

**City of Belle Fourche  
Regular Council Meeting  
511 6<sup>th</sup> Avenue-Belle Fourche  
Monday, March 18, 2019**

Review Bills - 5:30 P.M.

Agenda - 6:00 P.M.

<b>AGENDA</b>
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1. Pledge of Allegiance.

**For the record and for those of you in the audience, we have just convened a meeting of the City Council for the City of Belle Fourche. Today's date is March 18, 2019. It is 6:00 o'clock in the evening.**

**An audio and video recording of the open session of this Council meeting is being made. Everyone in attendance should please identify themselves by name and address at any time they address the Council. This identification is not only helpful to the Council members but will help anyone who reviews the recording of this meeting.**

**I am asking that anyone who wishes to address the Council on issues that you request acknowledgment through the Mayor.**

2. Adopt the Agenda.
3. Approve the minutes for the Regular Meeting of March 4, 2019.
4. Mayor's Report.
  - A. Community Champions Week Proclamation
  - B. Kenadi Jean Weis Foundation
  - C. Belle Fourche Banner Settlement Fund
5. Community Input.

<b>Next Meeting Date/Reports</b>
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**City Council** – First and Third Monday, Regular Meeting Monday, April 1, 2019 at 6:00 P.M. – Council Chambers

**Airport** – Third Wednesday Quarterly, April 17, 2019 at 5:30 P.M. – City Hall (Upstairs Conference Room)

**\*Ambulance** – Third Thursday, March 21, 2019 at 5:30 P.M. – Ambulance Hall

**BFACC** – TBD

**\*Belle Fourche Chamber** – First Wednesday, April 3, 2019 at 7:00 A.M. – Chamber of Commerce

**Center of the Nation Business Association** – First and Third Tuesday, March 19, 2019 at 5:30 P.M. – AmericInn Breakfast Room

**Center of the Nation Visitor's Center & Tri-State Museum** – Second Tuesday, April 9, 2019 at 5:00 P.M. – City Hall (Upstairs Conference Room)

**\*Revitalization Belle Fourche** – Second Thursday, April 11, 2019 at 12:00 P.M. – City Hall (Upstairs Conference Room)

**\*Economic Development** – Third Wednesday, March 27, 2019 at 7:00 A.M. – EDC Building – 5<sup>th</sup> & Grant

**Legal-Finance** – Second and Fourth Monday, March 25, 2019 at 5:15 P.M. – City Hall (Upstairs Conference Room)

**Library** – First Tuesday, April 2, 2019 at 5:00 P.M. – City Hall (Upstairs Conference Room)

**Planning & Zoning** – First Wednesday, April 3, 2019 at 4:00 P.M. – Council Chambers

**\*Police** – Second Tuesday, April 9, 2019 at 5:15 P.M. – Council Chambers

**Public Works** – Second and Fourth Monday, March 25, 2019 at 6:00 P.M. – Council Chambers

**Rail Authority** – Annual Meeting, January 8, 2020 – EDC Building – 5<sup>th</sup> & Grant

## PUBLIC HEARINGS

1. Public Hearing for a Conditional Use Permit – Use Permit Request for Drive-Thru Facility. Owner: Glen Reede, Applicant: Mikayla Pesicka, 1102 5th Ave, Lots 1 & 2, Block 48, Original Townsite, City of Belle Fourche, Butte County, South Dakota.

## CONSENT AGENDA

The following items were discussed by the appropriate Council Appointed Committee / Board, with membership including at least one City Council Member, and unanimously recommended, by the quorum, for approval, and placed on the consent agenda for final action to be taken on all items by a single vote. Any item may be removed from the consent agenda by the Mayor or a Councilperson for separate consideration.

### Airport Board

**Nothing at this time.**

### BFACC Board

**Nothing at this time.**

### Museum Board

**Nothing at this time.**

### Planning and Zoning Board

**Nothing at this time.**

### Police Committee

1. Recommend approval to hire Brad Johnson as a full-time Police Officer for the Police Department. Hiring is conditional with the passing of a drug test, background check and City Council approval. Johnson's pay will be \$16.06 per hour which is a Grade 10, Step 3 on the full-time pay scale. His start date will be on or after March 19, 2019.
2. Recommend approval to promote Officer William DuBry to Officer I status for completion of the South Dakota Law Enforcement Academy and Standards. This this promotion DuBry's pay will increase to \$16.88 per hour which is a Grade 10, Step 5 on the full-time pay scale.

