

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday February 6, 2018
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 were Mayor Larry Larson, Council Members Scott Allen, Steve Cowley, Bruce Hegel, Jeff Hollinshead, Rick McPherson, and Tricia Weathers. Also present were Police Chief Jason Dubbs, Public Works Director Bob Kaufman, Planning and Zoning Director Ron Koan, Assistant Finance Officer Rebecca Davis and City Administrator/Finance Officer Nicole Schneider.

4. Approve Agenda

Motion to approve agenda with Amendment to 17d, second to the last paragraph, verbiage will be changed from City Administrator/City Attorney to a 3rd party investigator and the addition of 22A for Executive Session by Weathers, seconded by Hegel. 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 January 16, 2018 Common Council Meeting Minutes and January 19, 2018 Common Council Special Meeting Minutes.

6. To approve Payroll 3 (Jan 1- Jan 20). Total Payroll \$63,035.32; General Government: \$3,807.67; Finance Office: \$10,800.12; Police Department: \$26,330.87; PW Street Maintenance: \$6,060.76; PW Parks \$4,567.43; Planning & Zoning: \$5,386.85; P & Z Board: \$670.00; PW Water Production \$2,827.61; PW Water Distribution: \$4,181.96 and PW Sewer Collection: \$1,402.05.

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

8. To approve tax abatement on property no longer on the tax rolls and one tax correction related to an error created by Pennington County tax software. Total abatement: \$3,056.38 due February 10, 2018.

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

Motion to approve Items 5-8 by Weathers, seconded by McPherson. Vote aye: unanimous.

CITY BUSINESS:

9. CITIZEN SHARON SCUDDER: Presentation to create awareness of Kiwanis as they are working on opening a club in Box Elder to serve the needs of children through literacy and leadership.

- Sharon Scudder: "My name is Sharon Scudder, most people call me Shari, I know a couple of your members here, I use to be on the City Council for Sturgis. I'm very happy to introduce myself as a past district governor for Kiwanis and the district Goldbough chair. I brought several guests with me, Lt. Governor from Division 4, John Halby, District Kids Coordinator, Teresa Luby, and our Division 4 Sturgis Golden K President, Dwayne Boii. Kiwanis is a global organization of volunteers dedicated to improving the world, one child and one community at a time. We have 8 clubs in Division 4, one in Deadwood, three in Sturgis, one in Spearfish, one in Piedmont, one in Rapid City, and one in Hot Springs. We're hoping very much to have one in Box Elder. We have four types of clubs. Traditional, which usually meet weekly, a Satellite Club, usually compliments the Traditional club. We have a 3-2-1 Club, our most popular and flexible, consists of 3 hours of service, 2 hours of social, and a one hour meeting. We also offer the Online Clubs. Our main focus is children, literacy and leadership. We have a Kiwanis Family that I would like to introduce, Teresa to come speak about our clubs, our families, and our children and what we do."

-Teresa Luby: "Thank you very much, it is my pleasure to come and speak to you about children. They are my life, I taught school for about 50 years so I'm very interested in anything we can do for kids so I'd like to ask you a question. Would you like to have a child who is thoughtful? Enthusiastic? Respectful? Responsive? Intensive? Friendly? Inquisitive? Capable? If you would, then you would like K Kids. Terrific kids. Bringing up grades, building up leaders. K Club, Circle K, and our Action Club for Disabled Adults. You ask what we serve. Children of all ages, from Kindergarten to Adult, as their

days go along. We have three programs, leadership through service, character education, and academic achievement. To give you an example of what kids do to meet these, I'd like to tell you a little bit about our K Club in Sturgis. We just opened last year, kindergarten through 5th grade kids, we asked them what they wanted to do. They promptly informed us that they needed officers. They held their own election, elected their officers, it was really something to see. We then told them they needed a service project. They chose to conduct a food drive for pets. They gathered about 200 lbs of food, off they went to the humane society, to feed and play with the dogs at the shelter, and I believe some even took pets home. No accidents, scratches or bites, everyone enjoyed it. As we go through K Kids, we also hope to improve behavior and teach them how to help other children to improve their behavior. We have the BUGS program, to help kids improve their grades, where they receive awards for improvement. We do every program the same in our Builders Club, just at a higher level. Right now, our Builders Club is learning how to develop a membership drive to increase their own personal, membership. Key Kids in the high school do everything the same but on their learning level. Circle K is for the college kids, we have one out here at the School of Mines, we just opened one at Black Hills State in Spearfish. Our Action club has adults of all ages who are mentally and physically impaired, they are a great bunch of kids. They help the other groups with everything, and when they learn something new, the smile on their face says it all. I hope you give very serious consideration for these clubs, because it's all for the kids. We do need the club to help us with a sponsor home. Thank you."

