

CITY OF BOX ELDER 061620 CC MEETING MINUTES

Tuesday, June 16, 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 Finance Officer (CFO) Nicole Schneider, Senior Executive Assistant (SEA) Rebecca Davis, Public Works (PW) Director Doug Curry, Police Chief Jason Dubbs, City Engineer Bob Kaufman, Planning and Zoning (PZ) Assistant Michelle Clavadetscher, Marketing and Events Coordinator (MEC) Jimmy Dettman, and City Clerk Jeremery Washington.

Approve the Order of Business

Mayor Larson corrected wording on Item 14G from "Permission to Waive Alcohol Fee" to "Permission to Waive Consumption Only Permit Fee". Motion by Knight to approve the order of business. Seconded by Hollinshead. Roll Call: Beltran-Aye; Brown - Aye; Griffith-Aye; Hollinshead-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

PUBLIC COMMENT

No public comments from attendees; no public comments received via email.

COUNCIL COMMITTEE REPORTS

Public Works and Planning and Zoning Committee

Motion by Hollinshead to accept the Public Works, and Planning and Zoning Committee Report. Seconded by Talich. Vote: Aye. Unanimous. Motion passed.

Motion by Brown to adopt the Public Works, and Planning and Zoning Committee Report. Seconded by Beltran. Vote: Aye. Unanimous. Motion passed.

CONSENT AGENDA

- A. Approve the June 3, 2020 Council Meeting Minutes.
- B. Approve the Claims List.
- C. 2nd Reading of Ordinance 652 - Rezone #200084 - Rezoning request from Agricultural to General Light Industrial for proposed Tract 1 and Tract 2 Freedom Tract Subdivision more generally described as southeast of I-90 Exit 67 Eastbound on ramp on Liberty Boulevard.
- D. 2nd Reading of Ordinance 653 - Rezone #200085 - Request to Rezone from Agricultural to Open Space proposed Tract 3 and Tract 5 Freedom Tracts Subdivision more generally described as portions of floodway east of Liberty Boulevard and north of Highway 1416.
- E. 2nd Reading of Ordinance 654 - Rezone #200086 - Request to rezone from Agricultural to Highway Service proposed Tract 4 Freedom Tracts Subdivision more generally described as northeast corner Highway 1416 and Liberty Boulevard.

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

INFORMATIONAL ITEMS

Demco | Spaces Hold Harmless Agreement Update.

SEA gave update on Hold Harmless Agreement. No action taken.

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.

CFO spoke on single COVID Relief utility bill application; updates on City staff. 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

Resolution 20-21 - Petition for Voluntary Annexation for 430 225th Street.

Prepared By: City of Box Elder
420 Villa Drive
Box Elder, SD 57719 (605)
923-1404

RESOLUTION 20-21

**A RESOLUTION TO APPROVE A PETITION FOR ANNEXATION OF CERTAIN PROPERTY
CONTIGUOUS TO THE CITY OF BOX ELDER,
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, the City of Box Elder has received a written petition for voluntary annexation signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality;

WHEREAS, certain territory, hereinafter more particularly described, is contiguous to the City of Box Elder, South Dakota; and

WHEREAS, the Common Council of the City of Box Elder deems that said area be annexed thereto;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Box Elder, South Dakota, that the boundaries of said City of Box Elder, South Dakota, be and they hereby are extended to include the area contiguous to the City of Box Elder, effective as of June 16, 2020, described as follows:

Lot 2, Temple Subdivision, Section 8, Township 2 North, Range 9 East, Black Hills Meridian, Pennington County, South Dakota.

Dated at Box Elder, South Dakota, this 16th day of June 2020.

BOX ELDER COMMON COUNCIL

Seal
Attest

Larry Larson
Mayor

Nicole Schneider
Finance Officer

PZ Assistant gave overview Resolution 20-21; discussed water system. Motion by Beltran that we approve. Seconded by Talich. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

Resolution 20-22 - Petitions for Voluntary Annexation for future portions of the Alpha Omega development more generally described as unincorporated areas south of the Interstate 90, Railroad, and Highway 1416 Right-of-Ways by Exit 63.

