

Minutes for May 8, 2017 City Council Meeting

The meeting of the Eureka City Council was called to order on May 8, 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: Duquette, Eberhart, Flemmer, Heilman, Schwingler, Weisbeck; and Finance Officer Frerk and City Attorney, Marshall Lovrien.

Others present: Polly Gab, Paulette Bauer, Tyler Oliver, Anthony Kunz, Steve Aldinger, James Grossmann, Deb Larson, and Donald Marshalek.

Any changes or additions: under new business – WEB Water; Special Meeting May 22.

Motion by Eberhart, seconded by Heilman to approve the agenda. All voted aye. Motion carried.

The taxiway project with Interstate Engineering was discussed. One of the individuals interested in potentially building a hangar has decided not to. Mayor Miller had advised the engineer to continue to proceed with the project because if we decided not to the City would be 100% responsible for all the engineering costs to date.

As advertised, at 7:05 p.m. the Council discussed the rezoning request from Tyler Oliver, and Anthony and Patricia Kunz. The Zoning board had met on May 3 and approved and recommended the lot be rezoned from residential to commercial.

Kyle Hemeyer joined the meeting.

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

Motion by Flemmer, seconded by Schwingler to approve the annexation request from Tyler Oliver. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

Motion by Heilman, seconded by Duquette to approve the replat from Tyler Oliver. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

The Council was informed that the new Dollar General store's highway access permit was approved by the State.

A bid from Weisbeck Construction in the amount of \$12,884.00 for the repairs at the Information Center was opened and read aloud. Motion by Flemmer, seconded by Schwingler to approve the bid for the repairs. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-abstained. Motion carried.

Game, Fish, and Parks is interested in purchasing or leasing City land for hunting in the fall. The land is located west of Lee Oster's. Oster has an easement for grazing on the property if actively farming and for his own use. Game, Fish, and Parks owns the land south of this land. City Attorney, Marshall Lovrien, reviewed the easement and reads that the easement would cease when Oster would stop both owning

and farming. Lovrien recommends City wait to see a proposal from Game, Fish, and Parks. Tabled for a future meeting.

Citizen Open Forum: none.

Motion by Weisbeck, seconded by Eberhart to approve the April 3, 2017, special city council meeting minutes, and the April 10, 2017, city council meeting minutes. All voted aye. Motion carried.

The bill for the generator was discussed. The generator is here, but Kyle is waiting on the silencer and exhaust before installation can be completed by the electrician.

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

Bills for May 8, 2017: Liz Jundt, mop bucket \$53.07; Northwest Blade, advertising/publishing \$425.31; Heartland Waste, sanitation fees \$4,922.00; Eric Odenbach, electric (airport) refund \$90.00; Olson Consulting, code enforcement \$1,507.00; Dept of Revenue, public health laboratory \$15.00; Bantz, Gosch & Cremer, attorney fees \$100.22; Northern Plains, fuel \$966.00; Pheasantland Industries, apparel \$215.68; Quality Quick Print, recognition \$78.00; Kary's, gas/tire repair \$155.70; Butler, generator/supplies \$19,779.06; L.L. Johnson Distributing Co., mower repairs \$840.45; Premier Equipment, supplies \$279.32; Eureka Elevator, grass seed \$175.00; Vilas Pharmacy, supplies \$7.46; Ken's, supplies \$11.23; Valleytel, utilities \$388.50; Bank of America, library books/supplies \$483.41; SD Dept of Revenue, drivers licensing \$324.00; MDU, utilities \$4,610.44; Keena Nicholson, customer deposit refund \$75.00; Garrett Morlock, customer deposit refund \$75.00; Jerry Haidle, customer deposit refund \$75.00; Sheila Moore, customer deposit refund \$75.00; Kaytlin Pelton, customer deposit refund \$75.00; WEB, water \$6,165.20; FEM, electric \$978.56; Wellmark, health insurance \$2,815.81; Guardian, dental/vision insurance \$318.69; SD Retirement, retirement \$992.88; Great Plains Bank, payroll taxes \$3,141.66; Great Plains Bank, utilities \$15.15; McPherson Co. Auditor, police contract \$3,500.00; Christy Childers, impoundment fee refund \$25.00; Servall, cleaning supplies \$149.83; A&B Business, copier contract \$68.71; Postmaster, stamps/UB postage \$598.00; USDA Rural Development, water project/loan \$1,694.00; SD State Treasurer, sales tax \$451.66; Grassland Goodies, recognition \$36.00; Lakeside Lumber, supplies \$60.70; Cahill Bauer & Associates, audit 2015/year end accounting \$2,157.50; Dakota Country, spreader \$11.69.

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

The artesian well's original completion date was April 15. The contract states \$1,000.00 per day after completion date in liquidated damages.

Motion by Eberhart, seconded by Flemmer to approve the Language Access Plan and submit it to Rural Development. All voted aye. Motion carried.

The Community Access grant was discussed. Tabled until the special meeting on May 22.

