

Minutes for August 14, 2017 City Council Meeting

The meeting of the Eureka City Council was called to order on August 14, 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: Delzer, Duquette, Eberhart, Flemmer, Heilman, Schwingler; and Finance Officer Frerk.

Mayor Miller recognized and thanked Susan Fischer with a clock for her 14 years of service as the City's librarian.

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

As advertised, the Council opened the bids for the Trex square select decking. One bid was received by Kristi Popowski for \$1,000.00. Another bid was received by Eric Odenbach for \$6,250.00. A third bid was received by Weisbeck Construction for \$5,152.00. The last bid was received by Jim Weixel for \$656.00. The appraised value for the decking was \$5,138.98.

Motion by Heilman, seconded by Flemmer to accept the bid of \$6,250.00 from Eric Odenbach for the Trex square select decking. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Citizen Open Forum: Kaytlin Pelton was present to let the Council know she will be having her wedding in 2 weeks at the Country Club and is wondering if the City would spray for bugs/mosquitoes. She is having an outside reception in a tent. The Council will take this request under consideration.

Carmen Weber with the Eureka Community Health Services Avera was present to discuss the City's past financial contribution for hospital debt relief. Carmen informed the Council that this debt will be paid off in August of this year.

City Attorney, Marshall Lovrien, joined the meeting.

Carmen provided the Council with current, audited financials. She explained that they have another loan through USDA that was taken out in 1999 for \$105,000.00. They are requesting that the Council give 2018 budget consideration of \$12,500.00 annually for debt relief and they will apply it now to this USDA loan.

Jean Bertsch and Barry Lapp with the Eureka Pioneer Museum were present to request 2018 budget consideration. They informed the Council of upcoming expenses at the Museum including re-shingling projects, roofing, etc. Council member Heilman thanked the Museum for their fundraising efforts this past year.

Judy Dohn with the Senior Center was present to request 2018 budget consideration. The Senior Center is requesting the same financial contribution of \$1,500.00 for operating expenses.

Kaytlin Pelton with ECDC was present to give the Council an update on Empower Eureka. She informed the Council that the next meeting will be on September 6 and they will be starting to work with the teams. She was also present to request 2018 budget consideration for ECDC. ECDC is requesting \$36,450.00 for the second year of Empower Eureka and the director's salary. The Council requests financial statements for next week's special meeting when they discuss the 2018 budget.

Terry Schutz with the Sportsmen's Club was present to discuss the shooting range. Since the shooting range is on City property it was reviewed by Safety Benefits who works with the City's insurance, SDPAA. Upon review, the SDPAA informed the City that they would cover the shooting range if the list of recommendations were taken care of and changed or the City has an option to contract/lease the property to another entity and they would be responsible for insurance coverage. Another option to donate or gift the property to another entity was also suggested. Terry informed the Council that they had a meeting yesterday to discuss forming a new organization called Eureka Outdoors. There was great interest in the new organization and if formed the new organization would be interested in obtaining the shooting range property and then they would be responsible to handle the insurance. City Attorney, Marshall Lovrien, informed the Council that after looking into it the City would have to surplus and sell the property. The only two ways the City could donate or gift the property is unless the other entity was another government entity or if the other entity did a land exchange with the City. Terry informed the Council that the trap house is currently locked per the requirement of the City's insurance. The City will need to obtain additional information from the City's airport engineer and the County on the legalities of the land and whether or not the property is platted before the City can make any further decisions.

The first reading of the 2018 budget will be done at the special meeting next week Tuesday, August 22, at 7:00 p.m.

Ben Aaseth with Interstate Engineering was present to give the Council an update on the airport's taxilane project. He stated they are moving forward and striping should be done in the next 2-3 weeks. They will hopefully be completely done by Labor Day. He also informed the Council that the new airport lessee, Alan Rau, is currently working on putting up his hangar.

