

## Minutes for December 8, 2014 City Council Meeting

The Meeting of the Eureka City Council was called to order on December 8, 2014, at 7:00 p.m. by Mayor Opp in the councilroom of the Municipal Building with the following present: Mayor Opp, Councilmembers: Bertsch, Billotto, Goehring, Obenauer, Regula, Weisbeck, Finance Officer Ottenbacher and City Attorney Marshall Lovrien. Also present was Linda Bergman with the Northwest Blade and Steve Aldinger with Interstate Engineering.

A motion was made by Regula and seconded by Billotto to approve the agenda with the following additions: Chris Gonska Primetime Water and Sewer, Update on the Artesian Well, July 4<sup>th</sup> Information and the End of Year Meeting. All voted Aye. Motion Carried.

Robby and Tricia Grajczyk joined the meeting at 7:19 p.m. and Chris Gonska joined the meeting at 7:20 p.m.

As advertised a public hearing was held to open bids for the 2006 Dodge 1500 Quad Cab and the Recycling Trailer. No bids were submitted. This will be tabled until spring.

Steve Aldinger with Interstate Engineering was present to go over the final paperwork on the Airport Runway Project. The Airport Runway Project was \$1,800.47 under budget. A motion was made Weisbeck and seconded by Goehring to approve the final Interstate Engineering Design Phase reimbursement in the amount of \$3,750.20. All voted Aye. Motion Carried. A motion was made by Bertsch and seconded by Billotto to request a 90% reimbursement from FAA and a 5% reimbursement from the State. All voted Aye. Motion Carried. A motion was made by Bertsch and seconded by Regula to approve the final closeout report. All voted Aye. Motion Carried. A Construction Closeout means the test results of all work completed. A motion was made by Weisbeck and seconded by Regula to approve the close out fee for Interstate Engineering in the amount of \$3,876.06. All voted Aye. Motion Carried. A motion was made by Bertsch and seconded by Billotto to request final reimbursement from the FAA for the Interstate Engineering Construction Phase in the amount of \$3,488.00. All voted Aye. Motion Carried. A motion was made by Bertsch and seconded by Obenauer to approve the closeout reports for the Airport Runway Project. All voted Aye. Motion Carried. Aldinger reported that the Airport Layout Plan may be available by February for council viewing. Aldinger left the meeting.

A motion was made by Weisbeck and seconded by Regula to go into Executive Session 1-25-2 (3), consulting with Legal Council at 7:26 p.m.

Finance Officer Ottenbacher, Linda Bergman, Robby and Tricia Grajczyk and Chris Gonska left the meeting.

A motion was made by Weisbeck and seconded by Regula to come out of Executive Session at 7:56 p.m.

Finance Officer Ottenbacher, Linda Bergman, Robby and Tricia Grajczyk, Chris Gonska, John Schwingler, Mark Gruebele, Mary Lou Gruebele and David Gruebele joined the meeting.

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Eureka Ambassadors Robby and Tricia Grajczyk joined the meeting to review the map layout for Freedom Days which will be held on July 3 and 4<sup>th</sup>, 2015. It was recommended that the tent be placed in the outfield, if there is one placed inside the ball field. The legal description of the land will need to match the placement of the beer garden, when applying for the temporary malt beverage license. Items currently on the agenda are, Patriot Color Run, All School Reunion Gathering, Beer Garden, Speaker Under the Tent, Talent Show, All School Reunion Gathering, Car Show, Kids Games, Touch a Truck, Bingo, Old Fashioned Music, Bands on Friday and Saturday Night, a Talent Show During the Day and City Fireworks. Grajczyk added, "On behalf of the Eureka Ambassadors, we are committed to the community and helping the community in any way that they can and that all organizations can work together for the betterment of the community. Also, if anyone has any questions, please bring them forward and they will listen with open ears." The mayor thanked them for hosting the Holiday Fair and the Halloween gathering for the kids. Grajczyks left the meeting.

Guy Boschee joined the meeting.