Motion by Heilman, seconded by Weisbeck to approve the second reading of the revised Ordinance 13-05 – Bulk Water Station. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

REVISED ORDINANCE 13-05

Bulk Water Station

WHEREAS, the City of Eureka wishes to make available water for users in a Bulk Water Station for the purpose of irrigation; and

WHEREAS, the Bulk Water Station water is designed for irrigation purposes only, is not potable and should not be used for human or animal consumption.

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

Any person may use the City's Bulk Water Station by paying a \$75.00 nonrefundable deposit with the City Finance Office. Upon deposit of the \$75.00, the Finance Office will provide the user with a unique code enabling the user to access the bulk water station. Only the user or his/her agent may access the bulk water station with the code.

Each user shall use no more than 15,000 gallons of water per day from the bulk water station.

The rate for water obtained at the bulk water station will be set by resolution by the City Council and on file at the City Finance Office.

Should any user fail to pay his/her/its full amount due based on his/her/its water usage, the City may prohibit the user from further use of the City's Bulk Water Station until the bulk water usage arrears are paid in full and the user pays an additional \$75.00 nonrefundable deposit.

Dated this 8th day of May, 2017.

ATTEST:

Lloyd Miller, Mayor

Nicole Frerk — Finance Officer

First Reading: April 10, 2017

Second Reading: May 8, 2017

Published: May 25, 2017

Effective: June 15, 2017

Effective immediately the Council approved the City Office have bulk water station users complete a waiver release form.

There were no applications for lifeguards this year. Motion by Heilman, seconded by Schwingler to post "No lifeguards on duty, swim at your own risk signs" at the Eureka Lake; put the buoys out so boaters are aware of the swim area; take lifeguard chairs on the dock down; as well as, the diving board bracket taken off; and advertise no lifeguards at Eureka Lake and run for 2 weeks in the Northwest Blade. All voted aye. Motion carried.

Motion by Flemmer, seconded by Eberhart to approve the payroll report. All voted aye. Motion carried.

Mike Olson was present to discuss code enforcement with the Council. He stated we are close to removing vehicles and structures. The Reineke property was taken by the County for unpaid taxes. Olson recommends the City work with the County and get an interior inspection done and tear down the house. The Kitzler building is affecting the new owner of Pepi's building. Olson is unsure why the County has not taken the Kitzler property for unpaid taxes. The City could demolish the Kitzler building. Hieb's building shares a common wall with the Kitzler building. The City may want to consider getting an estimate for tearing down the building. Olson asked about whether Eureka Beautification may want to help with tear downs. The Council shared that they focus on residential buildings rather than commercial buildings. The Council is interested in sharing the cost with the County regarding the Kitzler building. Eberhart may have a contact to get a hold of Kitzler. Olson visited the Fish property and individuals who were present were informed items need to be in a building or they have to go. Fish informed Olson that the clean-up of the items would be done by this week Friday or next week Monday. The Council gave Olson the go ahead to continue with follow up with properties. The 716 10th St. property owner informed Olson that carpenters are lined up and the house is going.

Weisbeck recommended to the Council that the City not take over the maintenance of B Ave. from the County.

Motion by Duquette, seconded by Heilman to go into executive session at 8:02 p.m. All voted aye. Motion carried.

Motion by Heilman, seconded by Weisbeck to come out of executive session at 8:35 p.m. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Heilman to advertise for a full time Assistant Public Works Director. Advertise position open until filled. All voted aye. Motion carried.

Motion by Eberhart, seconded by Heilman to advertise for an immediate, temporary Assistant Public Works Director. Advertise position as seasonal employment, hours negotiable, position open until filled. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Flemmer to adjourn the meeting at 8:38 p.m. All voted aye. Motion carried.

A break was taken to recognize council member, Weisbeck, for his 14 years of service on the City Council.

The meeting was reconvened at 8:47 p.m.

Council members took their oaths of office, they are: Ward 3 council member, Dennis Heilman; and Ward 2 council member, Dennis Schwingler.

Motion to nominate Dennis Heilman as Council President, seconded by Duquette. Motion by Flemmer to cease nominations, seconded by Eberhart. All voted aye. Motion carried.

Motion to nominate Dennis Schwingler as Council Vice President. Mayor Miller called three times for a second to the motion. No second to the motion. Motion carried.

Mayor Miller appointed the personnel committee to consist of the Mayor, Council President, and Council Vice President.

Mayor Miller appointed Council committees as follows: Lloyd Miller – NECOG Representative; Josh Flemmer – NECOG (alt), Streets, Alleys; Vacant – ECDC, Police; Brandon Duquette – Insurance, Ordinances; Dennis Schwingler – Finance, Ordinances; Jeremy Eberhart – Airport, Parks; Dennis Heilman – Sanitation, Water, Sewer.

