**LEOLA CITY COUNCIL MEETING**

**August 4, 2014**

**The Leola City Council met in the Council Room of the Municipal Building in regular session on Monday, August 4, 2014. Mayor Dean A. Schock called the Meeting to order with the following members present: Tyler Bollinger, David Gohl, Norman C. Tschappat, Doug Yost, Brian Walz and one open seat. Also present: Dana Leibel and Shawn Patton. Absent: Jeff Tschappat.**

**The Council Minutes of the July 7th meeting stand approved as mailed out.**

**Council Member Tschappat moved, with a second by Council Member Yost, to accept the corrected July Treasurer’s Report and the August Treasurer’s Reports. All present Council Members voted in favor. Motion carried.**

**The Council examined the following bills:**

**Finance Office Salaried Payroll August Salary $3,307.44**

**Maintenance/Water & Sewer Dept. Payroll August Salary 2,771.95**

**Council Payroll Hours-Citizen’s Food Boxes Pay 15.61**

**West Nile Spraying Payroll 5 time-July-Mosquito Spraying-J. Tschappat 262.80**

**Office Department Payroll July Office Hours-Pam Schaffner 681.91**

**Zoning Payroll-N. Tschappat July – 2 Issued Building Permits 43.06**

**Gov’t Bldg. Payroll-Janitor July Janitor Hours-L. Baily 80.74**

**Maintenance Hours-GBldg, Park, BF Sewer & Water July Fill In Hours – N. Tschappat 167.80**

**Library Payroll July Librarians 627.35**

**Lifeguard Payroll July Hours - Lifeguarding 4,255.62**

**A & B Business Solutions, Inc. Supplies 11.88**

**AmeriPride Service Mops, Deodorizers, Paper Products etc. 125.99**

**Dakota Supply Group Supplies 128.69**

**Eureka Ready Mix Refund on Water Credit 73.75**

**Eureka Ready Mix Concrete 482.50**

**FEM Electric Association, Inc. Security Light & Electricity-Golf Course 53.00**

**Fischer’s Plumbing & Heating Replacing Pipes & Valves for Heater-Pool 4,945.25**

**Gene’s Oil Company July Gas & Diesel 1,167.87**

**Harrington, Katie Tested 36 Children on Swimming Lessons 450.00**

**Hawkins, Inc. Pool Supplies 1,172.15**

**Homestead Building Supply Supplies-Library, Golf Course & Gov’t Bldg. 656.47**

**Leola Public Library Reimbursement for Books Purchased-July 62.89**

**Les’s Standard Parts Mileage & Labor at Pool 1115.44**

**McPherson County Herald Advertising & Publishing 330.89**

**Menards Supplies-Gov’t Bldgs. 28.24**

**Montana-Dakota Utilities Co. Electricity 2,204.56**

**North Central Farmers Elevator Oil, Miscellaneous Parts & Supplies 117.88**

**Rod Hoffman Construction Supplies & Labor-Ballfield/Ketterling W-line/North Star878.14**

**Rod Hoffman Construction Mileage & Labor-Citizens Building Ceiling 1,232.50**

**Rural Development 28th Loan Payment-Sewer Project 4,021.00**

**Schaffner, Pam Reimbursement–Renewal of Microsoft-Office 365 105.99**

**Share Corporation Dynasty for Sewer 1,012.00**

**Shopko Books for Library 14.95**

**South Dakota Dept. of Revenue-Lab Coliform Water Testing 13.00**

**US Postal Service Postage Stamps 98.00**

**Valley Telecommunications Phones, Faxing & Internet & Security 468.92**

**Van Diest Supply Company Rodeo Chemical & Freight 374.00**

**Walz, Brian Reimbursement-Mileage-Food Baskets 25.60**

**Walz, Pam Book Reimbursement 90.80**

**WEB Water July Water Use 3,781.55**

**Wolf, Duane Stump Removal at Park 139.00**

**PROJECT BIILS TO BE CONSIDERED FOR APPROVAL AND HELD FOR FUNDING**

**Cahill Bauer & Associates, LLC Final Billing for Audit Services for Years End 2013 2,997.50**

**Expense unpaid from June Meeting-Waiting on Invoices of Materials**

**Leola Athletic Association Part of Materials-Lean to at Softball Field 1,000.00**

**Council Member Yost moved to pay the above wastewater expenses once grant monies are received and to approve all remaining expenses for payment. Council Member Bollinger seconded the motion. All present Council Members voted in favor. Motion carried.**