Motion by Duquette, seconded by Flemmer to approve the following airport reimbursement requests: Lien Transportation \$148,441.14, Interstate Engineering \$70,494.55, Beaver Creek Archaeology \$3,565.75, and the Northwest Blade \$30.60. Roll call vote taken. Schwingler-yes, Heilman-yes, Flemmer-yes, Eberhart-yes, Duquette-yes, Delzer-yes. All voted aye. Motion carried.

The special meeting minutes from July 17, 2017, stated \$150,000 gallons a day. The minutes should have just stated 150,000 gallons a day without the dollar sign.

Motion by Eberhart, seconded by Schwingler to approve the July 10, 2017, city council meeting minutes, and the July 17, 2017, special city council meeting minutes. All voted aye. Motion carried.

The bill from Banyon Data and the bills for swingset repairs were discussed.

Motion by Schwingler, seconded by Heilman to approve the bills as presented. Roll call vote taken. Delzer-yes, Duquette-abstained, Eberhart-abstained, Flemmer-yes, Heilman-yes, Schwingler-yes. Motion carried.

Bills for August 14, 2017: American Legion, American flag \$30.00; Eureka Manufacturing, park repair \$369.88; Avera Occupational Medicine, pre-employment testing \$73.50; Kary's, gas \$40.80; Vilas Pharmacy, supplies \$12.07; Jensen, Rock & Sand, chip sealing \$29,207.72; Valleytel, utilities \$386.23; MTI Distributing, toro mower supplies \$811.34; Northwest Blade, advertising/publishing \$199.80; WWC Engineering, engineering fees-artesian well \$4,701.47; PlaysetsParts.com, parks playground \$239.80; Olson Consulting, code enforcement \$1,094.00; Heartland Waste, sanitation fees \$5,852.90; Banyon Data, customer support \$2,385.00; Pheasantland Industries, new hire work apparel \$203.43; Jeremy Eberhart, election workshop-mileage \$106.68; Bank of America, library books \$287.61; Bank of America, scoreboard

battery \$47.93; USA Blue Book, water supplies \$63.66; Dept of Revenue, public health laboratory \$79.00; Senior Center, 2017 financial contribution \$1,500.00; Grainger, ballast for City office light \$45.44; Hali-Brite Inc., airport light bulb \$121.85; Servall, cleaning supplies \$149.83; A&B Business, supplies/copier contract \$111.87; Premier Equipment, supplies \$120.16; Ken's, supplies \$50.82; The Stop, gas \$231.88; SD One Call, message fees \$17.85; SD Dept of Revenue, drivers licensing \$318.00; MDU, utilities \$5,966.61; Wellmark, health insurance \$2,815.81; Guardian, dental/vision insurance \$318.69; SD Retirement, retirement \$1,043.28; Eureka Chamber of Commerce, Eureka sign \$4,302.60; Water System Drilling Inc., artesian well project \$200,000.00; Great Plains Bank, payroll taxes \$3,979.94; SD Treasurer, sales tax \$553.44; WEB, water \$7,400.72; FEM Electric, utilities \$908.06; Great Plains Bank, utilities \$15.35; Les's Standard, City hall A/C labor/maintenance \$258.50; Angie Aman, customer deposit refund \$75.00; Julie Hoff, customer deposit refund \$75.00; Brent Eberhart, customer deposit refund \$75.00; Austin Hoffman, customer deposit refund \$75.00; Eureka Vet Services, customer deposit refund \$75.00; Brandon Duquette, customer deposit refund \$75.00; Jamie Olson, customer deposit refund \$75.00; Alfred Chrzan, customer deposit refund \$75.00; Jesse Howard, customer deposit refund \$75.00; Oldies But Goodies, customer deposit refund \$75.00; Jim Weixel, customer deposit refund \$75.00; Lakeside Lumber, supplies \$724.24; Postmaster, UB postage/stamps \$598.00; McPherson Co. Auditor, police contract \$3,500.00, Rural Development, water project/loan \$1,694.00; SD Treasurer, sales tax \$557.29.

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

Motion by Duquette, seconded by Delzer to approve the building permits. All voted aye. Motion carried.

