

## UNAPPROVED MINUTES OF THE REGULAR MEETING OF THE ELK POINT CITY COUNCIL

The Elk Point City Council met in regular session on Monday, January 5, 2015 at 7:00pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor Trobaugh presiding and these members present: Leitru, Honomichl, McCreary, Verros, Zevenbergen and Buum. Also present were: City Attorney Thompson, City Administrator Nelsen, Police Chief Fleek, Public Works Director Buum and Finance Officer Hammitt.

Motion made by Honomichl, seconded by Verros to approve the agenda. All in favor.

McCreary moved and Buum seconded a motion to approve the minutes from the December 1<sup>st</sup> and December 22<sup>nd</sup>, 2014 council meetings. Unanimous.

Motion and second, Honomichl/Leitru to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: \$40,724.68; Enterprise Fund: \$23,920.82; Fringe Benefits: General Fund: \$10,038.08; Enterprise Fund: 5,889.30; Bills: 1<sup>st</sup> Financial Bank USA-lease payable: \$25,526.50; Analytical & Consulting-sewer testing: \$142.00; Cardmember Services-police gas: \$405.23; City of Vermillion-tipping fees: \$1,810.80; Competitive Edge Software, Inc.-computer software: \$900.00; Cornhusker International Trucks-repairs: \$55.28; DENR-dues: \$60.00; Gary's Tree Service-snow removal: \$150.00; Joint Utility Training School-training: \$400.00; Leader-Courier-publishing: \$697.42; Pedersen Machine, Inc.-supplies: \$3,500.00; Perkins Office Solutions-office expense: \$49.95; SD Assoc. of Code Enforcement-dues: \$40.00; SD Building Official Assoc.-dues: \$50.00; SD City Managers Assoc.-dues: \$150.00; SD DENR-wastewater fees: \$1,500.00; SD Government Finance Officers Assoc.-dues: \$40.00; SD Human Resource Assoc.-dues: \$25.00; SD Municipal Electric Assoc.-dues: \$1,215.00; SD Municipal Street Maintenance Assoc.-dues: \$35.00; SD Police Chiefs Assoc.-dues: \$97.75; SDML Workers Compensation Fund-insurance: \$17,895.00; SECOG-dues: \$2,749.00; Sioux City Journal-library subscription: \$150.57; South Dakota Municipal League-dues: \$1,479.84; Southeast Farmer Elevator Coop.-gas: \$339.02; US Bank Equipment Finance-copier lease: \$162.47

Second Reading was given to the following Ordinance:

### ORDINANCE NO. 373

AN ORDINANCE OF THE CITY OF ELK POINT, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ELK POINT BY AMENDING CHAPTER 3.01, NUISANCES.

BE IT ORDAINED BY THE CITY OF ELK POINT, SD:

*Section 1. That Section 3.0104, of the Revised Municipal Ordinances of Elk Point, SD, is hereby amended to read as follows:*

3.0104 Vegetation Nuisance.

A. Duty to Cut. No owner of any lot or property within the City or any agent of such owner or the occupant of such lot or property shall permit thereon any weeds, grass or deleterious, unhealthful growths or other noxious matter that may be growing, having reached a height of eight (8) inches, lying or located thereon and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance. This does not apply to vegetation which is being grown as a crop, livestock pasture or wildflower display garden.

B. Notice to Destroy Weeds and Other Growths – Contents and Procedures. The Elk Point Finance Officer is hereby authorized and empowered at the beginning of, or during, the growing season to notify in writing, or by public notice, each owner, occupant, or person in charge of any such lot, place or area, to cut, destroy or remove any such weeds, grass or deleterious or unhealthful growths or other noxious matter found growing, lying, or located on such property. Such notice shall be served to said owner, agent, or occupant at his last known address, or by one publication in the official newspaper, and shall notify said owner, agent, or occupant to cut, destroy, or remove any such weeds, grass or deleterious or unhealthful matter.

