

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES  
Tuesday, September 4, 2018  
7:00 pm Regular Meeting – City Council Chambers, 420 Villa Drive, Box Elder

Meeting was called to order by Mayor Larson at 7:04 p.m.

Roll call was taken. Present were Mayor Larry Larson, City Attorney Kristi Vetri, Council Members Scott Allen, Dawn Beltran, Steve Cowley, Michael Hanson, Michael Knight, and via telephone–Rick McPherson.

Also present were Police Department Sergeant Josh Campbell, Assistant Public Works Director Nathan Gjovik, Planning and Zoning Director Ron Koan, City Administrator/Finance Officer Nicole Schneider, Accountant Mandy Morris, and City Clerk Jermerly Washington.

Mayor Larson – Change to agenda; Consent Item G (Damview Water Service Line) moved to New Business as Item G. Additions to agenda; Add Item H (Becky Noble); Add Item I (Municode Contract).

Motion by Hanson to approve Order of Business with changes, Seconded by Cowley. Vote Aye: Unanimous.

PUBLIC COMMENT – Jane Maine – commented that she is thinking about retiring from the Event Center after remodeling is complete.

#### COUNCIL COMMITTEE REPORTS

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

Michael Hanson, Steve Cowley, and Rick McPherson

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

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

##### B. PUBLIC WORKS AND PLANNING AND ZONING

Michael Knight, Scott Allen, and Dawn Beltran

Motion by Hanson to Accept Public Works and Planning and Zoning Committee Report. Seconded by Cowley. Vote Aye: Unanimous. Motion passes.

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

#### CONSENT AGENDA

Motion by Hanson to Approve Consent Agenda Items A-L with the removal of Item G to New Business. Seconded by Cowley. Roll Call Allen- Aye; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Absent; Cowley-Aye. Motion passes.

#### INFORMATIONAL ITEMS:

#### REPORTS FROM BOARDS AND/OR COMMISSIONS:

#### UNFINISHED BUSINESS:

## NEW BUSINESS:

Motion by Hanson to approve 1st reading of Ordinance #607, Public Works Surplus Property. Seconded by Knight. Roll Call Allen- Aye; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

Motion by Cowley to approve 1st reading of Ordinance #608, Zoning Map changes to Lots A, B, & C of Block 1, Fox Borough Subdivision from Residential to Residential Mix Use (GR-3). Seconded by Hanson. Roll Call: Allen- Aye; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

Motion by Hanson to approve 1st reading of Ordinance #609, Zoning Map changes of Tract A, Skyway Subdivision from Commercial to Residential Mix Use (GR-3). Seconded by Cowley. Roll Call: Allen- Aye; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

Ordinance #610, 2019 Budget discussed. Finance Officer – Nicole Schneider – (BID 2) pass through has been added to budget. Council Member Allen questioned 1st Floor remodel. Hanson stated on remodeling is budgeted from BBB funds; Allen asked if BBB funds could go towards other things (e.g. sidewalks). Finance Officer commented on location in Budget Binder(s) and clarified that BBB does not cover sidewalks, BID does. Discussed and reviewed statutory language in Budget Binders. Public Comment – Bruce Hegel –questioned how City Hall fits in description of allowable funding. City Attorney spoke on statutory language and made further clarification. Remodeling amounts discussed; \$84K for City Hall, \$62.2K to Event Center, \$63.5K to Police Department, \$76K for 1st Floor sprinkler system (no sprinkler system presently installed). Hanson voiced concern over no sprinkler systems available for location of servers. Police Department access (access door/hallway connecting both departments) to City Hall discussed. Motion by Hanson to approve Budget as is. Seconded by Cowley. Roll Call: Allen-Nay; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

City Attorney discussed changes to Memorandum of Understanding with BEED and HalfMile LLC, environmental issues, fencing/security, and possible land swaps. Hanson questioned if motion tonight will approve MOU. City Attorney clarified that approval will allow parties to move forward to get deed and survey done, then get closed. Allen questioned if Keester was okay with changes and commented on Keester not liking shrinkage in size of land area. Public Works Director – Ron Koan – and City Attorney clarified that Keester has copy of MOU and Cowley commented that Keester didn't like the shrinkage but was okay with it. Hanson stated that as of Friday afternoon at 1:57 p.m. (August 31, 2018), Mr. Keester commented on good start to plan that works for everyone. McPherson stated that Keester contacted him as well with same information, and Cowley mentioned that Keester contacted him Saturday morning with the news. Motion by Hanson to move forward. Seconded by McPherson. Roll Call: Allen-Nay; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

