

**CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES**  
**Tuesday, May 7, 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, Council Members Dawn Beltran, Steve Cowley, Michael Hanson, and Michael Knight.

Also present were City Administrator/Chief Finance Officer Nicole Schneider, Police Chief Jason Dubbs, Public Works Director Bob Kaufman, Planning and Zoning Director Ron Koan, City Attorney Kristi Vetri, Accountant Mandy Morris, Human Resources Clerk Carissa Bauer, and City Clerk Jermerly Washington.

Mayor Larson – removed Item 9I; added Food Truck Discussion under Item 24 (Council Members) to discuss there, no action to be taken. Added 7D under Awards and Recognitions–Chris Misselt and Nick Fahlberg.

Motion by Hanson to approve order of business with changes. Seconded by Cowley. Vote: Aye. Unanimous. Motion passed.

**PUBLIC COMMENT:**

Leroy Hix, 311 Willow Drive. Mr. Hix said disappointed took away his voice on City Council when fired Scott Allen; said he took PW Director around and showed problems in Box Elder. Commented on specific limb on Ash hanging over property; also said he showed situation Circle Drive when flooding–said no way for water to get to creek, culverts flood and nobody’s done anything. He said spoke with Nathan and said cannot build road up, will dam up road and flood his basin; said rock was put down and road raised up a foot and a half. Mr. Hix said nobody concerned about them down there. Commented on tenant lives on Pine Drive whose boss has to come from west side Rapid City to come plow road on Line so she can get out. He said he has to open Pine and Willow to get out and asked who’s looking after them now, and that been completely abandoned. Mr. Hix also spoke on disappointment of Police protection, said called dispatch during flat tire and would appreciated some protection; explained difficulty changing tire so close to traffic. Mayor Larson mentioned Mr. Hix come into City Hall and discuss.

Patrick Ealy, 21880 Iron Drive. Mr. Ealy said wanted to discuss Item 9D (Approve BYRS Lawn Care for Nuisance Lawn Mowing & Abatement Services for 2019); he said he’s affiliated with A & T Construction who also submitted bid for nuisance mowing and snow removal. He said in past Council entertained concept having multiple companies nuisance mowing/snow removal because City growing and many larger communities do this. Said when researching how to compose bid, found that this common practice. Said really limiting to say only one company worthy of contract; said Planning and Zoning Department said contract rejected only because numbers were the same price–A & T bid was same price for commercial/residential clearing as BYRS’ bid. He said thinks limiting to business scope to say to new/rising company only way be competitive and generate proposal to undercut market around them. Said what would see here friendly competition between two contractors to win of City based on quality of service, timeliness of service, and all other measures; result faster clearing of snow in streets. He said both companies are fully capable of fulfilling needs of Box Elder and more together as stronger force; commented on 4th strongest blizzard in state history. Mr. Ealy said doesn’t think should be rejected because company prices match, and that company should have to under-value its services and excellence.

## **AWARDS AND RECOGNITIONS:**

Executive Proclamation for Kids to Parks Day. Mayor Larson read proclamation.

Recognition of New Staff. Human Resources Clerk spoke on new hires and departments; introduced new hires present at meeting, Parker Frederick (Public Safety) and Christopher Mason (Public Works Assistant Director of Operations).

DENR Recognizes City of Box Elder for Drinking Water Compliance. Public Works (PW) Director said City received Secretary's Award for Drinking Water Excellence for ten consecutive years of providing safe drinking water to public.

Lt. Chris Misselt—will be recognized and honored by State's American Legion Convention in June for "Law Enforcement Officer of the Year". Officer Nick Fahlberg "Outstanding Law Enforcement Representative" for the Department from 1 January through 30 March 2019.

## **COUNCIL COMMITTEE REPORTS:**

### **A. FINANCE, LEGAL, AND PUBLIC SAFETY**

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

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

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

## **CONSENT AGENDA:**

Motion by Hanson to Approve Consent Agenda Items A-N: (April 16, 2019 Council Minutes; Claims List; Disclosure of new hire personnel per SDCL 6-1-10; Public Works Sewer Department Operator I since 04/25/2019: Travis LaBine - \$38,859.58 annually; Approve BYRS Lawn Care for Nuisance Lawn Mowing & Abatement Services for 2019; Approve Business License #1839 – Ahrendt Veterinary Services dba Box Elder Veterinary Clinic; Approve acceptance of land conveyances from SDEDA; Approve Resolution 19-08 Bridge Reinspection Program Resolution for Use with SDDOT Retainer Contracts; Award Bid for City Hall Landscaping Project (PWP 01-2019); Approve Annual Fireworks License for Big Fireworks; Approve Voluntary Annexation of MDU Property; Approve Final Plat for Boom Construction (Veterinary Clinic); Approve Final Plat for Fox Borough Subdivision; Approve Sign Permit for Yesway Convenience Stores; Approval of Resolution 19-09 for the Creation of Tax Increment Financing District Four (4), TIF #4, by Pennington County within the City of Box Elder pursuant to SDCL 11-9-8. Seconded by Cowley. Roll Call: Beltran-Aye; Cowley-Aye; Hanson-Aye; Knight-Aye. Motion passed.

