March 9, 2015 City Council Meeting

The meeting of the Eureka City Council was called to order on March 9, 2015, at 7:00 p.m. by Mayor Opp in the councilroom of the Municipal Building with the following present: Mayor Opp, Councilmember's: Bertsch, Goehring, Obenauer, Regula, Weisbeck and Finance Officer Ottenbacher. Also present was City Attorney Marshall Lovrien, Assistant Finance Officer Paulette Bauer, Tara Bietelspacher with the Northwest Blade, Val Jensen with Northeast Council of Government, Carmen Weber – Hospital Administrator, Wayne Lutz, George Hulscher, Steve Aldinger with Interstate Engineering, Scott Moore with FEM Electric, Patricia Myrmoe, Jeremy Eberhart, Dennis Heilman and Chris and Kristi Gonska. Absent Billotto.

The Mayor asked those in attendance, to please hold any comments unless they are asked to speak and those on the agenda will have 10 minutes and after that time the Council will have the option to ask questions.

A motion was made by Bertsch and seconded by Obenauer to approve the agenda with the following additions: Resignation Letter, Removal of the Initiative Petition and School update. All voted Aye. Motion Carried. Absent Billotto.

Val Jensen with Northeast Council of Government was present to hear any comments on the public hearing and to review the guidelines of the Community Development Block Grant.

This being the time and place as advertised, a public hearing was held at 7:05 p.m. to hear comments from members of the community regarding the application the City of Eureka, on behalf of the Eureka Community Benevolent Hospital Association, would like to submit to the South Dakota Governor's Office of Economic Development for a CDBG grant. The City of Eureka plans to submit an application requesting \$515,000 in CDBG grant funds, which will be used for the construction of a new clinic and hospital facility with an approximate cost of \$5,493,000. A resolution stating that the City will certify the Mayor to sign the documents for the CDBG Grant will be presented for approval, at the March 16, 2015 meeting. Jensen reviewed community needs and assessments with the council. The application deadline is April 1, 2015.

Carmen Weber left the meeting and Jay Koch joined the meeting.

Steve Aldinger, with Interstate Engineering met with the Airport Board on March 6, 2015, to review the Airport Layout Plan. Aldinger made the changes that were discussed with the Airport Board and presented the updated maps for the ALP, to the Council. The ALP maps shown was just a realistic 20 year plan and did show what the City may need in the future, but not all items are necessary. The runways, elevations, slopes, hangars, access road and the process to approve all updates through the FAA were reviewed. Aldinger said, it will be submitted to the State for review and he will keep us updated.

Steve Aldinger left the meeting.

Scott Moore, the Manager and CEO of Ipswich FEM Electric were present to discuss his concerns with the electrical power in Eureka and surrounding towns. For the past 15 years, he has been trying to do something with the quality of power we receive. Moore gave a brief history on Montana Dakota Utility

transmission lines. He also, encouraged the City to send a letter to MDU with the concerns of electrical power in our area to see if MDU would be willing to update their system. There are currently over 200 lines that need to be updated. The City Attorney suggested that the Mayor could send a letter now and then the resolution could be voted on at the April meeting.

Scott Moore left the meeting.

Tucker Fauth and Wendy Fauth joined the meeting.

Tucker Fauth was in attendance to present his plans for his Eagle Scout Project through the Boy Scouts. Fauth is planning on updating the shooting range. Fauth plans on raising approximately \$10,000.00 to complete his project. He will raise the funds needed through donations and Grant Applications. The City will need to sign off on the project when completed. A motion as made by Bertsch and seconded by Weisbeck to allow Tucker Fauth to move forward with his Eagle Scout Project and do the updates for the shooting range. All voted Aye. Motion Carried. Absent Billotto. The Council thanked Fauth for coming.

The Mayor will ask Boschee and Duquette to go out and clean up the shooting range site this spring.

Tucker Fauth and Wendy Fauth left the meeting.

