

**CITY OF FLANDREAU
1005 W. Elm Avenue
Flandreau, SD 57028-1404**

**COUNCIL PROCEEDINGS
March 15th, 2019**

The City Council of the City of Flandreau, South Dakota, met in special session on Friday, March 15th, at 5:00 p.m. at the City Council Chambers, 1005 W. Elm Avenue, Flandreau, SD.

Present: Aldermen: Brad Bjerke, Bob Pesall, Dan Sutton (via conference call), Karen Tufty, and Jason Unger. Absent: Mayor Bonrud and Alderman Donald Whitman. Also present were Jeff Pederson and Karen Gundvaldson, City of Flandreau; Paul Lewis, Acting City Attorney; Chief Zach Weber, Flandreau Police Department (FPD); Chief Jud Krull, Flandreau Volunteer Fire Department (FVFD); Jim Zandt, property owner of 101 and 103 E. 2nd Avenue; Don Duncan and Ed Duncan, Flandreau Bakery; Leslie Hurley; Fat Boys Bar; Kyle Haug, ROK Properties; numerous public safety officials and concerned citizens.

The meeting was chaired by Vice President Pesall in the absence of the Mayor.

The proposed agenda was reviewed. Motion by Tufty and seconded by Unger to adopt the proposed agenda. The following members voted aye: Bjerke, Pesall, Sutton, Tufty, and Unger. Nays: None. Absent: Whitman. Motion carried.

Public Comments: Comments were heard from tenants and property owners affected by the recent evacuation of residences and closure of businesses and streets due to the damage to the south wall of the Jim Zandt property at 101 and 103 E. 2nd Avenue. Don Duncan, Flandreau Bakery; and Leslie Hurley, Fat Boys Bar; both discussed the issue of closure, indicating their desire to reopen and resume business operation.

Discussion took place regarding the need to obtain a report from a structural engineer of the property at 101 and 103 E. 2nd Avenue to determine whether it is safe for entry or should be demolished. Fire Chief Krull shared that he feels the building should not be entered without a professional opinion regarding structural soundness. Kyle Haug, ROK Properties, indicated he feels the building could be salvageable and spoke of his wish to purchase and restore the property in question should it be deemed structurally sound and available for sale.

Paul Lewis, Acting City Attorney, discussed declaring the property at 101 and 103 E. 2nd Avenue a public nuisance and explained procedures and options available to Mr. Zandt and the City. He also discussed what an Emergency Declaration entails.

Motion by Bjerke and seconded by Unger to declare the property at 101 and 103 E. 2nd Avenue a public nuisance. The following members voted aye: Bjerke, Pesall, Sutton, Tufty, and Unger. Nays: None. Absent: Whitman. Motion carried.

Motion by Unger and seconded by Tufty that tenants, occupants, owners, guests, customers and invitees to 105 E. 2nd Avenue may enter the same but do so with full assumption of the risk of injury to property or themselves in the event of the collapse or further deterioration of 101 and/or 103 E. 2nd Avenue so long as 101 and/or 103 E. 2nd Avenue should be considered by the City of Flandreau to constitute a public nuisance. The following members voted aye: Bjerke, Pesall, Sutton, Tufty, and Unger. Nays: None. Absent: Whitman. Motion carried.

Motion by Unger and seconded by Bjerke that occupants, owners, guests, customers and invitees to 111 N. Wind Street may enter the same but do so with full assumption of the risk of injury to property or themselves in the event of the collapse or further deterioration of 101 and/or 103 E. 2nd Avenue so long as 101 and/or 103 E. 2nd Avenue should be considered by the City of Flandreau to constitute a public nuisance. The following members voted aye: Bjerke, Pesall, Sutton, Tufty, and Unger. Nays: None. Absent: Whitman. Motion carried.

The Council Vice President declared the meeting adjourned at 5:56 p.m.

Bob Pesall
Vice President

ATTEST:

Jeff Pederson
City Administrator