## **INFORMATION ITEMS:**

Annual Report Presentation, Per SDCL 9-22-21. Chief Finance Officer (CFO) said meeting statutory requirement of presenting annual report; was presented to Legal, Finance, and Public Safety Committee, moved forward to regular meeting to be presented. No action taken.

## **UNFINISHED BUSINESS:**

First Reading of Ordinance 623 – Line Road Zoning Map Ordinance. Planning and Zoning (PZ) Director gave overview; properties acquiring from SDEDA, no private property involved rezoning. Motion by Hanson to approve. Seconded by Knight. Roll Call: Beltran-Aye; Cowley-Aye; Hanson-Aye; Knight-Aye. Motion passed.

Approve Proposed Emergency Snow Route Map. PW Director gave background/overview of snow route plan/map; he said not really any difference from what already doing and this first step in formal snow removal policy that will be bringing forward throughout course of summer; mentioned if any questions, get with him; also got recommendations from Fire Department. Motion by Knight to approve. Seconded by Cowley. Vote: Aye. Unanimous. Motion passed.

Discuss and Recommend Action Regarding Request for Property Tax Abatement for 2017 & 2018 Owner Occupied Dwelling – Owner Leroy Hix. PZ Director spoke and gave background; said spoke with Department of Equalization (DoE) Director whose recommendation was to deny. Mr. Leroy Hix spoke and gave explanation unaware that had switched from owner occupied because haven't moved anywhere—still live there. Council Member Hanson asked Mr. Hix if received/read notices. Mr. Hix said if change was in notices, he didn't pick up on it. PZ Director commented that when change of property ownership although same people, DoE standard policy to change out of owner occupied; he said information conveyed to him from DoE. PZ Director added DoE Director said historically even after other agencies denied when they were given notifications, County Commissioner followed through and put back to owner occupied and abated taxation. Council Member Knight spoke on noticing differences of amounts on tax bill between owner occupied and rental. Motion by Hanson to recommend denial. Seconded by Knight. Roll Call: Beltran-Aye; Cowley-Aye; Hanson-Aye; Knight-Aye. Motion passed.

## **ANNOUNCEMENTS AND PRESENTATIONS:**

Mayor Larson read Proclamation and presented plaque in recognition of Ward 3 Council Member Steve Cowley for his 7 years of dedication and service.

Motion by Knight for short recess. Seconded by Hanson. Vote: Aye. Unanimous. Motion passed. 2018-2019 Council Session ended May 7, 2019 at 7:28 p.m.

## **CALL TO ORDER 2019-2020 COUNCIL SESSION:**

Mayor Larson called meeting back to order. 2019-2020 Council Session started May 7, 2019 at 7:33 p.m.

## **SWEAR IN NEWLY ELECTED COUNCIL MEMBER:**

Oath of Office administered by City Attorney to Ward 3 Council Member; James Maffrand sworn in on May 7, 2019 at 7:35 p.m.

Roll taken of 2019-2020 Council. Present were Mayor Larson, Council Members Dawn Beltran, Michael Hanson, Michael Knight, and James Maffrand.

Also present were City Administrator/Chief Finance Officer Nicole Schneider, City Attorney Kristi Vetri, Police Chief Jason Dubbs, Planning and Zoning Director Ron Koan, Public Works Director Bob Kaufman, City Accountant Mandy Morris, Human Resources Clerk Carissa Bauer, and City Clerk Jermy Washington.

Mayor Larson – added Item 22L (Amendment to BID 2 Development Agreement) and Item 22M (Donation Policy) to agenda. Motion by Beltran to add Items 22L and 22M to agenda. Seconded by Maffrand. Vote: Aye. Unanimous. Motion passed.

#### **ELECTION OF COUNCIL PRESIDENT:**

Council Member Beltran nominated Michael Hanson for Council President. Hanson accepted nomination. Seconded by Knight. No other nominations. Motion by Knight to cast unanimous ballot. Seconded by Maffrand. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye. Unanimous. Motion passed.