C. Violation Notice. After inspection, if any property is determined to be in violation of this Section, a Violation Notice shall be posted on said property. The notice shall give the owner, occupant or agent of such lot or property five (5) days from the date of the notice to cut, destroy, or remove any such weeds, grass or deleterious or unhealthful matter.

D. Failure to Comply. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days thereof, the Elk Point Police Chief or his or her representative is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass or deleterious, unhealthful growths or other noxious matter pursuant to the following schedule:

1. Twenty dollars (\$20.00) per hour per man (labor).
2. One hundred dollars (\$100.00) per hour per piece of mowing equipment.
3. Forty dollars (\$40.00) per hour per weed-eater.
4. One hundred dollars (\$100.00) per hour per truck.

If fees, costs and expenses are incurred by the City in addition to those charges described above, the property owner shall be responsible for said costs, expenses and fees in addition to the those charges described above. The Public Works Director or his or her designee is authorized to use either internal labor and equipment or private contractors at his or her discretion to enforce the provisions of this Section. The City of Elk Point, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of property in violation of this Section.

E. Assessment of Costs. After the condition has been remedied, the Finance Officer or his or her designee shall then submit a bill to the property owner for the cost of remedy. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises. The Elk Point Finance Officer shall cause an account to be kept against each lot for the destruction of weeds, grass or deleterious or unhealthful matter upon said lot as herein provided. Upon the completion of the work in destroying such weeds, grass or deleterious or unhealthful matter and abating said nuisance, the Elk Point Finance Officer shall thereupon certify said account showing the amount, the description of the property, and the owner thereof to the Union County Auditor who shall thereupon add such assessment to the general assessment against said property to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization as are assessments or taxes for general purposes.

F. Civil Action to Recover Costs of Removal or Destruction in Lieu of Special Assessment. In lieu of spreading the cost of the destruction of such weeds, grass or deleterious or unhealthful matter against said property, the City Council, at its discretion, may recover said amount in a civil action against the owner or occupant of such property.

G. Penalties. Any violation of this Section shall be subject to payment of a fine of \$50.00 plus costs to the Elk Point Finance Officer. Repeat offenses under this Section shall be subject to increased fines as provided by this Section. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Section within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Section shall be as follows:

1. The fine for any offense which is a first repeat offense shall be \$125.00 plus costs.
2. The fine for any offense which is a second repeat offense shall be \$250.00 plus costs.
3. The fine for any offense which is a third repeat or any subsequent repeat offense, shall be \$400.00 each plus costs.

Each day on which any violation of this Section occurs or continues, constitutes a separate offense subject to separate sanctions.

H. Habitual Violators. If the owner or person in control of any land that has previously received a notice to abate nuisance relating to weeds within the preceding 12 months, then, the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be an habitual violator of this section and that if the nuisance is not abated within the allowed time, the City will consider the property to be subject to having a contract let by the City for mowing property as needed up to a weekly basis for the next following 24-month period of time and that the full cost of said contract together with an administrative fee of five hundred dollars (\$500.00) shall be assessed against the property.

Adopted this 5<sup>th</sup> day of January, 2015.

Isabel Trobaugh  
Mayor

ATTEST:

Erika Hammitt  
Finance Officer

Seal

First Reading: November 3, 2014  
Second Reading & Adoption: January 5, 2015  
Publication: January 15, 2015

Effective Date: February 4, 2015

Motion made by Zevenbergen, seconded by McCreary to adopt Ordinance No.373 as presented. Unanimous.

Discussion was held on the Operation of Governmental Powers of a Joint Public Library Agreement. EPJ Superintendant Sheri Hardman attended the meeting and stated that the school had given First Reading and will give Second Reading at the February meeting. City Attorney Thompson advised the council to wait until the school has given final approval before the City adopts the agreement.

Honomichl moved and Buum seconded a motion to engage Quam and Berglin, CPA to audit the City's financial statements for the period ending December 31, 2014. All in favor.