-John Hogue: "Thanks everybody for having us, my name is John Hogue, I'm from the Deadwood Club. Just a quick thing, Kiwanis is international like the Lion's Club. We're in a division with Minnesota and the Dakotas. Shari asked me to talk about what we do, one of our big projects in Deadwood is every fall, we hold a Prospector Bowl. We sponsor it and run it, have a food tent, we have a couple of teams that play in the mornings and afternoons. The most fun to watch are the Peewee Teams, more of the family joining in in the fun and we have a community calendar. Other things we sponsor, the Boys and Girls Club, we put in a reading oasis for them last fall with books, chairs, and tables. We sponsor Delta Dental and a couple others that really help the community out. We sponsor Student of the Year at the high school where we donate scholarships. That pretty much covers it, the main projects, what we do for the kids and the community."

-Duane Boii: "Again thank you for having us, I'm Duane Boii, president of the Sturgis Club. I've only been a member for three years, but I've found it very satisfying. We do several things at our club, the main one is the food bank. We have a big food drive every year. We gave out three college scholarships this year. I'm really proud to be a part of this organization. Our food bank feeds the people that don't have enough money to make it through the month. Some of them really need our help, some are older people, disabled people, infirmed people. So it's been a really satisfying organization for me. Thank you."

-Sharon Scudder: "We know that there is a Lion's Club and that you are a sponsor there, we appreciate that and we feel that we compliment the Lion's. Our focus would be the literacy and leadership program in our schools. The superintendent is signed up to become a member, we have seven perspective members now, and we need 15 in order to start the club. I hope that you will consider this as a part of your community and we are asking your support in trying to open up a Kiwanis Club here in Box Elder. I have given everyone packets with all the information regarding the Kiwanis and I thank you for your time, I'd be very happy to answer any questions that you may have."

-Mayor Larson: "Have you done this presentation for the school board?"

-Sharon Scudder: "Not yet, we have just talked with the principal and superintendent."

-Mayor Larson: "I would just suggest that you do that since you do a lot of things in the schools it would be best to take it to them."

-Sharon Scudder: "We wanted to come here first before we do and we thank you for your time."

10. CITIZEN TYLER BAUMBERGER: Seeking water bill reduction for 604 Vector Court due to large bill from freeze up.

-Kip Colley: "I'm here for Tyler, sometime in late December, early January, the garage door got opened while we were gone and the water froze. We have a \$1,500.00 water bill which shocked everyone. We're asking for some consideration for that, the garage door mess is still going on, it opens on its own periodically, not sure why. Someone must have an opener that has a real close frequency, hard to believe that we caught it. We're just asking for some consideration for the water bill. The house was designed that the water coming in is not in a heated area which is, not sure why it was built that way in South Dakota. That's all I have. Thank you."

-Weathers: "Mr. Kaufman, what have we historically done in cases like this?"

-Kaufman: "I think the last one like this, the consideration was giving him several months to pay it off instead of making one big payment."

-Colley: "I guess I'd ask to, if the water meter was frozen or broken, how did they come across the amount? So many gallons was used, how was this determined?"

-Kaufman: "I can answer that, the water meters was use now are electronic meters. So it reads the water that is going through whether that is through the pipe or out to the road or not. They don't have any mechanical parts in them now."

-Allen: "I would not be opposed to setting up a 6 month payment plan."

-Hollinshead: "Nicole, how does that sound?"

-Schneider: "Sounds like it would match what we did the last time."

-Kaufman: "Six months is considerably longer than what you gave the last one."

-Allen: "Does anyone recall what amount the last one was? I think it was only eight or nine hundred?"

-Schneider: "This is quite a bit higher, this is almost twice the amount."

-Hollinshead: "How long was this garage door open, sir?"

-Colley: "We have no idea how long."

-Hollinshead: "How long was it vacant?"

-Colley: "We left a week before Christmas."

-Hollinshead: "And it was discovered when?"

-Colley: "Sometime around the first of the year, I honestly can't tell you that."

-Kaufman: "I think it actually came about when we read meters, we saw the high usage, and he was probably contacted because I think this was an automatic withdrawal from the account. We have been trying to get better at looking for those particular anomalies."

-Weathers: "I have no objections to a six month timeline."

-Allen: "I'd make a motion to approve the six month payment plan on the bill."

-Weathers: "Second."

Motion to approve a six month payment plan on the bill by Allen, seconded by Weathers. Vote aye: unanimous.

11. PLANNING & ZONING: LIV Hospitality discussion regarding the event Center Feasibility Study.

Short power point presentation of the Center Feasibility Study to include the following topics: Projected Sales Tax Revenue, Projected Property Tax Revenue, Projected Use Tax Collections, Projected BID #1 Occupancy Taxes, Designs of interior & exterior perspectives of the proposed Event Center. Jim Perras was also present from Consolidated Construction Co. Inc. and presented a PowerPoint on the benefits of using a Construction Management Team.