Prepared By: City of Box
Elder 420 Villa Drive
Box Elder, SD 57719
(605) 923-1404

RESOLUTION 20-22

**A RESOLUTION TO APPROVE A PETITION FOR ANNEXATION OF CERTAIN PROPERTY
CONTIGUOUS TO THE CITY OF BOX ELDER,
PENNINGTON COUNTY, SOUTH DAKOTA**

WHEREAS, the City of Box Elder has received a written petition for voluntary annexation signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality;

WHEREAS, certain territory, hereinafter more particularly described, is contiguous to the City of Box Elder, South Dakota; and

WHEREAS, the Common Council of the City of Box Elder deems that said area be annexed thereto;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Box Elder, South Dakota, that the boundaries of said City of Box Elder, South Dakota, be and they hereby are extended to include the area contiguous to the City of Box Elder, effective as of June 16, 2020, described as follows:

Lot A of the SE¼ SW¼ of Section 23;
Lot B of the SW¼ SE¼ of Section 23;
W300ft of SE¼ SE¼ Less RR ROW and Less HWY ROW of Section 23;
E380ft of W680ft SE¼ SE¼ of Section 23; and
E601.28ft of SE¼ SE¼ Lying S of ROW of Section 23;
all in Section 23, Township 2 North, Range 8 East, Black Hills Meridian, Pennington County, South Dakota; and

W2062.41ft of SW¼ Lying S of ROW, Section 24, Township 2 North, Range 8 East, Black Hills Meridian, Pennington County, South Dakota; and

NW¼ NE¼; S½ NE¼; Lot A of NE¼ NW¼ of Section 26;
W300ft of Tract A of NE¼ NE¼ of Section 26;
Tract A of NE¼ NE¼ Less W300ft of Section 26; and
NE¼ NE¼ Less Tract A of Section 26;
all in Section 26, Township 2 North, Range 8 East, Black Hills Meridian, Pennington County, South Dakota.

Dated at Box Elder, South Dakota, this 16th day of June 2020.

BOX ELDER COMMON COUNCIL

Seal:
Attest

Larry Larson
Mayor

Nicole Schneider
Finance Officer

PZ Assistant gave overview Resolution 20-22; reviewed map. Motion by Hollinshead [to approve].
Seconded by Brown. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye;
Talich - Aye. Unanimous. Motion passed.

Conditional Use Permit #200079 - Application by Jennifer Behrens for a home occupation at 22761 Partridge Lane.

PZ Assistant gave background; reviewed criteria for home-occupation. There were public comments from Jennifer Behrens and Don Small. City Attorney discussed ordinance. Public Comment from Kurt Hirschfeld. Motion by Brown to support and approve. Seconded by Hollinshead. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

Approve Mayor to Sign Letter of Support for SDEDA - application for OEA Federal Funding Opportunity (OEA-20-F-0003).

Mayor Larson explained Letter of Support and purpose. Motion by Talich to approve. Seconded by Knight. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

Valley Heights water hook-up at empty lot located at 22978 Candlelight Dr.

PW Director gave background. There was discussion on water system. Motion by Hollinshead to approve these three lots as presented, continuing the moratorium for anything that does not have current infrastructure already built and designed. Seconded by Talich. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

Alfalfa/Hay Harvest Agreement proposal.

PW Director and City Attorney discussed agreement/lease. Motion by Brown to accept the modification for the discussion purposes. Seconded by Hollinshead. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed. Motion by Talich to

approve [lease agreement]. Seconded by Hollinshead. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

Permission to waive consumption only permit fee for upcoming City of Box Elder Events that the city is Sponsoring or co-sponsoring

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

Food Truck Vendor Registration.

MEC explained registration and purpose. Motion by Hollinshead to approve. Seconded by Brown. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

East Mall Drive Extension, Change Order #4.

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

DEPARTMENT HEAD REPORTS

Finance - Nicole Schneider - gave updates Planning and Zoning interview and Assistant Finance Officer position posting; departments prepping for budget.

Mayor Larson - gave update from Metropolitan Planning Organization Committee Meeting, read Socio-Economic Report regarding Box Elder/Ellsworth Air Force Base.

EXECUTIVE SESSION

Pursuant to SDCL 1-25-2 (3) for contractual matters.

Motion by Knight 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 7:56 p.m.

Out of Executive Session at 8:25 p.m.

EXECUTIVE SESSION ACTION

Motion by Knight for City Attorney to write a letter to Leroy Hix's attorney declining to take further action in response to the April Seven, Two-Thousand Twenty [April 7, 2020] letter regarding flooding issues. Seconded by Brown. Roll Call: Beltran - Aye; Brown - Aye; Griffith - Aye; Hollinshead - Aye; Knight - Aye; Talich - Aye. Unanimous. Motion passed.