#### **ELECTION OF COUNCIL VICE PRESIDENT:**

Council President Hanson nominated Michael Knight for Council Vice President. Seconded by Beltran. No other nominations. Motion by Hanson to cast unanimous ballot for Michael Knight as Vice President. Seconded by Maffrand. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye. Unanimous. Motion passed.

#### **MAYOR'S CHANGE OF COMMITTEE ASSIGNMENTS:**

Assignment of Committee Meetings and Times. Mayor Larson explained how each year, specific Ward Council Members will switch committee assigned on; this year, Ward 3 Council Members switching committees; Beltran to Finance, Legal, and Public Safety Committee, and Maffrand to Public Works, Planning and Zoning Committee. Mayor Larson explained sometimes only two committee members present at meetings, and potential only one member present and committee could not conduct business; concept of having backup member discussed. Mayor Larson appointed Michael Knight to Finance, Legal, and Public Safety as the backup; Michael as backup to Public Works, and Planning and Zoning; said just in case knowing ahead of time won't have enough present to conduct business. Motion by Hanson to approve all appointments. Seconded by Maffrand. Vote: Aye. Unanimous. Motion passed.

Mayor Larson spoke on rescheduling of Committee meetings; at last Public Works Committee meeting, committee asked about moving to same night other meetings; there was discussion on switching times of two committees if meetings on same night; Hanson said okay moving Finance/Legal to 5 o'clock; Knight said that would give Finance/Legal extra time if needed, to run over into Public Works meeting time. Motion by Knight to move Public Works, Planning and Zoning to the same night as the Council meetings at 6 o'clock, and Legal and Finance same night as the Council meetings to 5 o'clock. Seconded by Maffrand. Vote: Aye. Unanimous. Motion passed.

#### **PUBLIC HEARING:**

Public Hearing to consider for Halfmile, Inc. dba Bandit Speedway, 1611 Highway 14-16, Box Elder, SD 57719 – Retail (on-off sale) Malt Beverage & SD Farm Wine. Track 2 of Speedway Subdivision E1/2 NW1/4 W1/2 of Section 26, T2N R9E of Black Hills Meridian, Box Elder, Pennington County, SD.

Mayor Larson opened public hearing at 7:44 p.m.

Bill Keester (applicant/owner) spoke and commented on 8 years that family ran Black Hills Speedway, never had any issues with any of their malt licenses. He said daughter runs malt beverage part of it and she cards whether looks 30 or 60; said wants record to show that they are very, very serious about

malt license, integral part of speedway but don't take it for granted. He said aware of over-serving situation; but daughter does excellent job with that; wanted everyone to know. City Attorney said reviewed application and everything in order, and nothing that should keep from getting license.

Mayor Larson closed public hearing at 7:46 p.m.

Motion by Knight to approve. Seconded by Maffrand. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye. Unanimous. Motion passed.

### **NEW BUSINESS:**

2019-2020 Retail (on-off sale) Malt Beverage & SD Farm Wine Liquor License Renewals. City Attorney gave background on physical audit conducted with businesses and recommending for renewal. Hanson asked if any problems; Police Chief responded not aware any violations. Motion by Hanson to approve (RB-25416 Love's Travel Stops & Country Stores Love's -Travel Stop #602 Box Elder, 679 Reagan Ave; RB-21617 Love's Travel Stops & Country Stores Love's -Travel Stop #602 Box Elder, 679 Reagan Ave, Love's Travel Stop/Game room, 629 Reagan Ave; RB-25415 J&L Market, Inc - J&L Market, 520 N Ellsworth Rd, #1B; RB-2299 NPC International Inc - Pizza Hut #2768, 102 Ellsworth Rd; RB-25420 Mini Mart, Inc - Loaf "N Jug, 437 Ellsworth Rd; RB-2412 Cimarron Casino, Inc, Cimarron Casino, 224 Frontage Rd; RB-2721 Cimarron Casino, Inc, Cimarron Casino II, 224 Frontage Rd #A; RB-2068 Atlantis LLC – Palms Pub, 1520 Elk Vale Rd #2; RB -2072 Atlantis LLC- Palm Sports Bar, 1520 N Elk Vale Rd #1; RB-2977 M G Oil Co – Flying J Travel Plaza, 4200 N I-90 Service Rd; RB-2743 M G Oil – Truck Stop Lounge, 4300 N 1-90 Service Rd). Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye. Unanimous. Motion passed.

