

Minutes for April 14, 2016 City Council Meeting

The meeting of the Eureka City Council was called to order on April 14, 2016, 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, Heilman, Regula, Weisbeck, and Finance Officer Frerk. Absent: Billotto, Obenauer. Others present: Sandra Bond, Dianne Boschee, Deb Larson, Jeremy Eberhart, Gregg Arnold, Josh Flemmer, and Brandon Duquette.

Any changes or additions: Resolution Establishing Contract for Legal Services. Motion by Regula, seconded by Weisbeck to accept the changes and additions to the agenda. All voted aye. Motion carried.

Citizen Open Forum: no discussion.

Motion by Weisbeck, seconded by Regula to approve the March 14, 2016 city council meeting minutes, and the March 22, 2016, special city council meeting minutes. All voted aye. Motion carried.

There was follow up discussion on the bill for the SD Department of Transportation. Motion by Bertsch, seconded by Heilman to approve the bills as presented. All voted aye. Motion carried.

Bills for April 14, 2016: Dakota Country Store, fuel oil \$540.00; Hawkins, well #1 chlorine injector \$95.67; SD One Call, message fees \$8.40; Ron's Service Center, Ford dump truck maint. \$59.84; Mark Opp, Boy Scouts recognition plaques \$36.81; Connelly Industrial Electronics, lift stations/water wells maint. \$3,456.54; Eureka Manufacturing, lift stations #2 maint. \$34.41; Nicole Frerk, postage/notary bond \$55.51; Gregg Arnold, supplies/maint./CDL exam/mileage \$586.07; A&B Business, drop box/supplies \$408.59; Servall, cleaning supplies \$165.73; Ferguson Waterworks, supplies/maint. \$1,480.70; USA Blue Book, supplies \$275.35; Premier Equipment, supplies \$209.62; Susan Fischer, supplies \$95.60; Bank of America, books \$267.73; Bank of America, security software renewal \$58.20; Bantz, Gosch & Cremer, attorney fees \$767.39; Butler, supplies \$312.88; Lyle Signs, rubble site signs \$93.34; SD Department of Transportation, costs for testing \$8,700.00; Bryan Rocks Products, agrilime \$1,767.19; SD Water & Wastewater Assn., annual wastewater seminar 2016 \$80.00; Department of Revenue, public health laboratory \$15.00; Great Plains Bank, notary seal \$38.95; McPherson Co. Register of Deeds, record deed \$35.50; Les's Standard, supplies \$70.95; Kathy Gab, election counting board \$33.25; Sharon Kunz, election counting board \$33.25; Tonya Maier, election counting board \$33.25; Janice Serr, election board/election training \$147.24; Kathy Shaw Thompson, election board/election training \$147.24; Bonnie Kary, election board/election training \$147.24; Lona Hoff, election training \$11.87; Verlana Mehlhaff, election training \$11.87; Olson Consulting, code enforcement \$929.00; JP Lumber, supplies \$867.49; McLeod's Printing & Office Supply, election supplies \$58.00; Heartland Waste, sanitation fees \$4,825.70; Arlo Bertsch, District meeting-mileage \$70.56; Grainger, overhead door controller \$55.86; Valleytel, utilities \$364.03; Fischer's Plumbing & Heating, park supplies \$307.32; Ken's, supplies \$51.38; Northern Plains, fuel oil/diesel \$1,287.15; Paulette Bauer, notary bond \$50.00; Northwest Blade, publishing/advertising \$242.87; Chad Keiser, customer deposit refund \$18.84; Dakota Cloud Recovery, computer backup \$199.08; Matheson, acetylene \$23.89; SD Department of Revenue, drivers' licensing \$631.00; MDU, utilities \$4,863.98; WEB, water \$5,566.80; FEM, utilities \$786.28; Cash, increase daily cash till \$150.00; Gregg Arnold, CDL reimbursement \$33.00; SD DMV, replacement license plate \$11.20; SD Retirement, retirement \$1,555.12; Wellmark, health insurance \$4,193.06; Guardian, vision/dental

insurance \$403.86; Great Plains Bank, utilities \$13.50; SD Department of Labor & Regulation, unemployment insurance \$38.19; Great Plains Bank, payroll taxes \$3,116.13; USDA Rural Development, water project loan \$1,694.00; First National Bank, clean water SRF loan \$18,181.32; First National Bank, drinking water SRF loan \$3,342.03; McPherson Co. Auditor, police contract \$3,500.00; Postmaster, roll of stamps \$94.00; SD State Treasurer, sales tax \$465.90.

Motion by Weisbeck, seconded by Regula to approve the financials. All voted aye. Motion carried.

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

Motion by Heilman, seconded by Regula to approve the payroll report. All voted aye. Motion carried.

Deputy Smith gave the police report. He discussed that there was a dog running at large and he was bit. Deputy Smith had to borrow a dog catching pole from the City shop and requests to have it in his truck at all times. Council agreeable to that request.

Gregg Arnold gave the Public Works Director report. Gregg informed the Council that MDU repaired the lights out at the softball field today. MDU donated their time and equipment. Mayor Opp stated that the invoice for the repaired lights should be filed for the park grant. Compiled invoices for the park grant should be sent in before January 1, 2017. Gregg requests the proposal for the SCADA system from Connolly Industrial Electronics be tabled until May's meeting.

Gregg Arnold left the meeting.

The City received a Disposition Notice from Claims Associates, Inc. that the claim file for property damage to Montana Dakota Utilities has been settled and closed.

Vacation time: no requests.