Jaci Eberhart and Brittney Appel-Halvorson were present to update the Council on the Eureka Community Development Company. Eberhart updated the Council on the following finances for ECDC: paid the City loan in full, sold the call center building, renting land to Premier Equipment, received a grant from the Bush Foundation, care packages were sent to college students, helped fund a portion of the Financial Peace University course, brought speaker V.J. Smith in, Wanda Jundt attended a three day workshop and they help however they can with new businesses. Appel-Halvorson added how informative and enjoyable the Dave Ramsey, FPU course is. The Department of Tourism Grant allowed the ECDC to purchase t-shirts for businesses to wear during hunting season. The Big Idea Competition allowed Eureka students to participate and two students took first place. Eberhart thanked the Eureka Ambassadors for their successful activities, these past few months. An invitation for the ECDC Annual meeting was shared with the Council. Northern Plains and The Stop will give brief presentations followed by keynote speaker Holly Hoffman. The radio show was discussed and the Council thanked them for the update on activities.

Jaci Eberhart and Brittany Appel-Halvorson left the meeting.

A motion was made by Weisbeck and seconded by Regula to approve the 11:00 a.m. minutes of February 12, 2015 with the following corrections: The minutes should **not** have read Duquette has been in contact with the Attorney General's Office. The 7:00 p.m. minutes of February 12, 2015, with the following corrections: The minutes should have read February 12, 2015 instead of January 12, 2015 and the minutes should have also read: The Code Enforcement Officer and Deputy Sheriff will address these and future issues and **not** the Code Enforcement, Sheriff and Deputy Sheriff will address these and future issues. All voted Aye. Motion Carried. Absent Billotto.

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

Jay Koch was present to discuss the bill for Duininck, Inc. for the work that was done at the Prime Time Bar & Restaurant. Chris Gonska said, "He has not received any bills from Duininck, Inc. because he did not hire anyone, but did agree to pay \$956.95 for the water and \$962.85 for the asphalt." Koch apologized for not having the information from the Department of Transportation at the last meeting. Since then, he has visited with the DOT Engineers on the warranty portion of the project, and based on the information from the DOT: the City would be required to pay for the work that was ordered, under the warranty portion of the contract. The City Attorney felt that the City has some recourse to the land owner, if the City did not order the work done. Koch felt that Gonska did request to have it taken care of and it does appear that Gonska should have some responsibility for part of the \$4,210.13 amount, as it was not a warranty issue. Koch did contact the Mayor prior to bringing Duininck, Inc. back to check it out. Koch will prepare another pay estimate without the \$4,210.13 amount in it and state that the City refuses to pay any of the \$4,210.13. Koch will present it to them and if they don't accept it, he suggested that the City bring in the contractor to discuss the warranty issue. The pay estimate and the change orders will be sent to Duininck, Inc. and have them sign off on it, striking the \$4210.13 amount. Gonska will then be billed for the other two items. A motion was made that the Prime Time Bar and Restaurant receive a bill for \$956.95 and \$962.85. All voted Aye. Motion Carried. Absent Billotto.

A motion was made by Bertsch and seconded by Obenauer to approve the bills. All voted Aye. Motion Carried. Absent Billotto. Another motion was made by Weisbeck and seconded by Goehring to reject the Duininck, Inc. bill in the amount of \$4,210.13. All voted Aye. Motion Carried. Absent Billotto.

Jay Koch and Val Jensen left the meeting.

February Financials:

Finance Office - \$5,046.64, General Gov't Bldgs. - \$122.01, Police - \$97.20, Streets - \$1,983.67, Snow Removal - \$589.91, Sanitation - \$309.29, West Nile - \$330.71, Park - \$534.23, Library \$869.77, Water - \$1,182.23, Sewer - \$1,024.52

February Financials:

Interstate Engineering, engineer fees - \$11,200.00, A & B Business, office supplies - \$286.43, Bank of America, Amazon books - \$410.57, Bantz, Gosch & Cremer, attorney fees - \$3,468.34, Boschee, Guy, travel & conference - \$82.50, Cash, supplies - \$8.97, CompQuest Technology, repairs - \$49.50, Dakota Cloud Recovery, computer backup-\$143.11, Dakota Country, fuel - \$1,231.00, Eureka Chamber, dues - \$75.00, First State Bank of Roscoe, water CD - \$40,000.00, First State Bank of Roscoe, sewer CD - \$40,000.00, Fischer's Plumbing & Heating, repairs info. center - \$1,144.22, Great Plains Bank, Artesian Well - \$15,405.09, Great Plains Bank, water project - \$1,694.00, Great Plains Bank, ACH water - \$13.45, Heartland Waste, sanitation fees - \$4,804.30, Kary's, tire repair - \$121.09, Ken's, shop supplies - \$13.98, Matheson Tri-Gas, acetylene - \$7.84, McPherson County Auditor, police contract - \$3,500.00, Montana Dakota Utilities, utilities - \$4,149.70, Northwest Blade, minutes & other legal's - \$196.66, Postmaster, stamps - \$49.00, Premier Equipment, LLC, street & water repairs - \$150.46, SD Dept. of Revenue, drivers license - \$150.00, SD Municipal League, district meeting - \$90.00, SD One Call, message fees - \$1.05, SD Public Assurance Alliance, liability insurance - \$16,875.70, SD Retirement, retirement - \$1,343.82, SD State Treasurer, sales tax - \$419.07, Servall, cleaning supplies - \$100.14, Valley Telecommunications, phone utilities - \$297.11, Wallwork Truck Center, supplies \$318.33, Wellmark, health insurance - \$2,187.56