Council Member Allen commented that entire Council, including Mayor—and all Aldermen, to sit down and fix Code of Conduct, without being bounced around through committees. Code of Conduct adoption and amendments discussed and comparisons with other City Governments made. McPherson commented that wording be changed from “May” to “Shall” in some areas. Allen commented that Code of Conduct has no due process and other issues and should be gone over, and not just by a few hand-selected people. Motion by Allen that Committee consists of Aldermen and Mayor only, to discuss changes to the Ethics Policy. No Second. Motion dies for lack of a Second. Motion by McPherson to discuss/review Ethics Policy at Quarterly Workshop Meeting with everyone in-place. Seconded by Beltran. Roll Call: Allen-Abstained from vote; Beltran-Aye; Hanson-Nay; Knight-Nay; McPherson-Aye; Cowley-Nay. Ayes: 2; Nays: 3; Abstain: 1. Motion fails.

Water service line on Damview discussed. Assistant Public Works Director – Nathan Gjovik – gave overview and explanations on proposed water line and 500' length run, meter location, potential fire hydrant locations and potential future development/growth to east, future plans for larger water main, upgrade costs for 6" line, and specifics on costs to City. Public Comment – Tony Marshall – commented on possibility of being better off securing private easement through one of the neighbors along back property line which will shorten length quite a bit and revisit topic at later time. Allen commented on differences between estimates for City and private estimates. Hanson commented that Council will be happy to revisit if/when Marshall provides estimates.

Discussed City support of citizen Becky Noble. Council Members Hanson and Knight gave overview of Para-Trap Shooting competition and how Ms. Noble is 1 of 4 members selected for the U.S. Motion by Hanson to have City staff go forward and plan send-off party with limit of \$500. Mayor to proclaim "Becky Noble Day" on Sept. 29th. Seconded by Cowley. Roll Call: Allen-Nay; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

Municode Codification discussed. City Attorney gave background of City ordinance/resolution issues and gave overview of Municode codification, the Municode proposal, and payment options; asked Municode about discount if one-time payment made. Funds in 2018 Legal Budget. Motion by McPherson to approve Municode contract for \$13,200.00 and ask for upfront discount payment discount. Seconded by Hanson. Roll Call: Allen-Nay; Beltran-Aye; Hanson-Aye; Knight-Aye; McPherson-Aye; Cowley-Aye. Motion passes.

#### DEPARTMENT HEAD REPORTS:

Planning and Zoning – Ron Koan – Scull Construction starts work on Skyway Subdivision upcoming weekend. Will be "No Thru Traffic" signs up from Briggs to Ellsworth Rd. but will be back open by Monday for school buses, etc.

Public Works – Nathan Gjovik – Grass-cutting contractor started last week. Clarified operator training/certification trying to develop operators.

Legal – Kristi Vetri – discussed comparative market analysis proposal from Tammy Ackerman for Bandit Racetrack. Gave overview on Wagon Wheel residents on water distribution system; meeting went well, looks like consensus to annex and participate in assessment district. Public Works Director to get plans and estimates drawn up. Second meeting to present information.

#### COUNCIL MEMBER REPORTS:

Council Member Beltran commented on gravel street (Elm) not having dust control like Damview does. Residents asked if re-graveling work was done because considerable drop on their driveways.

Assistant Public Works Director – Nathan Gjovik – also commented that old Public Works shop is going away soon. Have quotes on that work and within month, shop will be gone.

Council Member Hanson reported South Gate Rd (Commercial Gate), heading eastbound on Box Elder Road there is cottonwood tree growing in ditch, very hard to see southbound traffic coming from the base. Also, on Box Elder Road, at intersection of Box Elder Road and Ellsworth Road, large pothole that is developing.

Mayor Larson commented on Salute to Ellsworth being close and handed out updated flyers. Council Member Beltran commented on Salute to Ellsworth on Facebook. Discussion on firetruck display at Salute to Ellsworth for kids and potentially using display to be part of strongman/woman competition.