Mary Lou, Mark and David Gruebele were present to voice their concern and update the council on what is happening with the storm drain on the west side of the Post Office parking lot. Gruebele questioned, "If the Post Office storm sewer was connected to the City line?" The storm drain has not drained properly since June, when the City removed the brick catch basin, which had been surrounded with dirt. There is a possibility that it could have been connected, but Boschee does not know for sure. There has never been a map, because the City has never owned the storm sewer. They have sucked gravel from the underground drain and hired Sewer Duck to camera the line to see if it had collapsed, but the camera was not fit for the line. Hydro Clean came and pressure drained the area causing water to surface where the City worked on the storm sewer. The City used HDPE pipe when fixing the City sewer drain and are unsure of how the pressure pushes the water out. The Post Office drain runs towards the flagpole and drops down into the street, then flows east to flow into the city storm sewer. Gruebele's are looking at tapping into the storm sewer in the street. It was suggested to put a sump pump right in the drain and pump it down the east side. The Gruebele's thanked the council for their time and will keep the City updated.

Deputy Ted Smith was present to give the police report. Deputy Smith had 124 city hours and 36 county hours. Deputy Smith will be attending Emergency Vehicle Training on January 5 and 6<sup>th</sup>, 2015, in Pierre. Out of State vehicle licenses were discussed. Deputy Smith has checked with the Department of Revenue on the rules and laws of licensing vehicles when moving to a new state.

Chris Gonska and John Schwingler were present to discuss the connection of water and sewer line at the Prime Time Bar and Restaurant. Schwingler feels that when the water line was repaired, a six inch line was hooked to a 4 inch line and is causing an elevation problem for the water to flow properly. Gonska is snaking his line once a week to keep the sewer from backing up into his basement. Schwingler suggested that the manhole be dropped down lower and if not then the sewer line might need to be run down towards the Premier Equipment hookup. The Mayor contacted the City Engineer, Jay Koch, with Helms and Associates. Koch received pictures for the first time today and forwarded them to Duinink, Inc. and addressed that this is definitely a warranty issue and would like it taken care of as soon as possible. Gonska would also like to see the street work done right away in the spring and also feels the

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City needs to repair his sidewalk because he did not hire Duininck, Inc. or ask for the work to be done. The City will see what develops in a couple of days with the Engineer and Duininck, Inc.

Public Works Director Boschee was present to give his monthly supervisor report. Boschee and Duquette will be attending several continuing education classes in January and February. The west shop heater is not working and Boschee has contacted the company to trouble shoot the problem.

According to City Ordinance, three current Uniformed Plumbing Code books are required to be on file and they are \$320.00 each through the State. Weisbeck gave Boschee permission to purchase two current uniformed plumbing code books. The City will also need to purchase current copies of the Uniform Code for the Abatement of Dangerous Buildings, Uniform Housing Code, Uniform Building Codes and the International Property Maintenance Code book also needs to be adopted by the City.

Boschee, Ottenbacher and the Mayor met to review recommendations from the South Dakota Public Assurance Alliance, on items that are City liability issues. Boschee provided samples of an Emergency Response Plan, Snow and Ice Removal Policy, Sidewalk Inspection Program, Hazard Communication Program, Confined Space Policy and a Lockout and Tag out Policy for the council to review. Councilmembers each took one policy to review for the January meeting. The sidewalk inspection program is for current sidewalks that need to be replaced. A multi gas detector for confined spaces needs to be purchased. A motion was made by Weisbeck and seconded by Bertsch to purchase the Scott Safety Multi Gas Detector for \$1,989.00. All voted Aye. Motion Carried.

The City park bleachers are not compliant with safety guidelines. No action was taken at this time.

Responsibility of enforcing City Ordinances that are not related to code enforcement was discussed. An ad will go in the paper to remind residents to shovel their sidewalks. Residents that do not shovel their sidewalks will receive a letter and a fine if not shoveled after the letter is received. The lights at the park bathhouse are all fixed and the park is shut down for the winter. There are three light poles that need to be repaired by an electrician in the spring. Inventory needs to be completed yet. Boschee left the meeting.

