

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday, September 15, 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. Recognition of a Moment of Silence to honor our fallen soldiers and active duty personnel and the recitation of the Pledge of Allegiance.

3. Roll Call: Present were: Council Members: Scott Allen, Steve Cowley; Doug Curry; Bruce Hegel. Absent were: Council Members: Mark Coatney 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 9 citizens present.

4. Approve Agenda: Motion by Allen, seconded by Cowley to approve the agenda for September 15, 2015 as presented. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

5. EXECUTIVE SESSION: Motion by Allen, seconded by Cowley to enter into an Executive Session for Personnel as per SDCL 1-25-2 Sub 1 and for Legal as per SDCL 1-25-2 Sub 3 at 7:02 pm. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

Out of Executive Session at 7:43 pm.

CONSENT AGENDA: Agenda items 6 through 10 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.

6. To approve the reading of the September 1, 2015 Common Council Meeting Minutes.

7. To approve Payroll 19 (August 23 to September 5) Total Payroll \$46,303.01: General Government: \$1,453.85; Finance Office: \$1,888.80; General Financial: \$2,522.40; Police Dept: \$21,919.04; PW Street Maintenance: \$2,779.96; PW Animal Control: \$368.60; PW Sign Inspection: \$126.00; PW Parks: \$2,874.76; Planning & Zoning: \$3,162.37; Planning & Zoning Board: \$250.00; PW Water Production: \$3,134.27; PW Water Distribution: \$4,024.75; PW Sewer Collection: \$920.20.

8. To approve the Claims, Utility deposit refunds, Loan Payments, and Hand Checks.

9. To approve Business License Application #1657 for Stor-It-All, Jim Berger. This is a storage rental unit facility to be located at 14765 Bus Barn Road.

10. To approve Business License Application #1659 for JB's Learning House, Janessa Bixel. This is a home day care to be located at 779 Radial Lane.

Motion by Cowley, seconded by Curry to approve Items 6 through 10 as presented on the Consent Agenda. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

CITY BUSINESS:

11. FINANCE DEPARTMENT: To discuss and decide action on the second reading of Ordinance #555, 2016 Budget Appropriations. Motion by Hegel, seconded by Cowley to amend the City Administrator to be Finance/City Administrator. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

Motion by Cowley, seconded by Curry to approve second reading of Ordinance #555 2016 Budget Appropriations as amended. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

12. LEGAL COUNSEL: To discuss and decide action on Codification Book for City Ordinances. Discussion on Title 1, 2, 3, 7, and 9, discussion on the repeal of all old ordinances that are obsolete and are no longer needed. Motion by Cowley, seconded by Hegel to approve first reading of Title 1, 3, 7, and 9. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

13. MAYOR: To discuss and decide action on the appointments recommended to the BID Board members as required by Ordinance #528, Article 3. Recommendation of Mary Beth Seamands (LIV Hospitality), Domico Rodriguez (LIV Hospitality), Kayti Ratigan (LIV Hospitality); Carolyn Haddenham (MC Davis/Space International), and Sid Houdek (RDO Equipment). This board is for recommendations only; the board cannot spend the money. Concerns expressed about the expansion of the area of the BID district and then look at expanding the board.

Motion by Allen, seconded by Curry to defer this item to the first meeting in December. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

14. PUBLIC WORKS DEPARTMENT: To discuss and decide action on the Bid Award for Well 5 Construction. Discussion on the bids coming in higher than budgeted and discussion on replacement financing through Rural Development in the fourth quarter. Motion by Cowley, seconded by Curry to award the lowest bids for Northern Lights Water Storage Tank and Well (Madison Well #5) to RCS Construction for \$2,109,861.57 Schedule A and Water System Drilling for \$1,014,630 Schedule B subject to finalizing of the financing requirements of Rural Development. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

15. PUBLIC WORKS DEPARTMENT: To discuss and decide action on the payment of Pay Application 8 to First American Title Company for TIF 3 Public Improvements, Infrastructure Watiki Way in the amount of \$15,271.72. Motion by Cowley, seconded by Allen to approve payment of Pay Application 8 in the amount of \$15,271.72. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

16. PLANNING DEPARTMENT: To discuss and decide action on Sign Application #150104 for Loaf N' Jug at 437 North Ellsworth Road for a digital display sign. Discussion about the sign, this is an on-premise sign only, this will advertise the wares of the business only. Motion by Cowley, seconded by Curry to approve Sign Application 150104 for Loaf N' Jug. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

17. PLANNING DEPARTMENT: To discuss and decide action on amended Conditional Use Permit for Charo Towing LLC at 502 Box Elder Road West. Modifications made to the conditional use permit: 1. the appearance of the property shall be maintained in a neat, skillful, and workmanlike manner; 2. the CUP shall be reviewed at the first meeting in October of each year through 2018 unless otherwise requested by the City; 3. the owner may operate a used car sales with a dealer's license and U-haul rental facility; 4. the owner may operate an Import & Export business, which would allow a maximum of two shipping containers on the property at any one time; 5. the owner, any employee, occupant, any heir or assign will not reside at the business or use it for habitation from this date forward; 6. the owner, any employee, or occupant will not operate a kitchen facility, and will not cook or prepare meals that require ventilation; 7. the Log Cabin Builder who is currently in existence will be able to continue his operation, as noted; 8. the owner will not work or perform duties outside that create excessive noise, light, or disturbance after 9:00 pm (the U-haul drop off and pick up activity is exempted from this limitation. Motion by Hegel, seconded by Cowley to approve the amended Conditional Use Permit for Charo Towing and authorize Legal Counsel Hagg to amend the affidavit to reflect the amendments. Vote aye: Cowley, Curry, and Hegel. Abstain: Allen. Absent: Coatney and Hollinshead.

