

**COMMON COUNCIL MEETING OF THE CITY OF BOX ELDER**  
**DRAFT MEETING MINUTES**  
**Tuesday, February 18, 2014, 7:00 p.m.**

A scheduled meeting of the Common Council of the City of Box Elder was called to order at 7:01 pm on Tuesday, February 18, 2014. Present were: Mayor William Griffiths; Council Members: Allen; Cowley; Coatney; Foster; Haddenham; and Hollinshead were present. Also present were: Police Chief Dubbs; Finance Officer Mystee Lashwood; Legal Council Rex Hagg; Public Works Director Al Todd; and Planning & Zoning Coordinator Ron Koan.

**Moment of Silence and Pledge of Allegiance**

**1. Call meeting to order at 7:00pm.**

**2. Pledge of Allegiance**

**3. Roll Call:** All present.

**4. Approve Agenda:**

Motion by Allen, seconded by Hollinshead to approve the agenda with Executive Session for Personnel as per SDCL 1-25-2 Sub (1) from item 14 to item 9A1. Vote Aye: Unanimous.

**5. Announcements and Praise**

**6. Presentation:** Mayor Griffiths notified everyone that the base will present the P4 program at the next council meeting.

**7. CONSENT AGENDA:** Agenda items A through c on the Consent Agenda are meant to be approved as a group with a single motion. Questions maybe 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.

**A.** To approve the reading of the February 4, 2014 Common Council Minutes.

**B.** To approve the Claims, Utility deposit refunds, and Hand Checks.

**C.** To approve Payroll 4 (January 26 to February 8): Total Payroll \$46,140.47; General Government: \$1,693.85; Finance Office: \$1,852.00; General Financial: \$3,829.30; Police Dept: \$19,559.47; PW Street: \$6,880.03; Sign Inspection: \$452.20; PW Parks: \$2,060.28; Planning & Zoning: \$3,060.30; PZ Board: \$450.00; PW Water Production: \$2,440.85; PW Water Distribution: \$2,507.74; PW Sewer Collection: \$1,354.45.

Motion by Hollinshead, seconded by Cowley to approve the consent agenda item. Vote Aye: Unanimous.

**8. UNFINISHED BUSINESS:** None.

**9. NEW BUSINESS:**

**A. FINANCE DEPARTMENT:** To discuss and approve donation for Freshman Impact at Douglas High School – Rick McPherson. Last donation made by City was \$200.00.

Council Member Allen's business, City Attorney Hagg, and Mayor Griffiths agreed to match the City donation of \$200 to the program. Council Member Allen said this is a great program and he challenged everyone to match or do what they can to support this program.

Motion by Allen, seconded by Foster to approve the \$200 donation. Vote Aye: Unanimous.

**9.A.1. Executive Session with personnel per SDCL Section 1-25-2:**

Motion by Coatney, seconded by Hollinshead to enter into executive session at 7:08pm.

Out of Executive Session at 7:47pm. No decisions were made.

**B. PUBLIC WORKS:** To discuss and approve Resolution 14-02, a resolution for the Federal Aid Surface Transportation Program Resolution for County and Urban Projects.

Public Works Director Todd recommended we defer this resolution until we get the transportation study completed.

Motion by Cowley, seconded by Allen to defer indefinitely and the transportation study is complete. Vote Aye: Unanimous.

**C. PLANNING/ZONING DEPARTMENT:** To discuss and approve Rezoning of 20 acres from Agricultural to Commercial for Love's Travel Center and to waive the application fee.

Motion by Coatney, seconded by Cowley to approve waiving the application fee of \$300. Vote Aye: Unanimous.

**D. PLANNING/ZONING DEPARTMENT:** To discuss and approve Love's Travel Center Experimental Subdivision recommendations.

P&Z Coordinator Koan described the detailed 16 recommendations that the committee has recommended for approval. Council Member Hollinshead asked if these recommendations would become precedent for future developments coming in, Koan said he thinks these items are ones that need to be discussed in our current ordinances to make them more user friendly and yes these are things we could approve for future developments as well.

Motion by Allen, seconded by Cowley to approve Love's Travel Center Experimental Subdivision recommendations.

**E. PLANNING/ZONING DEPARTMENT:** To discuss and approve Conditional Use Permit for Ron Mitchell for 718 Sonic Way to permit a Home Firearms Business. (Planning Commission passed with a 3 to 1 vote.)

Discussion. Expressed concerns included: developing a gun business in a home/neighborhood, traffic flow, safety, a need for this to happen so Mr. Mitchell can conduct background checks on his customers; if it is not approved he will continue to do the business as the business license has been approved but he won't be able to conduct the background checks on his customers; online only gun sale businesses, security systems and the liability the city would take if the police department were required to recommend and test the functionality. Koan explained this is strictly a zoning issue, the business license has already been approved we just need to change the zoning so he can get his Federal Fire Arms License through the BATF which would allow him to conduct background checks for his customers. Council Member Hollinshead expressed a need for Box Elder to come up with a Home Occupation Certificate like Rapid City.

Motion by Hollinshead, seconded by Haddenham to defer for further information on approving the Conditional Use Permit for Ron Mitchell for 718 Sonic Way to permit a Home Firearms Business. (Planning Commission passed with a 3 to 1 vote.)