### Public Works Committee

3. Recommend approval for Public Works Director Dirk Hoffman to be allowed to hire eight seasonal employees for his department for the summer of 2019. It will be reported to the Council who was hired and at what wage. The seasonal employees will then be able to begin work as soon as needed/available.
4. Recommend approval of contract with Rasmussen Mechanical in the amount of \$5,052.00 per year for 3 years. This will come from Custodial Maintenance Contract Services budget.
5. Recommend approval to waive fees for Bowman Hall on April 2<sup>nd</sup>, 2019 for meeting of the ABC Coalition. The deposit has been paid.
6. Recommend approval for payment of \$7,221.50 to APEX for 2018 Landfill testing. This is a yearly budgeted item.
7. Recommend approval for contract of 2019 Ground Water Monitoring and Reporting from APEX in the amount of \$18,882.00. This is a 2019 budgeted item from Landfill Contract Services.
8. Recommend approval for CONBA to have their annual Easter Egg Hunt April 13 at 10am at the baseball/softball fields and on the Wahlfeldt field.
9. Approval to pay invoice number 1200175008 payment number 5 to HDR for Project 2018-19 Day Street Lift Station Replacement Project in the amount of \$6,224.81.

### Legal Finance Committee

10. Recommend authorization for the mayor to sign temporary construction easement agreement with D.O.T. for U.S. Highway 85.
11. Recommend approval of the First Amendment to the Agreement for Animal Shelter Services, regarding Section 6 – Record Keeping and Section 8 – Fines and Fees, that Patty Eszlinger Niesent currently has with the City.
12. Recommend to set the election worker's salary rate at \$15.00 for attending Election School and \$135 Election Day. (This is the same rate as the county.)
13. Recommend approval of the updated job description for the Human Resource Manager position. (Format was updated and redundancies eliminated.)

14. Recommend approval of Resolution 7-2019: Consenting to a Transfer of Control of Franchise:

**RESOLUTION**  
**Resolution No. 7-2019**  
**RESOLUTION OF COMMON COUNCIL**  
**CONSENTING TO A TRANSFER OF CONTROL OF FRANCHISE**

**WHEREAS**, Clarity Telecom LLC (“Franchisee”) currently holds a cable television franchise (“Franchise”) granted by the City of Belle Fourche (“Municipality”) authorizing Franchisee to own and operate a cable television system in the Municipality;

**WHEREAS**, Franchisee’s parent company, Clarity Telecom Holdings, LLC, has entered into an Agreement and Plan of Merger (“Agreement”) dated December 24, 2018, that will result in a new equity investor, Oak Hill Capital Partners, sharing control of Clarity with Franchisee’s existing majority equity investor, Pamlico Capital, through a newly formed company called Python Intermediate II, LLC (“Transferee”). Other than the transfer of control of the Franchisee, the Franchisee, the Franchise and all duties, rights and responsibilities pertaining to the operation of the Cable TV System pursuant to the Franchise granted on April 30,2009, will continue unchanged in full force and effect.

**WHEREAS**, Franchisee and Transferee, requested that Municipality consent, to the extent required, to the Transaction as described in the FCC Form 394 (Application for Franchise Authority Consent to Transfer of Control of Cable Television Franchise) filed with Municipality (“394 Application”); and

**WHEREAS**, Municipality has reviewed the 394 Application, and will consent to the transfer of control as described in the 394 Application.

**NOW, THEREFORE, MUNICIPALITY RESOLVES** by the City as follows:

1. Municipality consents to the transaction and resulting transfer of control of the Franchisee and its Franchise.
2. Municipality confirms the Franchise is valid and in full force and effect.
3. The Clerk of Municipality is authorized to enter into, execute, and deliver on behalf of Municipality this consent, along with other documents as may be necessary evidencing this Resolution without further action by this governing body.

Adopted and approved this 18th day of March, 2019.

