

CITY OF BOX ELDER CITY COUNCIL MEETING MINUTES
Tuesday, July 7, 2020
7:00 p.m. - City Council Chambers, 420 Villa Drive, Box Elder

Call meeting to order

Meeting called to order at 7:00 p.m. by Mayor Larson.

Moment of Silence/Pledge of Allegiance

There was a moment of Silence followed by the Pledge of Allegiance.

Roll Call

Roll was taken. Present were Mayor Larry Larson, Attorney Matt Naasz, Council Members Dawn Beltran, James Brown, Rob Griffith, Jeff Hollinshead, Michael Knight, and John Talich. Also present were City Administrator/Chief Financial Officer (CFO) Nicole Schneider, Public Works (PW) Director Doug Curry, Police Chief Jason Dubbs, Planning and Zoning (PZ) Coordinator Garth Wadsworth, PZ Assistant Michelle Clavadetscher, Senior Executive Assistant (SEA) Rebecca Davis, City Engineer Bob Kaufman, Patrol Sergeant Joshua Campbell, and City Clerk Jermy Washington.

Approve the Order of Business

Mayor Larson added Executive Session - Pursuant to SDCL 1-25-2 Litigation. Added Item 8C - Employee Introduction. Motion by Knight to approve the order of business. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

PUBLIC COMMENT (3-minute time limit per speaker):

No public comments from the audience. No comments via email.

AWARDS AND RECOGNITIONS

DENR (Department of Environment and Natural Resources) Award

- Secretary's Award for Drinking Water Excellence Awarded to the City of Box Elder.
- DENR Certificates of Achievement to Water System Operations Specialists Jesse LaBine, Douglas Linton, Daniel Merrill, Michael Lemley, Joshua Sadler, Alek Gentrup, and Travis LaBine.
Mayor Larson read letter from DENR - Secretaries Award for Drinking Water Excellence. PW Director presented DENR Certificates to PW Water/Sewer Personnel.

A Proclamation by the City of Box Elder Mayor and Council Members Supporting Local Law Enforcement.

Mayor Larson read proclamation supporting local law enforcement. Proclamations were given to Box Elder Police Department personnel.

Employee Introduction: Garth Wadsworth - Planning and Zoning Coordinator.

PW Director introduced Garth Wadsworth. Mr. Wadsworth gave brief introduction.

COUNCIL COMMITTEE REPORTS

Finance, Legal, and Public Safety Committee

Motion by Talich to accept the Finance, Legal, and Public Safety Committee Report. Seconded by Griffith. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Motion by Talich to adopt the Finance, Legal, and Public Safety Committee Report. Seconded by Beltran. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Public Works and Planning and Zoning Committee

Motion by Hollinshead to accept the Public Works, and Planning and Zoning Committee Report. Seconded by Brown. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Motion by Hollinshead to adopt the Public Works, and Planning and Zoning Committee Report. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

CONSENT AGENDA

- A. Approve the June 16, 2020 Council Meeting Minutes.
- B. Approve the Claims List.
- C. Authorize the expenditure of \$10,367.68 for purchase and installation of equipment for 2 Dodge Durango police service vehicles.
- D. Approve Business License Application #1888 - Swan Alterations.
- E. Approve Business License Application #1889 - Charley's Vape & Smoke Supply LLC.

Motion by Talich to approve Consent Agenda Items A - E. Seconded by Hollinshead. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

UNFINISHED BUSINESS

Consider Resolution No. 20-11 recognizing a public health emergency and encouraging all individuals and businesses within the City of Box Elder to comply with guidelines and directives established by the CDC and State of South Dakota necessary to slow the community spread of Coronavirus (COVID-19); and recognizing the City's authority to abate nuisances necessary to protect the public health.

Discussed keep going as is [Agenda Items 13A & 13B]. No action taken.

Consider Resolution No. 20-12 authorizing the Public Works Department to abate utility late fees and shut off orders on a case by case bases during the Coronavirus (COVID-19) pandemic.

No action taken.

NEW BUSINESS

Declaration of Additional Surplus Property.

