

## Minutes of the June 30, 2014, Special City Council Meeting

The meeting of the Eureka City council was called to order on June 30, 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 and Finance Officer Ottenbacher. Also present was City Attorney Marshall Lovrien, Tony Schaeffer, Rod Joachim, Don Heinrich, Patty Busk, Mel Kary Wes and Lisa Knoepfle, Pam Kilber, Steve Jacobs with the DOT and Gerald Beutler.

A motion was made by Weisbeck and seconded by Regula to approve the agenda with the following additions: Ballpark and Fireworks. All voted Aye. Motion Carried.

At 7:05 p.m., this being the time and place as advertised, a public hearing was held to approve the Malt Beverage License for Michele K. Neuharth. No action was taken.

Steve Jacobs with the Department of Transportation was present to update the residents on what is remaining to complete the highway project. The highway curb and gutter has been completed, highway striping will be completed this fall, the county road will be patched in mid-August, the street lights will need to be reset and tightened and the retaining wall by Jung's will be fixed. Guidelines for erosion control require that seventy percent of the vegetation needs to be grown back before the erosion control can be lifted from the streets. The erosion control was put in place until the grass has grown back, it sifts out the dirt and rocks and allows only the water to flow through the culverts. Erosion control is a requirement of the Clean Water Act. The residents in attendance had concerns about the leveling of the ground, the type of dirt that was used and the rocks left in the dirt making the grass difficult to mow. Jacobs will take the resident concerns back to the Department of Transportation. The residents are disappointed that their properties were not put back to their original state, as promised when the project started. The wiring and decorative rock by the highway sign was discussed and it will be the contractors responsibility to fix. B Avenue was laid further to the north and now has a lip on the side of the residents homes. The only thing that the State will do yet on B Avenue is replace the manhole at the City's expense and it is being custom made. It will be here in a couple of weeks. Resident's in attendance asked, "Who would a person talk to or call if items were not done or didn't feel the workers did their job properly?" Jacobs said, "The low bidders met the State standards and if there are any questions John Villbrandt is the contact person." The wet year and the frost level along with the lack of compaction caused the dips in the highway, but are acceptable bumps by the State standards on the project. Inspections were done by the State DOT and by Helms and Associates, Inc., the City engineers. Designated crosswalks and streets signs were discussed. All but three of the street signs were stolen and are being looked at to get them replaced. The Mayor thanked Steve Jacobs for coming and asked that the information be taken back to his boss to see if anything can be done.

Tony Schaeffer, Don Heinrich, Patty Busk, Wes and Lisa Knoepfle, Pam Kilber, Pastor James Grossman and Gerald Beutler left the meeting.

At 7:30 p.m., Diane Boschee was present to discuss the Leash Law Ordinance. Boschee had an encounter with an unleashed dog, while walking her leashed dogs and has had several dogs in her yard this past month. Boschee is a member of the Humane Society and does not believe in hurting the animals but would like to see something done about the dogs running at large. Boschee feels dogs have a right to walk on the streets with their owners, but doesn't feel she can take her dogs walking anymore because of the incident they encountered. There are several residents that have to clean up dog excreta from their lawns, also. Sometimes they get woken up because of dogs in the yard, which make her dogs

bark. As of July 1, 2014, the State Statute eliminates City Ordinance's from labeling dogs, but can still have ordinances to declare control of any vicious animals. The finance office does include the animal ordinance to the welcome packet that is handed to each new resident. The leash law will also be included with the hunter's packets in the fall. Boschee was instructed to let the finance office know when she sees a dog with or without a tag to try and contact the owners and make them aware of the ordinances.

Kary left the meeting.

Sheriff Ackerman and Deputy Sheriff Smith joined the meeting and the Mayor introduced them to Boschee. The question was asked if you have trouble with a dog in your yard at 11:00 p.m., what is the procedure. Ackerman said, "The answer to your specific question, is if you are threatened by an animal then that would facilitate a call to 911 and they will address it. If not it will be addressed the next morning." Boschee ended with, the dog trouble we are having do you really think we got rid of the right bunch of dogs in town?

Kneopfle, Boschee and Joachim left the meeting. Pastor James Grossman joined the meeting.

