

Minutes for July 10, 2017 City Council Meeting

The meeting of the Eureka City Council was called to order on July 10, 2017, at 7:00 p.m. by Mayor Miller in the council room of the Municipal Building with the following present: Mayor Miller, Council members: Delzer, Duquette, Eberhart, Flemmer, Heilman, Schwingler; Finance Officer Frerk; and City Attorney, Marshall Lovrien.

Motion by Duquette, seconded by Schwingler to approve the agenda. All voted aye. Motion carried.

Steve Aldinger with Interstate Engineering was present to discuss the airport layout plan. The FAA requires the City to have an approved airport layout plan since the City receives federal funding. If not, the FAA won't fund anything. Steve discussed the airport layout plan with the Council.

Motion by Eberhart, seconded by Delzer to approve the airport layout plan. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

The total lump sum cost for the City's airport layout plan is \$80,000.00. The current invoice due is \$17,600.00, which Interstate Engineering is requesting approval of payment. The City's contribution is 5% of the invoice total with the FAA and State funding the remaining 95%. Interstate Engineering's invoice tabled until later on the agenda with the bills.

The Council discussed the rezoning request from Anthony and Patricia Kunz. The Zoning board met earlier in the evening on July 10 and approved and recommended the lot be rezoned from residential to commercial.

Motion by Flemmer, seconded by Schwingler to approve the rezoning request from Anthony and Patricia Kunz to rezone the lot from residential to commercial. All voted aye. Motion carried.

Motion by Heilman, seconded by Eberhart to approve the annexation request from Anthony and Patricia Kunz. All voted aye. Motion carried.

Wanda Jundt and Paula Jensen with Empower Dakota were present. Wanda thanked the Council for their financial contribution for the program. Paula informed the Council that she has been coaching Eureka and having focus groups. Paula went through a shortened version of a focus group session with the Council. She informed the Council that on July 11 at the Information Center she will be having general sessions open to the public to attend. Also, on August 2 there will be a meeting and those in attendance will choose the priorities that Eureka will focus on. Those in attendance will discuss what Eureka is passionate about, form teams, and then Paula typically coaches those teams for 12 months. She helps them with action plans, resources, etc. to meet the goals that were chosen as priorities. This meeting is open to the public.

Citizen Open Forum: Bill Fischer and Rod Hoffman were present to discuss the property at 701 J Ave. Since the Hwy 10 project was done this property has had sewer problems. Cameraing of the line has been done. They believe when the project was done that they may have thought it was an abandoned line. The Council recommended they work with the engineer who completed the Hwy 10 project.

Kaytlin Pelton was present to discuss the Schmeckfest celebration and is requesting approval of street closure on September 16 from Ken's to Art's Body Shop, and from Lakeside Lumber to the Senior Center. The Schmeckfest committee is adding more activities this year and they are needing more room. They are also planning to use the Ambulance shed as headquarters and for live radio broadcasting. In addition, the Schmeckfest committee has discussed holding a co-ed/cross dressing softball tournament as a fundraising event where Clyde would be serving food. The Council approved both the street closure on September 16 and the use of the softball facilities for the fundraising event.

Mel Kary was present to give the fireworks report for this year. He presented the City with a bill for the fireworks display for \$4,800.00; as well as, a fireworks donation check in the amount of \$2,300.00. \$5,000.00 was budgeted this year for the fireworks display.

Tim Yarr and Clyde Ottenbacher with the Eureka Chamber of Commerce were present to discuss the Eureka sign by Bowdle on the corner of Hwy 12 and Hwy 47. The sign is needing to be replaced. The Chamber has a cost estimate of \$2,000.00 per side with a total of \$4,000.00+. They have been quoted it should last about 10-15 years. They are requesting a financial contribution from the City. The Council would like to see what the Chamber is able to fundraise and will take the request under advisement.

David Roggenkamp with Eureka Beautification was present to discuss Beautification's intent to remove some houses and garages. Beautification works with the property owners of rundown properties in Eureka. If they wish to deed the property to Eureka Beautification then Beautification will clean up the lot and remove buildings when necessary and then they will either maintain the property or try to sell it to someone interested. The Council was informed that the County is willing to work out an agreement with Beautification this fall using their equipment and man power for the removals. Mayor Miller and Public Works Director, Kyle Hemeyer, will plan to meet with Glen Spitzer with the County and work together.

Mike Dosch, owner of the Lakeview Apartments, was present to discuss his current sanitation charges at his apartment complex. Apartment owners in town used to be charged per occupied unit which they notified the City office employees. Over a year ago, the City office employees were asked about the sanitation charges for apartments by Mike. Upon review of the sanitation fee schedule, it states monthly \$12.00 per unit. Rates were adjusted to these bills since the fee schedule does not state whether unit is occupied or unoccupied. Mike discussed with the Council whether apartments could be classified as commercial, which the property owner would pay Heartland Waste directly for dumpster service rather than pay the sanitation fees to the City. The Council was informed if they classified all the current apartments as commercial they would be taking in less revenue of about \$750.00+ per month. Mike also discussed going back to the City charging per occupied unit. However, the Council was cautioned on going back to an honor system and how we keep such a system accountable especially since the City just spent several hundreds of dollars at the bulk water station to get rid of the same kind of system. Mike also suggested the Council look at a maximum charge. Finance Officer Frerk suggested that the Council look into the possibility of a flat rate. The Council will take this information under review.