Motion by Hanson to adjourn. Seconded by Cowley. Vote: Aye: 5; Abstained: 1. Motion carries.  
ADJOURNMENT: 8:31 p.m.

**Seal:**

**Attest:**

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**Larry Larson**  
**Mayor**

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

| <b>Claims for 9/4/18</b> |                                   |                     |   |
|--------------------------|-----------------------------------|---------------------|---|
| <b>#</b>                 | <b>VENDOR</b>                     | <b>AMOUNT</b>       | <b>DESCRIPTION OF SERVICES RENDERED</b>   |
| 1                        | Ace Steel & Recycling, Inc        | \$602.15            | New Bed for 101-015, Medium Dump Truck  |
| 2                        | Arc International, Inc            | \$8,082.00          | PW Building & City Hall Remodel through July 2018   |
| 3                        | Auto Body Specialties, Inc.       | \$287.92            | Shop Tools/Paint Spray Gun Kit  |
| 4                        | B.Y.R.S Lawn Care                 | \$1,462.50          | Nuisance Lawn Mowing: 436 Line Rd, 246 Freheit Lane,  |
| 5                        | BERS, LLC                         | \$1,160.00          | Rubble Site Fees-Yardwaste  |
| 6                        | Black Hills Energy                | \$3,910.23          | Utility Billing July/Aug 2018   |
| 7                        | Border States Electric Supply     | \$790.49            | Ball Valve Lockouts   |
| 8                        | Bound Tree Medical                | \$3,069.67          | Medical Safety Equipment; Defibrulator, AED   |
| 9                        | Century Link                      | \$52.82             | Phone Sec. Bandit Ball  |
| 10                       | Contractors Supply Inc            | \$603.81            | Ear Plugs, Masks, Vests, Hard Hats  |
| 11                       | Dakota Pump                       | \$6,862.00          | Booster Pump Station Repairs  |
| 12                       | Denny Menholt Chevrolet           | \$67.06             | General Maint. CTY8002  |
| 13                       | Fed-Ex                            | \$6.65              | Handling Charges-PD Package   |
| 14                       | Hawkins                           | \$469.75            | Water Treatment Chemicals   |
| 15                       | Kiesler's Police Supply, Inc      | \$815.00            | New Patrol Rifle  |
| 16                       | KT Connections                    | \$1,345.00          | Plantronics Headsets, Interactive Phone Liscense  |
| 17                       | L-3 Com Mobile-Vision, Inc.       | \$2,708.00          | New Microphone for City8312, Bodyvision and Software, Mobile Vision in Car System, Extended Maint. Agreement      |
| 18                       | Larson, Larry                     | \$719.91            | Salute to Ellsworth Banners   |
| 19                       | Lighting Maintenance Co           | \$9,000.00          | New Bases Exit 61/Ramp Exit/Elkvale   |
| 20                       | Love's Travel Stops & Conv.       | \$6,813.95          | Fleet Fuel 7/30/18-8/28/18  |
| 21                       | Misselt, Christopher              | \$444.60            | Travel Reimbursement: Marksmanship Training   |
| 22                       | NASASP                            | \$39.00             | Associate Membership 10/1/18-10/1/19  |
| 23                       | Plumbing & Heating Wholesale, Inc | \$95.94             | Brass Bushings, Midget Tubing   |
| 24                       | Scull Construction Service Inc    | \$15,000.00         | City Hall 2nd Floor Completion  |
| 25                       | SD One Call                       | \$187.60            | Utility Locate Expenses July 2018   |
| 26                       | Sign Solutions                    | \$600.00            | City Hall 2nd Floor Signage   |
| 27                       | Sonnel Technolgies, LLC           | \$763.00            | Repair/Hardware CTY8137, Maint/Hardware CTY8002   |
| 28                       | Sultry Shimmy, LLC                | \$150.00            | Salute to Ellsworth Performance   |
