**REGULAR MEETING OF THE CITY COUNCIL**

**LEMMON, SOUTH DAKOTA**

**MONDAY, FEBRUARY 5, 2018**

Pursuant to due call and notice thereof, the Regular Meeting of the City Council of Lemmon, South Dakota was held on Monday, February 5, 2018, at 6:00 p.m. in the Council Chambers of City Hall.

City Council present were: Jill Anderson, Jackie Beer, Jim Lorenz, Grant Schweitzer, and Michael Van Beek. Absent was Mayor Neal Pinnow. Employees in attendance were: Chad Abel, Barb Bartell, Annette Dalzell, Dave Huber, Raven Christman, and City Attorney, Shane Penfield.

Others in attendance were: Dave Johnson, Chantel Ebert, LaQuita Shockley, Mike Schweitzer, Anthony Larson, Matt Shahan, Deb Ruen, Anthony Fike, Brad Derschan, and Carla Sackmann.

In the absence of Mayor Pinnow, Jackie Beer, President of the Council, called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

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

Lorenz moved, Anderson second to approve the minutes of the January 2, 2018, Regular Meeting. All voting “Aye”; motion carried.

Anderson moved, Lorenz second to approve the minutes of the January 16, 2018, Special Meeting. Beer noted a correction to the minutes with Chad Abel wages at $17.00 per hour and $2,946.67 per month. Anderson moved, Schweitzer second to approve as amended. All voting “Aye”; motion carried.

Carla Sackmann, Code Enforcement Officer, gave her report. Sackmann noted she has letters ready to go in the mail for several properties and has issued a couple building permits.

Anthony Fike from Dacotah Insurance presented the proposal for the 2018-2019 renewal in the amount of $35,001.00 for the insurance package which is $1,102.00 more than the package of the 2017-2018. Lorenz moved, Anderson second to approve the renewal proposal as presented. All voting “Aye”; motion carried.

Fike also noted that he checked into the insurance for the Code Enforcement person being on the City of Lemmon liability insurance. Fike informed the council that the city would have to add an actual “law enforcement policy” with applications approved. City Attorney, Penfield noted that he and Fike will get together to discuss the matter. Fike left the meeting.

Anderson moved, Lorenz second to allow the Finance Office to advertise for summer help. All voting “Aye”; motion carried.

Judy Larson entered the meeting at 6:15 p.m.

Anderson moved, Schweitzer second to approve the 2018 Commercial Sewer Rates as presented. All voting “Aye”; motion carried.

Anthony Larson and Matt Shahan representing West River Health Services presented the Council and those in attendance with information on the Lemmon Clinic and Ambulance Service. Shahan noted that the former Lemmon IGA building on Main Avenue has been the proposed location for the Lemmon Clinic. Shahan noted the cost to remodel the present location is more than the cost would be to remodel the old IGA building to meet regulations as it is not an option to do nothing. West River Health Services is scheduling a public meeting again within the next couple weeks and they will inform the public when and where the meeting will take place. Public input is valuable information to the board of West River Health Services. Lemmon is the second largest clinic in the organization with over 700 visits per month to the Lemmon location. Larson spoke of the Lemmon Ambulance becoming one with West River Health Services for better reimbursement of funds for both entities.

Anderson moved, Schweitzer second to move $2,500.00 from Contingency to LACED for the floor at the Beeler Community Center. All voting “Aye”; motion carried.

Anthony Larson and Matt Shahan left the meeting at 6:45 p.m.

Anderson moved, Schweitzer second to set the Equalization Meeting for Monday, March 19, 2018, at 5:30 p.m. All voting “Aye”; motion carried.

Schweitzer moved, Anderson second to allow the Finance Office to advertise the hearing for Temporary Liquor License for Benny’s on March 5, 2018, at 6:15 p.m. for a special event at the Beeler Community Center on April 14-15, 2018. All voting “Aye”; motion carried.

Beer reminded the Council of the SDML District 10 Meeting in Deadwood on April 4, 2018.

Anderson moved, Lorenz second to have the second reading of Ordinance #2017-3 Amendment to Health Code #6.0711. On a roll call vote, all voting “Aye”; motion carried.