Motion made by Honomichl, seconded by Leitru to contract with Jeff's Lawn Care, Inc. to complete the 2015 Lawn Care Program at City Hall for a cost of \$228.00. All in favor.

Motion and second, Buum/Zevenbergen to advertise for seasonal help including the Swimming Pool Manager, Assistant Manager, Lifeguards, and Seasonal Public Works seasonal employees. Unanimous.

It was moved and seconded, Verros/McCreary, to hold a joint Municipal/School election on April 14, 2015. All in favor.

Motion made by Honomichl, seconded by Leitru to approve the 2015 animal holding contract with the Siouxland Humane Society. Unanimous.

Verros moved and Zevenbergen seconded a motion to declare the Digger Derrick surplus property. All in favor.

Motion made by McCreary, seconded by Zevenbergen to declare the black 2000 Ford 250 pickup surplus property. Unanimous.

Discussion was held on the proposed merit increase for Police Officer Corey Trudeau. Some council members were worried about it not being included in the 2015 Police Budget. A 6-month step increase was not given to Officer Trudeau. Motion and second, Verros/Leitru to approve a merit increase of \$.39/hour. Voting in favor: Verros, Leitru and Zevenbergen. Voting against: Buum, Honomichl and McCreary. In the event of a tie pursuant to SDCL 9-8-3(Power and Duties of the Mayor-Veto Powers) the mayor shall preside at all meetings of the council but shall have no vote except in case of a tie. Mayor Trobaugh voted in favor of a \$.39/hour wage increase. Motion carried.

Motion by Verros, seconded by Zevenbergen to accept the PUC Electric Service Territory Agreement. All in favor.

Motion to adjourn, Verros/Leitru. Unanimous.

As required by SDCL 6-1-10 the following is a list of salaries and wages of all elected officials and employees of the City of Elk Point, SD as of 1/5/2015. Mayor: \$3,000 annually plus \$40.00 per special meeting attended; Council members: \$2,400 annually plus \$40.00 per special meeting attended. ; Mike Antonson, Utility Service Worker II: \$23.92/hour; Jerry Buum, Public Works Director: \$64,354.00 annually; Michael Christensen, On Call Patrolman: \$16.58/hour; James Christenson, On Call Patrolman: \$14.00/hour; Michelle Fejfar, Assistant Finance Officer: \$18.93/hour; Michelle Fejfar, Cemetery Sexton: \$1,660.51/annually; Ryan Fleek, Police Chief: \$57,098.44 annually; Frye, Kyle, Patrolman: \$16.74; Todd Gates, Utility Service Worker III: \$25.37/hour; Andrea Geary, Utility Office Manager: \$15.51/hour; Erika Hammitt, Finance Officer: \$53,803.00/annually; Mark Hanson, Equipment Operator II: \$18.19/hour; Dan Hutcheson, Equipment Operator II: \$18.19/hour; Ryan Knutson, On Call Patrolman: \$16.18/hour; Micah Larson, On Call Patrolman: \$16.58/hour; Craig Limoges, Landfill & Recycling Gateman: \$9.00/hour; Jacob Limoges, Police Sergeant: \$19.04/hour;; Thomas J. Moore, On Call Patrolman: \$14.00/hour; Dennis Nelsen, City Administrator: \$68,958.00; Kristie Quam, Part-time Assistant Librarian: \$9.25/hour; Jeremy Rouse, On Call Patrolman: \$14.00; Mark Rubida, Utility Service Worker III: \$25.37/hour; Julie Traver, Custodian: \$5,580.00 annually & \$3,750 seasonally; Corey Trudeau, Patrolman: \$17.14/hour; Troy VanRoekel, Utility Service Worker I: \$19.79/hour; Donna Welch, Part-time Assistant Librarian: \$9.00/hour; Jason Welch, Mechanic: \$18.55/hour; Carmen Wilcox, Part-time Assistant Librarian: \$9.88/hour; Danielle Wilkinson, Librarian: \$13.32/hour.

Attest: Erika Hammitt  
Finance Officer

Isabel Trobaugh  
Mayor