A motion was made by Regula and seconded by Obenauer to approve the SRF Pay Request #17 and Invoice # 11935 and #11936 for Helms and Associates in the amount of \$3,455.60. All voted Aye. Motion Carried.

A motion was made by Obenauer and seconded by Weisbeck to approve the SRF Pay Request #17 and Pay Estimate #9 for Duininck, Inc. in the amount of \$51,475.36. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Goehring to approve the minutes with the following changes: Minutes for November 10, 2014, the library motion should have read: A onetime registration fee, not an annual fee and the Change Order #3 for Dahme Construction in the amount of \$6,722.78 was not approved due to incompleteness of the project and the recycling trailer motion should have read: Absent Bertsch and Obenauer not Goehring; Minutes for November 24, 2014, under the library and school combining, it should have also stated: Beck did acknowledge that the school has already

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considered the cost for the wear and tear of the alley during the construction process; Minutes for December 1, 2014 had a typing error in the last sentence and should have read: Information supplied to the City in regards to more dogs than allowed by City ordinance was sent to the City Attorney. All voted Aye. Motion Carried. Bobbi review theses

A motion was made by Weisbeck and seconded by Bertsch to approve the financials as presented and the debt account will have funds transferred from the debt savings rather than the general fund. All voted Aye. Motion Carried.

A motion was made by Bertsch and seconded by Regula to approve the bills as presented. All voted Aye. Motion Carried.

**November Financials:**

Finance Office - \$3,765.01, Gen. Gov't. Bldgs - \$144.60, Streets - \$1,196.33, Snow Removal - \$741.88, Sanitation - \$727.63, Park - \$765.86, Library - \$642.01, Water - \$1,405.82, Sewer - \$1,108.48

**November Financials:**

**Wastewater Project:**

Northeast Council of Government, final administration fees - \$4,500.00

**Airport Project:**

Duininck, Inc., contractor - \$618,451.77, Duininck, Inc., NON-FAA - \$6,457.98, Interstate Engineering, engineer airport - \$26,930.95

A & B Business, office supplies - \$238.21, Aberdeen News, surplus property - \$342.70, Bank of America, Amazon books - \$14.49, Bank of America, Amazon books - \$224.75, Bank of America, heater parts - \$29.50, Bank of America, Amazon books - \$350.52, Business Forms & Accounting, W-2's & 1099's - \$83.00, Butler Machinery, filters - \$159.79, Chamber of Commerce, treasure chests - \$1,800.00, CNH Capital, bolt, latch, lever - \$337.69, Dakota Backup, computer backup - \$141.33, Dakota Country, gas/fuel - \$1,310.19, DENR, water and wastewater renewal - \$48.00, Dakota Supply Group, supplies - \$118.50, Davis Equipment, repairs & maintenance - \$483.44, Division of Agricultural Services, continuing education - \$420.00, Eframson Electric, repairs & maintenance - \$192.27, Eureka Manufacturing, supplies/repairs - \$374.97, Great Plains Bank, ACH water utilities - \$15.05, Great Plains Bank, reinvest CD General Fund - \$5,000.00, Great Plains Bank, water project - \$1,694.00, Great Plains Bank, water revenue bond #2 - \$5,361.76, Heartland Waste, sanitation fees - \$5,189.50, Ron Hemmingson, hauled snow - \$25.00, JP Lumber, supplies - \$91.68, Kary's Home Oil, oil, tires & repairs - \$784.00, Ken's Food Fair, supplies - \$5.99, Wayne Kurle, reimbursement - \$502.00, Matheson Tri-gas, acetylene - \$74.06, Matheson Tri-gas, acetylene - \$15.40, Montana Dakota Utilities, utilities - \$97.25, Montana Dakota Utilities, utilities - \$3,636.87, Northern Plains, fuel - \$2,371.16, Northwest Blade, advertising, minutes & supplies - \$555.18, Postmaster, box fee - \$60.00, Cash, postage - \$57.82, Postmaster, postage - \$49.00, Premier Equipment LLC, repairs & maintenance - \$526.93, Servall, cleaning supplies - \$56.74, SD Dept. of Revenue, drivers license - \$200.00, SD Federal Property Agency, shop supplies - \$40.00, SD Municipal League, election school - \$25.00, SD One Call, message fees - \$3.15, SD Retirement, retirement - \$1,177.32, SD State Treasurer, sales tax - \$491.27, SD Water & Wastewater Assn, SDWAA renewals - \$20.00, The Stop, gas - \$87.00, Swanson Electric, LLC, park light repairs - \$219.05, The Stop, supplies - \$228.54, Troy Tormoehlen, refund - \$52.80, Valley, phone utilities - \$302.55, Wellmark, health insurance - \$2,187.56

