

**COMMON COUNCIL MEETING OF THE CITY OF BOX ELDER**  
**DRAFT MEETING MINUTES**  
**Tuesday, May 20, 2014, 7:00 p.m.**

A scheduled meeting of the Common Council of the City of Box Elder was called to order at 7:00 pm on Tuesday, May 20, 2014. Present were: Mayor William Griffiths; Council Members: Allen; Cowley; Coatney; Haddenham; Hollinshead; and Curry was absent. Also present were: Police Chief Dubbs; Finance Officer Mystee Lashwood; Legal Council Rex Hagg; Public Works Director Al Todd; and Planning & Zoning Director Ron Koan.

**Moment of Silence and Pledge of Allegiance**

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

**2. Pledge of Allegiance.** Mayor Griffiths recognized a moment of silence for the Dial family during the loss of Al Dial's father.

**3. Roll Call:** Present: Allen; Cowley; Coatney; Haddenham; Hollinshead. Absent: Curry.

**4. Approve Agenda**

Motion by Allen, seconded by Coatney to approve the agenda. Vote Aye: Unanimous.

**5. Presentation:** Plaque presentation for Kelly Foster to recognize his hard work and dedication as a Ward 2 council member.

**6. EXECUTIVE SESSION:** Legal as per SDCL 1-25-2 Sub (3) and Contractual as per SDCL 1-25-2 Sub (5).

Motion by Allen, seconded by Cowley to enter into executive session for Legal as per SDCL 1-25-2 Sub (3) and Contractual as per SDCL 1-25-2 Sub (5) at 7:04pm. Vote Aye: Unanimous.

Motion by Hollinshead, seconded by Cowley to exit executive session for Legal as per SDCL 1-25-2 Sub (3) and Contractual as per SDCL 1-25-2 Sub (5) at 8:29pm. Vote Aye: Unanimous.

No decisions were made.

**7. CONSENT AGENDA:** Agenda items A through O 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 May 6, 2014 Common Council Minutes.

**B.** To approve Payroll 10 (April 20 to May 3): Total Payroll \$46,837.86; General Government: \$1,153.85; Finance Office: \$1,852.00; General Financial: \$3,924.19; Police Dept: \$21,068.98; PW Street: \$4,446.06; Animal Control: \$340.00; Sign Inspection: \$581.40; PW Parks: \$3,193.48; Planning & Zoning: \$2,979.60; PZ Board: \$360.00; PW Water Production: \$2,498.60; PW Water Distribution: \$2,765.42; PW Sewer Collection: \$1,674.28.

**C.** To approve the Claims, Utility deposit refunds, and Hand Checks. Dubbs noted that the Rushmore Embroidery claim has been reimbursed by the officers in the police department.

**D.** To approve Application for Minor Plat #140051 by Ronald Plender for 15543 226<sup>TH</sup> Street (Lot 1 of Plenderville Subdivision (formerly a portion of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, T2N, R10E, BHM) located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, T2N, R10E, BHM, Pennington County, South Dakota.

**E.** To approve Resolution 14-09, a resolution for Minor Plat #140043 by Bryan Tharp.

**F.** To approve Malt Beverage Retail On-Off Sale License Renewal with Video Lottery and Sunday Sales for 4U Stores.

**G.** To approve Malt Beverage Retail On-Off Sale License Renewal with Sunday Sales for 4U Stores – Restaurant Area.

- H. To approve Malt Beverage Retail On-Off Sale License Renewal with Sunday Sales for Atlantis LLC – Palms Pub.
- I. To approve Malt Beverage Retail On-Off Sale License Renewal with Sunday Sales for Atlantis LLC – Palms Sports Bar
- J. To approve Malt Beverage Retail On-Off Sale License Renewal with Video Lottery and Sunday Sales for Cimarron Casino.
- K. To approve Malt Beverage Retail On-Off Sale License Renewal with Video Lottery and Sunday Sales for Cimarron Casino II.
- L. To approve Malt Beverage Package Off Sale License Renewal for J & L Market Inc.
- M. To approve Malt Beverage Retail On-Off Sale License Renewal with Video Lottery and Sunday Sales for MG Oil – Flying J Travel Plaza.
- N. To approve Malt Beverage Retail On-Off Sale License Renewal with Video Lottery and Sunday Sales for MG Oil – Truck Stop Lounge.
- O. To approve Malt Beverage Retail On-Off Sale License Renewal with Sunday Sales for NPC International – Pizza Hut #2768.

Motion by Coatney, seconded by Allen to approve the consent agenda. Vote Aye: Unanimous.

#### **8. UNFINISHED BUSINESS:**

**A. CITY ATTORNEY:** To discuss, approve, and authorize signatures on Agreement Establishing the Rushmore Regional Railroad Authority. Need to appoint representative and alternate.

Motion by Coatney, seconded by Cowley to appoint Council Member Haddenham as the representative, and Mayor Griffiths as the alternate for the Rushmore Regional Railroad Authority. Vote Aye: Unanimous.

