

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday, September 17, 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 Matt Naasz, Council Members Dawn Beltran, Michael Hanson, Michael Knight, and John Talich.

Also present were City Administrator/ Chief Finance Officer Nicole Schneider, Police Chief Jason Dubbs, Community and Economic Development Director Blaise Emerson, Public Works Director Bob Kaufman, Accountant Mandy Morris, and City Clerk Jeremery Washington.

Mayor Larson removed item 7A [World Habitat Day Proclamation] and said will put on agenda next month.

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

PUBLIC COMMENT:

Leroy Hix – 311 Willow Drive – Mr. Hix said what you do when see somebody about to rob place or damage property, of course call police. He said in his particular situation, when Nathan was there to drop first load of gravel, he told Nathan that he cannot take and put gravel on road, will build up road and flood him out, and he said Nathan went ahead and dropped it and said plenty of time to worry about this later on. Mr. Hix said he went to Mayor Larson who was sitting with Mr. Percival at American Legion and said they're going to flood him out. He said Mr. Percival come over and said he need talk to Planning and Zoning, so he did. He said it keeps escalating, what does he do next, he called everybody talk to everybody; he has problem here– he know it's going to happen; when flood came, he said hey Nathan, getting flooded, need do something; he said Nathan said call Dean; Mr. Hix said Dean said he had lot other things worry about besides him; he said after that, Dean never answered phone, so here he is. He asked what can he do but try drain the water out of his garage, so that what did, so opened up road to let water drain out. Mr. Hix said to him what so upsetting is how protect yourself from City.

Cyle Thorstenson – 1005 Bennington Drive – said like to comment crime rate continues to escalate and he think can be contributed to the efficiency apartments that approved by city while back. And as of today had another incident today house was burglarized in daytime just after 12 o'clock. And the way he feels about it as homeowner, how can city allow apartments to be built when these people have no interest in the property the neighborhood or anything else. All they do is pay rent and see what else happens. And a lot of the neighbors feel the same way, where the only thing these apartments bring is lot of riffraff and people that don't respect what's going on out there something need change. When he first brought property those apartments were not there, and he was under impression that city wanted to be a very nice, clean residential community; he asked how can this continue to be with the apartments there and the way the neighbors feel about security. He said lady on Trenton mentioned she had shed in backyard where she keeps finding items that being used to try to break into her shed; found wires with loops and various items back there and nobody sure when it's going to end. He said another neighbor mentioned heard that police have made various drug arrest, also including possible items such as mushrooms growing, and if continues where will and; he said he has privacy fence around yard and still don't think it's enough, and if he would known this coming into it, he think would have bought property somewhere else, because not intention to

move into area that was not fully residential; something needs to be addressed, and he also heard went apartments first brought in, did not meet minimum square footage for dwelling, so were reclassified as efficiency apartments to get by all loopholes in place; with that being the case, to some extent he blames city and Council for allowing this type of community to become established, and he looks to them to figure out what going to do for solution; one potential option would be if this is rental community, perhaps landlord should look at doing further background checks, and/or vetting persons living in neighborhoods that also has growing number of children; so need to look at how safe of environment want area to become long-term with next expansion projects in near future. He said a lot to evaluate and hopefully city can come up with answer or solution to problem, because it continues to get worse as time progresses, and reputation of area is going down all the time; he said when people ask what he like about area, he said kind of hard to say he enjoys living out there when crime rate continues to increase.

COUNCIL COMMITTEE REPORTS:

A. FINANCE, LEGAL, AND PUBLIC SAFETY

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

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

B. PUBLIC WORKS, PLANNING AND ZONING, AND COMMUNITY AND ECONOMIC DEVELOPMENT

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

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

CONSENT AGENDA:

Motion by Hanson to approve Consent Agenda Items A – D; (September 3, 2019 Council Minutes; Claims List; Second Reading of Ordinance 627 – 2020 Budget; Approve Installation of Snow Hoods for Condenser Units on City Hall Roof.). Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

INFORMATION ITEMS:

Results of Well #3 (Patriot Tank) Testing for PFOS. Public Works (PW) Director said when found out about contamination off of 151st Street, thought came up maybe check well to see if had any contamination; took samples, sent in, came back negative. No action taken.