**December Financials:**

FEM Electric, utilities - \$743.25, Great Plains Bank, payroll - \$2,761.02, WEB Water, utilities - \$4,789.54  
Approval of building Permits –

There were no building permits for the month of November.

Game, Fish and Parks is still interested in purchasing property and the City is waiting for land appraisals.

A motion was made by Weisbeck and seconded by Bertsch to approve the 2<sup>nd</sup> Reading of Ordinance 2014O-8 – Supplemental Budget Ordinance as presented. All voted Aye. Motion Carried.

Ordinance 2014O-8  
Supplemental Budget Ordinance

BE IT ORDAINED by the City of Eureka that the following sums are supplementally appropriated to meet the obligations of the City of Eureka and shall be effective immediately following passage.

0602 – Water Fund	
4331 – Source	
Repair & Maintenance	\$5,000.00
Source of Funding - Savings	
4333 – Purification	
Other	\$2,500.00
Source of Funding – Savings	
4334 – Distribution	
WEB Water	\$2,000.00
Source of Funding – Savings	
4335 – Administration	
Salaries and Wages	\$1,500.00
Social Security & Medicare	\$100.00
Retirement	\$100.00
Insurance	\$210.00
Travel & Conference	\$300.00
Other	\$1,500.00
Source of Funding – Savings	
0604 – Sewer	
4325 - Group Insurance	\$1,000.00
Insurance	\$75.00
Source of Funding - Savings	

4325 - Principle \$16,370.00  
 Source of Funding – SRF Funding

First Reading: November 10, 2014  
 Second Reading: December 8, 2014  
 Effective Date: Immediately upon passage  
 Published Date: December 18, 2014

ATTEST:

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 Mayor – Mark W. Opp

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 Bobbi Ottenbacher – Finance Officer

A motion was made Weisbeck and seconded by Goehring to approve the 2<sup>nd</sup> Reading of Ordinance 2014O-9 – Fire Safety Regulations as presented. All voted Aye. Motion Carried.

ORDINANCE 2014O-9  
 AMENDING ORDINANCE FIRE SAFETY REGULATIONS

AN ORDINANCE REVISING CHAPTER 8.08, FIRE SAFETY REGULATIONS, OF THE CITY OF EUREKA'S ORDINANCE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EUREKA, SOUTH DAKOTA AS FOLLOWS:

Sections: 8.08.020, selling, possessing, or discharging fireworks prohibited.

Chapter 8.08, Fire Safety Regulations

**8.08.020 Selling, possessing, or discharging fireworks prohibited.**

A. "Retailer," includes every person engaged in the business of making sales of fireworks at retail;

B. "Retail sale," the sale of fireworks to any person not licensed to sell fireworks or for any purpose other than for resale;

C. No individual, firm, partnership, or corporation shall sell at retail, possess for sale at retail, use, discharge, or cause to be discharged any fireworks (as defined by the National Fire Code) of any description whatsoever within the corporate limits of the city or in any public ground or park belonging to the city, outside the corporate limits and within one mile of the corporate limits or of any public ground or park belonging to the municipality outside the corporate limits.

D. The provisions of the above section shall not apply commencing on the 27 day of June and continuing through the 5<sup>th</sup> day of July and the period of December 28 through the 1 day of January.