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

Deputy Ted Smith gave the police report. He informed the Council that Julina Aman is in violation of ordinance 6.04.110 due to the excessive barking of her dogs. Deputy Smith has received several complaints from different individuals. He is looking for a recommendation from the Council on what amount to fine for the violation. In addition, one of Julina's dogs is running at large all the time. She has been warned about this on several occasions. City Attorney, Marshall Lovrien, recommended that Deputy Smith send him the reports and complaints and he will determine if there is enough to serve a summons and complaint for Julina to appear in court. Deputy Smith will present material to Marshall Lovrien.

Public Works Director, Kyle Hemeyer, gave the Public Works Director report. He informed the Council that with the recent rains the City has had several sink holes likely due to storm sewers collapsing. This problem is occurring all around the town and can become hazardous. The first step in resolving our storm sewer issues is to determine the state of our storm sewer by cleaning and televising the entire storm sewer system to assess the extent of our problems. Council member Flemmer stated some of the issues may be where the joints have separated on a cement pipe. Kyle provided a cost estimate of \$20,000+ per year for 3 years for sewer cleaning and camera.

The two metal slides at the playgrounds in the park were removed. The Council decided to have them disposed at the rubble site.

Motion by Flemmer, seconded by Delzer to approve Glen Olene attend the Wastewater Collection training class and certification test in Watertown on August 29-31. All voted aye. Motion carried.

Kyle also informed the Council that the estimated cost to refurbish Well #2 would be \$6,000+. The sample taken at the well showed a lot of rust. Re-piping and maintenance will be costly and the pipe may be

asbestos lined. Kyle made the suggestion of adding a new 2nd WEB pump instead for an estimated cost of \$8,500.00.

Motion by Heilman, seconded by Schwingler to go into executive session for litigation at 8:01 p.m. Kyle Hemeyer present. All voted aye. Motion carried.

Motion by Eberhart, seconded by Delzer to come out of executive session at 8:33 p.m. All voted aye. Motion carried. No action taken.

The Council reviewed an updated code enforcement report from Mike Olson. The cost estimates received for the removal of both the Kitzler and Hieb buildings were discussed. In addition, properties were discussed that the Council requests Mike look into and take care of.

Motion by Eberhart, seconded by Delzer to approve the second reading of Ordinance 6.04.080 – Impoundment of Dog. All voted aye. Motion carried.

ORDINANCE 6.04.080

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

6.04.080 Impoundment of dog.

All dogs captured and conveyed to the dog pound shall be kept for a minimum period of at least three days following notification to the owner of capture and impoundment, unless sooner reclaimed by the owner or keeper of such dog as provided in this section.

A. Reclaiming Impounded Dog. When the owner or claimant of any dog so impounded shall desire to redeem such dog from the dog pound, such dog may be released upon the payment to the person in charge of such dog pound a twenty-five dollar (\$25.00) impoundment fee, ten dollars (\$10.00) per day for housing of the dog and all veterinarian fees associated with the keeping of the dog. Additionally, the person shall exhibit a license for such dog issued in the manner provided in this section and the person in charge of such dog pound shall thereupon release such dog to such owner or claimant.

B. Sale or Destruction of Impounded Dog. If the dog is not reclaimed within three days following notification to the owner of impoundment of the dog, the person in charge of the dog pound shall provide to the owner of any licensed dog so impounded, twenty-four (24) hours' notice in writing before the dog shall be destroyed. If the owner(s) refuses to reclaim the dog, it shall be the duty of the person in charge of the dog pound before destroying any dog, under the provisions of this chapter, to sell such dog at a private sale to any person who is willing to pay a sum sufficient to reimburse the dog pound for all expenses of keeping such dog. Any impounded dog that is not reclaimed by its owner(s) and which cannot be sold by the person in charge of the dog pound as prescribed in this section shall be destroyed. (Ord. 2000-3 § 6.04.08)

Dated this 14th day of August, 2017.