OLD BUSINESS:

First Reading of Ordinance 628 – Amendment to the Zoning Regulation. Community and Economic Development (CED) Director explained difference between permitted uses and conditional uses; he explained conditional uses go with property and commented on some things conditional uses look at, such as traffic, nuisances–odors, noise, dust, those type of things, potential impacts on water and sewer systems and adjoining properties and development of those properties, whether devalues property values in area, water drainage, how does that get impacted onto neighboring properties; also look at hours and

days of operation, and lighting requirements; he said environmental concerns are addressed through the state because state regulates (e.g. dust control, noise, stormwater drainage, fumes, and odor); and truck access/routing requirements depending on where site located. He said site-specific criteria looking at or conditions might be putting on. Beltran asked about choosing which stipulations to permit; CED Director clarified can be different depending on location and surrounding land uses; he added this gives permission to allow them to come in under light industrial as a conditional use, does not guarantee them that approval would happen, it just means allowed to make application to go to public hearing process, which ultimately comes back to Council. Motion by Hanson to approve first reading. Seconded by Knight. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

NEW BUSINESS:

Approve Mayor to Sign Agreement for Water Utility Rate Study with AE2S in the Amount of \$37,959. Chief Finance Officer (CFO) gave overview of analysis and purpose; looks at every aspect of what allows City to run water. Hanson said not topic any one of them take lightly, it's important for City to have bonafide study of water rates and how much actually cost City to produce water, and how much city brings in; he said cannot spend more than what bring in. CFO said water fund in critical state and there have been chronic water breaks throughout city; she commented on good job of public works crew putting together visual that showed amount of water breaks, and disturbing how many red marks were along the water lines in the city; she said that is absolutely not normal and is signs of a failing water system, and with amount of expenditures that have occurred this year, and having to incur expenses that city not budgeted for had major impact on fund; if culminate that with season that had and not touching base water rates for over 30 years, creates perfect storm and we're in it; so got figure out how get out of it. Motion by Hanson approve the Mayor sign the agreement with AE2S to if for the water utility rate study. Seconded by Talich. Roll Call: Beltran-Aye; Hanson-Aye; Knight-Aye; Talich-Aye. Unanimous. Motion passed.

First Reading of Ordinance 629 – Rezoning of Lots 6-8 Less Right-of-Way all of the Subdivision of Section 19 in Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD from Residential to Highway Service and Lot 5 less Right-of-Way all of the Subdivision of Section 19 in Section 19, T2N, R9E, B.H.M., Box Elder, Pennington County, SD (Box Elder Road between Gumbo and South Gate) from Commercial to Highway Service. CED Director said rezoning request for four lots that along Box Elder Rd; far eastern lot zone commercial, remaining three lights zoned residential; applicant wishing to rezone all to Highway service. He mentioned one issue with property is front 1/3 property in floodway, that would not allow a structure to go on, but parking lot and those type things could go into that floodway area; north portion of lot structure can be located; staff recommendation to approve rezoning and planning commission also concurs with that recommendation. Motion by Hanson to approve. Seconded by Knight. Vote: Aye. Unanimous. Motion passed.

First Reading of Ordinance 630 – Rezoning of Lot 6, Block 3, Northern Lights Subdivision, located in Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota from General Commercial to GR-3 Mixed Use Residential. CED Director gave overview, explained location and described property; he said to look at based on future land use plan and neighboring properties; property pretty much hillside, dirt being moved over to mall drive project to be used as fill-in, will level out the area; ultimately, powerlines will get lowered; staff recommends approval and planning commission concurs with that recommendation. Discussed lot size/dimensions; CED said not normal shape lot—it is triangular-shaped; he said need have formal discussion on Northern Lights on how much more building to allow up there before no more building out there. Motion by Beltran to approve. Seconded by Talich. Vote: Aye. Unanimous. Motion passed.