#### **9. NEW BUSINESS:**

**A. PLANNING/ZONING DEPARTMENT:** To discuss and approve waiving Building Permit Fee for new Vandenberg School Project.

Motion by Allen, seconded by Coatney to defer the item until the next meeting. Vote Aye: Unanimous.

**B. PLANNING/ZONING DEPARTMENT:** To discuss and approve Resolution 14-10, a resolution to approve the de-annexation of certain property within the City of Box Elder, Pennington County, South Dakota.

Motion by Allen, seconded by Hollinshead to defer the item until the next meeting. Vote Aye: Unanimous.

**C. PUBLIC WORKS DEPARTMENT:** To approve the Second Reading of Ordinance #547, an Amendment to 2014 Budget.

Motion by Allen, seconded by Hollinshead to defer the item to the next meeting. Vote Aye: Unanimous.

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

Mayor: Griffiths let everyone know that we were honored today when the National Commander from the American Legion in DC came to see the lobby area in city hall that was dedicated to all military troops.

Police: Chief Dubbs gave the department statistics report for 5-6 to 5-19. He let everyone know that he will be out next week for training in Pierre; the DARE Graduations for 5<sup>th</sup> grade will be this Thursday. Council Member Cowley asked Dubbs to explain the differences between Rapid City and Box Elder's distracted driving ordinances. Dubbs will have to read the final draft of the ordinance that Rapid City passed but one difference is that ours is a secondary offense and the Rapid City ordinance is a primary offense.

Public Works: Director Todd informed everyone of the process for disposing of old paint collected during clean up week; he explained that the playground equipment in the 4 parks has been removed and we received a lot of phone calls but we are working on the park equipment replacements; the Boykin Park equipment will be installed this week; summer help is in full swing. We have been receiving a lot of pot hole complaints and they will be addressed during the hot summer months; most of the complaints are from Line Road and we are looking for alternative ways to fix the pot holes

instead of just adding gravel that will get washed out after the first rain storm. Resident Maine asked Todd if he received any calls about extending cleanup week to include 2 Saturdays. Resident Meier mentioned there were a lot dumpster divers down at the park taking things out of the dumpsters during clean up week. Resident Rick asked about Ghere Well and if alternatives have been selected for treatment of the water. Todd said two alternatives include: using a water softener for 1.5 million, or to blend the water with Rapid City water and then put it in the system. Resident Gabe asked if people's household water softeners would remove the problem with the water, Todd said yes, it would help. Gabe also asked about the publication and removal of the park equipment. Todd said it was publicized several ways and if the public wants to give input on the selection of park equipment they can attend the next parks board meeting in July.

Finance: Officer Lashwood informed everyone that she had to buy 4 new computers and 5 copies of Windows 7 totaling around \$2,000; we received a letter stating our 2011 and 2012 audits were reviewed and accepted; now we will be caught up if the 2013 audit is in before December 31. Resident Maine expressed concern that some of the information given out last week by Casey, Peterson, and Associates was incorrect including the statements: there was not a budget passed in 2011 or 2012; and that there was no project plan completed for TIF # 2. She told everyone that information is incorrect because she went back and found the minutes where the 2011 and 2012 budgets were passed and a municipal bond will not be released until a project plan is in place. Lashwood agreed and reported that she did notify Casey, Peterson, and Associates of the budgets being passed and that information was changed on the report.

Planning/Zoning: Director Koan announced that the public input portion of the transportation plan has been tentatively scheduled for June 24, following the public input the plan should be completed in July; Love's received permission to complete a transportation study, they are on track to start so we should see something in the next 30-40 days. A resident asked if there is a requirement/ordinance that pertains to building size and the warrant for fire suppression. Koan said yes, building size and fire suppression are written in the building codes for the state.

City Attorney: Hagg recognized Berniece Quest, she passed away, she was a member on City Council for a while and she was a nice lady.

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

Allen: No input.

Cowley: No input.

Coatney: Asked when the next MPO meeting is and if the traffic at Radar Hill Road and 14/16 will be addressed. Mayor Griffiths said the next meeting will be in June and I will let you know the date and time. Todd said yes, that intersection is addressed.

Curry: Absent.

Haddenham: No input.

Hollinshead: No input.

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

Chamber of Commerce: The July 5<sup>th</sup> Box Elder Bash schedule is being finalized and we will give that information to everyone when it is complete.

Economic Development: No input.

#### **13. CITIZEN INPUT:** No input.

#### **14. ADJOURNMENT: THERE BEING NO FURTHER BUSINESS TO BE TAKEN IN FRONT OF THE COUNCIL AT 9:01PM MOTION BY Allen, SECONDED BY Coatney TO ADJOURN. Vote Aye: Unanimous.**

Seal:

Attest:

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William F Griffiths Sr  
Mayor  
Tuesday, May 20, 2014

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Mystee Lashwood  
Finance Officer