Mayor Miller also made the following 2017 appointments: Marshall Lovrien – City Attorney; Nicole Frerk – Finance Officer; Paulette Bauer – Assistant Finance Officer; Kyle Hemeyer – Public Works Director; David Sveum – Assistant Public Works Director; Dr. Susan Ostrowski – Health Officer; Mike Olson – Code Enforcer; Susan Fischer – Librarian; Elizabeth Jundt – Custodian; John Jundt – Landfill; Northwest Blade – Official Newspaper; Great Plains Bank, First State Bank of Roscoe, Dakota Bank (Aberdeen) – Official Depository Banks; Barb's Pet & Grooming – Official Dog Pound.

Park Board: dissolved.

Zoning Board: 2017 – Todd Hieb, Bob Weber; 2018 – Jackie Eberhart, Sharon Kunz; 2019 – Dennis Heilman; Executive Director – Nicole Frerk.

HRC: 2017 – Carmen Weber; 2018 – Lona Hoff, Daren Fischer; 2019 – Arlo Bertsch; 2020 – Connie Woehlhaff; Executive Director – Paulette Bauer.

Airport: 2017 – Pastor Ryan Gage, Eric Odenbach; 2018 – Pastor James Grossmann; 2019 – Arlo Bertsch; Council representative, Jeremy Eberhart.

Motion by Eberhart, seconded by Flemmer to approve the committees, appointments, and boards. All voted aye. Motion carried.

Motion by Flemmer, seconded by Schwingler to authorize the Finance Officer to make auto payments prior to Council approval. All voted aye. Motion carried.

Motion by Duquette, seconded by Flemmer for the Eureka Community Health Services – Avera to use \$400,000.00 in the City's CDs and savings as collateral for the new hospital project. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

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

Deputy Smith gave the police report. He will be gone June 4-June 23 for guards school, and gone July 14-July 29 for annual training. Sheriff Ackerman and Deputy Lipke will be covering for him when he is gone. City Attorney, Marshall Lovrien, remarked on adding a dog fine system to the ordinance for dogs running at large. Lovrien explained due process and individuals needing to sign complaints and also testify. He cautioned adding the fine system. The City Attorney will consult with law enforcement and provide an amended ordinance regarding impoundment fees and boarding fees. The first reading of the ordinance will be tabled until June's meeting.

Kyle Hemeyer gave the Public Works Director report. The WEB tower was inspected and is in need of repairs. The Council instructed Kyle to solicit and advertise for bids. In addition, the WEB tower pump began to leak due to a malfunctioning mechanical seal. Dakota Pump and Control out of Watertown has removed the pump and they have been instructed to repair and refurbish whatever needs to be done on the pump. The new generator has arrived, but still waiting on parts for the exhaust. The actual 9th Street repair should be 365' north instead of 300' north. The Dollar General annexation was clarified that since the main is there it's the property owner's responsibility and own expense to get to it. Since Dollar General is annexed into city limits they have to hook up to water and sewer. Kyle provided the Council with meter costs to meter unmetered private and City properties. Mayor Miller asked Heilman who is the council member on the water department to meet with another council member and put together a budget plan for meters. The Weixel trailer court will need to be metered. A 4" meter option is estimated to cost about \$3,600.00. Mike Olson will be contacted on possibility of sending Weixel a letter. Kyle will be on vacation May 27-June 3.

Flemmer has been notified that some citizens go out to the City shop to dump grass and the ordinance states the citizens are to separate the grass from the tree branches. Citizens have informed him that some people are not separating the two. The Council states Kyle needs to check the cameras and individuals will be fined.

Some of the sirens did not work when the tornado drill took place. The sirens need to be maintained. Kyle has contacted a company to look at the sirens for repairs. The Council instructed Kyle that the sirens must be tested every Wednesday at noon.

Motion by Duquette, seconded by Heilman to approve the malt beverage license renewals for the following: Prime Time, Lyric Lanes, The Stop, Ken's, DC American Canteen, and the Eureka Golf Course. All voted aye. Motion carried.

Paulette Bauer is planning to attend Finance Officers' School and Nicole Frerk is tentative on attending. Motion by Flemmer, seconded by Eberhart to approve Paulette Bauer and Nicole Frerk attend Finance Officers' School in Pierre on June 7-9. All voted aye. Motion carried.

There will be no drivers licensing on May 17 due to the City's audit taking place. Signs will be posted in the office and it will be advertised on the electronic sign. Drivers licensing discussion will be tabled until June's meeting.

Motion by Flemmer, seconded by Schwingler to approve the Freedom 5K Fun Run/Walk on July 4 hosted by the Avera Eureka Health Care Center activity committee and to allow them to use the City streets for the event. There will not be any color as in the past couple years. All voted aye. Motion carried.

The Council will have a special meeting on Monday, May 22, at 5:15 p.m.

The Council reviewed a letter from WEB Water that their rates will be increasing effective with the October 31, 2017 statement. The Council will be reviewing the City's water rates.

Motion by Eberhart, seconded by Schwingler to adjourn the meeting at 10:18 p.m. All voted aye. Motion carried.

Mayor Lloyd Miller

Nicole Frerk, Finance Officer