Roll Call: Allen: Nah; Cowley: Aye; Coatney: Nah; Foster: Nah; Haddenham: Aye; Hollinshead: Aye. Mayor's Vote Breaks Tie: Aye.

**F. PLANNING/ZONING DEPARTMENT:** To discuss and approve Tax Increment District # 3 District Boundaries. (Planning Commission recommended approval as presented.)

Council Member Haddenham stated that she has personal financial interest in the TIF#3 project so she will abstain from voting tonight, she also recommended that Attorney Hagg step down in giving legal opinion to the city because he also has property involved.

Motion by Allen, seconded by Coatney to discuss and approve Tax Increment District # 3 District Boundaries. (Planning Commission recommended approval as presented.) No vote taken.

Substitution Motion by Coatney, seconded by Cowley to combine items F & G as one item. Roll Call: Allen: Aye; Cowley: Aye; Coatney: Aye; Foster: Aye; Haddenham: Abstain; Hollinshead: Aye.

**G. PLANNING/ZONING DEPARTMENT:** To discuss and approve Resolution 14-03, a Resolution creating Tax Increment District # 3 as submitted by the Box Elder Planning Council.

Discussion.

Motion by Coatney, seconded by Cowley to approve amendments to Res 14-03 as follows:

- Remove: LOT 3 OF TRACT D, W-Y ADDN, Section 27, T2N, R8E
- Add: All Located in the City of Box Elder; Black Hills Meridian, Pennington County, South Dakota; including within and adjacent right of ways
- Add: that the Finance Officer announces to the department of Revenue that the effective date of the creation of the district shall be upon publication and effective 20 days thereafter.

Roll Call: Allen: Aye; Cowley: Aye; Coatney: Aye; Foster: Aye; Haddenham: Abstain; Hollinshead: Aye.

Motion by Cowley, seconded by Foster to combine items H & I. Roll Call: Allen: Aye; Cowley: Aye; Coatney: Aye; Foster: Aye; Haddenham: Abstain; Hollinshead: Aye.

**H. PLANNING/ZONING DEPARTMENT:** To discuss and approve Tax Increment District # 3 Project Plan.

**I. PLANNING/ZONING DEPARTMENT:** To discuss and approve Resolution 14-04, a Resolution approving the Project Plan for Tax Increment District # 3.

Discussion on the requirements for giving 24 hour notice for these items to be on the agenda at tonight's meeting. To solve the issue Council President Allen called for a special meeting to discuss and approve items H & I.

Motion by Allen, seconded by Coatney to discuss and defer Resolution 14-04, a Resolution approving the Project Plan for Tax Increment District # 3 at a Special Meeting on February 20, 2014 with the time to be determined tomorrow morning and posted.

Roll Call: Allen: Aye; Cowley: Aye; Coatney: Aye; Foster: Aye; Haddenham: Abstain; Hollinshead: Aye.

## **10. DEPARTMENT HEAD REPORTS TO COUNCIL:**

Mayor: No input.

Police: Chief Dubbs gave the statistics report and notified everyone that he will be out of the office teaching at the Base tomorrow and one day next week teaching at the Academy.

Public Works: Director Todd gave the department update: our people have been cleaning up the public works yard; working on a surplus list; Ghere Well is not ready but the water quality is getting better; and the Boykin Park equipment has been ordered and is on its way. A resident asked if the public works truck in Black Hawk issue has been resolved and Todd said the problem has been corrected. Council Member Allen told Todd about a light that is out in the city hall parking lot.

Finance: Officer Lashwood notified council that she will try to have the annual report done for the next meeting.

Planning/Zoning: No input.

City Attorney: Hagg addressed Council Member Haddenham's concern about his property on TIF #3. He explained because he is not in a position to take a vote, this isn't a conflict because everything needs to be approved by the council one way or another. He also let everyone know if they think they need an

independent opinion they should ask for it and get one. The positions of mine and Haddenham's are different because she votes and I do not as I am not in any a government official position to vote. He also addressed a couple of interpretation questions on some statues, he recommends submitting the questions to the Attorney General's Office to get their interpretation. Council Members agreed and directed him to submit them for interpretation. Haddenham thanked Hagg for addressing her concern. Hagg followed up and said he doesn't have anything to hide and he is not going to put his ethics and reputation on the line.

#### **11. COUNCIL REPORTS:**

Allen: No input.

Cowley: No input.

Coatney: No input.

Foster: No input.

Haddenham: No input.

Hollinshead: No input.

#### **12. OTHER DEPARTMENT REPORTS:**

Chamber of Commerce: No input.

Economic Development: No input.

#### **13. CITIZEN INPUT:**

Private Event Coordinator Jane Maine explained the thermostat in the event center was broken by a group during one of their meetings this month. The cost to replace the thermostat was \$295.80, we have their security deposit of \$250 and she asked if the council wants her to collect the additional \$45.80 for the cost of replacing the thermostat. Council Members agreed if they broke they need to pay for it.

Marilyn Ebel notified everyone the Easter Egg Hunt will be April 12 at 10:30 am in Bandit Ball Park.

#### **14. ADJOURNMENT:**

**THERE BEING NO FURTHER BUSINESS TO BE TAKEN IN FRONT OF THE COUNCIL AT 9:38PM  
MOTION BY Hollinshead, SECONDED BY Coatney TO ADJOURN.**

Seal:

Attest:

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William F Griffiths Sr  
Mayor

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Mystee Lashwood  
Finance Officer