

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday December 5, 2017
7:00 pm Regular Meeting – City Council Chambers, 420 Villa Drive, Box Elder

Public comments are welcomed, but no action will be taken by the Council on comments received for items not on this agenda. Anyone wishing to have the Council vote on a new item will need to fill out an agenda request item form for the item to be considered on the next council agenda.

1. Call meeting to order

2. Moment of Silence/Pledge of Allegiance

3. Roll Call

Present at the meeting were Mayor Larry Larson, Council Members Jeff Hollinshead, Scott Allen, Steven Cowley, Bruce Hegel, Rick McPherson, and Tricia Weathers. Also present were Legal Counsel Richard Pluimer, Police Chief Jason Dubbs, Planning and Zoning Director Ron Koan, Public Works Director Bob Kaufman, Assistant Finance Officer Rebecca Davis and City Administrator/CFO Nicole Schneider.

4. Approve Agenda

Motion to Approve with addition of 18A Legal Executive Session by Allen, seconded by Cowley. Vote aye: unanimous.

CONSENT AGENDA: Agenda items 5 through 8 on the Consent Agenda are meant to be approved as a group with a single motion. Questions may be asked of any Consent Agenda items, but may not be debated. Any Consent Agenda item may be removed from the Consent Agenda for separate action at the request of any Council Member or anyone present. All questions are to be directed to the Department Head.

5. To approve the reading of the November 21, 2017 Common Council Meeting Minutes.

6. To approve Payroll 25 (Nov 12-Nov 25). Total Payroll \$56,891.25; General Government: \$2,515.38; Finance Office: \$8,364.94; Police Department: \$22,992.47; PW Street Maintenance: \$5,497.02; PW Parks \$4,040.20; Planning & Zoning: \$5,127.78; P & Z Board: \$750.00; PW Water Production \$2,445.29; PW Water Distribution: \$4,024.03 and PW Sewer Collection: \$1,131.11.

7. To approve the claims, loan payments, and hand checks.

8. Approve Business License for Sullivan's Daycare, application #1756.

Citizen question: Where is this Daycare Facility? R. Koan: Sullivan's is in Cheyenne Pass.

To discuss and decide action on Consent Agenda Items 5-8.

Motion to approve by Hegel, seconded by Cowley. Vote aye: unanimous.

CITY BUSINESS:

9. CITIZEN: Roberta Harmon: Discussion of City Water Ordinance

The reason that I asked to be on the agenda, I believe there was something presented. I am a water recipient at 784 D&R Ave just outside of the city limits. What transpired was that my water was shut off due to the business of life I missed a balance of 10.73 which resulted in a yellow card and a letter (her new month's bill). I did not see the yellow card; what appeared to be on letter was that the past due amount and late fee and that she'd just pay the \$20.73 and get it taken care of by December but the water was shut off. The recorded message was quite frightening and that it was a hundred-dollar administrative fee. I approached the payment window and was able to pay the balance but felt it was a very harsh penalty. What concerned me was in working with folks, there are a lot of people that do not have \$100 fee set aside in reserve. In that, there are a lot that live in mobile homes receiving Box Elder water and having the water shut off could result in someone losing their home and I wondered why. My apologies for not reading/studying the Ordinance and how it came to pass; if I was not able to pay the fee or have it waived due to my credit history that I could have lost my home by December. There was a community resource directory at the front desk and I deal a lot with community outreach programs and if anyone had taken the time to call each and every one of these you would find that the parameters to receive help are rare and I don't believe there is any program to get water turned back on. You need to be 90 days in arrears to receive assistance for electric utilities. I just need to express myself for myself and others that may be in this situation.

10. FINANCE: Disclosure of new hire personnel per SDCL 6-1-10. Finance Department: Mandy Morris (TBD \$43,622.81). The amount was set during budget, TBD is her start date.

Motion to approve by Weathers, Seconded by Hollinshead. Vote aye; unanimous.

11. LEGAL: Second Reading of City Ordinance #585, amendment to Chapter 32 of Title III ordinances of the City of Box Elder.

Motion to approve by Weathers, Seconded by McPherson. Vote aye: unanimous.

12. PLANNING & ZONING: Discuss & decide action on Minor Plat #170199 to adjust the lot line between 828 & 832 Bayonet Drive.

Motion to approve by Allen, Seconded by Hollinshead. Vote aye: unanimous.

13. PUBLIC WORKS: Discuss and Recommend Sewer Billing Adjustment for Plainsview Mobile Manor.

Kristine Forrest is here to represent Plainsview Mobile Manor.

