

Minutes for April 10, 2017 City Council Meeting

The meeting of the Eureka City Council was called to order on April 10, 2017, at 7:00 p.m. by Mayor Miller in the council room of the Municipal Building with the following present: Mayor Miller, Council members: Duquette, Eberhart, Flemmer, Heilman, Schwingler, Weisbeck, and Finance Officer Frerk.

Others present: Clark Engineering representative, Deputy Ted Smith, Kyle Hemeyer, Megan Mendonca, Steve Aldinger, Mrs. Steve Aldinger, Polly Gab, Paulette Bauer, Deb Larson, and James Grossmann.

Any changes or additions: none.

Motion by Eberhart, seconded by Schwingler to approve the agenda. All voted aye. Motion carried.

Citizen Open Forum: none.

A representative from Clark Engineering out of Aberdeen was present to visit with the Council about the services they offer.

Steve Aldinger with Interstate Engineering was present to discuss the airport taxilane project's bid opening and review the bids that were received. The FAA recommends the City award the asphalt bid. The City would be responsible for 5% of the total cost. The City's airport board had initially recommended the concrete bid; however, after the FAA's recommendation agree the City should go with the asphalt bid.

Motion by Heilman, seconded by Eberhart to award the asphalt bid of \$262,653.25 to Lien Transportation out of Aberdeen contingent on federal funding. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

Motion by Flemmer, seconded by Duquette to have Mayor Miller sign the grant application for the airport taxilane project. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

Mayor Miller informed the Council that Game, Fish, and Parks has inquired about land the City owns west of Lake Eureka. They are wondering if the City is interested in selling or leasing the land. The representative from Game, Fish, and Parks was not present. Tabled for a future meeting.

Deputy Ted Smith gave the police report. He mentioned concerns with animal complaints regarding dogs running at large. Setting up a fine system was recommended. The City Attorney, Marshall Lovrien, will be contacted to amend the ordinance to include a fine system as follows: first warning, \$25.00; second warning, \$50.00; third warning, \$100.00; fourth warning, hearing with dog owner on whether they can keep the dog(s).

County Commissioner, Jeff Neuharth, was present to discuss policing in Eureka. In addition, the County Commission voted to allow the City to annex the property in the southeast part of town. Also, there was discussion on County Road 3/B Ave since in the city limits if the City would take over maintenance of the road. If the City agreed, Jeff proposed the County would chip seal the rest of the road going out to the City's airport and continue to maintain it. Jeff felt the County could get this done this summer. No action taken.

The bid opening for the City streets was done. Jensen, Rock and Sand bid \$135/ton for hotmix and \$1.15/sq yard for chip sealing.

There was some discussion on the Community Access grant and the Council reviewed the revised cost estimates from Helms & Associates to do only 9th Street or only part of 9th Street.

Motion by Weisbeck, seconded by Heilman to approve the bid from Jensen, Rock and Sand for the City streets at \$135/ton for hotmix and \$1.15/sq yard for chip sealing. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

The Council requested Public Works Director, Kyle Hemeyer, review the streets and map out a 3-5 year plan so the amount of hotmix can be determined, and curb and gutter can be discussed. Tabled until next month's meeting.

Motion by Weisbeck, seconded by Flemmer to approve the March 13, 2017, city council meeting minutes, and the March 20, 2017, special city council meeting minutes. All voted aye. Motion carried.

There was brief discussion on the bill from Eureka Manufacturing.

Motion by Eberhart, seconded by Flemmer to approve the bills as presented. All voted aye. Motion carried.

Bills for April 10, 2017: Rod Hoffman Construction, dig/cap 3" pipe west side of Premier Equip. \$306.98; Donald Marshalek, customer deposit refund \$75.00; Valleytel, utilities \$388.52; Kary's, gas \$109.80; Northwest Blade, publishing/advertising/supplies \$1,135.77; Interstate Engineering, replat Lots 1-11 (East Lakeside Add.) \$2,750.00; Heartland Waste, sanitation fees \$4,889.90; JP Lumber, supplies \$284.75; Riteway, UB billing statements \$296.28; Dept of Revenue, public health laboratory \$15.00; WWC Engineering, artesian well – engineering services \$174.00; Bantz, Gosch & Cremer, attorney fees \$1,454.31; Eureka Manufacturing, maintenance/repairs \$1,094.28; Ken's, supplies \$10.01; Premier Equipment, supplies \$79.71; A&B Business, supplies/copier contract \$121.62; Olson Consulting, code enforcement \$953.00; Bank of America, library supplies \$89.65; Bank of America, library books \$309.07; Bank of America, library books \$55.31; Center Point Large Print, library books \$87.24; SD Dept of Revenue, drivers licensing \$313.00; MDU, utilities \$4,954.29; WEB, water \$6,452.52; FEM Electric, utilities \$1,025.98; SD Retirement, retirement \$1,162.16; Wellmark, health insurance \$2,815.81; Guardian, dental/vision insurance \$318.69; Great Plains Bank, payroll taxes \$2,958.41; Dept of Labor & Regulation, unemployment insurance \$69.12; Great Plains Bank, utilities \$13.75; McPherson Co. Auditor, police contract \$3,500.00; Postmaster, roll of stamps \$49.00; Rural Development, water project/loan \$1,694.00; First National Bank, SRF clean water loan \$18,181.32; First National Bank, SRF drinking water loan \$3,342.03; Dakota Country, fuel oil \$846.00; SD State Treasurer, sales tax \$461.21; SD One Call, message fees \$8.40; Servall, cleaning supplies \$171.45.

