**REGULAR MEETING OF THE CITY COUNCIL**

**LEMMON, SOUTH DAKOTA**

**MONDAY, DECEMBER 3, 2018**

Pursuant to due call and notice thereof, the Regular Meeting of the City Council of Lemmon, South Dakota was held on Monday, December 3, 2018, at 6:00 p.m. in the Council Chambers of City Hall.

Mayor Neal Pinnow and the following council were present: Jill Anderson, Jackie Beer, Pat Dalzell, Jim Lorenz, and Tim Pelkofer. Employees in attendance were: Chad Abel, Annette Dalzell, Dave Huber, and City Attorney, Shane Penfield.

Others in attendance were: Cathy Evans, Mike Schweitzer, Carla Sackmann, Mike Ginther, and LaQuita Shockley.

Mayor Pinnow called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Beer moved, Anderson second to approve the Agenda as presented. All voting “Aye”; motion carried.

Anderson moved, Lorenz second to approve the minutes of the November 5, 2018, Regular Meeting. All voting “Aye”; motion carried.

Dalzell moved, Beer second to set the end of the year meeting for Friday, December 28, 2018, at 12:00 p.m., noon at city hall. All voting “Aye”; motion carried.

Carla Sackmann, Code Enforcement Officer, gave her report to the Council. Sackmann reported having done a few building permits and also working on removal of vehicles from city streets.

Cathy Evans gave an update on the new 4-plex. Evans reported that SD Housing Authority will give a loan with zero percent interest for a portion of the funding. The balance of the funding will be an unsecured loan and Evans is 99% sure that they will break ground in the spring of 2019.

Dalzell noted that the Airport Board met on Sunday and recommends the Airport Manager Agreement be continued for the upcoming year. Dalzell moved, Pelkofer second to approve the Airport Manager Agreement as presented. All voting “Aye”; motion carried. Dalzell also noted that the airport is something Lemmon should be proud of as we have a very nice facility.

Anderson moved, Lorenz second to approve the Fairgrounds Lease as presented. All voting “Aye”; motion carried.

LaQuita Shockley speaking on behalf of the Lemmon Chamber asked to have the Petrified Wood Park parking area “coned off” on Saturday, December 15, 2018, at 4:30 p.m. for the lighting of the luminaries the Chamber is selling and the lighting of the park.

Mike Ginther left the meeting at 6:12 p.m.

Anderson moved, Dalzell second to move $5,010.40 from the contingency fund to pay for the new heating system at the city shop. All voting “Aye”; motion carried.

Beer moved, Anderson second to move $10,000.00 from the contingency fund to pay Black Hills Council of Local Governments for the drafting of the zoning ordinances. The estimate to do the work when it originated in 2015 was $20,000.00 and it came in at half the price. All voting “Aye”; motion carried.

Anderson moved, Beer second to allow the Finance Officer to void check #26948. All voting “Aye”; motion carried.

Lorenz moved, Dalzell second to have Keith Mutschler removed from the Lemmon Fire Department roster as he has resigned. All voting “Aye”; motion carried. Pelkofer, Mayor, and the Council thanked Mutschler for his years of service to the community.

Beer speaking on behalf of the Finance Committee recommends and moved to renew the policy from Wellmark for Employee Health Insurance with the city paying 100% of the employee insurance and any family coverage will be paid by the employee. Beer moved, Anderson second to approve the renewal. All voting “Aye”; motion carried.

Beer moved, Anderson second on the recommendation of the Finance Committee to increase water rates for 2019 as follows: Residential from .0113 to .0118; Non Resident from .0178 to .0185; and Bulk water from .021 to .022. All voting “Aye”; motion carried. The increase is to cover the cost of increase to the City of Lemmon from Perkins County Rural Water.

Carla Sackmann left the meeting at 6:25 p.m.

Chad Abel, Finance Officer, explained the use of GovPay, which is a third party for the use of debit/credit cards to be used in paying utility bills as well as landfill memberships. GovPay charges the customer using the payment system 2.65% of each transaction, which GovPay keeps the fees. Abel is hoping to have it available to the residents by January 2019. Lorenz moved, Beer second to approve the use of GovPay for payments to the City of Lemmon. All voting “Aye”; motion carried. Abel thanked the Council for the opportunity to give the residents of Lemmon the ability to pay with debit/credit cards.

Mayor Pinnow shared the letter from West River Health Services Foundation asking for sponsorships/funding for the new Lemmon Clinic which will be located on Main Avenue in the previous grocery store. After some discussion, Anderson moved, Beer second to refer it to the Finance Committee and have the committee come back with a recommendation at the January meeting. All voting “Aye”; motion carried.

Dave Huber asked to have the employment of Sarah Felder to be extended to December 31, 2018, with the stipulation that if the work is complete, employment will cease. Beer moved, Anderson second to approve the extension. All voting “Aye”; motion carried.