**Jason Kallenberger joined the meeting at 7:50 P.M.**

**Council discussed and decided to do the street work on Elm Street this year. The possibility of applying for a Taps Grant for streets to parks or schools. Roadwork needed on 3rd Street, the flushing of culverts and needed culvert replacements were discussed. It was decided to hold a pre-bid meeting on details of the needed replacing of culverts to be bid on digging and replacements the culverts. The pre-bid meeting will be held on Monday, August 18th at 7:00 P.M., with the Council meeting to consider the 2015 Budget and to do 8:30 P.M. interviews on Maintenance/Police Applicants. It was decided to set the actual opening of the culvert replacement bids for the September Meeting rescheduled for Monday, September 8th.**

**Shana Gohl joined the meeting at 7:58 P.M.**

**The Council discussed some of the repairs needing on the city’s motorized street sweeper and it was decided to use sweeper attachment on the skidster to clean streets. Council Member Yost moved, with a second by Council Member Bollinger to surplus the city’s motorized street sweeper. All Council Members voted in favor. Motion carried.**

**Public Hearing on Ordinance 14-01 was held. The Council discussed that SD State Legislature decided dogs could not be disallowed due to specify breed and according to SDML the city still needed to go through expense to change ordinance even though it was changed by state law. We can still set laws pertaining to dogs just not pertaining to certain breeds. No one present for the hearing objected to the passage of Ordinance 14-01.**

**Council Bollinger introduced the Amendment Ordinance 14-01 restricting the type of Dogs allowed within the City of Leola. Councilman Yost seconded the motion. Upon roll call vote as follows: Bollinger-Aye, Yost-Aye, Gohl-Nay, Walz-Nay, and Tschappat-Aye. Motion carried. The second reading was held as follows:**

**ORDINANCE NO. 2014- 01**

**AN ORDINANCE TO AMEND ORDINANCE 7-6-8 RESTRICTING THE TYPES**

**OF DOGS ALLOWED WITHIN THE CITY LIMITS OF LEOLA, SOUTH DAKOTA.**

**BE IT ORDAINED BY THE MUNICIPALITY OF THE CITY OF LEOLA,**

**MCPHERSON COUNTY, SOUTH DAKOTA.**

**7-6-8 Restriction on the type of dogs allowed. It shall be unlawful for any person, firm, or entity to possess any dog/dogs predominately bred for fighting.**

**Legislative Authority: SDCL 40-34-16**

**First Reading: July 7, 2014**

**Second Reading: August 4, 2014**

**Publication Date: July 23, 2014 & August 20, 2014**

**Effective Date: September 1, 2014**

**Dean A. Schock Mayor, City of Leola ATTEST: Candice Kappes, Finance Officer**

**NOTICE OF ADOPTION**

**AN ORDINANCE TO AMEND ORDINANCE 7-6-8 RESTRICTING THE TYPES OF DOGS ALLOWED WITHIN THE CITY LIMITS OF LEOLA.**

**NOTICE is hereby given that Ordinance No. 2014-01 being an Ordinance to restrict the type of dog/dogs allowed within the city limits of Leola, McPherson, County, South Dakota, as set forth, was duly adopted by the City of Leola on the 7th day of July, 2014, and that such Ordinance shall be effective September 1, 2014.**

**Dated this 7th day of July, 2014.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dean A. Schock, Mayor, City of Leola**

**At 8:15 P.M., Bids were opened on the city’s surplus car dolly without tie down straps. Council Member Tschappat moved to accept the highest bid of $500.00 from Tony Roth on the city’s surplus car dolly without tie down straps. Council Member Walz seconded. All Council Members voted in favor.**

**Jason Kallenberger spoke to the Council on debt against lot with a garage he is interested in purchasing for garage use and stacking his firewood. The property is 203 Conklin Street and has accumulated debt from cleaning up property, mowing and hauling of dirt fill in for the basement. Council Member Tschappat moved, with a second by Council Member Walz, to eliminate this debt from the property at 203 Conklin Street once this property is legally in Jason Kallenberger’s name. All Council Members voted in favor. Motion carried. Kallenberger left the meeting.**