Invoice/Bill use to be sent to Omaha; as of last year October, the individual who processed these invoices left the company and was not able to update forwarding address. The sewer bill is a years' worth which was over \$57,000 and was shocked. Why wasn't I contacted even though I was right here in Box Elder, but I did notice that we were being billed for 110 lots and we have a conditional use permit for 100 lots with 77 lots that have homes on them with 1 that just left so we are now at 76 lots. There are 19 lots can never be used due to the Flood Study that was conducted in 2000. I am here to see if we can get this bill adjusted to the 76 lots full, 24 we can use, 19 lots we can never use. B. Kaufman: from a PW standpoint our system must be maintained so we can service all lots. The original agreement set up for a flat fee for \$44.40 per lot for sewer only (they have their own well). R. McPherson: Is there a way this can be given to PW Department to research and have a new agreement drafted. B. Kaufman: Yes, I'm sure we could. R. McPherson: So we could do this and bring it back to Council. B. Kaufman: Well I believe Kristine's biggest concern is getting this bill adjusted so that they can have an accurate balance due and get a payment due. J. Hollinshead: If we have an agreement that covers the 110 lots, and she has the capability of having 100 lots that we are looking for billing for an additional 10 lots. It is reasonable to adjust for the 10 lots based on the Flood Study. The current Conditional Use permit says 100 lots as of 1971 which was probably issued under Pennington County and perhaps there was an error when it was entered. The Conditional Use Permit was dated Oct 2015. We are in the process of getting a new Conditional Use permits and as they get moved out but what I was trying to get across was that there probably was at some point there were 110 units in the lot which is where that came from instead of the 119. R. Koan: were you there when then? Yes, but that is confusing when the county let us know that we weren't in violation because we didn't have homes in certain lots. T. Weathers: how far back to do we go for crediting the 10 lots. R. Pluimer: You probably have two timelines to look at: From a contract standpoint you have 6-year time-frame and from a budget cycle when you budget on annual standpoint it is tough to suggest going back more than a year. Citizen: What is the date on that contract? Believes 2004 is when the lagoons were moved out by the truck stop. Motion to credit 10 lots for 1 year at rate of \$44.40 for a total of \$5328.00 with looking at a new contract for 100 lots. J. Hollinshead: Nicole do you have any input from the Finance side of the house. I don't object to what Council Member McPherson is suggesting. This is one of the unique accounts and part of the Collection accounts that we are rebuilding from the migration and I would love to get some history to see what happened, look at the original agreement, and give Bob time to talk to the owner to find out what would work long term: R. McPherson: Yea, that's why I said mentioned to come up with a new contract and letting Bob take care of that. B. Kaufman: keep in mind this isn't money we need to pay them it will be a reduction to what they currently owe.

Motion by McPherson, seconded by Hollinshead to take bill and reduce it by \$5328.00 and work on a new contract: Vote aye: Unanimous.

14. PUBLIC WORKS: Discuss Recommendation for Architect for Public Works Facility Building Remodeling Work.

B. Kaufman we held interviews and I made some reference calls and some of their strong points is that ARC International just finished several DOT location/designs around the state for the exact same thing that we are looking for.

Motion by Hollinshead, seconded by Cowley to hire ARC International. Vote aye: unanimous.

14A. PUBLIC WORKS: Discuss and approve Support for Community Park Master Plan. (Resolution 17-29)

I have another Resolution from LCWF Grant application for the Master Park Equipment for the Community Park. This is for the Public Hearing we had at the last meeting. This is for 50% of a \$150,000 grant. If award we would receive \$75,000.00 R. Pluimer: The document appears to be in proper form and is straight forwarded and would need a motion, second, and vote to sign.

Motion to approve by Weathers, seconded by Hollinshead. Vote aye: unanimous.

15. DEPARTMENT HEAD REPORTS:

Mayor: With Thanksgiving I don't have too much to report. I did attend a fund raiser for a family who had a premature baby where they raised \$4000.00. Attended a Chamber Mixer where a speaker from Black Hills Energy did a nice job. Attended Tree Lighting on the Base.

Police: 2016 Explorer was struck by tow truck and believe it will be totaled by insurance adjuster; so far, we believe interior equipment is not damaged and no one was injured. Held Community Service Officer interviews with 4 individuals.