| 29                       | Traffic Services Company, LLC     | \$17,252.78         | 2018 Street Striping PWS4-2018  |
| 30                       | West River Electric Association   | \$28,331.51         | August 2018 Electric  |
| 31                       | Western Communications, Inc.      | \$3,387.68          | Well Repairs, Antena, MV Radio  |
|                          | <b>SUBTOTAL</b>                   | <b>\$115,081.02</b> |   |
|                          | <b>Purchasing Card</b>            |                     |   |
| 32                       | Absolute Cleaning                 | \$770.00            | Cleaning Services Sept 2018- 7 days   |
| 33                       | Amazon.com Services, Inc          | \$503.35            | Ink, Phone Chargers, Adaptor Cord for Speed Trailers, Table covers, Glow Sticks for Salute to Ellsworth           |
| 34                       | Black Hills Community Economic    | \$100.00            | 2018 Membership Investment  |
| 35                       | Box Elder True Value              | \$126.34            | Ratchet Tiedown, Paper Towels & Holder, Trashbags, Ties for Snow Fence, Pipe Plug/Sealant                         |
| 36                       | Core & Main LP                    | \$19,801.44         | Check Valve, SS Band, Coupling, Northern Lights Meter Pit, Smart Point Meters, Copper Tube, Hydrant Extension Kit |
| 37                       | Crestline Specialties, Inc.       | \$1,163.96          | Meal Tokens & Tumblers for Salute to Ellsworth  |
| 38                       | Ditch Witch of South Dakota       | \$800.00            | Water Suc. Vac. Rental  |
| 39                       | Great Western Tire                | \$1,410.80          | New Tires for CTY8316, CTY8590, CTY8572   |
| 40                       | Grimms Pump & Industrial Sup      | \$39.80             | Filters for Bulk Tanks/Fuel   |
| 41                       | Harvey's Lock & Security          | \$228.78            | Re-Key of CH Building/ Duplicate Keys   |
| 42                       | Johnson Machine, Inc              | \$20.97             | Spray Paint for Dump Truck  |
| 43                       | Lamar Companies                   | \$470.00            | Billboard Rental: Ellsworth Rd 8/15-9/11 2018   |
| 44                       | Liberty Chrysler Center, LLC      | \$77.53             | Tail Light for 602-007 Dodge Ram  |
| 45                       | Lowe's                            | \$140.91            | 30x72 Shades  |
| 46                       | Matheson Tri-Gas Inc dba Linweld  | \$78.26             | Supplies: NS, Hazard Material, Welding Wire   |
| 47                       | McKie Ford Lincoln, Inc.          | \$379.78            | Program Module Headlights; CTY5684  |
| 48                       | Menards                           | \$292.48            | Rust Neutralizer, Cleaning Items for N. Lights, Bar & Chain Oil, Stain for 101-015 Rails                          |
| 49                       | Northwest Pipe Fittings, Inc      | \$261.94            | 2.5' GA/Stem-Mt 200PSI, Brass Hex Bushings, Gaskets for Well#5, 8' Outside Diameter Tape                          |
| 50                       | Office Depot                      | \$288.75            | Pens, Folders, Paper, Post-Its, Smart Mobile Hop DVD Writer, Black/Blue Pens                                      |
| 51                       | Rapid City Journal                | \$2,047.26          | July 3 & 17 City Council Meeting Minutes, Title 53, Surplus Auction, Magic Mountain LLC Rezoning, Ordinance 604   |
| 52                       | Sam's Club/Synchrony Bank         | \$1,053.36          | Floor Mats, Toilet Paper, Label Maker Tape, Cleaning Supplies, Coffee, Arlo 5 Cameras                             |
| 53                       | Sander Sanitation Service         | \$521.17            | Waste Disposal July 2018  |
| 54                       | Temperature Technology, Inc       | \$2,664.37          | Pump, Boster Station, Tank Control Repairs  |
| 55                       | US Postmaster                     | \$263.90            | Certified Mail: Wagon Wheel   |