**Shana Gohl, Pool Manager, updated the Council on the swimming pool. 20 kids attended the midnight swim at $5.00 apiece. The Council examined the Monthly Pool Report and she informed the Council the pool heater is again running. The pool will again be on adjusted hours during the Brown County Fair and the last day for the Pool was set for Saturday, August 23rd with clean up the following week. Issues at the pool were discussed along with the diving board had arrived and needs to be installed. Piping in the water to the water slide was discussed along with the sidewalk to be installed by Glenn Spitzer.**

**Shana Gohl left the meeting at 8:45 P.M.**

**Wayne Hoffman, Chrissy Bailey and Francis Bell joined the meeting to discuss state law changes pertaining to hours allowed to sell off-sale liquor from 7:00 A.M. until. 2:00 A.M. unless otherwise regulated by Municipal Laws. The Council granted the L & L Bar to sell off sale liquor during the hours their license permits to be open according to their on-sale or less if otherwise set by the American Legion within the hours set or changed in statute by state law. Hoffman, Bailey and Bell left the meeting at 8:55 P.M.**

**The Council spoke to Dana Leibel and Shawn Patton on their interest in filling the open seat for Ward One created by the resignation of Jim Severson. At 9:07 P.M., Council Member Tschappat moved to go into executive session. Council Member Walz seconded motion. All Council Members voted in favor motion carried. Kappes, Leibel, Patton left the meeting during executive session.**

**Council Member Bollinger moved to exit executive session at 9:14 P.M. Council Member Gohl seconded motion. All Council Members voted in favor motion carried. Mayor Schock appointed Dana Leibel as Council Member Ward One for the remainder of the term. Council Member Yost moved to accept Mayor Schock’s appointment of Dana Leibel. Tschappat seconded the motion. All Council Members voted in favor. Motion carried. The Council thanked Patton for his interest in the seat and if he was still interested the term would be up in the spring and petitions available in February. Leibel took his seat on the Council.**

**The Council discussed that an air wrench was turned over to the city by Council Member Gohl.**

**The Council reviewed pictures and articles about the Gazebo the City of Ethan made out of their historical above ground water tower. Jeff Tschappat joined the meeting at 9:35 P.M.**

**Council Bollinger introduced the following Resolution 14-01 to authorize the Governing Body to apply for a Land and Water Conservation Fund to get water and sewer utilities to the Leola City Park. Councilman Yost seconded the motion. Upon roll call vote as follows: Bollinger-Aye, Yost-Aye, Leibel-Aye, Gohl-Aye, Walz-Aye, and Tschappat-Aye. Motion carried. The resolution was read as follows:**

**RESOLUTION OF GOVERNING BODY**

WHEREAS, the United States of America and the State of South Dakota have authorized the making of

grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the

acquisition and/or construction of specific public outdoor recreation projects;

NOW, THEREFORE BE IT RESOLVED:

1. That the Mayor is hereby authorized to execute and file an application on behalf of the

City of Leola with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing the Leola Park Improvements Project for the City of Leola, South Dakota and its Environs.

2. That Dean Schock, Mayor is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.

3. That the City of Leola shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

4. That the City of Leola shall dedicate for park and recreation purposes in perpetuity, the real property identified in the authorized application.

**CERTIFICATE OF RECORDING OFFICER**

The undersigned duly qualified and acting City Finance Officer of the City of Leola

does hereby certify: That the attached Resolution is a true and correct copy of the Resolution, authorizing the filing of application with the National Park Service as regularly adopted at a legally convened meeting of the City of Leola duly held on the 4th day of August, 2014: and further that such Resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of August, 20 14.

