

Minutes for February 12, 2015 Special City Council Meeting

The special meeting of the Eureka City Council was called to order on February 12, 2015, at 11:00 a.m. by Mayor Opp in the councilroom of the Municipal Building with the following present: Mayor Opp, Councilmember's: Bertsch, Billotto, Goehring, Obenauer, Regula, Weisbeck and Finance officer Ottenbacher. Also present was City Attorney Marshall Lovrien, Anita DuQuette, Jeremy Eberhart and Patricia Myrmoe.

Lovrien advised the Council that the draft of the Minutes of January 22, 2015, did not reflect the Council's vote, following Executive Session. The vote was to place the Public Works Director on Administrative Leave with a Notice of Intent to Terminate Employment.

At the January 22, 2015, meeting, Lovrien advised the council that he thought the Mayor was the one with the statutory authority to discipline or remove the Public Works Director, but that the Council could, in an abundance of caution, also take formal action. Lovrien advised that his notes from the January 22, 2015, meeting reflected that upon coming out of Executive Session, a motion was made by Regula and seconded by Weisbeck, and all voted Aye, concerning placing the public Works Director on Administrative Leave with a Notice of Intent to Terminate Employment. However, this action was not recorded in the draft of the January 22, 2015, minutes.

A motion was made by Regula and seconded by Obenauer recommending that the minutes of January 22, 2015, be corrected to reflect the prior motion and action that was taken. All voted Aye. Motion Carried.

Anita DuQuette joined the meeting with a petition to reinstate Guy Boschee. The Mayor welcomed DuQuette to the meeting. DuQuette passed a petition around for the council to review. The Council reviewed the petition with some discussion on the signatures. DuQuette said, "I have been here for 20 years and Boschee knows the City like the back of his hand and has always felt that Boschee does a very good job in keeping the City going." DuQuette has been in contact with the Attorney General's office and asked the Council, "When it was voted on to put Boschee on Administrative leave?" City Attorney Lovrien said, "The minutes speak for themselves and the minutes become final at the next meeting when they are approved." DuQuette left the meeting.

A motion was made by Regula and seconded by Weisbeck to go into Executive Session SDCL 1-25-2 (1) – Personnel Matters at 11:15 a.m. All voted Aye. Motion Carried.

Finance Officer Ottenbacher, Eberhart and Myrmoe left the meeting.

A motion was made by Weisbeck and seconded by Regula to come out of Executive Session SDCL 1-25-2 (1) at 12:35 p.m. All voted Aye. Motion Carried.

Finance Officer Ottenbacher joined the meeting.

A motion was made by Weisbeck and seconded by Billotto to reinstate Guy Boschee as the Public Works Director, meeting with two council members every week and with an evaluation on May 11, 2015. A roll

call vote was taken. Weisbeck yes, Regula no, Obenauer yes, Goehring no, Billotto yes and Bertsch no. 3 Nay and 3 Aye, with the Mayor breaking the tie. Motion Carried. The Mayor and Weisbeck will visit with Boschee.

A thank you from the Eureka Pioneer Museum Board for the financial support given by the City was shared with the Council.

A motion was made by Obenauer and seconded by Billotto to adjourn the meeting at 12:40 p.m. All voted Aye. Motion Carried.

Mayor – Mark W. Opp

ATTEST:

Bobbi Ottenbacher – Finance Officer