Ron Brockel was present to discuss the use of the baseball field complex for the tee ballers, Pee Wees, and Midgets. He believes some work would need to be done including the grass removed, the bases moved, and some fencing put back up. He is requesting on the behalf of himself and other baseball parents for the Council to consider modifying the field for the youth program. The grass in the infield

would need to be modified; as well as, there would need to be discussion on what to do with the elevated mound. The Council will take this under advisement for next year's season.

The City currently owns some decking and Rick Weisbeck is interested in purchasing some of it. Motion by Flemmer, seconded by Delzer to surplus 2 pallets of 1"x5.5"x20' Trex square select decking. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried. Surplus property will be advertised and appraised.

The Council reviewed the Community Transit's request for a financial contribution of \$1,500.00 in the 2018 budget.

The 2018 budget process was discussed briefly. The Council will hold a special meeting in August to go through the revenue and expenditures and approve the first reading of the 2018 budget.

Motion by Flemmer, seconded by Delzer to go into executive session for personnel matters and litigation at 8:27 p.m. All voted aye. Motion carried.

Motion by Eberhart, seconded by Schwingler to come out of executive session at 9:02 p.m. All voted aye. Motion carried.

Motion by Duquette, seconded by Delzer to hire Glen Olene as a full time Assistant Public Works Director effective August 1 at \$17.00 per hour and then at \$19.00 per hour once he has completed his certifications. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Motion by Delzer, seconded by Eberhart to hire John Nelson as the part time Librarian at \$12.00 per hour with a maximum of 20 hours per week. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Scott Heimer with Water System Drilling Inc. was present at the meeting. He heard that the City was going to apply penalties to Water System Drilling Inc. due to the timing of the well. Scott stated he felt he was straight forward with the Mayor and their scheduling. He said when they submitted their bid for the artesian well project their scheduling was already filled up. He stated the well equipment booked for up here was held up at another project before us. He said once that project was completed they left to come straight up here. He stated they tried to complete the well in a timely fashion. He stated he has not submitted the completion form with the State yet. The water rights on the application and the completion form will be different because the new well has three times the flow then the old well. He said there is 2.5 million gallons a day on the well. He has heard the City is looking into liquidated damages due to late completion of the well. He stated he did not sign the notice to proceed he had received and did not return it. He said it is hard to believe the City has just cause for liquidated damages. Scott stated his legal counsel said he should shut the well off if he hasn't received payment since he owns the well until payment is made.

Mayor Miller spoke and stated he was threatened by Scott in an earlier phone conversation where he said he would shut the well down if he hadn't received the payment. Therefore, Mayor Miller entertained the motion to the Council that the City terminate the contract with Water System Drilling Inc. immediately and they can no longer go on City property where the artesian well is located. Motion by Delzer, seconded by Heilman to terminate the contract with Water System Drilling Inc. effective

immediately and no longer allow them on City property where the artesian well is located. Roll call vote taken. Schwingler-yes, Heilman-yes, Flemmer-yes, Eberhart-yes, Duquette-yes, Delzer-yes. All voted aye. Motion carried.

Mayor Miller instructed Scott Heimer have his attorney contact our City attorney.

Motion by Duquette, seconded by Delzer to approve the June 12, 2017, city council meeting minutes, and the June 27, 2017, special city council meeting minutes. All voted aye. Motion carried.

The bills from Sewer Duck, Dakota Pump & Control, and Fischer Fencing were discussed.

Motion by Duquette, seconded by Schwingler to approve the bills as presented. All voted aye. Motion carried.