**ORDINANCE #2017-3**

AN ORDINANCE AMENDING ORDINANCE NO. 6.0711 LOWERING THE HEIGHT OF THE GRASS FROM 8” TO 6”.

 BE IT ORDIANED BY THE CITY OF LEMMON, SOUTH DAKOTA that Section 6.0711 “Duty to Cut Grass and Weeds” be amended to read as follows:

Section 6.0711 Duty to Cut Grass and Weeds

It shall be the duty of the owner or occupant of any lot or lots within the City of Lemmon, to keep all grass, weeds, thistles or other foul matter or overhanging limbs of trees cut down and removed on all lots owned or occupied by them and not to permit the same to mature or grow to such height to be dangerous to the health or safety of the citizens of Lemmon. (SDCL 9-32-12)

Grasses, weeds, or thistles exceeding six (6) inches in height shall be deemed to be such height that is dangerous to the health or safety of the citizens.

Such height restriction shall include areas around buildings, trees, posts, poles, fences, yard ornaments or other protrusions or obstructions located on the property.

Notice shall be given once and thereafter if the condition is not immediately remedied and continually monitored by the owner or occupant, the city shall eliminate the condition at the expense of the property owner pursuant to appropriate ordinance. (Ord.487)

 Dated this 5th day of February, 2018, at Lemmon, South Dakota.

 APPROVED:

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 JACKIE BEER, President

ATTEST:

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Barb Bartell, Finance Officer

(SEAL)

First Reading: December 4, 2017

Second Reading: February 5, 2018

Date of Publication:

Anderson moved, Schweitzer second to approve the second reading of Ordinance #2017-3 Amendment to Health Code #6.0711. On a roll call vote, all voting “Aye”; President Beer noted the Ordinance passed, to be published and duly adopted.

Schweitzer moved, Anderson second to have the second reading of Ordinance #2017-3A Amendment to Tree Code #18.104. On a roll call vote, all voting “Aye”; motion carried.

**ORDINANCE #2017-3A**

AN ORDINANCE AMENDING ORDINANCE NO. 18.0104 RAISING THE HEIGHT OF THE TREES TO 16’

BE IT ORDIANED BY THE CITY OF LEMMON, SOUTH DAKOTA that Section 18.0104 “Public Property and Street Trees” be amended to read as follows:

Section 18.0104 Public Property and Street Trees

 3. Maintenance of boulevard trees shall include keeping trees trimmed a minimum of 8’

 over any sidewalk and 16’ over residential streets, designated truck routes and alleys.

 Dated this 5th day of February, 2018, at Lemmon, South Dakota.

 APPROVED:

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 JACKIE BEER, President

ATTEST:

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

Barb Bartell, Finance Officer

(SEAL)

First Reading: December 4, 2017

Second Reading: February 5, 2018

Date of Publication:

Anderson moved, Lorenz second to approve the second reading of Ordinance #2017-3A Tree Code #18.0104. On a roll call vote, all voting “Aye”; President Beer noted the Ordinance passed, to be published and duly adopted.

Schweitzer moved, Lorenz second to have the second reading of Ordinance #2017-3B Amendment to Building Code #2.026. On a roll call vote, all voting “Aye”; motion carried.

**ORDINANCE #2017-3B**

AN ORDINANCE AMENDING ORDINANCE NO. 2.0206 INCREASING THE BUILDING PERMIT FEES.

BE IT ORDIANED BY THE CITY OF LEMMON, SOUTH DAKOTA that Section 2.026 “Department of Building Inspection and Building Inspector” be amended to read as follows:

Section 2.0206 Department of Building Inspection and Building Inspector

 The inspector shall examine all applications for permits, and it case the application conforms to the forms of this ordinance and such building or improvements of any building not situated within the fire limits of said City, and for new buildings, inside the fire limits shall be deemed to be safe and advisable in the public interests, the Department of Building Inspection and Building Inspector shall grant such permit. But in case of buildings within the fire limits which are to be altered or repaired, the Department of Building Inspection and Building Inspector shall receive the application and refer it to the City Council, at is receive the application and refer it to the City Council, at the next meeting for their approval, and when approved by the City Council, the Department of Building Inspection and Building Inspector shall issue the permit (SDCL 9-33-10). Before granting any such permit the Building Inspector shall collect from the applicant a fee for improvements or new structure as follows:

From zero to $1,000.00……………………….…...$30.00

From $1,001.00 to 5,000.00………………….……$75.00

From $5,001.00 to $10,000.00……………….…..$150.00

From $10,001.00 to $25,000.00.............................$187.50

From $25,001.00 to $50,000.00……………….....$250.00

From $50,001.00 to $100,000.00………………...$500.00

From $100,001.00 to $300,000.00 ………....……$750.00

From $300,001.00 to $500,000.00.…………….$1,250.00

From $500,001.00 and up…………. (.25% of the project)

(Ord.447)

 Dated this 5th day of February, 2018, at Lemmon, South Dakota.

 APPROVED:

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 JACKIE BEER, President

ATTEST:

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

Barb Bartell, Finance Officer

(SEAL)

First Reading: December 4, 2017

Second Reading: February 5, 2018

Date of Publication:

Anderson moved, Schweitzer second to approve the second reading of Ordinance #2017-3B Amendment to Building Code #2.026. On a roll call vote, all voting “Aye”; President Beer noted the Ordinance passed, to be published and duly adopted.

Anderson spoke on behalf of the Landfill Committee noting the need to advertise for bids for Solid Waste Collection for the City of Lemmon. Schweitzer moved, Anderson second to allow the Finance Office to advertise for bids for Solid Waste Collection bids to be opened at the March 5, 2018, meeting at 6:20 p.m. All voting “Aye”; motion carried.

Anderson moved, Schweitzer second to approve the abatement of taxes in the amount of $223.33 for Doug and Linda Ham for the property at 100 5th Avenue East (Milwaukee Land Company, 3rd Addition, Block 45, Lot 1 & 2) in which a loss occurred because of a fire on January 12, 2017. All voting “Aye”; motion carried.

Beer noted the South Dakota Department of Legislative Audit has reviewed and accepted the audit report for the City of Lemmon for year-end December 31, 2016.

Anderson moved, Schweitzer second to approve the proposal from Kohlman, Bierschbach and Anderson for the 2016 Audit proposal in the amount of $12,900.00. All voting “Aye”; motion carried.

Cathy Evans speaking on behalf of Lemmon Housing shared information that the Housing has acquired lots in the 600 block of 1st Avenue West for the construction of a duplex. Evans is asking the assistance of the city with help in clearing the lots and hauling away the debris for the construction to begin. Evans would like to have the city crew with use of the city equipment to help in the destruction and clearing of the lots. After some discussion, it was referred to the Finance Committee.

Anderson speaking on behalf of the BBB Board which met and recommends the donation of funds to the Lemmon Chamber for the print of the “Lemmon Aide” at the Print Shop in the amount of $1,500.00 so the book can be done in color. Anderson moved, Schweitzer second to approve the request as presented. All voting “Aye”; motion carried.

Anderson moved, Schweitzer second to table the second request of the Sports Boosters for funds from the BBB Board until the March 5, 2018 meeting to make sure it fits the criteria. All voting “Aye”; motion carried.

Beer moved, Schweitzer second to table until the March 5, 2018, meeting the agenda item OCCS Consulting/Contracting Service to allow time for the city attorney to review the contract. All voting “Aye”; motion carried.

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

Mayor/Council, $1,400.00; Finance, $5,500.76; X-mas Lights, $39.46; Fire Department, $550.00; Streets, $8,938.46; Landfill, $1,395.08; Street Sweeping, $17.83; Cemetery, $70.00; Library, $1,667.95; Water, $5,435.69; Sewer, $1,001.91.

AFLAC, Premiums withheld, $318.24; Dacotah Bank, EFTPS, $5,429.54; Dacotah Bank, Pet Park, $14.95; Dacotah Bank, NSF fees, $5.00; Dacotah Bank, Payroll fees, $11.10; Delta Dental, Premiums paid, $382.59; Montana Dakota Utilities, Electricity, $5,735.45; Slope Electric, Lagoon electricity, $35.00; South Dakota Municipal League, Registration fees, $25.00; South Dakota Retirement Systems, Retirement, $2,743.96; Wellmark Blue Cross of SD, Health premiums, $6,430.35.

