

## Minutes for October 13, 2015 City Council Meeting

The Meeting of the Eureka City Council was called to order on October 13, 2015, at 7:00 p.m. by Mayor Opp in the council room of the Municipal Building with the following present: Mayor Opp, Council members: Bertsch, Billotto, Heilman, Obenauer, Regula, Weisbeck, and Finance Officer Nicole Frerk. Others present: Sandra Bond, Dianne Boschee, Anita Duquette, John Schwingler, Renee Schwingler, Deb Larson, Sharon Lund-Aman, Paul Pemberton, Bonnie Pemberton, Katy Doud, Gregg Arnold, Kyle Hemeyer, and Tess Alexander.

Any changes or additions: Airport meeting. Motion by Weisbeck, seconded by Regula to accept the changes and additions to the agenda. All voted aye. Motion carried.

Citizen Open Forum: Anita Duquette stated that the calls that her son, Brandon, received were not from the City. Anita also asked about the City paying for the city employees' family's health insurance. Council stated that they currently do not pay for the city employees' family's health insurance.

Bonnie Pemberton stated that over by her residence there are way too many cats, and is wondering what can be done. Sharon Lund-Aman spoke and stated there are a couple farms willing to take some cats and she is trying to find other homes. Sharon stated she is against euthanasia unless the animal is sick and she feels that irresponsible pet owners is part of the reason why there are so many cats. Katy Doud spoke and suggested the City consider licensing cats as they do already for dogs. She suggested using the funds from licensing the cats to then have them spayed or neutered.

Ken Martin and Deputy Smith joined the meeting.

Correction to the September 14, 2015 minutes: Anita Duquette also addressed that her son, Brandon, who used to work for the City, has received three phone calls pertaining to City business since his employment ended with them.

Motion by Regula, seconded by Bertsch to approve the September 14, 2015, city council meeting minutes. All voted aye. Motion carried.

Weisbeck had a question regarding the overtime charges on the bill from Sweeney Controls. The City will hold payment of this bill until Finance Officer Frerk looks into the overtime charges.

Motion by Billotto, seconded by Weisbeck to approve the bills as presented. All voted aye. Motion carried. Bills for October 13, 2015: Sewer Duck, clean out valve boxes \$920.00; Premier Equipment, supplies \$96.85; Kary's, repairs/gas \$170.33; JP Lumber, supplies \$101.82; A&B Business, supplies \$582.40; SDML, conference/workshop \$125.00; Glacial Lakes & Prairies Tourism Ass., regional guide ad \$150.00; Grainger, supplies \$55.85; The Stop, gas \$71.49; Bantz, Gosch, & Cremer, attorney fees \$91.17; Mark Opp, supplies/candy \$113.33; SD DENR, operator certification exams \$20.00; Muth Electric, replaced lamps in beacon, \$800.00; Northwest Blade, supplies/publishing/advertising \$375.82; Pheasantland Industries, work apparel \$258.04; Susan Fischer, books \$145.33; Daren Fischer Painting, office/council room/police room \$1270.00; Heartland Waste, sanitation fees \$5178.80; SD Department of Revenue, driver's license \$586.00; MDU, utilities \$4673.65; WEB, operator fees \$135.00; Valleytel, phones/utilities \$469.24; Matheson, acetylene \$9.30; Ken's, supplies \$68.53; FEM, utilities \$582.95; WEB, water \$4141.86; SD Retirement System, retirement \$1058.96; Wellmark, health insurance

\$1093.78; SD Department of Labor & Regulation, unemployment insurance \$27.71; Great Plains Bank, payroll taxes \$2720.49; Great Plains Bank, utilities \$14.60; Postmaster, roll of stamps \$49.00; Cash, envelopes/postage \$55.74; McPherson County Auditor, police contract \$3500.00; SD State Treasurer, sales tax \$405.39; Dakota Cloud Recovery, computer back up \$178.40; Paulette Bauer, conference mileage/meals \$204.02; 4DK Electric, outlets in council room \$294.85; Gregg Arnold, work apparel \$39.21; Grainger, supplies \$56.90; Bank of America, books \$156.62; Servall, cleaning supplies \$151.96; Hydro-Klean, lift station \$1682.60; SD One Call, message fees \$11.55; Vilas Pharmacy, supplies \$69.56; MDU, utilities \$16.11.

Motion by Bertsch, seconded by Heilman to approve the financials. All voted aye. Motion carried.

Motion by Regula, seconded by Billotto to approve the building permits. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Bertsch to approve the payroll report. All voted aye. Motion carried.

Deputy Smith gave the police report. Smith noted that there has been an uptick of people scamming local citizens. In addition, there was discussion that the second reading of the amendment of the Jacob Brakes ordinance will be later on at tonight's meeting. Smith noted the importance of him needing a set fine amount in the ordinance.

Kyle Hemeyer was sworn in as the Assistant of Public Works Director.