Amendment to BID 2 Development Agreement. CFO explained basically giving indemnification clause to current development agreement. Approved in Legal, Finance, and Public Safety committee. Motion by Hanson to approve. Seconded by Maffrand. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Maffrand-Aye. Unanimous. Motion passed.

Donation Policy. CFO explained donation policy recommended and approved by Legal, Finance, and Public Safety Committee; is donation policy worked on and created by Accountant and approved by Legal Department. Motion by Hanson to approve. Seconded by Knight. Vote: Aye. Unanimous. Motion passed.

### **DEPARTMENT HEAD REPORTS:**

Finance–Nicole Schneider–really successful year with financials; want to recognize Accountant Mandy Morris and thank her for all her hard work.

Planning and Zoning–Ron Koan–had really busy spring, over \$22 million in building permits already issued this year; going to be record year for Box Elder looks like.

Public Safety–Jason Dubbs–welcome to Mr. Maffrand.

### **COUNCIL MEMBERS:**

Council Member Knight–said welcome to new employees, and welcome to Council Member Maffrand; said looking forward to working with him. Mentioned Parks Division's Arbor Day event past weekend in Northern Lights, really great thing City doing; maybe in future get little more publicized; every year plant tree in different park; commented on monthly introduction to parks...asked Human Resources (HR) Clerk if wanted to say more about it.

HR Clerk–Carissa Bauer–Parks Foreman Tyler Steffens worked really hard to put barbecue together; Racheal Jundt helped with coloring contest again for 8th year in a row; had kids out who came from beginning and watched them grow; had great time; Tyler did very well with presentation and how need to keep parks safe and kid-friendly; are going to be publicizing lot more, try get more people into parks, every month want get together each park to discuss City and what will be doing; just way for community to get together little bit more; hopefully during summer months will be lot more at different parks.

Council Member Knight–think it’s great program; want to commend them putting that together; great way get community more involved. He mentioned next one at Creekside.

City Attorney mentioned point of Park Foreman’s speech about getting neighborhoods aware of neighborhood parks, if neighborhood sees parks being maintained, neighborhood will deter some of the vandalism and destruction in parks by watching and reporting to City.

Council Member Maffrand–happy to be here; looking forward to working with everybody and see how City of Box Elder develops.

Council Member Hanson–welcome to Mr. Maffrand, great to have you on Council. Officer Frederick and Chris Mason, thank you very much for coming out tonight, it’s great to see new employees. To Department Heads, would strongly recommend to–have new employees come out. Asked PW Director if planning to work on Boykin Park to drain little bit–PW Director said will have staff down to check on it. Mentioned speeding complaints coming from Bluebird again– Police Sgt. Campbell commented on starting saturation patrols in the Stealth and Bluebird Subdivision and did traffic study with speed trailer last week and will provide information from study soon as compiled..

Council Member Beltran–Freshman Impact Thursday, all welcomed to come out; very inciteful for not only students, but parents and adults as well.

Council Member Hanson said question came up during Finance, Legal, and Public Safety meeting about how Council feels about having food trucks in City; currently under ordinance, not permitted, but could do some sort of permitting. Knight said likes permitting part. Beltran mentioned food trucks here before; PZ Director said allowed on private property, public property is issue. CFO spoke on having a food truck night; mentioned research done in past. Knight said liked idea, but just need controls; lot of parks don’t have lot of room for parking. Mayor Larson said can talk more about and bring something back on how to make happen–give it try during summer.