Motion by Weisbeck, seconded by Schwingler to approve the financials. All voted aye. Motion carried.

There is currently a special assessment on the City's books with ECDC for \$3,335.00. It is a liability on ECDC's books for curb and gutter on property ECDC no longer owns. ECDC is requesting that the City remove the special assessment from the City's books so ECDC can remove the liability from their books. At the time ECDC sold the property they should have paid the City the special assessment of \$3,335.00.

Motion by Heilman to write off the special assessment with ECDC from the City's books. Mayor Miller called for a second to the motion three times. No second to the motion. Motion died.

Motion by Schwingler, seconded by Weisbeck to have ECDC pay the City half of the special assessment of \$1,667.50 and write off the other half from the City's books. Roll call vote taken. Duquette-yes, Eberhart-abstained, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. 5 voted aye. Motion carried.

Motion by Heilman, seconded by Duquette to approve the building permits. Flemmer and Weisbeck abstained. 4 voted aye. Motion carried.

Motion by Flemmer, seconded by Eberhart to approve the payroll report. All voted aye. Motion carried.

Public Works Director, Kyle Hemeyer, gave the Public Works Director report.

Motion by Flemmer, seconded by Duquette to surplus the old generator and sell it as is. All voted aye. Motion carried. Tabled until June's meeting.

Motion by Flemmer, seconded by Eberhart to have Kyle Hemeyer attend the mosquito workshop in Aberdeen on April 26. All voted aye. Motion carried.

Flemmer will give Kyle post information for street signs.

Kyle reported that Engineering America will be here on Thursday. Also, the City will be doing street sweeping tomorrow. Kyle also reported that lots of lead water lines are starting to leak. The City doesn't own the line, the property owner does. Kyle recommended the ordinance require the property owner to replace the lead lines and not allow them to be repaired. Duquette referenced Ordinance 13.04.070 which does require the property owner to replace a lead water line when there is a break.

Motion by Weisbeck, seconded by Heilman to reinforce Ordinance 8.04.040 – Branch Pickup. All voted aye. Motion carried. Starting on April 19 branches will be picked up every 1st and 3rd Wednesday. The schedule for branch pickup will be advertised in the Northwest Blade.

Mike Olson, Code Enforcement Specialist, was present to discuss follow up on properties that have received notices. Due to the Council's decision to abate properties with notices regarding vehicles and junk, Mike has been in contact with Art's Body Shop to remove vehicles and local contractor, Bruce Fauth, to remove junk. The City will contract with them. Art's Body Shop quoted \$25-50 per vehicle and Bruce Fauth quoted \$75/hour for man and skid steer and \$110/hour for man and backhoe. Property owners of properties being abated will be sent a final notice. The Council discussed additional properties they felt they would like addressed yet this season. Mike updated the Council on properties. Motion by Weisbeck, seconded by Schwingler to approve Mike Olson make further actions on properties. All voted aye. Motion carried.

Mike Olson discussed the City's bulk water station ordinance. He feels this is a good resource for the agricultural community; however, he recommends the City amend their ordinance to include the water from the bulk water station not be used for human consumption.

The Council was updated on water metering since Ferguson Waterworks was here to update our software. The warranty on the meters and planning to budget for replacements was discussed. In addition, the Council decided to activate the meters for the City properties that have them so water

usage can be read and can be kept track of. The Eureka Fire Department will be asked to keep track of their water usage. Kyle Hemeyer will look into costs of metering unmetered private and City properties.

Mayor Miller was informed that the artesian well drillers are down 80 feet preliminarily. He was told that they should be back here Thursday to finish up.

Motion by Heilman, seconded by Duquette to transfer \$350,000.00 from the sewer fund savings account to the general fund savings account for the artesian well project. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

Motion by Eberhart, seconded by Duquette to approve the second reading to repeal Ordinance 13.04.400 – Service Availability Rate. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

ORDINANCE 2017O-1

AN ORDINANCE REPEALING 13.04.400

Service Availability Rate

BE IT ORDAINED BY THE MUNICIPALITY OF EUREKA, McPHERSON COUNTY, SOUTH DAKOTA,

Ordinance number 13.04.400 is hereby repealed.