E. It shall be unlawful for anyone to discharge bottle rockets or similar fireworks within the city limits at any time of the year including June 27 through July 5 and December 28 through January 1. A violation of this section is a Class 2 misdemeanor.

F. Enforcement by law enforcement officers shall be charged with the enforcement of the provisions of this chapter.

(Ord. 2014O-9 § Ord. 2000-17 § 8-5-2; prior code § 8-5-2)

First Reading: November 24, 2014  
 Second Reading: December 8, 2014  
 Published: December 18, 2014  
 Effective: December 28, 2014

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Mayor – Mark W. Opp

ATTEST:

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Bobbi Ottenbacher – Finance Officer

A motion was made by Bertsch and seconded by Obenauer to approve the 2<sup>nd</sup> Reading of Ordinance 2014O-10 – Establishing Water Rates as presented. All voted Aye. Motion Carried.

**Ordinance 2014O-10**  
**An Ordinance Establishing Water Rates**

WHEREAS, the City of Eureka has municipal ordinances which specify rates for water,

WHEREAS, the City Council of the City of Eureka has the authority to establish water rates according to Section 13.04.270 of the most recent revision of the City of Eureka’s book of compiled ordinances; and

WHEREAS, the City Council deems it necessary to establish monthly water rates due to WEB Water rate increases and increased expenses to operate the water department

NOW, THEREFORE BE IT ORDAINED, by the City of Eureka, South Dakota that the following rates become effective after the final reading in December 2014, due on January 20, 2015 billing.

Owners or occupants of premises located within the city limits of the City of Eureka, South Dakota, connected with the water system shall pay for the water consumed thereon and for the availability of water service according to the following schedule per month;

**MONTHLY WATER RATES**

\$9.00 per month basic charge per customer plus \$3.70 per 1000 gallons used rounded up to the next 100<sup>th</sup> gallon consumed.

Water bills dues on January 20, 2015 will pay the old rate.

Water bills dues on February 20, 2015 will pay the new rate.

Service Availability accounts are as follows and billed out per quarter.

Water	\$5.00
Sewer	\$5.00
Water Surcharge	\$2.50

Dated this \_\_\_\_\_ day of December, 2014.

First Reading: November 24, 2014

Second Reading: December 8, 2014

Published: December 18, 2014

Effective: After December 2014 Reading

ATTEST:

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Mayor – Mark W. Opp

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Bobbi Ottenbacher – Finance Officer

A motion was made by Obenauer and seconded by Regula to approve the 2<sup>nd</sup> Reading of Ordinance 2014O-11 – Establishing Landfill Rubble Rates as presented. All voted Aye. Motion Carried.

ORDINANCE 2014O-11  
AN ORDINANCE ESTABLISHING RUBBLE RATES

WHEREAS, the City of Eureka's book of municipal ordinances gives the City the authority to establish rubble rates and classifications.

WHEREAS, the City Council of the City of Eureka will be amending its rubble rates.

NOW, THEREFORE BE IT ORDAINED, by the City of Eureka, South Dakota, that Section 8.04.060 be amended to increase the following rates for the rubble site to be effective January 1, 2015.

RUBBLE SITE RATES

Rubble - pickup load	\$5.00
Rubble – truck load	\$10.00
Rubble - tandem axle	\$20.00
Rubble - semi load	\$50.00
Concrete - pickup load	\$15.00
Concrete - truck single axle	\$30.00
Concrete - tandem truck	\$45.00
Concrete – semi load	\$100.00
Tires – pickup or car	\$5.00
Tires – truck	\$15.00
Tires – tractor	\$35.00
Trees and grass	no charge
Sawdust and dirt	no charge
Appliances, stuffed furniture and furnaces	\$10.00
Toilet – each	\$5.00
Lawn mowers – each	\$5.00

The City shall add four percent tax to every load.

Dated this 8 day of December, 2014.

First Reading: November 24, 2014

Second Reading: December 8, 2014

Published: December 18, 2014

Effective Date: January 1, 2015

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Mayor – Mark W. Opp

ATTEST: Bobbi Ottenbacher, Finance Officer

A motion was made by Weisbeck and seconded by Bertsch to approve the Resolution 2014R-5 – Transfer of Contingency Funds for 2014 as presented. All voted Aye. Motion Carried.