Anderson moved, Beer second to have the second reading of ORDINANCE #12.0704, An Ordinance Prohibiting Dynamic Braking. On a roll call vote, all voting “Aye”; motion carried.

An Ordinance Prohibiting Dynamic Braking

Be it ordained by the City of Lemmon:

**TITLE 12**

**Traffic Code**

**Chapter 12.07**

**Section 12.0704**

1. Except as provided in this section, the use or operation of a dynamic braking device on unmuffled vehicles is hereby prohibited within the City of Lemmon.
2. A dynamic braking device is a device used on vehicles that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. These devices are commonly referred to as “air brakes,” “engine brakes,” “compression brakes,” “Jacob’s Brakes,” or “Jake Brakes.”
3. This section shall not apply to City emergency vehicles, whether or not responding to an emergency.
4. As an affirmative defense to a charge of a violating of this section, the driver of the vehicle must prove by a preponderance of the evidence that:
5. The driver of the vehicle was operating the vehicle in compliance with all applicable laws at the time the unmuffled dynamic braking device was used; and
6. The speed to vehicle was reasonable given all of the relevant circumstances; and
7. The driver believed that the use of the unmuffled dynamic braking device was necessary to either:
8. Avoid an imminent threat to the safety of the driver or any other person; or
9. Avoid an imminent threat to property.
10. The driver’s belief as to the necessity for using the unmuffled dynamic braking device was objectively reasonable.

APPROVED:

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NEAL PINNOW, Mayor

ATTEST:

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CHAD ABEL, Finance Officer

1st Reading – November 5, 2018

2nd Reading – December 3, 2018

Publication date -

Beer moved, Anderson second to approve the second reading of ORDINANCE #12.0704, An Ordinance Prohibiting Dynamic Braking as presented. On a roll call vote, all voting “Aye”. Mayor Pinnow noted the Ordinance passed, to be published and duly adopted.

Anderson moved, Beer second to have the second reading of ORDINANCE #2018-2, Supplemental Appropriations Ordinance. On a roll call vote, all voting “Aye”; motion carried.

**ORDINANCE 2018-2**

**2018 SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

Be it ordained by the City council of the City of Lemmon, South Dakota, finds that this ordinance is necessary to conduct an indispensable function of government and to discharge a lawful duty requiring the expenditure of funds for purposes for which no provision has been made in the annual appropriation for the fiscal year and is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and declares an emergency and that this ordinance will take effect upon passage and publication thereof.

**Airport Capitol Projects**

435 Engineering Fees $103,600.46 (Airport Engineering for Runway)

**Total $103,600.46**

**Street Fund**

431 2018 CASE Loader $123,907.00 (Cost from Titan Machinery)

431 1995 4700 International Truck $10,600.00 (Cost from State Surplus)

431 Dakota Bank $100.00 (Loan Fee)

**Total $134,607.00**

**Task Order No. 010**

431 Engineering Fees $17,749.33 (2nd Street East Preliminary)

**Total $17,749.33**

**Task Order No. 011**

604 Engineering Fees $12,005.00 (Sanitary Sewer Improvements)

**Total $12,005.00**

**GRAND TOTAL $267,961.79**

**MEANS OF FINANCE**

The following designates the fund or funds that money derived from the following sources is applied to:

**Airport Capitol Projects**

501 Federal Share $93,240.42 (90% from Federal Grant)

501 State Share $5,180.02 (5% from State Share of Grant)

501 City Share $5,180.02 (5% from undesignated funds)

**Total $103,600.46**

**Street Fund**

431 1985 John Deere Tractor $7,000.00 (Titan Machinery Trade in)

431 2016, 2017, 2018 Reserves $45,000.00 (Dacotah Bank CD’s)

431 2016, 2017, 2018 Reserves $10.600.00 (Dacotah Bank CD’s)

431 2018 Reserves $100.00 (Dacatah Bank CD’s)

431 Promissory Note $71,907.00 (Dacotah Bank Loan)

**Total $134,607.00**

**Task Order No. 010**

431 Engineering Fees $17,749.33 (General Fund)

**Total $17,749.33**

**Task Order No. 011**

604 Engineering Fees $12,005.00 (General Fund)

**Total $12,005.00**

**GRAND TOTAL $267,961.79**

APPROVED

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Neal Pinnow, Mayor

ATTEST:

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Chad Abel, Finance Officer

First Reading: November 5, 2018

Second Reading: December 3, 2018

Publish Date:

Beer moved, Anderson second to approve the second reading of ORDINNACE #2018-2, Supplemental Appropriations Ordinance as presented. On a roll call vote, all voting “Aye”. Mayor Pinnow noted the Ordinance passed, to be published and duly adopted.

