

City Council Proceedings

The Plankinton City Council met in regular session on Monday, December 3, 2018. Mayor John J Staller called the meeting to order at 6:30 p.m. Roll call recorded the following members present: Pam Vissia, Brad Kehn, Jim Hinckley & Terry Schuldt. City employees present were Jeanette Smith & Darin Cranny. Representing South Dakota Mail was JP Studeny. Visitor present was Alan Birmeier.

The Pledge of Allegiance was recited.

Kehn moved to approve the agenda, with a second from Schuldt. All voted aye, motion carried.

A conflict of interest was noted by Brad Kehn, who would refrain from any discussion or decision regarding the Utility Sup't position.

No public comments were noted.

Vissia moved to approve the minutes of the November 5, 2018 regular meeting, with a second from Hinckley. All voted aye, motion carried.

Hinckley moved to approve the minutes of the November 16, 2018 special meeting, with a second from Schuldt. All voted aye, motion carried.

Vissia moved to approve the minutes of the November 20, 2018 special meeting, with a second from Hinckley. All voted aye, motion carried.

Council member Susan Steele joined the meeting at 6:37 p.m. She noted that she has a conflict of interest regarding Resolution 12-3-1 & would refrain from voting.

Kehn moved payment of the following:

SD Dept of Health-water sample testing-110.00; City of Plankinton-meter deposit applied-26.43; Meierhenry Sargent, LLC-water meter project bond-2400.00; Verizon Wireless-Oct cell phone billing-158.52; SD One Call-Oct message fees-18.90; Ryan Urban-meter deposit refund-223.57; Ponderosa Bar, Inc-meter deposit refund-7.03; Heartland Cons Power Dist-Oct power purchase-32,735.60; Dept of Energy-Oct power purchase-10,203.19; City of Plankinton-meter deposit applied-242.97; Central Electric-Oct wheeling fees-1724.51; AFLAC-employee voluntary ins-154.14; East River Electric-Oct wheeling fees-3298.75; SD Dept of Revenue-Oct sales tax-4611.75; Avera Health Plan-employee health ins-5429.70; Delta Dental of SD-employee dental ins-274.80; The Guardian Life Ins-employee life ins-534.21; IRS-Nov 941 taxes-6805.88; Bi-weekly pay 22, 23 & 24-22,415.80; SDRS-Nov employee retirement-3338.84; A&B Business-copier contract-113.72; AmeriPride-rug contract-30.98; A/B Rural Water-Nov water purchase & debt retirement-6662.50; Banyon Data Systems-2019 software support-2580.00; Bultsma Insurance-adding 1993 Int'l-191.00; Commerce Street Grille-Sunday sales refund-200.00; DGR Engineering-electrical eng-6874.09; Menards-supp/mat-189.99; Michael Todd & Co-supp/mat-872.12; Mike's Const-garbage billing-60.00; NW Pipe Fittings-supp/mat shipping-7.98; Overweg Auto-supp/mat-2850.08; Plankinton Comm Dev Co-2018 economic dev-15,000.00; Pierre Ramkota-travel/conference-895.92; Plank Inn-Sunday sales refund-200.00; Reader's Den-library

books-283.65; Ron's Market-supp/mat-90.74; SPN –water meter project engineering-4000.00; SD Dept of Health-water sample test-15.00; SD Mail-457.09; SD DOT-supp/mat-281.34; SDML Worker's Comp Fund-2019 city renewal-5743.00; SDML-2019 Street Maint Assn dues-35.00; SDML-2019 Finance Officer's Assn dues-70.00; SDML-2019 Human Resources Assn dues-25.00; SDML-2019 city dues-924.20; VISA-supp/mat-1209.50; Konechne Heating & Cooling-rep/maint-147.59; Golden West Tele-Nov billing-422.91; RESCO-electric meter project-317.66; SD Ass'n of Rural Water-2019 dues-405.00.

Vissia seconded the motion. All voted aye, motion carried.

The Mayor led a discussion regarding updating our current garbage ordinance. No action taken.

With regret, Vissia moved to accept the resignation of city librarian Beth Ann Walz. An annual report was also reviewed. Kehn seconded the motion. All voted aye, motion carried.

Ordinance No. 244 SUPPLEMENTAL APPROPRIATIONS ORDINANCE, was given first reading. Second reading & adoption will be at the December 17, 2018 special meeting.