\_\_\_\_\_\_\_\_

Signature of Recording Officer

SEAL (Notary or City)

Candice Kappes, Finance Officer

Title of Recording Officer

**Council Member Bollinger updated the Council on the placement of the new park equipment by the sand volleyball court due to the accumulation of standing water in the area south of the swimming pool. The Council discussed the basketball hoops to be placed on each end of the tennis court as part of the Horizon Strategic Plan.**

**Mayor Schock informed the Council he applied for a variance and needed easement. Council granted permission and to go forth with applying for the needed variance to be considered by the Zoning Board on Monday, September 8th at the Zoning Meeting at 7:00 P.M.**

**July issued Building Permits: David & Shana Gohl 14-14, Duane Wolf-14-15.**

**The Council discussed that electrical is done except in the sump pump room of the Citizen’s Center. There is still flooring and trimming left to do.**

**The Council discussed that the generator being set at G’s is done and just needs power checked before wiring the generator in.**

**The Council discussed dilapidated buildings and it was decided speak to the fire department to have the condemnation process started.**

**The Council examined the July Monthly Library Report. The Council granted Pam Walz permission to paint walls at the Library.**

**The Council discussed application for the Maintenance/Police position and those picked up and still not returned. It was decided to set up interviews on Monday 18th.**

**The Council was updated on the Golf Course by those on the Council belonging to the Golf Association.**

**The four areas still having sewer problems were discussed. Once the remaining owners of these areas have had their lines televised they need to contact Helms & Associates to view them if they still believe its project related. The City was just waiting for final bills and meeting to close out the project.**

**The City hasn’t heard back from H & H Contracting concerning work to be done on the water tower and service contracts. It was decided Jeff Tschappat will make contact concerning contracts and repairs needed before going elsewhere.**

**The storm shelter and warning siren were discussed. It was decided Council Member Yost reset the siren to blow.**

**The Council discussed the bid accepted from Terry Hoffman for $250.00 to purchase area described as the W 50’ of Lots 7-11, Block 3, Out lot 3 in Equity Elevator Addition, to date payment to purchase has been made and terms were for the purchase price due immediately following sale. It was decided by the Council if lot was not purchased and paperwork completed by the September 8th Meeting the motion will be rescinded and bid acceptance will be null and void.**

**The City’s two year audit report from Cahill Bauer & Associates, LLC was discussed and reviewed by the Council for those who had not yet reviewed it.**

**Council Member Walz moved, Council Member Leibel seconded, to accept the quote given by Cahill Bauer & Associates, LLC for quick books setup for $2,000.00 for 3 days, with this amount being adjusted if less time is need as specified by them. All Council Members voted in favor. Motion carried.**

**The Council discussed the September 1st Meeting falls on Labor Day and it was decided to meet on Monday, September 8th at 7:30 P.M. instead, and the mayor and the finance officer were granted permission to pay those regular bills needing to be paid. The Special Meeting August 18th will be held to discuss the pre-bid meeting on culvert installation at 7:00 P.M., LWCF Grant Applications to go over application with needed cost estimates and scope of work for park campground project, interview Maintenance/Police Applications, the 2015 Budget line item by line item.**

**Council Member Tschappat moved, with a second by Council Member Bollinger, to again back the Housing & Redevelopment Commission and to renew the annual Guaranty of Program Action No. 96-850 loan #1 and to in addition agree to back the new additional loan #2 for $7,100.00 for the Housing & Redevelopment Corporation consolidation of the Housing Loan for Grow SD for shingling at Hohm Park Apartments. All Council Members voted in favor. Motion carried.**

**The Council granted Candice Kappes and Pam Schaffner permission to attend the SDML Conference in Spearfish on Oct 7-10.**

**The Council discussed Northern Plains costs estimate for summer fill and to contract. No action was taken.**

**The City received an SDML Workers’ Compensation Fund Notice of Trustee Election for the two open seats of Karl Alberts, Aberdeen and Stanton Fox, Watertown and any nominees wanting to hold a seat must submit biography and election or appointment will be held in Spearfish on October 8th.**

**Electricity to the Street lights and wiring needed to the poles and outlets were discussed and it was decided to make contact with MDU. The Council discussed parties and organizations interested in donating toward Christmas Lights but no actual funds have been donated.**

**Council Member Leibel discussed the ball field with the board and stated that Bev Myer, Athletic Director had questions on the field. The Council also were unsure as City offered to sell the west ball field land to the school and has not heard back on a decision by the school board members or past athletic director.**

**Council Member Walz moved to adjourn. Council Member Gohl seconded this motion. All Council Members voted in favor. Motion carried. The Leola City Council will meet in Special Session on Monday August 18th and in regular session on Monday, September 8th in the Council Room of the Municipal Building at 7:30 P.M. instead of Labor Day.**

**ATTEST:**

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**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dean A. Schock, Mayor of Leola**

**Candice Kappes, Finance Officer**

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