|    |   |                     |  |
|----|---|---------------------|--|
| 56 | Vanway Trophy & Award                                     | \$224.29            | GLOBE Award  |
| 57 | Warne Chemical & Equipment                                | \$188.50            | Quick Grow Mix   |
|    | <b>SUBTOTAL</b>   | <b>\$33,917.94</b>  |  |
|    | <b>Credit Cards</b>                                       |                     |  |
| 58 | GWB CC - 8088 PD1 (Bank Transfer)                         | \$0.00              |  |
| 59 | GWB CC - 8096 PD2 (Bank Transfer)                         | \$131.51            | Cabelas: Drawer Safes  |
| 60 | GWB CC - 9355 PD3 (Bank Transfer)                         | \$0.00              |  |
| 61 | GWB CC - 8120 FO1 (Bank Transfer)                         | \$0.00              |  |
| 62 | GWB CC - 8104 FO2 (Bank Transfer)                         | \$370.81            | Eventwristbands: Wristbands for Salute to Ellsworth, Family Fare: Food for Budget Hearings |
| 63 | GWB CC - 9322 FO3 (Bank Transfer)                         | \$0.00              |  |
| 64 | GWB CC - 3514 PW1 (Bank Transfer)                         | \$0.00              |  |
| 65 | GWB CC - 9371 PW2 (Bank Transfer)                         | \$0.00              |  |
| 66 | GWB CC - 9363 PW3 (Bank Transfer)                         | \$0.00              |  |
| 67 | GWB CC - 8356 PW1 (Bank Transfer)                         | \$0.00              |  |
| 68 | GWB CC - 5305 PZ1 (Bank Transfer)                         | \$0.00              |  |
| 69 | GWB CC - 9389 PZ2 (Bank Transfer)                         | \$0.00              |  |
| 70 | GWB CC - 9348 LGL (Bank Transfer)                         | \$0.00              |  |
|    | <b>SUBTOTAL</b>   | <b>\$502.32</b>     |  |
|    | <b>TOTAL</b>  | <b>\$149,501.28</b> |  |
|    | <b>Loan Payments</b>                                      |                     |  |
| 1  | Water Bond Loan #9  | \$8,182.00          | September 2018: Interest \$5603.70, Principal \$2,578.30                                   |
|    |   | <b>\$8,182.00</b>   |  |
|    | <b>BID#2</b>  |                     |  |
| 1  | First American Title Co.                                  | \$0.00              |  |
|    |   | <b>\$0.00</b>       |  |
|    | <b>Hand Checks/Payments</b>                               |                     |  |
| 1  | Aflac   | \$1,392.96          | Payroll 17 & 18 Insurance  |
| 2  | Brancato, Robert  | \$250.00            | Retainer Fee   |
| 3  | Buddy Ireland   | \$400.00            | 2018 Sign Lease Payment  |
| 4  | Credit Collections Bureau                                 | \$60.00             | Payroll 18 Garnishment   |
| 5  | Delta Dental of South Dakota                              | \$2,051.38          | Payroll 17 & 18 Insurance  |
| 6  | Department of Treasury-IRS                                | \$21,515.54         | Payroll 18 Taxes   |
| 7  | Health Pool of SD   | \$31,558.11         | Payroll 17 & 18 Insurance  |
| 8  | Kirschenmann, Dean  | \$116.57            | Reimbursement 2018 Clothing Allowance  |
| 9  | Montana Dakota Utilities                                  | \$150.10            | Utility Services Jul/Aug 2018  |
| 10 | Office of Child Support Enforcement                       | \$66.68             | Payroll 18 Garnishment   |
| 11 | Sadler, Joshua  | \$300.00            | Reimbursement 2018 Clothing Allowance  |
| 12 | SDRS Supplemental Retirement Plan                         | \$30.00             | Payroll 18 Supplemental Retirement   |
| 13 | SDWWA   | \$480.00            | Annual PW Conference Fees  |
| 14 | South Dakota Retirement System                            | \$20,510.38         | Payroll 17 & 18 Retirement   |
| 15 | Stanley Design Group, LLC                                 | \$560.00            | Design: Community Park- Bandit Ball  |
| 16 | Teamsters Local No. 120                                   | \$668.00            | Payroll 17 & 18 Union Dues   |
| 17 | Verizon Wireless  | \$1,975.51          | Aug/Sept 2018 Phone Charges  |
|    | <b>TOTAL</b>  | <b>\$82,085.23</b>  |  |
|    |   | .                   |  |
|    | <b>Hand Checks: Utility Billing Deposit Refund Checks</b> |                     |  |
| 1  | Brown, Crystal  | \$66.49             | Finalled Account, Credit Balance Refund  |
| 2  | Penwell, Philip   | \$15.71             | Finalled Account, Credit Balance Refund  |
| 3  | Collver, Gary   | \$24.91             | Finalled Account, Credit Balance Refund  |
|    | <b>TOTAL</b>  | <b>\$107.11</b>     |  |