15. Recommend approval of BFACC Director Michelle Deyo-Amende’s recommendation that Brittney Case, lifeguard in the Aquatics division of the Belle Fourche Area Community Center receive a wage adjustment due to achieving her Water Safety Instructor (WSI) certification. It is further recommended that the adjustment be from a Grade A1, Step 3 - \$9.49 per hour to a Grade A1, Step 4 - \$9.73 per hour. The wage adjustment will be effective with Pay Period 8-19, beginning March 24, 2019.
16. Recommend approval of BFACC Director Michelle Deyo-Amende’s recommendation that Kayla Olson, lifeguard in the Aquatics division of the Belle Fourche Area Community Center receive a wage adjustment due to achieving her Water Safety Instructor (WSI) certification. It is further recommended that the adjustment be from a Grade A1, Step 3 - \$9.49 per hour to a Grade A1, Step 4 - \$9.73 per hour. The wage adjustment will be effective with Pay Period 8-19, beginning March 24, 2019.
17. Recommend approval of BFACC Director Michelle Deyo-Amende’s recommendation that Alexis Cherveney, lifeguard in the Aquatics division of the Belle Fourche Area Community Center receive a wage adjustment due to achieving her Water Safety Instructor (WSI) certification. It is further recommended that the adjustment be from a Grade A1, Step 3 - \$9.49 per hour to a Grade A1, Step 4 - \$9.73 per hour. The wage adjustment will be effective with Pay Period 8-19, beginning March 24, 2019.
18. Recommend approval of BFACC Director Michelle Deyo-Amende’s recommendation that Elena Wolf, lifeguard in the Aquatics division of the Belle Fourche Area Community Center receive a wage adjustment due to achieving her Water Safety Instructor (WSI) certification. It is further recommended that the adjustment be from a Grade A1, Step 3 - \$9.49 per hour to a Grade A1, Step 4 - \$9.73 per hour. The wage adjustment will be effective with Pay Period 8-19, beginning March 24, 2019.
19. Recommend approval of Nikki Burghduff’s Mix & Consume Permit for a graduation party to be held May 17th and 18th, 2019 at Bowman Hall.

**Library Board**

**Nothing at this time.**

## REGULAR AGENDA

1. Approval of Planning & Zoning's recommendation to approve Conditional Use Permit – Use Permit Request for drive-thru facility:
  - Owner: Glen Reede
  - Applicant: Mikayla Pesicka
  - 1102 5th Ave.
  - Lots 1 & 2, Block 48, Original Townsite
  - City of Belle Fourche, Butte County, South Dakota

Interim Engineer Nafus reviewed the request for the Conditional Use Permit. Staff recommends approval of this conditional use permit of the request for drive – thru facility at 1102 5th Ave. Property owner will be required to meet current building codes and obtain a building permit.
2. Approval of the Belle Fourche Chamber of Commerce's request to transfer their Special Liquor Licence (as applied for through the Branding Iron) for their Annual Meeting from March 14, 2019 to March 28, 2019 due to blizzard conditions.
3. Approval of Interim City Engineer Steve Nafus and BFACC Executive Director Michelle Deyo-Amende's recommendation to accept the quote of Upper Deck Architects, Inc. for the conceptual design services for the BFACC lobby remodeling project number 2019-10 in the amount of \$11,600. We further recommend accepting the quote of \$3,600 to provide two interior renderings. These fees do not include any anticipated reimbursable expenses or taxes. Reimbursable expenses will be billed at their direct cost to Upper Deck Architects.
4. Approval of Airport Board President Stan Harms recommendation to purchase a Tandem Axle Utility Trailer from Jim Anderson in the amount of \$500.00 for hauling the water tank. (This is not a 2019 budgeted item.)
5. Approval of the Public Works Committee's recommendation to award Project 2019-7 Water Gallery lease to Mark Viergets in the amount of \$10,270.26. The other bid received was from Larry Bronemann in the amount of \$6,824.16.
6. Approval of the Public Works Committee's recommendation to award Project 2019-8 Roundup Grounds lease to Dirk Hoffman in the amount of \$580.16. This was the only bid received.
7. Approval of the Tri-State Museum and Visitor Center Board's recommendation to award the security camera and added alarm project to DSP (Door Service Products, Inc.) in the amount of \$8,513.81. The other bids received were from Greg Cornett for \$16,604 and Johnson Electric for \$11,085.
8. First reading of Ordinance 3-2019 – An Ordinance Repealing Belle Fourche City Ordinance Title 2 – Chapter 2.56 – Auditorium/Community Center Board.
9. First reading of Ordinance 4-2019 – An Ordinance Amending Belle Fourche City Ordinance Title 2 – Chapter 2.04 – Common Council.
10. Approval to pay invoice number 1200176315 payment number 19 to HDR for Project 2015-17C to HDR for 8th Avenue Sewer Interceptor in the amount of \$29,481.88.
11. Bills.
12. Informational.
13. Adjourn.