March Financials:

FEM Electric, utilities - \$916.52, Great Plains Bank, payroll - \$3,219.98, WEB Water, utilities - \$5,448.88

A motion was made by Weisbeck and seconded by Obenauer to approve the building permits for Bruce Alexander as presented and Victor Boschee contingent upon the variance guidelines if it needs to go before the Zoning Board. All voted Aye. Motion Carried. Absent Billotto.

The Mayor is looking into generators to connect the softball park lights prior to the grant being received. Funding for the generator was also discussed. The council felt that the Eureka Ambassadors should provide the City with a budget before it is decided to provide any funds.

The Finance Officer checked with the Eureka Beautification on the planting of the trees along the highway. They are working with the State, so that all trees are planting along the highway within the required State guidelines.

Letters were sent to all businesses that will be affected by the asphalt grinding. Councilman Weisbeck will look into the design of the curb and see if the City sidewalk and curb need to be replaced. This will be placed on the April agenda.

Bertsch shared a snow removal policy with City Attorney Lovrien. There was discussion on the SD Codified Laws with the current sidewalk and snow removal ordinance and the State's standpoint of the sidewalks along the highway. They also discussed giving residential property and business property a guideline for getting their sidewalks cleared. This will be back on the agenda after it has been reviewed more.

City Attorney Lovrien suggested to adopt the current South Dakota Municipal Leagues shortened version of the personnel manual and eliminate the old personnel manual. The Council should review it and it will be added to the April agenda.

Kristi Gonska left the meeting.

The Compost Site Ordinance was discussed with the City Attorney Lovrien. City Attorney Lovrien suggested that maybe a phone call be given with a 24 hour time frame to remove it and then assess a fine. The Ordinance will be sent to the Attorney to review and amend at the April meeting.

City Attorney Lovrien has reviewed the transfer of the BLEWH Group property. It appears that the City already owns the property. The deed was recorded in reverse order, so the deed is current and it appears that the City only needs to exchange the funds.

The police report was supplied by Deputy Ted Smith during the meeting. The Finance Officer read the report. Deputy Ted Smith had 126 City hours and 36 County hours. A list of equipment and uniforms will be presented at the April meeting for surplusing.

The Public Works Directors weekly reviews were discussed. The Public Works Director was not present and his report was supplied prior to the meeting.

There was discussion on the existing sewer and water lines, that lies on the south side of the school and the new school plan shows it will be built directly over those lines. After discussion, it was felt that the

school should present the City with a plan for the utility lines or a Hold Harmless Agreement needs to be looked at.

Obenauer gave a brief description on where the Rip Rap will be laid next fall because the ground is too soft and ruts will be put in the shoreline.

It has been confirmed with the County that the week of June 29 thru July 2, asphalt will be laid. It was felt that even if Jensen's would be the lowest bidder, the asphalt should be put out for bids. A motion was made by Weisbeck and seconded by Obenauer to go out for bids on the asphalt to patch the streets. All voted Aye. Motion Carried. Absent Billotto.

Boschee received a quote for a new motor and pump for the WEB tower. The original pump is still there with no replacement on hand. He felt it would be beneficial to have an extra one on hand. It is going to be looked into.

Property located at 508 11th Street has a spring that drains to the west over City property which creates a water mess and a mosquito trap. Obenauer would like an easement from the City because it runs across his property. Weisbeck will visit with the homeowner.

The thimble for the muffler was caulked at the main lift station.

The Tandem Truck, 590 Super M, 930H, 140H and the sewer machine have been repaired.