Dated this 10th day of April, 2017.

ATTEST:

Lloyd Miller, Mayor

Nicole Frerk — Finance Officer

First Reading: March 13, 2017

Second Reading: April 10, 2017

Published: April 27, 2017

Effective: May 18, 2017

NECOG met with Rural Development earlier today regarding the City's Limited English Proficiency (LEP) plan. Also, Weisbeck Construction completed a cost estimate for the City to make the City building's

bathrooms handicapped accessible. The estimate was for \$37,500.00. The cost estimate information will be submitted to Rural Development.

Weisbeck put together bid specs for advertisement for the repairs and maintenance at the Information Center. Motion by Flemmer, seconded by Heilman to advertise the bid for the Information Center with the completion date of September 1. All voted aye. Motion carried.

Randy Kittle was contacted regarding the requirements of the LWCF grant. He stated by December 31, 2017, the City must have spent \$80,000.00 at the baseball complex on lighting and fencing to then get \$40,000.00 back in grant money. Motion by Schwingler, seconded by Duquette to inform Randy Kittle that the City of Eureka will not be moving forward with the grant. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried. Kyle Hemeyer will get quotes for welding to put the fence back up at the baseball complex. Tabled until next month's meeting.

There was continued discussion on the Community Access grant and the cost estimates received by Helms and Associates. Motion by Flemmer, seconded by Duquette to approve Helms and Associates' cost estimate to do 9th Street to I Ave. (300' x 38') due to the street by the school was tore up due to water and wastewater lines needing repair and due to limited funding and other streets are in need of repairs and maintenance. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

The Council reviewed a letter from FEM Electric concerning the electrical service and the metering at the Eureka Airport. They reviewed several different options in changing the current service. Grossmann spoke with the Council concerning the current electrical service and metering. Motion by Weisbeck, seconded by Schwingler that effective July 1 users of electricity at the Eureka Municipal Airport will be required to have their own meter. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

The Council reviewed a letter from agent, Lorne Serr, with Mark Mehlhoff Insurance out of Aberdeen. The Council agreed to give Lorne an opportunity to provide employee health insurance rates at renewal time.

Kyle Hemeyer reported the 10th Street water break has been fixed.

Ralph Bond was present at the meeting to revisit that last fall the City had agreed to re-seed his property by the railroad. The Council requested Kyle Hemeyer order the seed and take care of the property.

Motion by Flemmer, seconded by Weisbeck to approve the first reading of amended Ordinance 13-05 – Bulk Water Station. Roll call vote taken. Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes, Weisbeck-yes. All voted aye. Motion carried.

Motion by Weisbeck, seconded by Heilman to approve the Resolution Establishing Contract for Legal Services. All voted aye. Motion carried.

RESOLUTION 2017R-2

RESOLUTION ESTABLISHING CONTRACT FOR LEGAL SERVICES

WHEREAS, the City of Eureka by and through its duly elected council members hereinafter referred to as "City of Eureka" deems it necessary to contract with a licensed attorney and/or law firm to provide legal services to the City of Eureka.

WHEREAS, SDCL 9-14-23 provides that, "[t]he governing body of any municipal corporation may contract for legal services or employ an attorney under such terms and conditions as the governing body shall deem proper. Any contract for legal services with an attorney shall be made by ordinance or resolution. Such contract shall set forth the compensation to be paid and the specific services to be rendered."

WHEREAS, the City of Eureka has decided to enter into a contract for a City Attorney for legal services at \$190.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eureka hereby contracts with the law firm of Bantz, Gosch & Cremer, L.L.C., to provide legal services to the City of Eureka from December 31, 2016, to December 31, 2017.

Dated this 10th day of April, 2017.

Lloyd Miller, Mayor

ATTEST:

Nicole Frerk, Finance Officer

Motion by Eberhart, seconded by Weisbeck to go into executive session at 9:31 p.m. All voted aye.

Motion carried.

The Council took a short break before going into executive session. At 9:35 p.m. went into executive session.

Motion by Flemmer, seconded by Weisbeck to come out of executive session at 9:58 p.m. All voted aye.

Motion carried.

Motion by Weisbeck, seconded by Heilman to increase Assistant Finance Officer, Paulette Bauer's hourly wage by \$1.00 effective April 1. All voted aye. Motion carried.

Motion by Eberhart, seconded by Schwingler to appoint a personnel committee consisting of the Mayor, Council President, and Council Vice President. All voted aye. Motion carried.

Motion by Heilman, seconded by Flemmer to adjourn the meeting at 10:00 p.m. All voted aye. Motion carried.

Mayor Lloyd Miller

Nicole Frerk, Finance Officer