Mayor Pinnow reminded the council of the 2019 SDML Rib Dinner and Legislative Day on February 5-6, 2019 in Pierre.

Anderson moved, Lorenz second to approve claims as presented. All voting “Aye”; motion carried.

Mayor/Council, $1,100.00; Finance, $4,456.31; Fire Department, $550.00; Streets, $8,234.84; X-mas lights, $158.64; Street Sweeping, $281.80; Landfill, $1,497.19; General Parks, $1,090.00; Ball Parks, $90.00; Pool, $118.98; Bamble, $2,140.00; Cemetery, $70.00; Library, $1,671.44; Water, $4,467.29; Sewer, $450.33.

AFLAC, Premiums withheld, $249.60; Dacotah Bank, Pet Park Credit Card fees Nov & Dec 2018, $29.90; Dacotah Bank, Payroll fee, $11.15; Dacotah Bank, Payroll taxes EFTPS, $5,488.15; Delta Dental, Premiums, $325.56; Grand Electric, Airport, $162.57; Montana Dakota Utilities, Electricity, $5,274.28; Slope Electric, Lagoon Electricity, $102.24; SD Dept. Revenue, Sales Tax, $1,287.27; South Dakota Retirement Systems, Retirement contributions, $2,354.73; WA State Support Registry, Support Registry, $244.00; West River Telephone Coop, Telephone, $623.11; Wellmark, Health insurance, $5,910.06.

A,B&C Building, 8.6 ton of coal @ $146.00/ton, $1,462.24; Acme Tools, Landfill supplies, $238.00; Adapco, Supplies, $3,103.99; American Legal, New Ordinance Books First 40% payment, $2,000.00; B&H Sanitation, LLC, Garbage contract, $6,500.00; Black Hills Council, Zoning Ordinance Payment, $10,000.00; Brinkerhoff, Ryan, Water Refund, $39.50; Center Point LP, Books, $99.83; Chapmans Electronic Shop, $87.89; Christman, Raven, Cleaning Contract, $250.00; Dakota Auto Parts, Parts, $524.88; Dakota Herald, Monthly costs/legals, $250.00; Dakota Propane, City Shop Heat Project, $614.40; Dale Rivinius Tilling & Mowing, Cemetery work, $348.00; Gale/Cengage, Books, $485.63; Ginther, Mike, Management fee, $1,000.00; Gooseneck Implement, Park Repairs, $93.86.

Hawkins, Pool Chemicals, $631.77; HDR Engineering, Engineering, $29,754.33; Herlofsky, Andrew, Water Refund, $77.49; Hoffman Construction, Gravel & hauling - 9 loads, $2,880.00; Hoffman, Sandy, Water Refund, $50.00; Huber, Dave, Clothing allowance, $200.00; Irwin, John, Water Refund, $9.22; K & R, Repairs, $696.69; Krebs, Quinton, Clothing allowance, $83.04; Lemmon IGA, Supplies, $113.16; Lemmon Fire Dept, Expenses, $5,764.73; Lemmon Fairgrounds, Expenses, $4,458.57; Metering & Technology Solutions, Water Dept Supplies, $798.92; Michael Todd, Supplies, $1,914.06.

Northwest Farm & Home, Supplies/Repairs, $292.24; Northwest Pipe Fittings, Water supplies, $1,893.61; Northwest SD Regional Landfill Assoc, Monthly garbage fees, $9,882.87; Perkins County Finance Office, Contract, $18,875.00; Perkins County Rural Water, Water Usage, $13,478.40; Principal Financial Group, Life insurance, $130.40; Riteway, Utility cards, $744.98; Sackmann, Carla, Enforcement Officer, $750.00; SD Dept. of Public Safety, Driver's licenses, $314.00; South Dakota Federal Property, Supplies, $146.00; South Dakota One-Call, 7locates, $57.75; Stateline Designs, Clothing allowance, $170.89; Stock's Electric, Repairs/supplies, $1,777.64; Synchrony Bank/Amazon, Books, $393.26; Taste of Home, Books, $14.98; Tennant's Auto, Repairs, $1,121.52; The Current Connection, Supplies, $517.12; South West Grain, Fuel 1000 gal @ 2.666, $2,666.00; South West Grain, Propane Heating, $849.96; Veitz, Carissa, Water Refund, $40.42; Willard's Oil, Water pump fuel 209 gal @ 2.85, $595.65.

Committee Reports

Anderson noted the BBB Board is meeting on Wednesday, December 5, 2018.

Abel asked for a moment of silence to acknowledge the passing of George H. W. Bush the 41st President of the USA.

Lorenz moved, Anderson second to adjourn. Mayor Pinnow declared the meeting adjourned at 6:44 p.m.

CITY OF LEMMON

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NEAL PINNOW, Mayor

ATTEST:

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ANNETTE DALZELL, Assistant Finance Officer

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