Bills for July 10, 2017: Mehlhaff Electric, electrical services \$1,100.00; Weisbeck Construction, labor/materials \$18,314.52; Jensen Rock & Sand, asphalt patching \$79,719.02; Eureka Plumbing & Heating, generator \$34.50; Lloyd Miller, mileage \$155.40; Kary's, gas/tire repair \$134.80; Lew's Fireworks, fireworks display \$4,800.00; Valleytel, utilities \$407.61; Olson Consulting, code enforcement \$1,061.00; Bank of America, books \$153.42; Bank of America, books \$87.10; Heartland Waste, sanitation fees \$5,863.60; Northwest Blade, advertising/publishing/supplies \$597.95; SDML, Elected officials workshop – registration fees \$150.00; Fischer Fencing, guard rail fence \$1,300.44; Ramkota Hotel – Pierre, FO school – lodging \$195.98; Dept of Revenue, public health laboratory \$15.00; Avera Occupational Medicine, pre-employment testing \$72.40; DENR, drinking water fee \$600.00; 4DK Electric, labor/material \$86.94; WWC Engineering, artesian well – engineering fees \$10,974.27; SD One Call, message fees \$14.70; A&B Business, supplies/copier contract \$129.13; Servall, cleaning supplies \$149.83; Northern Plains, diesel fuel \$1,049.04; Ken's, supplies \$149.81; USA Blue Book, supplies \$23.03; Sewer Duck, sewer maintenance \$586.25; Dakota Pump & Control, water supplies \$3,090.82; Hawkins, water supplies \$828.35; SD Dept of Revenue, drivers licensing \$317.00; MDU, utilities \$5,724.70; Premier Equipment, supplies \$179.03; Wellmark, health insurance \$2,815.81; Guardian, vision/dental insurance \$318.69; SD Retirement, retirement \$1,165.24; Great Plains Bank, payroll taxes \$3,575.01; SD Dept of Labor & Regulation, unemployment insurance – Qtr. 2 \$56.06; Great Plains Bank, utilities \$15.25; FEM Electric, utilities \$1,287.31; Bantz, Gosch & Cremer, attorney fees \$3,212.39; Cahill, Bauer & Associates, audit 2016 \$5,825.00; WEB, water \$3,729.14; McPherson Co. Auditor, police contract \$3,500.00; Postmaster, stamps \$98.00; Eureka Community Health Services, hospital debt \$6,250.00; Rural Development, water project/loan \$1,694.00; US Bank, SRF loans/clean water & drinking water \$21,523.15.

Motion by Eberhart, seconded by Flemmer to approve \$17,600.00 payment to Interstate Engineering. All voted aye. Motion carried.

The Council discussed making a payment to Water System Drilling Inc. Payment due is \$253,057.50 less retainage. Total well cost is \$281,000.00+. Motion by Duquette, seconded by Heilman to approve \$200,000.00 payment to Water System Drilling Inc. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Motion by Flemmer, seconded by Duquette to approve the financials. All voted aye. Motion carried.

Motion by Eberhart, seconded by Schwingler to approve the building permits. All voted aye. Motion carried.

Motion by Schwingler, seconded by Delzer to approve the payroll report. All voted aye. Motion carried.

Deputy Ted Smith gave the police report. He will be gone July 14 through July 22 for annual training for the Guards. Sheriff Ackerman and Deputy Steve Lipke will be covering.

Public Works Director, Kyle Hemeyer, gave the Public Works Director report. He discussed water usage, chip sealing project, sweeping, etc. Council requests weeds be sprayed at the lake by the sand. Kyle also informed the Council that Safety Benefits was here for their review and there is old playground equipment in the parks that is no longer in compliance. Safety Benefits will also be reporting recommendations on the shooting range.

Mike Olson, Code Enforcer, was present at the meeting. He informed the Council that he hasn't received an estimate yet from Dahme's on the tear down of the Kitzler building. He also has had contact with the owners of the railroad tressel on the property they own.

Motion by Schwingler, seconded by Delzer to approve the first reading of Ordinance 6.04.080 – Impoundment of Dog. The ordinance now states \$10.00 per day for housing of the dog. Roll call vote taken. Schwingler-yes, Heilman-yes, Flemmer-yes, Eberhart-yes, Duquette-yes, Delzer-yes. All voted aye. Motion carried.

The Council reviewed and discussed other SD cities' water rates. Discussion led to the City's sewer rates seem comparable, but water rates will need to be looked at being increased. Tabled until next month's meeting.

Motion by Delzer, seconded by Flemmer to repeal Part B of Ordinance 13.04.080 – Cut Offs and have City attorney, Marshall Lovrien, revise the ordinance for the first reading at August's meeting. All voted aye. Motion carried.

The Council requests City attorney, Marshall Lovrien, revise Ordinance 15.16.070 – Permit Required to Remove Building. They request he amend the ordinance to a \$5.00 permit fee and require proof of liability insurance. Tabled until next month's meeting.

Motion by Flemmer, seconded by Eberhart to approve Mayor Miller sign the McPherson County Hazard Mitigation Plan. All voted aye. Motion carried.

Motion by Duquette, seconded by Delzer to approve \$3,000.00 payment to take out the old boat launch at the East Lake and put in a new launch. The City will contribute a load of gravel, rock, and use of their backhoe. All voted aye. Motion carried.

The Council requests the City maintenance workers take care of the dead trees at the beach area and by the West Lake.

The Council discussed Ordinance 2.04.010 – Regular Meetings. No action taken.

The Council approved new library board members, Deb Larson and Erin Anglin.

Motion by Duquette, seconded by Delzer to adjourn the meeting at 10:43 p.m. All voted aye. Motion carried.

Mayor Lloyd Miller

Nicole Frerk, Finance Officer