A,B&C Building, 7.91 tons of coal, $1,154.86; Arrow Public Transit, 2018 Remittance, $8,000.00; B&H Sanitation, LLC, Monthly fee, $4,650.00; Banyon Data Systems, FUND support, $795.00; Baymont Inn & Suites, Conference in Pierre, $461.94; C.A.V.A., 20181 Remittance, $2,000.00; Center Point LP, Books, $293.64; Christman, Raven, Cleaning contract, $250.00; Dacotah Bank Visa, Conference and parts, $427.42; Dakota Auto Parts, Repairs, $63.78; Dakota Herald, 2018 Agreement (Jan-Feb), $415.10; Dakota's Propane, Propane, $3,047.80; Demco, Supplies, $236.92; Ellsworth, Repairs, $701.00.

Gale/Cengage, Books, $343.63; Ginther, Mike, Monthly fee, $1,000.00; Grand Electric, Airport Electricity, $1,236.84; Hess, Tim, Travel Meals, $38.00; Huber, Dave, Travel Meals, $27.00; Jerry's Repair, Pipi Bending, $20.97; John Jensen, Refund, $4.01; John's Repair, Repairs, $237.32; Kadrmas, Lee & Jackson PC, Airport Runway, $50,604.57; Kile. Stefan, Refund, $24.05; KNDC Radio, Ad for help, $50.00; Kohlman, Bierschbach & Anderson, Audit, $2,360.00; LACED Community Center, 1/2 -2018 Remittance, $6,250.00; Lemmon Area Charitable Economic Dev., 1/2 - 2018 Remittance, $18,750.00; Lemmon Chamber, 2018 Remittance, $19,283.00; Lemmon IGA, Supplies, $70.71.

Manning, Jacob, Refund, $8.94; Montana Dakota Utility, Electricity, $1,901.74; Northern Tool, Supplies/ membership renewal, $362.96; Northwest Farm & Home Supply, Supplies, $236.49; Northwest Pipe Fittings, Inc., Repairs, $1,075.07; Northwest SD Regional Landfill, Contract, $9,882.87; Overdrive, Books, $600.00; Perkins County Finance Office, Law enforcement agreement, $18,875.00; Perkins County Rural Water, 2,667600 gal, airport $4.74, - 346 gal, $14,676.54; Print Shop, Supplies, $142.00; Principal Financial Group, Life insurance, $296.40; Ri-tec, Supplies, $325.00; Sackmann, Carla, Code Enforcement, $750.00; SD Department of Public Safety, Reimburse licenses, $242.00; SD Department of Revenue, Taxes & tests, $1,059.43; SD Dept. of Transportation, Railway Street payment, $100,000.00; SD One Call, Locate tickets, $3.15; Senior Citizens Center, 2018 Remittance, $2,000.00; Southwest Grain, Propane and fuel, $1,749.34; Synchrony Bank/Amazon, Books, $465.45; Tennant's Auto, Repairs/supplies, $37.55; Three Rivers, 2018 Remittance, $1,500.00; The Current Connection, Printer/supplies, $69.44; TK Diesel, Repairs, $107.65; Van Beek, John, Travel meals, $11.00;

West River Coop. Tele. Co., Phone bills, $689.72.

Committee Reports

Lorenz reported on a resident complaint.

LaQuita Shockley noted that she was not in attendance at the previous meeting where the newspaper was delegated. Shockley would recommend doing the $200.00 per month for a total not to exceed $2,400.00 for the year as payments. Shockley also noted a refund in the amount of $319.33 for the year 2017 which was paid in excess for the amount of services that were printed.

Bartell noted that Chad Abel has been working for six days and is doing well. Abel added his appreciation to Bartell for sharing the information as they move forward in the training process.

Lorenz moved, Anderson second to adjourn. President Beer declared the meeting adjourned at 7:25 p.m.

 CITY OF LEMMON

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 JACKIE BEER, Council President

ATTEST:

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ANNETTE DALZELL, Assistant Finance Officer

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