

CITY OF BOX ELDER COMMON COUNCIL MEETING AGENDA
Tuesday, February 7, 2017
7:00 pm – 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: Mayor Larson called the meeting to order at 7:00 pm

2. Moment of Silence/Pledge of Allegiance

3. Roll Call: Present were: Council Members: Scott Allen, Steve Cowley, Bruce Hegel, Jeff Hollinshead, and Tricia Weathers. Also present were: Legal Counsel Rex Hagg, Police Chief Jason Dubbs, City Administrator/Finance Officer Nicole Schneider, Public Works Director Bob Kaufman, and Planning & Zoning Coordinator Ron Koan.

4. Approve Agenda

Motion by Hegel, seconded by Cowley to approve the agenda for February 7, 2017 as presented. Vote aye: Unanimous.

CONSENT AGENDA: Agenda items 5 through 7 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 17, 2017 Common Council Meeting Minutes.

6. To approve Payroll 3 (Jan 8 to Jan 21) Total Payroll \$56,264.21; General Government: \$2,365.38; Finance Office: \$4,309.93; General Finance: \$3,871.71; Police Dept: \$23,907.71; PW Street Maintenance: \$4,276.35; PW Animal Control: \$869.29; PW Parks: \$1,337.18; Planning & Zoning: \$3,306.44; Planning & Zoning Board: \$750.00; PW Water Production: \$2,877.20; PW Water Distribution: \$6,849.81 PW Sewer Collection: \$1,543.21.

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

To discuss and decide action on Consent Agenda Items 5-7. Motion by Weathers, seconded by Hegel to consent agenda items 5-7. Vote aye: Unanimous.

CITY BUSINESS:

8. COUNCILMEMBER WEATHERS: To discuss and decide action on Event Coordinator – temp/part time. Motion by Allen seconded by Hollinshead, to approve \$2500 allocated from the \$25,000 budget for temp/part-time position. Vote aye: Unanimous.

9. LEGAL DEPARTMENT: To discuss and decide action on second reading of Ordinance 570. Changes to be made, 32.03 to be broken down into sub sections, 32.01.03, strike the “shall be” phrase, replace with “include but not limited to”. Motion to amend Ordinance 570 by Weathers, seconded by Hollinshead. Vote aye: Unanimous. Motion to approve amendment for Ordinance 570 by Cowley, seconded by Weathers. Vote aye: Unanimous.

10. LEGAL DEPARTMENT: To discuss and decide action on second reading of Ordinance 571, an ordinance to amend Chapter 33 to repeal Section 33.04.02 of the Box Elder code. Motion by Weathers to approve amendment, seconded by Cowley. Vote aye: Unanimous.

11. LEGAL DEPARTMENT: To discuss and decide action on Resolution 17-03, a resolution to amend City policy and procedure manual, Policy 9 – disciplinary action. Item was deferred from 1/17/17 Council meeting. Motion by Weathers, seconded by Hollinshead to approve the amendment to the policy with the changes. Vote aye: Unanimous.

12. PUBLIC WORKS DEPARTMENT: To discuss and decide action on Sanitary Sewer Lift Station agreement. Motion to approve requested upgrades for lift station by Hollinshead, seconded by Cowley. Vote aye: Unanimous.

13. FINANCE DEPARTMENT: To discuss and decide action on request submitted by Rapid City Journal regarding Ellsworth Support Sponsorship. Item was deferred from 1/17/17 Council meeting. Motion by Weathers, seconded by Allen to deny the request. Vote aye: Unanimous.

14. PLANNING/ZONING DEPARTMENT: To discuss and decide action on second reading of Ordinance 572, Title 93 – General Nuisances. Motion by Cowley, seconded by Weathers to approve the changes to the ordinance. Vote aye: Unanimous.

15. PLANNING/ZONING DEPARTMENT: To discuss and decide action on Pennington County recommendations for property tax abatement, four parcels: 6852, 6850, 6869, 9390, owner Ellsworth Development. Motion by Weathers, seconded by Curry to approve the recommendations for tax abatement. Vote aye: Unanimous.