CFO gave background/overview. Motion by Knight to approve. Seconded by Hollinshead. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Plat - Minor Plat #200104 Lot 8R of Block 1 of Meadow Ranch Estates more generally described as terminus Meadow Ranch Road.

PZ Assistant gave overview plat. Motion by Brown to approve. Seconded by Hollinshead. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Conditional Use Permit #200103 - Application by Pete Lien & Sons on behalf of South Dakota Ellsworth Development Authority for a concrete batch plant on Proposed Tract 1 of Freedom Tracts Subdivision more generally described as southeast of the intersection of Liberty Boulevard and Eastbound I-90 on ramp at Exit 67.

Danielle Wieber from Pete Lien & Sons gave presentation batch plant. Scott Landguth from South Dakota Ellsworth Development Authority (SDEDA) spoke benefits batch plant. Discussed amount water use and batch process in regard dust; discussed wind, plant location, and roads. Mayor Larson read comments from Bernadette Schanaman, Elijah Bush, Carolyn Bush, Shannon Bonner, and Justin Clark. There were public comments from Natalie Auteberry, Shirley Roseland, Dustin Atkins, Amanda Price, Tara Notter, Aaron Sumners, Kelly Gednalske, Patrick Ealy (who presented documents on Gaussian Plume Distribution), Sandee and Curt Meier, and Jennifer Hill.

PW Director explained 20-year water plan. Talich commented air quality study; Brown discussed batch plant, materials, and impact. PZ Assistant spoke on recommended conditions in Conditional Use Permit (CUP). Discussed zoning. Hollinshead spoke on batch plant. Talich spoke on other batch plants; seen no dust issues. Griffith voiced concern on air quality; and like see study air quality. Beltran commented air study beneficial. Talich spoke like some form air quality study. Danielle Wieber spoke on air modeling studies and what happens at plants if dust; discussed stack tests. Hollinshead questioned if litigation for any Pete Lien batch plants; none. Discussed measures prevent dust. Brown asked feasibility of 5-year recertification tests. Motion by Brown to approve and with the condition that we stipulate that there's the five year recertification [7 stipulations, adding #8 - Require retesting every five years]. Brown amended motion to add that if change out equipment and conducting retest within calendar year of 5-year retest, won't need to do 5-year retest for that year. Seconded by Hollinshead. Roll Call: Beltran-Nay; Brown - Aye; Griffith-Nay; Hollinshead-Aye; Knight-Aye; Talich-Aye. Motion passed 4-to-2.

Discuss and Recommend Authorization of Mayor to sign Development Agreement with Pete Lien and Sons for Tract 1 of Freedom Tracts Subdivision.

PZ Assistant gave overview. City Attorney explained development agreement. Motion by Hollinshead to approve authorization of Mayor to sign Development Agreement with Pete Lien and Sons. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

2020 Pavement Marking.

PW Director spoke and gave background; gave overview bid received. Motion by Talich to approve bid award for 2020 pavement marking. Seconded by Brown. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Sewer Main Repair Bids.

PW Director gave background; gave overview bids. Motion by Knight to reject all Sewer Main Repair Project bids. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Authorize the Finance Officer and Chief of Police to sign a letter of award from the Department of Justice for a grant.

Patrol Sergeant Campbell gave overview. Motion by Brown to approve the signing. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Summarize previous discussions on Thunderbird Drainage Study. Motion by Council to re-establish previously voted item.

City Engineer gave background. Discussed past options. CFO spoke on drainage discussion request from Council Member Brown. Brown discussed request and drainage issues. Hollinshead voiced concern with Brown as neighbor vs. Brown as Council Member. Knight voiced same concern. Brown spoke on doing as community member, not Council member; made comments volunteer committee to figure out drainage. Talich made comments special assessment only for drainage; City Engineer made comment special assessment is "storm water runoff fee". There was further discussion on drainage ideas, private property, and verifiable facts before any assessment. There was public comment from Ben Thomas. Discussed easements. Motion by Brown to table it until the next meeting until have more information. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

DEPARTMENT HEAD REPORTS

Finance - Nicole Schneider - interviews for Assistant Finance Officer start this week. Human Resources Director position posted. Part-time temp employees starting. Performance evaluations.

Public Works - Doug Curry - bulk pickup, 50 tons picked up; amount picked up caused delays in service. Good Public Works team here.