Motion by Regula, seconded by Weisbeck for Gregg Arnold and Kyle Hemeyer to attend the Mosquito Workshop in Aberdeen on April 27. All voted aye. Motion carried. Heilman discussed the mosquito grant information in the SDML magazine. Finance Officer Frerk stated that Gregg was following up on the grant.

Motion by Weisbeck, seconded by Bertsch for Nicole Frerk and Paulette Bauer to attend Finance Officers' School in Spearfish on June 8-10. The office will be closed from June 7 at noon through June 10. All voted aye. Motion carried.

Motion by Heilman, seconded by Regula to rescind the motion to surplus 10.5 acres of City land by sealed bids. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Heilman to approve the plat from Clark Engineering showing the West Lake Addition in the SE1/4 of Section 34, Township 127 North, Range 73 West of the 5th P.M. All voted aye. Motion carried.

Mayor Opp discussed the park grant. Clark Engineering surveyed the park area. The Council had asked the BLEWH group if they would give the land back they had purchased from the City to meet the requirements for the grant. Originally, the proposed land to be included in the grant for the State included the land the BLEWH group owned. However, the City asked the State if land up north would meet the requirements of the grant instead of the south land (land owned by the BLEWH group). The

State responded that it would meet the requirements; thus the agreement with the State Game, Fish & Parks included the north land, not the south land.

Jeremy Eberhart spoke and stated that the BLEWH group did not want to hinder the City from being able to meet the requirements for the grant, and the BLEWH group is upset that the City never offered the land back to them once they knew they didn't need it for the grant.

Council member, Barb Billotto, joined the meeting.

Jeremy Eberhart stated the BLEWH group did not have intentions to sell the land back to the City, but sold it back to them because the BLEWH group thought they needed it for the grant.

Mayor Opp stated the City sent the agreement with the agreed upon map, which included the north land, to the National Park Service to meet the requirements for the grant.

Mayor Opp was approached by someone to see if the City would be interested in surplusing property by the lake, Lots 1, 2, 3 & possibly 4 of Block 12, Lakeside 1st Addition, located south of Oliver Oswald's residence. Council asks that the individual(s) come to the Council meeting and request. Tabled until May's meeting.

The request from WEB Water to place an antenna on the City's water tower for WEB Water's new electronic water meter reading system was discussed. Council discussed that any maintenance to the antenna should be WEB Water's responsibility. Finance Officer Frerk will follow up with WEB Water regarding the lease agreement. Tabled until May's meeting.

The bulk water connection was discussed. Gregg Arnold and Kyle Hemeyer replaced the existing double-check backflow preventer with the required Reduced Pressure Principal BFP so the bulk water supply is in compliance with State regulations. Bulk water users must continue to document use and will be billed.

The auction with the Eureka School was discussed. The notice for the auction will be published on May 5 & 12. The composite decking was discussed and it was decided to continue to keep it for now.

A job description for a Rubble Site/City Park Assistant was reviewed and approved by the Council. The job may also include maintenance of the shooting range. Motion by Regula, seconded by Weisbeck to advertise for the position seeking someone interested in about 4-10 hours per week including weekends, and wage based upon experience. All voted aye. Motion carried.

Sandra Bond left the meeting.

City Wide Clean Up was discussed. There will be further discussion after review of applicants for the Rubble Site/City Park Assistant position. The picking up of tree branches was also discussed. Tabled until May's meeting.

There was no applicants for the lifeguard position advertised. The advertisement was published for three weeks. The diving board has also been reported that it may have a crack and need to be taken off. The City maintenance workers will be asked to check it out. The lifeguard position will be advertised another two weeks. Tabled until May's meeting.

The Council discussed the completion of the siren project. The Council requests that Sheriff Dave Ackerman be contacted to add the Public Works Director as the point of contact for the City.

Motion by Billotto, seconded by Heilman to declare the old stair lift as surplus with zero value. All voted aye. Motion carried.

Billotto discussed that the recently euthanized dog should have been quarantined.

Lloyd Miller joined the meeting.

The Council met to hold the official canvass of the election results. The Council reviewed the poll books and duplicate tally sheets showing election results. Motion by Weisbeck, seconded by Bertsch to accept the election results and sign the official canvass sheet. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Bertsch to approve the Resolution 2016R-1 – Resolution Establishing Contract for Legal Services. All voted aye. Motion carried.

RESOLUTION 2016R-1

RESOLUTION ESTABLISHING CONTRACT FOR LEGAL SERVICES

WHEREAS, the City of Eureka by and through its duly elected council members hereinafter referred to as "City of Eureka" deems it necessary to contract with a licensed attorney and/or law firm to provide legal services to the City of Eureka.

WHEREAS, SDCL 9-14-23 provides that, "[t]he governing body of any municipal corporation may contract for legal services or employ an attorney under such terms and conditions as the governing body shall deem proper. Any contract for legal services with an attorney shall be made by ordinance or resolution. Such contract shall set forth the compensation to be paid and the specific services to be rendered."

WHEREAS, the City of Eureka has decided to enter into a contract for a City Attorney for legal services at \$190.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eureka hereby contracts with the law firm of Bantz, Gosch & Cremer, L.L.C., to provide legal services to the City of Eureka from December 31, 2015, to December 31, 2016.

Dated this 14th day of April, 2016.

Mark W. Opp, Mayor

ATTEST:

Nicole Frerk, Finance Officer

Motion by Bertsch, seconded by Billotto to adjourn the meeting at 8:39 p.m. All voted aye. Motion carried.

Mayor Mark W. Opp

Nicole Frerk, Finance Officer