At one time, it was recommended to adopt the International Property Maintenance Code book, so Regula has taken the book and reviewed it. Regula felt that the book is suited better for larger communities. It is only a guide and tool to be used, but the council cannot give authority to use the ordinances within it. She felt that the City Ordinances fit our City much better than the codes do.

Hulscher and Lutz left the meeting.

Code Enforcement Officer Boschee supplied the council with properties that need attention. The Council reviewed them and the Mayor felt there are more properties than what was supplied. The Mayor suggested that the Council members need to patrol their Wards and then the recommendations need to be given to Boschee for a letter. It was also recommended to visit with the property owners first then follow up with a letter from the Code Enforcement Officer. The Council did request a list of residents and addresses of the people in their wards.

A 5 minute break was taken at 9:47 p.m.

The meeting reconvened at 9:52 p.m.

There is a Code Enforcement Training on May 6 and May 7, 2015 in Mitchell. Code Enforcement Officer Boschee will not be able to attend. The Mayor requested for it to be added to the April agenda and for the Finance Officer to get an agenda for the training.

Water and Sewer hookups were discussed for residential property located at 1204 K Avenue. A letter will be sent in regards to hooking up water.

Chris Gonska left the meeting.

An election for Ward 3 only, will be held on April 14, 2015, from 7:00 a.m. to 7:00 p.m. A motion was made by Weisbeck and seconded by Goehring to pay the election workers \$8.50 per hour. All voted Aye. Motion Carried. Absent Billotto.

A motion was made by Regula and seconded by Bertsch to purchase a handicap sign for the Senior Center, put it up and paint the curb all at city cost. All voted Aye. Motion Carried. Absent Billotto.

A letter from an anonymous concerned citizen was reviewed by the Council. No action was taken.

A motion was made by Weisbeck and seconded by Bertsch to approve the annual report. All voted Aye. Motion Carried. Absent Billotto.

There was discussion on the service received from Montana Dakota Utilities. The Mayor will write a letter of concern to Montana Dakota Utilities and the Council will review it before it is sent.

No lifeguard applications have been received. The City will continue to advertise.

A motion was made by Regula and seconded by Obenauer to approve vacation days for Asst. FO Paulette Bauer, May 21 and 22, 2015, PWD Guy Boschee, May 4, 5 and 6, 2015, and sick days for FO Bobbi Ottenbacher March 18 and 19, 2015 and a personal day for April 17, 2015. All voted Aye. Motion Carried. Absent Billotto.

The Equalization Meeting is scheduled for March 16, 2015 at 5:00. p.m.

The office will be closed at 4:30 p.m. on Wed. March 18, 2015 due to the Annual District Meeting.

The construction of the new school, the heating system and the repair of sidewalk and curb and gutter were reviewed. The school will replace the side walk but has no intentions of replacing the curb and gutter at this time. The Mayor will contact the school on the water and sewer lines, curb and gutter, streets, elevation and the alley.

A motion was made by Weisbeck and seconded by Goehring to go into Executive Session SDCL 1-25-2 (1) Personnel Matters at 10:24 p.m. All voted Aye. Motion Carried. Absent Billotto.

Patricia Myrmoe questioned the process of going into executive session and City Attorney Lovrien answered her question.

Jeremy Eberhart, Dennis Heilman, Tara Beitelspacher, Paulette Bauer, Patricia Myrmoe and Finance Officer Ottenbacher left the meeting.

A motion was made by Weisbeck and seconded by Bertsch to come out of Executive Session at 10:45 p.m. Weisbeck and Bertsch. All voted Aye. Motion Carried. Absent Billotto.

Finance Officer Ottenbacher joined the meeting.

A letter of resignation was presented by Finance Officer Ottenbacher prior to the meeting and was read during executive session. A motion was made by Regula and seconded with reluctance by Weisbeck to accept the resignation. All voted Aye. Motion Carried. Absent Billotto. The Finance Officer was instructed to advertise for the finance officer position in the Bowdle, Eureka, Herried-Pollock and Aberdeen newspapers along with the South Dakota Job website. Application deadline will be April 1, 2015 and pay will be based upon experience.

A motion to adjourn at 10:52 p.m. was made by Regula and seconded by Goehring. All voted Aye. Motion Carried. Absent Billotto.

Mayor – Mark W. Opp

ATTEST:

Bobbi Ottenbacher – Finance Officer