Lloyd Miller, Mayor

ATTEST:

Nicole Frerk — Finance Officer

First Reading: July 10, 2017

Second Reading: August 14, 2017

Published: September 7, 2017

Effective: September 28, 2017

Motion by Heilman, seconded by Schwingler to approve the first reading of Ordinance 13.04.080 – Cut Offs. The ordinance now does not include Part B which involves the City water superintendent inspect cut offs when properties are sold in town. All voted aye. Motion carried.

The revision of Ordinance 15.16.070 – Permit Required to Remove Building was discussed. Part C of the ordinance was removed. In addition, a \$5.00 tear down fee is now required instead of \$500.00 and providing proof of payment of property taxes is still required as well. In addition, providing proof of liability insurance in an amount of not less than one million (\$1,000,000) dollars was discussed. The Council was unsure on the amount of liability insurance they should require. The first reading of the ordinance was tabled until next week's special meeting on August 22.

The revision of the sanitation fee schedule for apartments was discussed. If the Council decides to allow the apartments to pay Heartland Waste directly for sanitation services rather than pay the sanitation fees to the City, the Council will need to both manage expenses and give less financial contribution or increase revenues elsewhere. Further discussion tabled until next week's special meeting when discussing the budget.

The Council discussed increasing the City's water rates' flat fee from \$9.00 to \$12.00 or \$15.00. Further discussion tabled until next week's special meeting when discussing the budget.

Metering at the Weixel Trailer Court was discussed. Motion by Duquette, seconded by Delzer to approve Public Works Director order a 6 inch meter to be installed on the property, and once meter is received, the City Attorney will send the property owner a letter stating the meter must be installed and functioning within 30 days of the date of the letter, and the property owner is responsible for utility connections and the expenses incurred. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Motion by Heilman, seconded by Flemmer to approve summer fill and to contract prepay 3,000 gallons of propane at \$1.10 with Northern Plains. All voted aye. Motion carried.

Motion by Delzer, seconded by Schwingler to approve use of Jeremy Eberhart's boom lift to change light bulbs at the airport. Eberhart-abstained. 5 voted aye. Motion carried.

Motion by Eberhart, seconded by Delzer to fix and bill for the following property owners curb stop repairs: Francis Schaeftbauer and Brandee Hanson. All voted aye. Motion carried.

The SDML Annual Conference will be October 3-6 in Sioux Falls. Registration form is due on September 15.

Motion by Flemmer, seconded by Schwingler to approve the Mayor to sign the agreement for the Roadway Safety Improvement Project. All voted aye. Motion carried.

Motion by Flemmer, seconded by Delzer to approve the Eureka Fire Department Hunter's Steak Fry raffle. All voted aye. Motion carried.

Motion by Eberhart, seconded by Heilman to approve the Community Transit fundraiser at the Senior Center on September 17 during Schmeckfest weekend. It will be breakfast and they will do a free will donation and have sausage gravy and biscuits along with scrambled eggs and fruit. All voted aye. Motion carried.

Motion by Delzer, seconded by Eberhart to release the voluntary water restrictions. All voted aye. Motion carried.

The Council further discussed Kaytlin Pelton's request to spray at the Country Club. The Council requests that Kyle Hemeyer spray out there when he does his routine spraying that week.

The Council took a 5 minute break.

Motion by Eberhart, seconded by Schwingler to go into executive session at 10:00 p.m. All voted aye. Motion carried.

Motion by Heilman, seconded by Flemmer to come out of executive session at 10:42 p.m. All voted aye. Motion carried.

Motion by Heilman, seconded by Flemmer to make a payment to Water System Drilling for retainage in the amount of \$28,117.50. Roll call vote taken. Delzer-yes, Duquette-yes, Eberhart-yes, Flemmer-yes, Heilman-yes, Schwingler-yes. All voted aye. Motion carried.

Motion by Duquette, seconded by Heilman to adjourn the meeting at 10:43 p.m. All voted aye. Motion carried.

Mayor Lloyd Miller

Nicole Frerk, Finance Officer