1 stood out where they will advance to background investigation and psychological evaluation and hope to hire in January 2018. Of the four, 2 are qualified and asked to be advanced to Police Officer candidate selection making it 7. Looking at testing next week and then interviews after to hire in 2018. Attending the MADD Candlelight vigil on Thursday evening.

Public Works: Staff is working on sewer lines to the new Public Works building. I am working on the LCWF grant application and watching the auction website. Hagan Glass is working on the doors/windows.

Finance: Everyone should have copy of Finances through Nov 30. All are balanced and closed. Need to work with Legal on how we adjust across line items due to cost recoveries. You may see resolution on the 19th and as we predicted we are within budget which is very exciting. You also have the revenue breakdown that is two-sided that we have already surpassed last years revenues which are typically large in December for the BBB/BID funds. We passed out the copy of the Purchasing Policy to review so that we can have feedback for voting on the December 19th meeting; we added the PCARD section per Rod at that state level. Finance is getting ready for year-end. We want to hand financials off to Casey Peterson the second week of January. R. Davis: Will need Elected Officials Statement of Financial Interest Statements due by December 31st. due to changes in the State Bills. L. Larson: Do you have anything on the Code of Ethics? N. Schneider: that's not me. Legal: I'll cover that.

Planning & Zoning: Will be opening bids on 12/13/18 for contractors.

City Attorney: Handout & Discussion: Staff Handbook & Code of Conduct- I have been working on the Staff Handbook and Code of Handbook with the Finance Office. I've been doing review; the goal is to put together basic state statues regarding the duties of the Elected and Administrative Officials, to pull together some Roberts rules kinds of issues and think you will find a lot of it reads as a common-sense handbook for both employees and elected & appointed officials. The goal was to get something in place so that when an issue comes up; whether it's an employee, elected official, appointed official that there is a place for you to go to to get an answer, to get a sense of if something is being handled appropriately or inappropriately. This is not the final version there is still work being done on it. The goal to get this to you for you to review. Mark up something if you don't like it, check a box if you do and get the information back to Nicole and I by Dec 14 to have the final version ready by the 19th. It just pulls together all the rules/statues for ethical/legal issues in one document. Let me/Nicole know if you have any questions. R. Plumier: I will probably still have changes as well. N. Schneider: On the Employee Handbook you will find some highlights/notes in red that we are waiting to hear back on resources or the SDRS so you will see that also. D. Pluimer: Good Document, It's a Good Set of Documents.

16. COUNCIL REPORTS:

Allen: Nothing

Cowley: Nothing

Hegel: Nothing

Hollinshead: You know as we get close to the end of the year, I was sitting here thinking about as we hear some of those reports, quite frankly the leaps and bounds that this City has made this year it's all because of Department Heads and the employees you have working for you. It is absolutely mind boggling. It is the most productive year I have seen in the 5 years I've been on Council. I want to thank Department Heads for your work, every one of you and for everything you continue do. As we move forward, everything we continue to put in place is just one more step to becoming the Municipality that everyone in the state can look at one day and be the model they are looking for. So thank you.

McPherson: Nothing

Weathers: Nothing

17. OTHER REPORTS:

Economic Development: Working with an individual that hopefully be coming into Box Elder; hopefully we'll find out in a few weeks.

18. CITIZEN INPUT:

J. Maine: May I ask about an item on the prior claims list? Mayor: Yes, go ahead. Why was the SDEDA bill so High? R. Pluimer: I can help with that, some of those decisions pre-date my involvement as City Attorney. There were issues between the City and SDEDA that were theoretically hammered out in a Mediation Session, but subject to approval by Vote the Air Base and Air Force and it took some period of time, the Air Force declined to approve the agreements that had been put together. There were several agreements the City relied on where the prior City Attorney recommended that payments be withheld pending some resolution. We haven't really made a lot of progress but did determine that we did

not have a basis for withholding the money for the undisputed portions of the City's portion. The amount was the amount that we did not reasonably dispute. J. Maine: The new doors are wonderful and work great; but, my swipe card didn't work; which we are working on right Nicole? Schneider: Yes.

18A LEGAL EXECUTIVE SESSION: Started at 7:52 pm pm; Out of Session at 8:04 pm.
Motion to enter Executive Session by Cowley, Seconded by Weathers. Vote aye: unanimous.

19. ADJOURNMENT: 8:05 pm.
Motion to Adjourn by Weathers, Seconded by Cowley. Vote aye: unanimous.

Seal:

Attest:

Larry Larson
Mayor

Nicole Schneider
City Administrator/Finance Officer