

**CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES**  
**Tuesday, June 18, 2019**  
**7:00 pm Regular Meeting – City Council Chambers, 420 Villa Drive, Box Elder**

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

Roll was taken. Present were Mayor Larson, Attorney Donald Knudsen, Council Members Dawn Beltran, Michael Hanson, Michael Knight, Jim Maffrand, and Rick McPherson.

Also present were City Administrator/Finance Office Nicole Schneider, Police Lieutenant Chris Misselt, Public Works Director Bob Kaufman, Planning and Zoning Director Ron Koan, City Accountant Mandy Morris, Community and Economic Development Director Blaise Emerson, Human Resources Clerk Carissa Bauer, Assistant Public Works Director Nathan Gjovik, and City Clerk Jermery Washington.

Oath of Office administered to John Talich by Attorney Donald Knudsen; John Talich sworn in at 7:02 p.m. as Ward 1 Council Member.

Mayor Larson called for brief recess at 7:03 p.m.

Mayor Larson called meeting back to order at 7:04 p.m.

Roll was taken. Present were Mayor Larson, Attorney Donald Knudsen, Council Members Dawn Beltran, Michael Hanson, Michael Knight, Jim Maffrand, Rick McPherson, and John Talich.

Also present were City Administrator/Finance Office Nicole Schneider, Police Lieutenant Chris Misselt, Public Works Director Bob Kaufman, Planning and Zoning Director Ron Koan, City Accountant Mandy Morris, Community and Economic Development Director Blaise Emerson, Human Resources Clerk Carissa Bauer, Assistant Public Works Director Nathan Gjovik, and City Clerk Jermery Washington.

Mayor Larson said need add to payroll “John Davis”; missing on first one; Council should have corrected, highlighted version.

Motion by Hanson to approve order of business with that addition. Seconded by Knight. Vote: Aye. Unanimous. Motion passed.

**POTENTIAL CONFLICTS-OF-INTEREST** – John Talich said potential conflict of interest; personal friendship with person involved in Agenda Item 17C (Non-dangerous Dog Appeal).

**PUBLIC HEARING** – 2019-2020 Retail (on-off sale) Malt Beverage & SD Farm Wine (Prairie Ridge Restaurant, 359 N. Ellsworth Road, Box Elder SD 57719).

Public hearing began 7:06 p.m.

Mayor Larson opened floor for comments.

No comments.

Mayor Larson closed floor for comments.

Public Hearing closed at 7:06 p.m.

Motion by Maffrand to approve Prairie Ridge Restaurant License. Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Unanimous. Motion passed.

**AWARDS AND RECOGNITION:** Mayor Larson introduced and welcomed new employee Bernadette Ullmann (Finance/Utility Clerk).

**COUNCIL COMMITTEE REPORT:**

A. FINANCE, LEGAL, AND PUBLIC SAFETY

Motion by McPherson to Accept the Finance, Legal, and Public Safety Committee Report. Seconded by Maffrand. Vote: Aye. Unanimous. Motion passed.

Motion by Knight to Adopt the Legal, Finance, and Public Safety Committee Report. Seconded by McPherson. Vote: Aye. Unanimous. Motion passed.

B. PUBLIC WORKS AND PLANNING AND ZONING

Motion by Hanson to Accept the Public Works, and Planning and Zoning Committee Report. Seconded by McPherson. Vote: Aye. Unanimous. Motion passed.

Motion by Hanson to Adopt the Public Works, and Planning and Zoning Committee Report. Seconded by McPherson. Vote: Aye. Unanimous. Motion passed.

**CONSENT AGENDA:**

Motion by Hanson to approve Consent Agenda Items A – E (June 4, 2019 Council Minutes; Claims List; C. Disclosure of new hire personnel per SDCL 6-1-10; Andrea Biers, Finance Purchasing Specialist - \$45,508.84/annually with start date of 06/24/2019. Promotions; Kelli Eleeson: PW Administrative Specialist - \$37,917.56/annually, effective 05/28/2019; Kraig Scherr: PW Streets Foreman - \$48,537.69/annually, effective 06/10/2019; Charles Sandine: PW Streets Operator III - \$45,078.94/annually, effective 06/10/2019; Dillon Arch: PW Streets Operator II - \$39,345.32/annually, effective 06/10/2019; D. Second Reading of Ordinance 625 – McGriff – Shock Zoning Map Ordinance; Approve Business License Application #1846 – Jenkins Family Daycare). Seconded by McPherson. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