Public Safety -Joshua Campbell - thanks for proclamation.

Marketing - Jimmy Dettman - information on Food Truck Night. Adding another dinner truck next week.

EXECUTIVE SESSION:

Pursuant to SDCL 1-25-2 for Litigation.

Motion by Hollinshead to enter into Executive Session. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Entered Executive Session at 9:32 p.m.

Exited Executive Session at 9:35 p.m.

EXECUTIVE SESSION ACTION:

Motion by Hollinshead for the Mayor to sign the withdrawal of the City's appeal to Ron Koan's unemployment claim. Seconded by Talich. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

ADJOURNMENT

Motion by Beltran to adjourn. Seconded by Griffith. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

Meeting adjourned at 9:36 p.m.

Seal:

Attest:

Larry Larson
Mayor

Nicole Schneider
City Administrator/Finance Officer

CITY OF BOX ELDER CLAIMS LIST 07/07/2020

ADVANCED ASSET ALLIANCE	COLLECTION FEES	\$	94.00
AFLAC	INSURANCE	\$	912.16
ALPHAGRAPHICS 451	MAILING INSERTS	\$	273.10
B.Y.R.S. LAWN CARE	NUISANCE MOWING	\$	1,115.00
BDG, INC. dba FLEXIBLE PIPE TOOL COMPA	2020 SEWER JETTER	\$	69,527.00
BLACK HILLS BUSINESS SOURCE	SUPPLIES & MATERIALS	\$	1,307.16
BLACK HILLS CHEMICAL & JANITORIAL	SUPPLIES & MATERIALS	\$	95.98
BLACK HILLS ENERGY	UTILITIES	\$	3,797.09
BOX ELDER PROMOTIONS	BID OCC TAX	\$	8,577.00
CARQUEST #3951	SUPPLIES & MATERIALS	\$	14.73
CODE WORKS, INC.	BUILDING INSPECTIONS	\$	931.35
CORE & MAIN LP	SUPPLIES & MATERIALS	\$	122.73
CREDIT COLLECTIONS BUREAU	PAYROLL DEDUCTIONS	\$	150.23
DELTA DENTAL OF SOUTH DAKOTA	INSURANCE	\$	1,604.23
DEPT OF TREASURY- IRS	TAXES	\$	27,014.48
DIESEL MACHINERY, INC	REPAIRS- KOMATSU -A21334	\$	9,612.20
EPIC OUTDOOR ADVERTISING	BILLBOARD RENTAL	\$	525.00
FIDELITY SECURITY LIFE INSURANCE CO.	INSURANCE	\$	186.50
GREAT PLAINS STRUCTURES, LLC	ROOF REPLACEMENT	\$	79,400.00
GREAT WESTERN TIRE	SUPPLIES & MATERIALS	\$	181.98
GUNDERSON, PALMER, NELSON, & ASHMORE L	LEGAL SERVICES	\$	14,547.00
HEALTH POOL OF SD	INSURANCE	\$	20,274.40
HUMANE SOCIETY OF THE BLACK HILLS	ANIMAL CONTROL	\$	61.70
IRON LOT, LLC	TRENCH BOX/SHORING EQUIP.	\$	28,290.26
JOHNNY SUNDBY PHOTOGRAPHY, INC.	BUSINESS PORTRAITS	\$	296.00
KT CONNECTIONS, INC	PHONE NETWORK	\$	1,056.00
MATHESON TRI-GAS INC dba LINWELD	RENTALS	\$	121.49
MDU	UTILITIES	\$	314.01
MSC INDUSTRIAL SUPPLY CO.	SUPPLIES & MATERIALS	\$	21.00
NEW YORK LIFE	INSURANCE	\$	111.00
NORTHWEST PIPE FITTINGS, INC	SUPPLIES & MATERIALS	\$	225.46
OFFICE OF CHILD SUPPORT ENFORCEMENT	PAYROLL DEDUCTIONS	\$	66.68
PITNEY BOWES INC	POSTAGE SERVICES	\$	331.20
THE PITNEY BOWES RESERVE ACCOUNT	POSTAGE	\$	1,370.00
POWERHOUSE	COMMERCIAL MOWER/TRIMMER	\$	1,462.96
RAPID CITY JOURNAL C/O LEE ENTERPRISES	PUBLICATIONS	\$	2,289.37
SANDER SANITATION	SOLID WASTE COLLECTION	\$	216.25
SD CONTINUING LEGAL EDUCATION, INC.	SUPPLIES & MATERIALS	\$	500.00
SD ONE CALL	LOCATE SERVICES	\$	279.30
SDEDA	SEWER TREATMENT PAYMENT	\$	98,516.57
SDRS SUPPLEMENTAL RETIREMENT PLAN	PAYROLL DEDUCTIONS	\$	30.00
SERVALL UNIFORM & LINEN SUPPLY	RUGS/UNIFORMS/LINEN	\$	269.33
SIMPSON & ASSOCIATES, INC	APPRAISAL	\$	2,550.00
SONNEL TECHNOLOGIES, LLC	POLICE VEHICLE OUTFITTING	\$	10,367.68
SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE	INSURANCE	\$	107.57