Gregg Arnold gave the Public Works Director report. Gregg discussed the activities for the month and addressed questions and needs. Gregg also discussed classes/certification exams he needs to complete. Motion by Bertsch, seconded by Heilman for Gregg Arnold to attend the class and take certification exams on December 8-10, 2015. All voted aye. Motion carried. Gregg also reviewed the on-site evaluation of the drinking water system from SD DENR with the council.

Jake McCluskey joined the meeting.

Motion by Weisbeck, seconded by Regula to approve time off to Assistant Finance Officer, Paulette Bauer, for October 23, 2015. All voted aye. Motion carried.

Finance Officer Frerk presented the council with website information gathered from other SD cities and also presented website information from GovOffice that Assistant Finance Officer, Paulette Bauer, had received at the SDML conference. Mayor Opp also presented updated website information from Jake McCluskey. Regula asked for more set fees for the set up and maintenance charges for Jake's proposal. Jake vocalized that if the City goes with another option they may be paying for something they don't own. Jake stated the City can cut down from the proposed website and always add features. Council will review website information from other SD cities and Jake will meet with the City Finance Office. Tabled until November's meeting.

Mayor Opp stated that work is continuing to be done to fix the artesian well. Completion of repairs should be done soon.

Mayor Opp received a bid for laminate flooring for the ambulance meeting room floor. Mayor Opp stated this option should be about \$400-500 less than the previous estimate received for tile flooring. Council is still interested in looking into carpeting as an option. Tabled until November's meeting.

Employee health insurance coverage for the Family plan tabled until November's meeting. Council would like to discuss coverage after the Finance Office meets with the health insurance representative.

Motion by Bertsch, seconded by Heilman to approve the second reading of the amended Ordinance 2015O-2 – Jacob Brakes. All voted aye. Motion carried.

ORDINANCE 2015O-2

Dynamic braking or air-braking prohibited.

BE IT ORDAINED BY THE MUNICIPALITY OF EUREKA, McPHERSON COUNTY, SOUTH DAKOTA,

**Definition:** A "dynamic braking device" (commonly referred to as Jacob's Brakes) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

**Use of dynamic braking devices prohibited.** Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger shall be prohibited. Any violation of this ordinance shall be punishable by a fine of \$100.00 for the first offense and \$200.00 for any additional offenses.

**Public emergency response vehicles exception.** Any public emergency response vehicle equipped with a dynamic braking device will be allowed to use such device during a response to an emergency situation.

Dated this 13<sup>th</sup> day of October, 2015.

---

Mayor Mark W. Opp

ATTEST

---

Nicole Frerk, Finance Officer

Placed upon its First Reading: June 30, 2014  
Placed upon its Second Reading: July 14, 2014  
Approved this 14<sup>th</sup> day of July, 2014.  
Published this 24<sup>th</sup> day of July, 2014.

Amended upon its First Reading: September 14, 2015  
Amended upon its Second Reading: October 13, 2015  
Approved this 13<sup>th</sup> day of October, 2015.  
Published this 29<sup>th</sup> day of October, 2015.

Motion by Billotto, seconded by Regula to have the light pole removed by MDU at 10<sup>th</sup> Street and the vacated H Ave. requested by the Eureka School. All voted aye. Motion carried.

John & Renee Schwingler are interested in purchasing City property north of the Eureka School bus shed. Before considering the sale of the property, council would like more information on what would be the drainage plan, and options for a service road or approach. Tabled until November's meeting.

Council was made aware of the notices of taking tax deed by county. These properties were published by the county in the Northwest Blade.

Motion by Billotto, seconded by Regula to approve the Eureka Fitness Center's request to hold a raffle in conjunction with their annual spaghetti supper. The event is on December 3, 2015, at the Eureka Senior Center. All voted aye. Motion carried.

Motion by Heilman, seconded by Obenauer to surplus the following property from the City Finance Office: HON metal rolling typewriter table stand, wooden computer desk, Swintec 1000 portable word processor, and Unitech AM/FM stereo cassette player. All voted aye. Motion carried.

Motion by Regula, seconded by Heilman for Mayor Opp and Finance Officer Frerk to sign to approve the plot owned by the City with the location of Lot 2 of Tract 1, Boschee addition. All voted aye. Motion carried. Diane Julia Aas had re-surveyed the area.

Bertsch informed the council that the Airport Board met with Steve Aldinger and Jon Becker on September 18, 2015. Bertsch reviewed the meeting minutes and highlights with the council.

Motion by Weisbeck, seconded by Regula to go into executive session at 9:01 p.m. All voted aye. Motion carried.

At 9:48 p.m. motion by Regula, seconded by Heilman to come out of executive session. All voted aye. Motion carried.

Motion by Regula, seconded by Heilman to purchase three new employee time clocks. One for the library, one for the City shop, and one for the City office. All voted aye. Motion carried.

Regula and Finance Officer Frerk are continuing to work on updating the Personnel Policy Manual. Tabled until November's meeting.

Motion by Regula, seconded by Billotto to adjourn the meeting at 9:59 p.m. All voted aye. Motion carried.

---

Mayor Mark W. Opp

---

Nicole Frerk, Finance Officer