Approve Resolution 19-19 – Annexation of Tract 1B of R/C Subdivision in Section 8, T2N, R9E, B.H.M., Box Elder, Meade County, SD (off 150th Avenue). CED Director gave background on adding properties to City water system, Council approved because contamination of PFOS on wells; one condition of that approval to hook to city water was to annex to city; he explained parcel location, said in process of making connection and this is annexation of that property to bring into compliance; planning commission and staff both recommend approval of annexation. Motion by Hanson to approve. Seconded by Talich. Vote: Aye. Unanimous. Motion passed.

DEPARTMENT HEAD REPORTS:

Finance – Nicole Schneider – want to talk about the Salute; staff did fantastic job, the Mayor and wife Sandy did outstanding job of organizing–putting together and raising over \$16,000 for City to have the event–it was a smash; went from 700 people to over thousand this year, and think it will only keep on growing; so just want to thank everybody for their hard work in attendance, was tough being out there in that heat; but were there and talking to citizens and want them to know how much appreciates it.

Mayor Larson said the planning of it take some time, but would it happen without lot of work from Public Works, so make sure let them know that really appreciate all the time they put in the week before, getting things ready, picking things up, taking things down, and getting things back to where they belong; and of course all the other employees that helped, because that made it possible to have, so thank you.

Community and Economic Development – Blaise Emerson – just update for Council, last meeting had authorized Mayor to sign purchase agreement for 22-acre parcel for Community Park, that has been worked on over the last week, hopefully this week will be at title company making that exchange; within agreement there was donation required from Magic Mountain LLC, which is the Scull development group, they made that donation to City last week so have that in coffers of \$40,000; with that going on talked to Mayor about getting task force or group put together to really talk about how want that area to develop for Community Park, and bring some ideas from the community forward on that; will be hearing more on that in near future.

Public Works – Bob Kaufman – want to say special thanks to Public Works staff because they did put a lot of effort into set up, and probably even more effort to get things tore down get things cleaned up. Other thing is drainage channel cleaning project started.

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

ADJOURNMENT: 7:36 p.m.

Seal:

Attest:

**Larry Larson
Mayor**

**Nicole Schneider
City Administrator/Finance Officer**

CITY OF BOX ELDER CLAIMS for 09/17/19

AFLAC	\$	1,131.45
CREDIT COLLECTIONS BUREAU	\$	60.00
DELTA DENTAL OF SOUTH DAKOTA	\$	1,591.21
DEPT OF TREASURY- IRS	\$	27,080.49
FIRST AMERICAN TITLE COMPANY OF SD	\$	44,076.52
HEALTH POOL OF SD	\$	19,046.10
LABINE, JESSE	\$	64.50
MASON, CHRIS	\$	64.50
MERRILL, DANIEL	\$	64.50
NEW YORK LIFE	\$	255.00
OFFICE OF CHILD SUPPORT ENFORCEMENT	\$	66.68
SD DEPT OF REVENUE & REGULATION	\$	15.00
SDRS SUPPLEMENTAL RETIREMENT PLAN	\$	30.00
SDWWA	\$	420.00
SOUTH DAKOTA RETIREMENT SYSTEM	\$	13,802.59
TEAMSTERS LOCAL NO. 120	\$	344.00
A&T CONSTRUCTION, LLC	\$	11,403.35
AMERICAN WATER WORKS ASSO	\$	3,290.00
BITUMINOUS PAVING, INC.	\$	210,105.40
BLACK HILLS AMMUNITION	\$	4,630.00
BLACK HILLS BUSINESS SOURCE	\$	4,467.72
CARQUEST #3951	\$	414.60
CENTURY BUSINESS PRODUCTS, INC	\$	1,278.44
CITY OF RAPID CITY	\$	751.73
COCA COLA BOTTLING COMPANY HIGH COUNTR	\$	52.00
CORY'S TRI-STATE TIRE FACTORY	\$	2.33
DAKOTA PUMP INC	\$	382.65
DUBBS, JASON	\$	10.53
ELEVATE RAPID CITY	\$	50,000.00
EPIC OUTDOOR ADVERTISING	\$	450.00
EUROFINS EATON ANALYTICAL, LLC	\$	250.00
FERBER ENGINEERING COMPANY	\$	28,927.50
GOVERNORS INN	\$	77.00
GREAT WESTERN BANK	\$	30,287.38
GREAT WESTERN TIRE	\$	40.45
GUNDERSON, PALMER, NELSON, & ASHMORE L	\$	18,661.93
HAGEN GLASS, WINDOWS & SIDING, INC.	\$	717.67
HEAVY CONSTRUCTORS, INC.	\$	328,404.74
HIGHMARK, INC	\$	14,189.94
JENNER EQUIPMENT COMPANY	\$	290.91
JOHNNY SUNDBY PHOTOGRAPHY, INC.	\$	696.50
KT CONNECTIONS, INC	\$	12,216.61
KTM DESIGN SOLUTIONS, INC	\$	7,534.04
LARSON, LARRY	\$	169.41
LOVE'S TRAVEL STOPS & COUNTRY STORES,	\$	6,338.64