**RESOLUTION 2014R-5  
TRANSFER OF CONTINGENCY FUNDS**

BE IT RESOLVED, that the City of Eureka, South Dakota hereby authorizes the transfer of \$26,515.00 of Contingency Funds to the following departments:

0101 - General Fund

Mayor and Council

Salaries & Wage \$160.00

Social Security & Medicare \$15.00

Attorney

Professional \$10,000.00

Finance Office

Repairs & Maintenance \$1,500.00

Other \$4,700.00

General Government Buildings

Salaries & Wages \$900.00

Social Security & Medicare \$30.00

Supplies \$2,000.00

Utilities \$2,500.00

Other \$2,500.00

Police (Code Enforcement)

Travel & Conference \$50.00

Sanitation

Group Insurance \$700.00

Insurance \$150.00

Airport

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Insurance	\$175.00
West Nile	
Salaries & Wages	\$315.00
Retirement	\$5.00
Group Insurance	\$65.00
Park	
Salaries & Wages	\$600.00
Utilities	\$100.00
Retirement	\$25.00
Insurance	\$15.00

The transfers are for normal expenses incurred.

Dated this 8<sup>th</sup> day of December, 2014.

Effective: December 28, 2014

ATTEST:

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Mark W. Opp – Mayor

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Bobbi Ottenbacher, Finance Officer

A motion was made by Regula and seconded by Obenauer to approve the statement of support for the perfect bill. It reads, "The City of Eureka supports a local option additional penny of municipal sales tax, with the approval of our voters, for specific infrastructure projects." All voted Aye. Motion Carried.

A motion was made by Weisbeck and seconded by Goehring to approve the pay scale for 2015. Paulette Bauer - \$12.50, Guy Boschee - \$20.25, Brandon Duquette - \$17.25, Susan Fischer - \$12.25, Elizabeth Jundt - \$10.75, Bonnie Kary - \$8.50 and Roberta Ottenbacher - \$17.00. All voted Aye. Motion Carried.

A motion was made by Goehring and seconded by Obenauer to approve a write off of \$612.25 for non-payment, all procedures were taken to collect. All voted Aye. Motion Carried.

A motion was made by Weisbeck and seconded by Bertsch to approve the Joint Cooperative Agreement with Northeast Council of Government for 2015. All voted Aye. Motion Carried.

A motion was made by Regula and seconded by Bertsch to approve a joint election with the school if needed. All voted Aye. Motion Carried.

A motion was made by Weisbeck and seconded by Goehring to approve additional hours for the Finance Officer to complete the annual report and to carry over up to 4 additional vacation days to be used the week of January 19, 2015. All voted Aye. Motion Carried.

Mayor Opp met with Randy Kittle in Pierre to discuss the Land Water and Conservation Grant, that is ready to be signed, contingent upon the land owned by the City. Whether the City accepts the Grant or not, the City still has to prove we have 63.7 acres of land that was on original paperwork back in 1960. If the City has less than the acres originally supplied a land use conversion will need to be done, along with surveying the property, which would require some additional costs. Land use conversion does need to be done for the sale of property to the school. Bertsch will visit with the BLEWH Group on the land that was purchased from the City.

A motion was made by Regula and seconded by Goehring to close the office, with pay, on December 26, 2014, with the understanding that workers are available if there are wintery conditions and will be paid comp pay if they have to come in. All voted Aye. Motion Carried.

The Mayor will check what is available for January 2 or 3, 2015 for a City Christmas party.

Government Day in Pierre will be reviewed in January.

The Mayor will call Scott Heimer on the Artesian Well.

A special meeting will be called for the end of the year, only if one is needed.

A motion was made by Weisbeck and seconded by Obenauer to adjourn at 10:04 p.m. All voted Aye. Motion Carried.

ATTEST:

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Mark W. Opp – Mayor

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Bobbi Ottenbacher – Finance Officer