**UNFINISHED BUSINESS:**

Clarification and Final Approval of Documentation for Bid Award of E. Mall Drive Project, Authorization for Execution of Funding Documentation and All Other Documentation Necessary for Project. Public Works (PW) Director said wording had “Base Bid” and “Alternate #1 and Alternate #3”, when got Council minutes readjusted to read “Alternate #1” and “Alternate #3” correctly; wanted to make sure correction in minutes to cover that; thinks documentation at Rural Development awaiting their final reviews so can get project going. Motion by Hanson to approve. Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

**NEW BUSINESS:**

Award Construction Bid for 2019 Street Crack Seal (Project PWR 06-2019). Assistant PW Director gave background; survey of streets done, determined Thunderbird streets benefit most from crack seal project, project budgeted, 3 well-qualified bidders. Recommending award to low bid (Highway Improvement Incorporated). He explained why bid significantly less; contractor

from Sioux Falls area and has projects scheduled in area and if City wants to lock in doing contract need act quickly, contractor has City scheduled tentatively 3 weeks from now. Said discussed in committee tonight, asking approval tonight, to get award and get locked in at good price. Motion by Hanson to approve low bid. Seconded by McPherson. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

Award Construction Bid for Bennett Road Chip Seal (Project PWR 04-2019). Assistant PW Director said basically extension of work done in last year on Bennett Road, this to finish it; got two qualified bidders, low bid same company did work last year, happy with work done last year, recommended award to same company. Knight said asked about if fix some potholes before chip seal and fixing potholes in bid to do that. Motion by McPherson to award to low bidder. Seconded by Maffrand. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

APPEAL – Cheryl and Rosalyn LaPointe, Non-Dangerous Dog Appeal. Mayor Larson mentioned only here to discuss non-dangerous dog appeal. Cheryl LaPointe spoke about events on February 20th with dog; she gave details when she left sister's home walked to car dog charged across street; she said dog circled her and nipped at fingers, she froze and was frightened that dog may push over and maul her. Said called Officer Fahlberg, attack already happened, couldn't do anything. Said she had take tranquilizers to sleep that night. She spoke on investigation by Officer Sabin on May 30th; said report didn't include 4 adults (including contractor Jerimiah Huntley) exiting home, dog charged across then attacked. John-David Walsh spoke; said May 26th helped mother in yard, dogs came across looked toward his mom, positioned himself between mom and dogs being neutral as possible, but dog acted like he wasn't there; dog growled and attacked bowl he was holding; Freddie (dog's owner) called dog back; John-David said main concern grandkids (his nieces/nephews) ages 7 to 11 will be visiting a lot and danger unacceptable. Rosalyn LaPointe commented on decision letter from Officer Sabin about dog must be always be contained to property or under physical command, Rosalyn said don't believe owner capable of keeping boxer always under physical command; she stated she can't take garbage to curb without stun gun and pepper spray to protect herself; said she has video clips to prove dog runs in street and can provide statement; said herself and family need protection from that dog; said requesting decision June 10th decision letter be overturned and more stringent requirements be placed on boxer; also requested that dog owner not be allowed register anymore vicious, dangerous breeds animals. Cheryl commented on statement/written testimony from Jerimiah who asked dog owner if dog vicious, owner told Jerimiah yes, dog has cancer and in pain. Officer Sabin spoke and said attack did not occur; attack mean scratch, bite, or mauling; dog has zero bites on record, never had complaints on dog until LaPointe's had complaint; acknowledged dog-at-large issue and said that owner cited; have received no other complaints; said not prejudice against dog breeds and "boxer" doesn't mean if dog aggressive or not; she mentioned that when walked on property in uniform unannounced, dog friendly, did not bark, approached wagged tail; she said spoke with owner who stated/admitted dog was off property; also commented that Humane Society never received complaints or had issues with dog and that dog is senior dog in pretty bad shape, is under veterinary care; she said spoke with neighborhood kids and they play with dog and approach dog when in yard and never had issues, no other neighbors had issues. Freddie Gille spoke about dog having cancer and cyst on chest, loving and playful, never went after anybody; he also said has parts delivered to house and delivery drivers all get along with dog, he said other people (LaPointe's) exaggerating and have issue with him over dirt issue. Freddie said