16. PLANNING/ZONING DEPARTMENT: To discuss and decide action on Pennington County recommendations for property tax abatement, parcel M8010527, owner Chase Manhattan. Motion by Allen, seconded by Cowley to approve the recommendations for tax abatement. Vote aye: Unanimous.

17. PLANNING/ZONING DEPARTMENT: To discuss and decide action on Pennington County recommendations for property tax abatement, parcel 8010882, owner Valerie Reeves. Motion by Allen, seconded by Cowley to approve the recommendations for tax abatement. Vote aye: Unanimous.

18. PLANNING/ZONING DEPARTMENT: To discuss and decide action on annual review of CUP for Ken Jobbins, 502 West Box Elder Road. Planning committee recommended a continuance. Zoning process will be right around two months. Discussion on the 27th to determine the area needing zoning for HWY service. Discussion of what would happen to anyone who did not want to be rezoned for public service. They would have the right to public hearings so they could object. Not sure if there would be a reason for any objection but doesn't mean there couldn't be one. Council member Hollinshead stated that the subject at hand is the continuance of the use permit for Jobbins, which he did not believe Mr. Jobbins has been in line with the CUP up unto this point, more information to support that. City Attorney Hagg stated that he spoke with Jobbins and he was okay with the zoning change, he will have to make adjustments to property but signed the affidavit. Alterations will be made to comply with city ordinance. Council member Allen stated that recommendation coming from the P & Z, was based on a vote from someone who had private dealings and professional dealings with Mr. Jobbins and said person did not recuse himself from the vote. City Attorney Haag asked the question if it would affect the vote since it was unanimous at that time. Council member Allen stated that he just wanting to point that two, possibly three, city officials are appeasing the man. Mayor Larson stated that P&Z recommended to do a CUP with no issues to do it... Council member Weathers stated that with no solid evidence of Jobbins living at the location in question but strong suspicions, how do we move forward with this? Do we allot money for an investigation? Do we approve this unless there is solid evidence pulled forward? City Attorney Hagg stated that the CUP is conditional, one of the conditions was an annual review, the annual review is done, there was no evidence brought forward, no objection on record, so concern is what the basis would be. If you have evidence and can bring it forward I would challenge it but I don't think this is the place to make a stand against it. Council member Weathers stated that there is no other choice but to motion an approval. Motion by Weathers, seconded by Hagel to approve the CUP. Hollinshead Nay, Allen Abstain.

Roll Call:

Allen – Abstained; Cowley – Aye; Curry – Aye; Hegel – Aye; Hollinshead – Naye; Weathers – Aye.

Motion approved.

19. PLANNING/ZONING DEPARTMENT: To acknowledge letter of request to form an assessment district from Doyle Estes to extend Denali Drive to the railroad tracks, and a portion of Northern Lights Blvd. Motion by Hollinshead, seconded by Curry to acknowledge letter of request. Vote aye: Unanimous.

20. PLANNING/ZONING DEPARTMENT: To acknowledge letter of request to form an assessment district from B-1 Development, Inc. for Seger Drive. Motion by Hollinshead, seconded by Weathers to acknowledge letter of request. Vote aye: Unanimous.

21. PLANNING/ZONING DEPARTMENT: To discuss and decide action on zoning variance application #170003 by High Country Erectors to allow a 14' west property line setback at 365 Cimarron Drive. Motion by Cowley, seconded by Hagel to approve zoning variance. Vote aye: Unanimous.

22. PLANNING/ZONING DEPARTMENT: To discuss and decide action on a Sign Permit Application for Home 2 Suites hotel at 621 Watiki Way. Motion by Curry, seconded Cowley to approve the sign permit. Vote aye: Unanimous.