Sheriff Ackerman and Deputy Sheriff Smith have a couple of people that need 25 to 50 hours of community service to fulfill. Sheriff Ackerman and Deputy Sheriff Smith will supervise the individuals. There may be some cost for supplies to the City depending on what the projects are. The Mayor will work with Sheriff Ackerman, Deputy Sheriff Smith and the council chairman to get some ideas put together. All purchases will need to be approved prior to purchasing any items needed. A release of liability form will need to be supplied to the City before work is completed whether it is an employee or court ordered.

Deputy Sheriff Smith gave his hours: May 2014, 90 city hours and 32 county hours. June 2014, 65 city hours and 17 county hours. Sheriff Ackerman would like the council to look at some different ideas for delivering delinquent utility letters.

Arlo Bertsch and Pastor James Grossman were present to discuss the airport project. Areas 2 and 3 were approved at the June 9, 2014 meeting. Area 1 is 11 feet by 200 feet and only 42 feet of that is eligible and approved for FAA funding. The remaining 11 feet x 158 feet will be City cost. Duinck, Inc. will continue with the bid prices at no additional charge for the three areas. A motion was made by Bertsch and seconded by Billotto to complete areas 1, 2 and 3 and transfer funds from the snow removal budget and move to the airport budget as the prices are contingent to the airport rates and there would not be any additional transfer fees. A roll call vote was taken. Bertsch yes, Billotto yes, Goehring yes, Obenauer yes, Regula yea and Weisbeck yes. Unanimous Vote. Motion Carried. The fuel taxes received from the State and lease agreements were discussed. Currently the City has 10 year leases with the hangar owners. Josh Fitzpatrick with the State FAA emailed Grossman a National Environment Policy with the categorical exclusions. Catex means it has already been moved. The altitude approval is still waiting to be approved. His building will be 50 feet by 56 feet and 5 feet below the ground for frost line. Grossman says there is no reason for the FAA to deny building his hangar. Grossman is waiting for approval from the FAA to build his hangar. Grossman is estimating his materials for the hangar to be about \$12,500.00 and will do all of the work himself. The FAA Grant will be on the July 14, 2014 agenda.

Mayor Opp, Councilmember Bertsch and Airport Chairman Grossman had a conference call with the City Attorney Lovrien to review information to put an airport board ordinance together. The Ordinance

2014O-5 was reviewed. A motion was made by Bertsch and seconded by Regula to approve the 1<sup>st</sup> Reading of Ordinance 2014O-5 - Airport Board. All voted Aye. Motion Carried.

Grossman left the meeting.

A motion was made by Weisbeck and seconded by Goehring to approve 1<sup>st</sup> Reading of Ordinance 2014O-4 – Dynamic Braking. All voted Aye. Motion Carried.

An elected official workshop will be held in Pierre on July 23, 2014. Anyone interested in attending should let the finance officer know by Monday July 14, 2014.

The storm sewer on the west side of the post office was discussed. The storm sewer belongs to the property owners. Obenauer thought a grade could be made that has a much smaller mesh to catch some of the gravel, which is causing the drainage problem. Obenauer will visit with Fauth and Gruebele.

A residential water line was discussed at the May council meeting and City Attorney Lovrien was absent. After reviewing the May minutes and Ordinance 13.04.410 Disconnect Fee/Termination Fee, City Attorney Lovrien advises that the work needs to be done by a licensed plumber for liability purposes and there is no way around it.

Wessington Springs tornado relief will be added to the July 14, 2014 agenda.

The damaged transformer and the softball park electrical poles were discussed. Finance Officer will contact the list serve and see if any other towns have had to replace electrical lines in their parks. Wednesday night will be another opportunity to help put the fence back up at the park.

The City Fireworks Ordinance and the State Fireworks Statute were reviewed. City Ordinances can be more restrictive than the State Statutes. No action was taken.

A break was taken at 9:04 p.m. and Council reconvened at 9:09 p.m.

A motion was made by Weisbeck and seconded by Regula to go into Executive Session SDCL 1-25-2(1) at 9:12 p.m. All voted Aye. Motion Carried.

Finance Officer Ottenbacher left the meeting.

A motion was made by Weisbeck and seconded by Regula to come out of executive session SDCL 1-25-2 (1) at 10:25 p.m.

A motion to adjourn at 10:31 p.m. was made by Billotto and seconded by Obenauer. All voted Aye. Motion Carried.

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Mayor – Mark W. Opp

ATTEST:

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Bobbi Ottenbacher – Finance Officer