that day incident happened, LaPointe's were on his development property placing grass seed; he said as far as he concerned, they should not been on property, dog has always been able to go to field when wants to and listens very well; said dog not aggressive and considered bringing to meeting; he also said lots of kids around house every day, never an issue. Attorney (Knudsen) said Council has 3 options on appeal like this, affirm, reverse, or modify finding of officer Sabin. Knight asked what happens after dog found at-large again after owner already cited once; Officer Sabin explained process, if owner present cited, if owner not present, animal taken Humane Society and able be reclaimed by owner. Talich asked if fines increase progressively for repeated citations or flat-rate fine; Officer Sabin explained fines progress up to three times (\$50, \$100, and \$300), if cited again after third citation, fined again at \$300; if one year passed and then cited, back to \$50. Hanson asked any complaints on dog, biting, scratching, or interaction with anyone else; Officer Sabin said nothing on file, nothing from neighbors, and Humane Society has no complaints of dog either. Knight asked how many neighbors talked to; Sabin said left cards for neighbors on Lone Soldier and Lone Soldier Court and talked to about 10 children, four neighbors contacted her back and none had issues with dog. Ms. LaPointe explained photos taken at her home south side of house; said picture shows dogs on property before and after attack; did not get footage of actual attack due to camera placement and settings; she said attack near side garage door. Motion by Hanson to affirm the officer's decision. Seconded by McPherson. Vote: Aye. Unanimous. Motion passed.

#### **DEPARTMENT HEAD REPORTS:**

Finance – Nicole Schneider – all should have tentative schedule for budget; give heads up of what's coming up for budget session.

Public Works – Bob Kaufman – next Thursday will be attending Water and Natural Resources Board meeting in Pierre; acting on application for well loan. While there, will follow up on status of Transportation Alternative Grant with DOT (Department of Transportation). CFO said which means sidewalks.

Planning and Zoning – Ron Koan – update, school system completed Quit Claim Deed to property City dealing with Mr. Walter on, so can move forward.

#### **COUNCIL MEMBERS:**

Knight – welcome John, looking forward to working with you here. Welcome (to Bernadette).

McPherson – John, looking forward working with you. Ms. Ullmann, welcome aboard.

Beltran – Welcome aboard, John. Welcome (to Bernadette).

Mayor Larson – update, he and Blaise went to Pennington County meeting that morning and TIF was approved for Event Center and other property north side East Mall Drive.

#### **EXECUTIVE SESSION:**

Motion by McPherson to enter into Executive Session Pursuant to SDCL 1-25-2 (1) for personnel. Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

Entered Executive Session at: 7:47 p.m.

Out of Executive Session at 7:55 p.m.

Motion by Hanson to approve City Administrator/Chief Finance Officer contract. Seconded by Talich. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye; McPherson-Aye; Talich-Aye. Motion passed.

Motion by Maffrand to adjourn. Seconded by Hanson. Vote: Aye. Unanimous. Motion passed.

**ADJOURNMENT: 7:56 p.m.**

**Seal:**

**Attest:**

---

**Larry Larson**  
**Mayor**

---

**Nicole Schneider**  
**City Administrator/Finance Officer**

## CITY OF BOX ELDER CLAIMS for 06/18/2019

A ROYAL FLUSH PORTABLES, LLC	\$	965.00
AFLAC	\$	790.31
CENTRAL STATES FAIRGROUNDS	\$	1,500.00
CITY OF RAPID CITY	\$	4,400.00
CREDIT COLLECTIONS BUREAU	\$	60.00
DELTA DENTAL OF SOUTH DAKOTA	\$	1,439.51
DEPT OF TREASURY- IRS	\$	27,119.30
HEALTH POOL OF SD	\$	19,481.53
OFFICE OF CHILD SUPPORT ENFORCEMENT	\$	66.68
PREMIER PYROTECHNICS, INC	\$	15,000.00
SDRS SUPPLEMENTAL RETIREMENT PLAN	\$	30.00
SOUTH DAKOTA RETIREMENT SYSTEM	\$	13,768.22
TEAMSTERS LOCAL NO. 120	\$	350.00
TIME EQUIPMENT RENTAL & SALES INC	\$	1,298.64
ADVANCED ASSET ALLIANCE	\$	29.61
ARC INTERNATIONAL, INC	\$	660.00
BAUER, CARISSA	\$	274.50
BLACK HILLS BUSINESS SOURCE	\$	240.40
BLACK HILLS CHEMICAL & JANITORIAL	\$	37.99
BORDER STATES ELECTRIC SUPPLY	\$	123.61
BOX ELDER PROMOTIONS	\$	9,387.00
BOX ELDER TRUE VALUE	\$	38.20
CARQUEST #3951	\$	14.43
CENTURY BUSINESS PRODUCTS, INC	\$	1,151.64
CITY OF RAPID CITY	\$	261.49
COCA COLA BOTTLING COMPANY HIGH COUNTR	\$	65.00
CORE & MAIN LP	\$	8,841.29
CORY'S TRI-STATE TIRE FACTORY	\$	5,253.67
DAKOTA PUMP INC	\$	1,464.99
DALES TIRE AND RETREADING, INC	\$	48.50
DENNY MENHOLT CHEVROLET	\$	511.09
DENR	\$	1,050.00
DIESEL MACHINERY, INC	\$	1,786.28
DUBBS, JASON	\$	75.73
EPIC OUTDOOR ADVERTISING	\$	450.00
FERBER ENGINEERING COMPANY	\$	2,265.00
GRANICUS, LLC	\$	2,631.00
GREAT WESTERN BANK	\$	15,459.93
GREAT WESTERN TIRE	\$	397.19
HARVEY'S LOCK & SECURITY	\$	4,099.00
HAWKINS INC	\$	808.00
HEAVY CONSTRUCTORS, INC.	\$	59,462.10
HILLS ROOFING & SHEET METAL, INC.	\$	200.00
HUMANE SOCIETY OF THE BLACK HILLS	\$	420.00
INTERSTATE ALL BATTERY CENTER	\$	71.76