12. PLANNING & ZONING: Discuss and take action regarding rezoning application #180006 for Americas Mailbox and associated companies to rezone from Commercial to Highway Service. Fee waived because the rezoning falls in line with the comprehensive plan.

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

13. PLANNING & ZONING: Discuss and take action regarding Floodplain Development Application #180012.

Motion to approve action by Allen, seconded by McPherson. Vote aye: unanimous.

14. PUBLIC WORKS: Authorize Mayor to sign Architectural Design Agreement with ARC International for new Public Works Building.

Motion to approve pending legal approves contract by Weathers, seconded by Allen. Vote aye: unanimous.

15. PUBLIC WORKS: Authorize Mayor to sign Change Order No.1 for Ghere Well Closeout Project.

Motion to authorize Mayor to sign by Weathers, seconded by Cowley. Vote aye: unanimous.

16. PUBLIC WORKS: Approve Resolution 18-03 accepting public infrastructure in regard to Kodiak Drive.

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

17. LEGAL: Authorize amending sections 3(b), 3(d), 4C(c), and 8(c) of Code of Ethics and Conduct for Elected and Appointed Officials.

- 17a: 3(b) - Motion to approve verbiage change to Elected officials may attend City staff meetings but may not interrupt meetings in progress or interject unless requested by staff by Hollinshead, second by Cowley. Vote aye: unanimous.
- 17b: 3(d) –Motion by McPherson, second by Hegel to defer back to legal. Vote aye: unanimous.
- 17c: 4C(c) – Motion to approve replace verbiage change from Mayor to Council President or Majority of Council by Hollinshead, second by Cowley. Vote aye: unanimous.
- 17d: 8(c) – Motion by Weathers, second by Hegel to change verbiage in last sentence to: When deemed warranted, the Mayor of majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Administrator or City Attorney believe an investigation is warranted, they shall confer with the Mayor and Council. The Mayor or Council shall ask a third-party investigator to investigate the allegation and report the findings. Vote aye: unanimous.

19. DEPARTMENT HEAD REPORTS:

Mayor: None because of absence.

Police: Both officers in the academy are doing well and ready to graduate and come home. Been a couple staffing issues since they have been gone and an officer losing their mother. I would also like to add thanks to everyone for their kind thoughts on the card for the officer. The two new officer candidates have gone through back ground phase, one should be done tomorrow and on to the psychological evaluation. Also spoke with the director out at Ford, should be seeing the delivery of the new vehicles by mid-March. I would also like to add thanks to everyone for their kind thoughts on the card for the officer,

Public Works: Had a pre-bid conference today on the Public Works building, just going through the general items. Will have an open house for the building. Publically open bids will be open here at city hall, February 14th. Regarding the LNCF Grant we submitted to the National Parks Service for some community park improvements, we have successfully passed round one. State has recommended our project and has sent it off for approval. In the committee meeting today, we have decided that the Ghere Well is not going to be a producer for us, we are going to be starting an RFP process looking for a consultant to help us find the proper locations and give us the best results from a natural well. We will be starting that process understanding that the city is not obligated for the funds, we are simply looking for qualified people and start the interview process with that. It'll take a couple months to get through and by that time, we will talk about funds. Again, we are not committing any money right now, just doing some investigating right now.

Finance: Fiscal year 2017 officially closed on Monday. You have some numbers in front of you, those are the net differences from 2016. There was an increase of \$55,000 from 2016 in sales tax and \$145,000 increase in property tax. We do have auditors coming in between the 21st and the 23rd, we've worked really hard to get all the books done and ready for them which is historically unprecedented. We're going to have some staff out for personal leave, heads up on that. Also, in the coming months, we will possibly have some staff out due to the new PTO statutes in the handbook. In the next couple of weeks we will be finishing up with some performance evaluations, bust time for our staff, gearing up for the new staff member to come in for the records retention project. Media release, copies will be given, but it is to focus on all the positive achievements we've had for 2017; we have had issues trying to get it published.

Planning & Zoning: Discussion for Executive session.

City Attorney: Update on Wagon Wheel Mobile Home Park (Eastgate Estates). Discussion between Mr. Jones and City Council about billing and solutions. Will be further discussed in next meeting.

20. COUNCIL REPORTS:

Allen: Unsure if I will make it to interviews due to a new addition to the family.

Cowley: None

Hegel: None

Hollinshead: None

McPherson: None

Weathers: None

21. OTHER REPORTS:

Economic Development: None

22. CITIZEN INPUT: None

22A. EXECUTIVE SESSION: Legal

Motion by Cowley, second by Allen. Vote aye: unanimous.

In: 9:16 pm Out: 9:42 pm

23. ADJOURNMENT: 9:43 pm.

Motion to adjourn by Allen, seconded by Cowley. Vote aye: unanimous.

Seal:

Attest:

Larry Larson
Mayor

Nicole Schneider
City Administrator/Finance Officer