

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday, November 17, 2015
7:00 pm – City Council Chambers, 420 Villa Drive, Box Elder

1. Call meeting to order: Mayor Larson called the meeting to order at 7:00 pm.

2. Moment of Silence to honor all fallen soldiers and active duty personnel and to honor and remember those who lost their lives in France.

Pledge of Allegiance

3. Roll Call: Present were: Council members: Scott Allen; Steve Cowley; Doug Curry; Bruce Hegel; and Jeff Hollinshead. Also present were: Police Chief Jason Dubbs; Planning & Zoning Coordinator Ron Koan; Public Works Director Al Todd; Legal Counsel Rex Hagg; and Finance Officer Mystee Lashwood. There were 26 guests present.

4. CITY ATTORNEY: Swearing in of new Ward 3 Council Member – Tricia Weathers.

5. Approve Agenda with executive for legal: Motion by Allen, seconded by Hollinshead to approve the agenda for the council meeting with Executive Session for legal. Vote aye: Unanimous.

6. PUBLIC WORKS/ANIMAL CONTROL DEPARTMENT: To discuss and decide action on customer request for hearing on Animal Control decision regarding dangerous animal. Animal has been deemed unredeemable and has been scheduled to be destroyed. The owners of the animal Thor, Joshua and Elisa Foltz contested the order from the Animal Control Department and the Humane Society. Zach Simmons spoke about his dog Cheyenne and the interaction with Thor. Animal Control Officer Tonya Sabin spoke about her observations on the dog and the different incidents, she stated that he is animal aggressive, but is not human aggressive, but the potential is there for a human to be injured in protecting their animals. Roger Olson stated that his concern with this animal is that if a child is in the vicinity of the dog when another dog is in the same area and there would be a potential for a child to be harmed. After the animal has been deemed dangerous and if another incident happens, the animal is immediately put down. Decision will be held over until after executive session.

Motion by Hollinshead, seconded by Allen to have the animal deemed dangerous, but not euthanized and all of the standards as set forth by the animal control in regards to dangerous animals will be followed. Vote aye: Unanimous.

7. Presentation: Insurance renewal – Don Herrmann Agency.

8. FINANCE DEPARTMENT: Motion by Hollinshead, seconded by Allen to defer to the next meeting the renewal of Insurance. Vote aye: Unanimous.

CONSENT AGENDA: Agenda items 9 through 13 on the Consent Agenda are meant to be approved as a group with a single motion. Questions may be 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.

9. To approve the reading of the November 3, 2015 Common Council Meeting Minutes.

10. To approve Payroll 23 (October 18 to October 31) Total Payroll \$44,277.46; General Government: \$1,353.85 Finance Office: \$1,888.80; General Finance: \$2,522.71; Police Dept: \$20,585.00; PW Street Maintenance: \$4,057.76; PW Animal Control: \$268.66; PW Street Signs: \$294.00; PW Parks: \$2,607.40; Planning & Zoning: \$3,162.61; Planning & Zoning Board: \$200.00; PW Water Production: \$2,415.94; PW Water Distribution: \$4,000.53; PW Sewer Collection: \$920.20.

11. To approve the Claims, Utility deposit refunds, and Hand Checks.

12. To approve renewal of Package (off sale) Liquor license #1613 for Mini Mart Inc dba Loaf N' Jug #449 at 437 N Ellsworth Rd.

13. To approve recommendation from Pennington County on abatement for Chase Manhattan in the amount of \$798.36. Mobile home was moved to North Dakota in 2013 without a moving permit. Pennington County Treasurer has been unable to pursue and declared the 2013 taxes uncollectable.

Motion by Curry, seconded by Hegel to approve Consent Agenda Items 9-13 as presented. Vote aye: Unanimous.

CITY BUSINESS:

14. MAYOR: Motion by Hollinshead, seconded by Allen to authorize a \$50.00 voucher as one of the prizes for the “Shop Local” Promotion – Small Business Saturday November 28th with a drawing to be held December 4th. Discussion on the

city offering up to a \$50.00 voucher towards payment of a water bill. Vote aye: Unanimous.

15. FINANCE DEPARTMENT: Motion by Hollinshead, seconded by Hegel to approve renewal of maintenance agreement with Century Business Products for the printers/copiers and to authorize necessary signatures. Vote aye: Unanimous.