KT CONNECTIONS, INC	\$	11,454.18
LABINE, TRAVIS	\$	68.50
LAMAR COMPANIES	\$	509.16
LOVE'S TRAVEL STOPS & COUNTRY STORES,	\$	6,274.01
MATHESON TRI-GAS INC dba LINWELD	\$	220.48
MCKIE FORD LINCOLN, INC.	\$	2,676.14
MENARDS	\$	551.06
MIDCONTINENT COMMUNICATIONS	\$	541.36
MIDCONTINENT TESTING LABORATORIES, INC	\$	230.00
NORTHERN IMPROVEMENT COMPANY	\$	342.00
NORTHWEST PIPE FITTINGS, INC	\$	1,512.26
PENNINGTON COUNTY REGISTER OF DEEDS	\$	60.00
PETE LIEN & SONS, INC	\$	363.39
PEYROT, DUANE	\$	60.00
PLUMBING & HEATING WHOLESALE, INC.	\$	18.64
POWERHOUSE	\$	51.23
POWERPLAN OIB	\$	57.34
QUALIFIED PRESORT SERVICE, LLC	\$	709.20
RAPID CITY JOURNAL C/O LEE ENTERPRISES	\$	1,024.56
REMBOLT ENTERPRISES INC.	\$	2,609.20
ROBERT SHARP & ASSOCIATES, INC	\$	138.00
RUNNINGS SUPPLY, INC	\$	1,104.77
SADLER, JOSHUA	\$	68.50
SANDER SANITATION	\$	530.88
SANFORD LABORATORIES	\$	585.00
SCHNEIDER, NICOLE	\$	274.50
SD DEPT OF REVENUE & REGULATION	\$	66.20
SDEDA	\$	101,664.59
SERVALL UNIFORM & LINEN SUPPLY	\$	362.01
SF MOBILE-VISION, INC.	\$	5,396.00
SIMON CONTRACTORS OF SOUTH DAKOTA INC.	\$	435.77
SOUTH DAKOTA MUNICIPAL LEAGUE	\$	750.00
TEMPERATURE TECHNOLOGY, INC	\$	6,266.00
USA BLUEBOOK	\$	7,247.31
VERMEER HIGH PLAINS	\$	116.58
WATERTREE, INC.	\$	25.00
WEX BANK	\$	1,063.62
WRTS LLC	\$	3,350.00
ZENNER PERFORMANCE METERS, INC.	\$	196.96
ZUERCHER TECHNOLOGIES, LLC	\$	1,504.91
ARMSTRONG, LINDA JO	\$	26.86
BABUCA, JOSEPH/CHRISTOB	\$	38.86
BOLIN, JOE	\$	32.76
BOOM CONSTRUCTION	\$	123.76
CAMPBELL, ALHANA	\$	44.60
CHIEF PROPERTIES LLC	\$	32.50
FEATHERINGHAM, MEGAN	\$	33.76

FISH, IRWIN/MICHELLE	\$	47.80
GIRBACH, JUSTIN	\$	2.90
HULT HOMES LLC	\$	32.76
JORDAN, KATHLEEN/JAZ	\$	24.64
LEACH, KATIE/ALEX	\$	56.82
VANDERSLOOT, BRYAN	\$	7.20
WARREN, HEATHER/MIKE	\$	22.61
WEYMOUTH, JEFFREY/STEPHAN	\$	7.47
**PAYROLL EXPENSES	\$	108,910.08
<b>TOTAL</b>	<b>\$</b>	<b>473,773.28</b>