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

**ADJOURNMENT: 8:00 p.m.**

**Seal:**

**Attest:**

---

**Larry Larson**  
**Mayor**

---

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

## CITY OF BOX ELDER CLAIMS for 05/07/2019

AFLAC	\$	1,580.62
ARCH, KHALIE	\$	192.50
BRANCATO, ROBERT	\$	600.00
CREDIT COLLECTIONS BUREAU	\$	120.00
DELTA DENTAL OF SOUTH DAKOTA	\$	2,596.94
DEPT OF TREASURY- IRS	\$	46,994.29
HEALTH POOL OF SD	\$	35,078.40
OFFICE OF CHILD SUPPORT ENFORCEMENT	\$	133.36
SDRS SUPPLEMENTAL RETIREMENT PLAN	\$	60.00
SECRETARY OF STATE	\$	60.00
SOUTH DAKOTA RETIREMENT SYSTEM	\$	24,054.20
TEAMSTERS LOCAL NO. 120	\$	662.50
VERIZON WIRELESS	\$	1,511.27
ARC INTERNATIONAL, INC	\$	784.61
BAKER HUGHES, A GE COMPANY, LLC	\$	1,111.00
BLACK HILLS BUSINESS SOURCE	\$	1,016.00
BLACK HILLS CHEMICAL & JANITORIAL	\$	5,920.95
BLACK HILLS ENERGY	\$	3,433.51
BOOM CONSTRUCTION	\$	38,781.25
BOX ELDER PROMOTIONS	\$	7,664.00
BOX ELDER TRUE VALUE	\$	30.49
CARQUEST #3951	\$	1,221.39
CASEY PETERSON LTD	\$	15,037.79
CENTURY LINK	\$	52.89
CERTIFIED LABORATORIES	\$	1,182.31
COCA COLA BOTTLING COMPANY HIGH COUNTR	\$	52.00
CORE & MAIN LP	\$	18,281.64
DELL MARKETING L.P.	\$	24,836.48
DEPARTMENT OF LEGISLATIVE AUDIT	\$	330.00
DIESEL MACHINERY, INC	\$	293.14
EPIC OUTDOOR ADVERTISING	\$	1,300.00
FIRST NATIONAL BANK TRUST & INVESTMENT	\$	33,051.25
G & R CONTROLS, INC.	\$	500.00
GALLS, LLC	\$	12.93
GREAT WESTERN TIRE	\$	8.00
HARVEY'S LOCK & SECURITY	\$	516.77
HEAVY CONSTRUCTORS, INC.	\$	86,960.59
INTERSTATE ALL BATTERY CENTER	\$	40.00
JENNER EQUIPMENT COMPANY	\$	1,426.36
JIM'S PRIVATE UTILITY LOCATING	\$	75.00
KTM DESIGN SOLUTIONS, INC	\$	5,736.24
LAKOTA CONTRACTING, INC	\$	129.95
LASTING IMPRESSIONS UNLIMITED	\$	44.00
M&W TOWING	\$	145.00
MDU	\$	527.61

MENARDS	\$	362.03
MISSELT, CHRISTOPHER	\$	308.46
MORRIS, MANDY	\$	192.50
NATHAN GJOVIK	\$	712.01
NORTHWEST PIPE FITTINGS, INC	\$	1,348.35
OFFICE DEPOT	\$	51.64
PLUMBING & HEATING WHOLESALE, INC.	\$	31.12
QUALIFIED PRESORT SERVICE, LLC	\$	72.93
RAPID CITY JOURNAL C/O LEE ENTERPRISES	\$	1,876.80
RAPID CONSTRUCTION LLC	\$	123,301.37
REBECCA DAVIS	\$	281.00
RUNNINGS SUPPLY, INC	\$	9.90
SANDER SANITATION	\$	796.17
SCHNEIDER, NICOLE	\$	281.00
SD DEPT OF REVENUE & REGULATION	\$	21.20
SD ONE CALL	\$	135.45
STAN HOUSTON EQUIP CO	\$	128.00
SUMMIT SIGNS & SUPPLY INC.	\$	1,485.00
SURVIVAL ARMOR, INC.	\$	736.08
TEMPERATURE TECHNOLOGY, INC	\$	142.50
THYSSENKRUPP ELEVATOR CORP	\$	675.00
TYLER TECHNOLOGIES INC	\$	200.00
USA BLUEBOOK	\$	2,766.35
USDA, RURAL DEVELOPMENT	\$	8,182.00
VERMEER HIGH PLAINS	\$	87.09
WARNE CHEMICAL & EQUIPMENT	\$	729.53
WEST RIVER ELECTRIC ASSOCIATION, INC	\$	27,205.59
WESTON ENGINEERING	\$	143,750.26
BLACKWELL, SHERRY	\$	16.68
COMOPISE, JESSICA/CARLOS	\$	66.40
GEFFRE, WILLIAM	\$	32.76
HANSEN, FRANK / EDITH	\$	41.94
HAYERLY, JEFF/TERRI	\$	65.40
HULT HOMES LLC	\$	65.52
LKH PROPERTY MGMT	\$	47.76
MAHER, WILLIAM	\$	16.40
NORDELL/FOUSEK , TRACY/JANIECE	\$	27.79
SNEED, NATE	\$	0.01
TNT HOMES	\$	66.40
TNT HOMES & CONSTRUCTION	\$	2.40
WEGNER, RYAN	\$	0.52
**PAYROLL EXPENSES	\$	188,497.56
<b>TOTAL</b>	<b>\$</b>	<b>868,964.10</b>