16. PLANNING/ZONING DEPARTMENT: Motion by Allen, seconded by Hegel to award one Emergency Siren Project. Boykin park area project would cost \$43,000. The grant amount is \$29,995 and the budgeted amount for capital improvement is \$15,000. PIE Inc. Vote aye: Unanimous.

17. PLANNING/ZONING DEPARTMENT: Motion by Hollinshead, seconded by Cowley to approve Application for Grading Permit #150152 by Savvy Design Storage located on Liberty Boulevard. Vote aye: Unanimous.

18. PLANNING/ZONING DEPARTMENT: Motion by Allen, seconded by Hegel to approve Application for Minor Plat #150144 by Darrell and Dianna Phillips for Tract 1A and 1B of R/C Subdivision (22477 150th Avenue). Vote aye: Unanimous.

19. PLANNING/ZONING DEPARTMENT: Motion by Allen, seconded by Weathers to approve Resolution 15-36, a resolution to approve plat #150144. Vote aye: Unanimous.

20. PLANNING/ZONING DEPARTMENT: Motion by Allen, seconded by Hegel to approve Application for Minor Plat #150146 by Thunderbird Realty LLC for Lot 76 of Block 1, Thunderbird Subdivision.

21. PLANNING/ZONING DEPARTMENT: Motion by Cowley, seconded by Allen to approve Resolution 15-37, a resolution to approve plat #150146.

22. PUBLIC WORKS DEPARTMENT: Motion by Hollinshead, seconded by Allen to proceed with the testing phase as recommended by LBG (Legette, Brashears, & Graham, Inc) study on Well 7. Vote aye: Unanimous.

23. PUBLIC WORKS DEPARTMENT: Motion by Hollinshead, seconded by Cowley to approve the 20% match for Radar Hill Road repair. Vote aye: Unanimous.

24. FINANCE DEPARTMENT: Motion by Allen, seconded by Hollinshead to change to the lowest bid for cleaning service. Vote aye: Unanimous.

25. DEPARTMENT HEAD REPORTS:

Mayor: Mayor Larson spoke about the potential Radar Hill Rd project to fix and expand the road.

Police: Chief Dubbs gave the statistics report for Nov 3 to Nov 16. He stated that he will be working on policy reviews and revisions. He stated that he ordered the new vehicle for 2016, and it will be ready for pickup around the end of January.

Public Works: Director Todd stated that there is already a change order for the Northern Lights Well project due to the instability of the hill where the staging area is to be for the well project. The traffic light malfunction this morning has been fixed. He stated that the paving of the patches will be done this week. Al stated that he will be retiring December 31st of this year.

Finance: Finance Officer Lashwood stated that the council received copies of the financial report and that the auditor's were here today working on the 2014 audit.

Planning & Zoning: Coordinator Koan stated that there were numerous items cleared up from the FEMA report, there will have to be a variance granted on two items.

City Attorney: No Input.

26. COUNCIL REPORTS:

Allen: No Input.

Cowley: No Input.

Curry: No Input.

Hegel: Stated a welcome to Tricia.

Hollinshead: Welcome to Tricia.

Weathers: Thank you for the appointment and for the vote of confidence.

27. OTHER REPORTS:

Chamber of Commerce: Absent.

Economic Development: Wes Rick stated that they are still working with the individual regarding their loan. He stated that they were discussing with another individual regarding a loan for an automotive repair business, but the property the individual was looking at was too expensive, so they are not sure what he will be doing.

28. CITIZEN INPUT: Mike Hanson congratulated Al for his retirement. He asked about a street light repair. He asked if he could have funding for the Box Elder Bash for 2016 as the Chamber of Commerce is not going to do the bash.

29. EXECUTIVE SESSION: Motion by Hollinshead, seconded by Allen to enter into Executive Session at 9:07 pm. Vote aye: Unanimous.

Out of Executive Session at 9:44 pm.

30. ADJOURNMENT: There being no further business to be considered in front of the Common Council at 9:46 pm, motion by Allen, seconded by Weathers to adjourn. Vote aye: Unanimous.

Seal:

Attest:

Larry Larson
Mayor

Mystee Lashwood
Finance Officer