MATHESON TRI-GAS INC dba LINWELD	\$	220.48
MICK'S ELECTRIC, INC	\$	137.76
MIDCONTINENT COMMUNICATIONS	\$	551.57
MIDCONTINENT TESTING LABORATORIES, INC	\$	685.00
PEYROT, DUANE	\$	176.49
PITNEY BOWES INC	\$	9,562.28
PLUMBING & HEATING WHOLESALE, INC.	\$	318.20
POWERPLAN OIB	\$	218.43
QUALIFIED PRESORT SERVICE, LLC	\$	664.22
QUINN CONSTRUCTION, INC	\$	11,785.86
RAPID CITY JOURNAL C/O LEE ENTERPRISES	\$	411.67
RECORD STORAGE SOLUTIONS	\$	187.84
REMBOLT ENTERPRISES INC.	\$	4,387.20
SD ONE CALL	\$	449.40
SERVALL UNIFORM & LINEN SUPPLY	\$	358.65
SKILLPATH SEMINARS	\$	149.95
SUMMIT ESP, LLC	\$	17,477.84
TRUGREEN LIMITED PARTNERSHIP	\$	965.00
US BANK VOYAGER FLEET SYSTEMS	\$	2,024.83
USDA, RURAL DEVELOPMENT	\$	8,182.00
WEX BANK	\$	1,195.45
ZUERCHER TECHNOLOGIES, LLC	\$	375.93
AMARAL, ERIC/TONYA	\$	114.98
ANDERSON, NICHOLE	\$	76.18
BILLUPS, DEMETRIUS	\$	96.95
BONNETT, JOHN	\$	32.36
BOOM CONSTRUCTION	\$	51.24
BUTLER, DONALD/MADLINA	\$	66.40
CLIFF/GALLIGO, ALEC/ELIZABETH	\$	16.28
DENNIS, BETHANY HOPE	\$	17.36
DENNIS, RODDY	\$	28.66
EDWARDS, JASON	\$	86.40
ELLEFSON, DANIEL	\$	51.41
GOURLAY, ROSS	\$	35.50
GRINNELL, VERNON	\$	18.65
HOLLOWAY, JOSEPH/CECELIA	\$	78.82
HULT HOMES LLC	\$	32.76
JAKOBER, JEFF	\$	10.97
KROOHTA, ZACHARY/MONTANA	\$	26.71
LIND-EXCO INC	\$	2,483.20
MACKAY, AMBER/STEPHEN	\$	29.90
NARAYAN/HORNER , KATHELINA/RAN	\$	29.30
O'LONE, JUSTIN/LISA	\$	85.49
OLSON, DONNA	\$	33.76
PROFESSIONAL EXCAVATING	\$	2,405.18
PULIS CONSTRUCTION	\$	33.76
PULIS CONSTRUCTION INC	\$	33.76

RADFORD, JOSHUA	\$	7.28
SMITH JR, DARRELL	\$	42.70
SMITH, STEPHANIE	\$	38.14
SPEICHER, JONATHAN	\$	17.48
TNT HOMES & CONSTRUCTION	\$	83.76
TOOKER, TERRIE	\$	55.50
VERSATILE CONSTRUCTION CO LLC	\$	33.76
WAGER, CHRIS	\$	35.92
WARD, GINNY	\$	16.46
**PAYROLL EXPENSES	\$	110,033.95
TOTAL	\$	1,020,980.99