SOUTH DAKOTA RETIREMENT SYSTEM	RETIREMENT	\$	14,519.82
SWIFTEC, INC	REPAIRS AND MAINTENANCE	\$	107.17
TEAMSTERS LOCAL NO. 120	UNION DUES	\$	529.00
TPC PRODUCTS	SUPPLIES & MATERIALS	\$	331.00
TYLER TECHNOLOGIES INC	IT HARDWARE/SOFTWARE	\$	23,217.44
VERIZON WIRELESS	PHONE SERVICES	\$	2,231.04
WARNE CHEMICAL & EQUIPMENT	WEEK KILLER / SEED	\$	369.85
WEST RIVER ELECTRIC ASSOCIATION, INC	UTILITIES	\$	30,701.01
ALEXANDER, KEVIN M.	US REFUNDS	\$	170.15
BLACKWELL, JAMES	US REFUNDS	\$	70.65
CHIEF PROPERTIES/MCGREGOR, DEN	US REFUNDS	\$	4.41
CHILARSKI, MICHAEL	US REFUNDS	\$	0.82
COLBURN, JON/TANNER	US REFUNDS	\$	0.67
CROUCH, LAWRENCE	US REFUNDS	\$	100.00
GROSZ, PERRY	US REFUNDS	\$	26.99
HARBOR POINT PROPERTIES LLC	US REFUNDS	\$	3.21
HOFER, RANAE/STUART	US REFUNDS	\$	4.50
HUSTED, ALLEN	US REFUNDS	\$	90.59
KONECHNE, SHELBY/BRYAN	US REFUNDS	\$	100.73
PRINCE, RACHEL	US REFUNDS	\$	84.09
SANNEY, ANGELA/DANIEL	US REFUNDS	\$	19.00
SILBERMANN, ALYSSA/TROY	US REFUNDS	\$	5.46
SITE WORK SPECIALISTS, INC.	US REFUNDS	\$	2,035.32
STIMAC, CHRISTINA	US REFUNDS	\$	119.01
TNT HOMES & CONSTRUCTION	US REFUNDS	\$	11.76
VERSATILE CONSTRUCTION CO LLC	US REFUNDS	\$	86.41
YAKUBIK, JOSEPH/OXANA	US REFUNDS	\$	8.57
**PAYROLL EXPENSES	GENERAL GOVERNMENT	\$	5,332.53
**PAYROLL EXPENSES	FINANCE	\$	4,129.43
**PAYROLL EXPENSES	POLICE VEHICLE OUTFITTING	\$	45,242.71
**PAYROLL EXPENSES	STREETS	\$	12,631.37
**PAYROLL EXPENSES	PARKS	\$	8,959.63
**PAYROLL EXPENSES	PLANNING AND ZONING	\$	6,016.15
**PAYROLL EXPENSES	EVENT CENTER	\$	2,099.54
**PAYROLL EXPENSES	WATER	\$	14,697.21
**PAYROLL EXPENSES	SEWER	\$	12,520.68
**PAYROLL EXPENSES	SOLID WASTE COLLECTION	\$	791.15
TOTAL		\$	576,486.22