ADJOURNMENT

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

Seal:

Attest:

Larry Larson
Mayor

Nicole Schneider
City Administrator/Finance Officer

CITY OF BOX ELDER CLAIMS LIST 06/16/2020

AFLAC	INSURANCE	\$	912.16
BAN-KOE SYSTEMS, INC	SOFTWARE	\$	109.04
CARQUEST #3951	PD FLEET REPAIRS	\$	158.93
CENTURY BUSINESS PRODUCTS, INC	LEASE & COPIES	\$	980.80
CENTURY LINK	PHONE SERVICES	\$	14.30
CERTIFIED LABORATORIES	SUPPLIES	\$	3,165.80
CITY OF RAPID CITY	BULK WATER	\$	283.94
CODE WORKS, INC.	INSPECTIONS	\$	224.70
CORE & MAIN LP	METERS	\$	12,288.86
CREDIT COLLECTIONS BUREAU	FEES	\$	150.23
CROELL REDI-MIX	SUPPLIES	\$	464.00
DELTA DENTAL OF SOUTH DAKOTA	INSURANCE	\$	1,648.69
DEPT OF TREASURY- IRS	TAXES	\$	32,444.86
EPIC OUTDOOR ADVERTISING	ADVERTISING	\$	525.00
FED-EX	POSTAGE	\$	10.62
FERBER ENGINEERING COMPANY	CAPITAL PROJECTS	\$	23,315.25
FIDELITY SECURITY LIFE INSURANCE CO.	INSURANCE	\$	195.95
GREAT WESTERN BANK	SUPPLIES & MATERIALS	\$	1,736.42
GUNDERSON, PALMER, NELSON, & ASHMORE L	LEGAL FEES	\$	11,062.88
HEALTH POOL OF SD	INSURANCE	\$	21,053.53
HEAVY CONSTRUCTORS, INC.	CAPITAL PROJECTS	\$	153,579.79
KT CONNECTIONS, INC	IT	\$	10,100.09
LAMAR COMPANIES	ADVERTISING	\$	1,757.00
MATHESON TRI-GAS INC dba LINWELD	RENTALS	\$	125.14
MIDCONTINENT COMMUNICATIONS	PHONE SERVICES MAY 2020	\$	525.78
MIDCONTINENT TESTING LABORATORIES, INC	WATER TESTING	\$	210.00
NEW YORK LIFE	INSURANCE	\$	111.00
OFFICE OF CHILD SUPPORT ENFORCEMENT	FEES	\$	66.68
QUALIFIED PRESORT SERVICE, LLC	UTILITY MAILINGS	\$	669.21
RAPID CITY JOURNAL C/O LEE ENTERPRISES	PUBLICATIONS	\$	248.47
ROBERT SHARP & ASSOCIATES, INC	WEBSITE UPDATES	\$	108.80
SANDER SANITATION	SOLID WASTE	\$	25,641.02
SDRS SUPPLEMENTAL RETIREMENT PLAN	RETIREMENT	\$	30.00
SERVALL UNIFORM & LINEN SUPPLY	SUPPLIES	\$	181.41
SF MOBILE-VISION, INC.	SUPPLIES	\$	5,033.30
SOUTH DAKOTA RETIREMENT SYSTEM	RETIREMENT	\$	16,865.72
TEAMSTERS LOCAL NO. 120	FEES	\$	529.00
TYLER TECHNOLOGIES INC	SOFTWARE	\$	437.50
US BANK VOYAGER FLEET SYSTEMS	FLEET FUEL	\$	4,266.93
AM DEVELOPMENT LLC (PARK-PIT)	REFUND	\$	388.70
ASKEW, TERRANCE L	REFUND	\$	4.41
BIEK, JPAUL/REBEKAH	REFUND	\$	28.00
BONNER, JOSHUA/JENNIFER	REFUND	\$	45.94
DRESEL, BRIAN/KAY	REFUND	\$	24.51
FOX, ETHAN/ANA	REFUND	\$	12.02

HARBOR POINT PROPERTIES LLC	REFUND	\$	4.41
HARRIS, ROXANNE	REFUND	\$	96.04
HULT HOMES LLC	REFUND	\$	41.98
JAROSCH, ERIK/JOSIE	REFUND	\$	8.13
K & D CONSTRUCTION	REFUND	\$	108.47
O'NEILL, RUTH	REFUND	\$	1.10
PULVER, STACY/NICK	REFUND	\$	8.29
VERSATILE CONSTRUCTION CO LLC	REFUND	\$	21.41
PAYROLL EXPENSES	GENERAL GOVERNMENT	\$	4,828.77
PAYROLL EXPENSES	FINANCE	\$	11,500.75
PAYROLL EXPENSES	POLICE	\$	46,138.31
PAYROLL EXPENSES	STREETS	\$	13,878.09
PAYROLL EXPENSES	PARKS	\$	9,138.84
PAYROLL EXPENSES	COMMUNITY DEVELOPMENT	\$	6,504.84
PAYROLL EXPENSES	PLANNING & ZONING	\$	6,125.15
PAYROLL EXPENSES	EVENT CENTER	\$	1,049.76
PAYROLL EXPENSES	WATER	\$	15,992.34
PAYROLL EXPENSES	SEWER	\$	13,503.00
PAYROLL EXPENSES	SOLID WASTE	\$	791.61
TOTAL:		\$	461,477.67