18. PLANNING DEPARTMENT: To discuss and decide action on Flood Plain Development Permit Application #150112 for T-Mobile for an equipment platform at 550 Box Elder Road West. Discussion on the location of the platform. Motion by Allen, seconded by Cowley to approve as presented. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

19. PLANNING DEPARTMENT: To discuss and decide action on Resolution 15-22; Annexation of the old Vandenberg School at 600 North Ellsworth Road. Discussion on responsibilities for the City. Motion by Cowley, seconded by Hegel to approve Resolution 15-22. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

20. PLANNING DEPARTMENT: To discuss and decide action on Resolution 15-23, vacation of a non-access easement on the west side of 534 Morgen Road. Discussion on the location of the garage versus the location of the easement. Motion by Curry, seconded by Cowley to approve Resolution 15-23. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

21. PLANNING DEPARTMENT: To discuss and decide action on Resolution 15-24, vacation of a portion of a 6 foot Utility and Minor Drainage Easement for a connection located in between Residence Inn & Watiki Water Park. Discussion on the need for an access between the Residence Inn and the water park. Motion by Allen, seconded by Curry to approve Resolution 15-24. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

22. PLANNING DEPARTMENT: To discuss and decide action on Resolution 15-25, vacation of a portion of a 10 foot Utility and Minor Drainage Easement for a connection located in between Residence Inn & Watiki Water Park. Motion by Cowley, seconded by Hegel to approve Resolution 15-25. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

23. PLANNING DEPARTMENT: To discuss and decide action on Preliminary Plat Application #150056 for Phase 2B of Cheyenne Pass Subdivision. Discussion this is an expansion of the subdivision to the west end on Cheyenne Boulevard. Motion by Curry, seconded by Hegel to approve Preliminary Plat Application 150056. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

24. PLANNING DEPARTMENT: To discuss and decide action on Final Plat Application #140127 for MGB Properties LLC for townhomes located on Bear Tooth Drive. Discussion. Motion by Curry, seconded by Cowley to approve Final Plat Application 140127. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

25. PLANNING DEPARTMENT: To discuss and decide action on Resolution 15-26, a resolution approving a plat for MGB Properties LLC for townhomes location on Bear Tooth Drive. Motion by Cowley, seconded by Curry to approve Resolution 15-26. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

26. DEPARTMENT HEAD REPORTS:

Mayor: Mayor Larson stated that the dedication ceremony for Vandenburg School has been changed to October 2nd at 4:00 pm.

Police: Chief Dubbs gave the statistics report for Sept 1 to Sept 14. He spoke about the upcoming training for the department. He also spoke about the grants that were awarded to the department, one from the Department of Justice in the amount of \$4,760 for bulletproof vests; one from the Office of Homeland Safety for Enforcement in the amount of \$16,500 for overtime enforcement; \$26,000 for media saturation, the billboard will be moved to Interstate 90. They also received \$8,700 for equipment that will be used to purchase five in car cameras.

Public Works: Director Todd mentioned about short staffed. He said Mike may be back home in November, but don't know when he will be back to work. They have an interview on Monday for another employee.

Finance: Finance Officer Lashwood stated that she handed out the finance report and if anyone had questions, to please ask.

Planning & Zoning: Coordinator Koan spoke about the SDEDA meeting and stated that they spoke about being a good steward to property that they have purchased. He stated that SDEDA has purchased a trailer park on Line Road and the residents were notified that they have until September of next year to vacate the properties. He spoke about the meeting he had with FEMA on the floodplain on Highway 14/16 and how some changes will need to be made to the property on the west end to move the properties out of the floodway. He spoke about the Seger Crossing area and how the State is looking to purchase the right of ways to change the layout of the exit and also to extend Mall Drive to the east. He stated that he will be out of the office September 18 to September 29. Jerrold Kermmoade asked about the property across the street from him which was purchased by SDEDA and what they are doing with it. PZ Coordinator Koan stated that he will look into the issue and get in touch with Mr. Kermmoade with an answer.

City Attorney: No Input

27. COUNCIL REPORTS:

Allen: Allen stated that Council Member Coatney has resigned his position and asked that anyone interested in the seat should submit a letter of interest to the Mayor or a Council Member.

Cowley: No Input.

Coatney: Absent.

Curry: No Input.

Hegel: Hegel stated that Jane Maine misses everyone and is hoping to be back within the next two weeks. He also stated that Curt Meier had an accident and is currently in the hospital.

Hollinshead: Absent.

28. OTHER REPORTS:

Chamber of Commerce: Denise spoke about current membership is up to 47 members. She stated that they had a morning time mixer that went well. She stated that they have an upcoming mixer to be held at Antelope Ridge on October 8th. She stated that Habitat for Humanity is having an event on September 26th also to be held at Antelope Ridge who are hosting the event. She stated that there will be an open house at Vandenburg School on October 1st. She also stated that the grand reopening of Gizzi's Coffee went very well.

Economic Development: Wes stated that they are still in negotiations with the agreement.

29. CITIZEN INPUT:

Willie Kermmoade stated that something needs to be done about the dogs at large on Line Road. She stated that there are three dogs that keep coming on her property and threatening her and her husband Jerrold. She stated that next time the animals are on her property and threatening them, they will be shot.

Frank and Edith Hansen asked about the alley on Fairbanks and Iditarod and when it will be taken care of. PW Director Todd stated that this issue is on the list to be repaired.

30. ADJOURNMENT: There being no further business to be considered in front of the council at 8:47 pm, motion by Allen, seconded by Cowley to adjourn. Vote aye: Allen, Cowley, Curry, and Hegel. Absent: Coatney and Hollinshead.

Seal:

Attest:

Larry Larson
Mayor

Mystee Lashwood
Finance Officer