23. PLANNING/ZONING DEPARTMENT: To discuss and decide action on minor plat for the City of Box Elder on behalf of Betty Smith for Lot AR of Bison Acres (formerly Lot A and Lot B of Bison Acres Subdivision and vacated Radar Hill Road ROW). Motion by Cowley, seconded by Hagel to approve minor plat. Vote aye: Unanimous.

24. DEPARTMENT HEAD REPORTS:

Mayor: Meeting with base to discuss a MOU on how to deliver water to Vandenburg; In God We Trust, a Co. has been contacted and we will be working to bring samples in for review; VRC metal systems will be moving everything in the building on Deadwood avenue; Attended the Power of Purple Mayor's Challenge to raise money for the American Cancer Society; kickoff was on the 25th of January at the St Thomas Moore School; Mayor's meeting, all the same topics were discussed; Gambling down in Deadwood; Hot Springs is excited for change, still trying to work even though the VA is supposedly done. Working on a call center there as well and they are excited about the President of the School of Mines moving to Washington to be the Secretary of the Air Force. Nome's office, same committees as last year, working the VA angle in Hot Springs, hoping for change. Lots of work on their budget, working on a farm bill, the HIS is trying to do a

reform package on that, and the Black Hills National Cemetery expansion. Round's office, same committees as last year, also asked to serve on small business and Intrepid committee, asked to be chairman for the newly formed Armed Services subcommittee on Segris Security. Excited to work with Secretary of Defense, James Madison. Will be attending the Black Hills Council of local government's business meeting. Blaze Emerson resigned effective March 30th, moving on to a different position.

Police: Last period, 14 accidents, 387 Calls for Service, which generated thus far, 5 continuing cases. 51 citations issued, 2 DUIs, and 117 warnings issued. Delivery of two new explorers for department that will reflect on the claims list, still being "built" with the new technology. Hiring; new administrative specialist is doing great, really streamlining workflow; extended a conditional offer of employment to an individual last Friday, pending background and psych evaluation.

Public Works: Electrical problems with pump in well #4, last Saturday, Wes from Engineering replaced motor, minor tweaks to make it work properly. Working with Pennington County on lighting agreement on Liberty and I-90, interchange #67; by previous agreement, Box Elder was responsible to pay for Liberty Rd lighting and Pennington was responsible for the interstate lighting. DOT neglected to divide the meter when plan was put together; coming up with an acceptable way to share the cost. Most staff will be attending communication, supervision, leadership, and MShot training next month. Some staff will be attending the South Dakota Water and Waste Association Conference on the 8th, of February. Discovered very bad pipe conditions during the water break on Radar Hill Road, we are coming up with plans to remedy problem. There were good comments from people involved in the Sparrow water break, fast and good work was done.

Finance: Updates done with emails and integrated to Office 365, contact Nicole if there are any problems. Moving forward as best as possible with light staff. Posting the position and hoping to get a good candidate soon but still have been able to get a lot of cleanup work done. Auditors are happy with our progress and we will be handing over Fiscal Year 2016 over to them soon. Financials for 2017 will be loaded into Incode so it will look a little different. Still moving forward with department adjustments and changes.

Planning & Zoning: Received applicants for the Code Enforcement position, will be interviewing Thursday and still advertising. Report on 493 Coyote, sold the property to another contractor, will be in on the 21st to talk about how they will proceed. Contractor is wanting to get to work, Mark Greely, has done some work with us before. Will not issue out team until discussion on the 21st.

City Attorney: Special Assessment guidelines.

25. COUNCIL REPORTS:

Allen: None

Cowley: None

Curry: None

Hegel: None

Hollinshead: None

Weathers: None

26. OTHER REPORTS:

Economic Development: Will try for another meeting.

27. CITIZEN INPUT: None

28. EXECUTIVE SESSION: No need for an executive session.

29. ADJOURNMENT: There being no further business to be considered in front of the common council at 8:41 pm; Motion to adjourn meeting by Cowley, seconded by Hegel. Vote aye: Unanimous.