Kehn moved to approve passage of the following:

RESOLUTION 12-3-18-2

BE IT RESOLVED by the City of Plankinton, South Dakota:

1. That the Property described in Paragraph 2 is hereby declared a public nuisance.
2. That James D. Taylor, P.C. is authorized and directed, on the behalf of the City of Plankinton, to file a lawsuit in Aurora County Circuit Court to abate the nuisance and assess the costs thereof to the real estate located at 207 S. South Duff Street in Plankinton, South Dakota, legally described as:
 Lot 12 Blk 8 Original
3. That legal action shall be commenced against all legal interest title holders in the above-described Property.
 - a. That the Property constitutes a public nuisance as defined within Chapters 4-7 and 4-9 of the *Ordinances of the City of Plankinton* for the following reasons: The Property is cluttered with various items, including tires, a washer/dryer, and at least one (1) dead animal.
 - b. At least two (2) junk vehicles are present on The Property.
 - c. The Residence located on The Property has various structural issues, including, but not limited to, broken windows, broken glass, loose border trim, steps that are in a state of disrepair, dangerous metal siding, as well as general need of paint and upkeep.
 - d. Electrical power to The Property has been disconnected, and there is a need for an inspection by a State Electrical Inspector.
 - e. The property has become a refuse and breeding ground for mosquitos, flies, and varmint.
4. The City has given notice and order to abate or otherwise cure the nuisance conditions present on The Property to the record owner of The Property; however, the record owner of The Property has failed to abate or otherwise cure the nuisance conditions,

necessitating the City to pass this resolution so that it may move forward with legal action.

Dated this 3rd day of December, 2018.

Signed: John J Staller, Mayor

Attest: Jeanette Smith, Finance Officer

Hinckley seconded the motion. Roll call recorded the following: Vissia, Kehn, Steele, Hinckley, Schuldt, aye; naye, none. Motion carried.

The Mayor shared an email from Heartland Consumers Power District regarding potential legislation that would inhibit growth in public power communities like ours. They encourage sending a letter to your legislator(s) if you so choose. No action required.

The Mayor shared a letter of commitment as participating jurisdiction in the Aurora County Hazard Mitigation Plan Update from District III for the council to consider. Vissia moved to approve to have the Mayor sign, with a second from Schuldt. All voted aye, motion carried.

The Mayor announced that Darin Cranny, Maintenance Sup't has completed his first year of full time employment. Steele moved to increase his wage .50/hour, with a second from Vissia. His new wage will be \$21.50/hour as of December 4, 2018. All voted aye, motion carried.

The Mayor's report included the electrical improvements project is moving forward; the first draw down payment from loan proceeds has been received for the water meter project; final meeting of 2018 will be held on Monday, December 17, 2018 at 6:30 p.m.; employee evaluations will be due by the January 2019 meeting.

At 7:32 p.m., the Mayor announced it was time for the public hearing of a 2019 Liquor License & transfer application. It was reported that the applicant has paid the property taxes & the check has been received. No one appeared to approve or disapprove the following application. Vissia moved to approve the Retail (on-sale) Liquor license renewal & transfer; also the Package (off-sale) liquor license renewal application & transfer to Ponderosa Bar Inc/Jeff Carroll. Steele seconded the motion. All voted aye, motion carried. This ended the public hearing at 7:38 p.m.

The finance officer's report included monthly expenditure & revenue reports; the revised employee handbook is on hold until the city attorney has a chance to look over a few items; the new electric control modules will be picked up soon to correct a problem in them; address sheets & labels have been printed for the water meter replacement project & electrical project; received training from Core & Main regarding the water meter software; the restricted use site is now closed & Debra Gould expressed her interest of returning next season; the legislative Rib Dinner will be on February 5, along with the committee meetings on February 6, 2019 in Pierre.

Darin Cranny, Maintenance Sup't asked for clarification regarding overtime. Currently the handbook defines overtime 'as time that is worked in excess of the first 40 hours within the standard work week & does not include hours paid but not worked such as holidays, vacation days or sick days. Overtime is to be authorized only if the work cannot be otherwise done during normal work hours.' During the week of November 11-17, which included the Veteran's Day Holiday, he had two & ½ hours that he didn't receive overtime pay for. He felt that he should

have received overtime pay because two extra hours were for sweeping Main Street which can not be done during normal work hours. The other ½ hour was due to finishing jetting a sewer line. It was the concensus of the council that he should have quit earlier that day & will not receive overtime pay due to it being a Holiday week.

The Maintenance Sup't report included locating water main valves; locating sewer manholes that are buried under chip seal; equipment maintenance; sewer flushing; closing many badger holes in the Cemetery; they used several loads of concrete grindings to patch potholes; the new West Side Park playground equipment has arrived; Christmas lights were put up & snow removal.

At 8:00 p.m., the Mayor announced that it was time for a public hearing to vacate a portion of an alley. The Mayor announced that no one from the public was in attendance to approve or disapprove. Vissia moved to approve the following:

Document Prepared By:

John R. Steele

Steel & Steele, P.C.

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AMENDED
RESOLUTION VACATING PORTION OF ALLEY
RESOLUTION 12-3-18-1

WHEREAS Zach D. Scott and Micheal L. Scott have filed their Petition with the City Council of the City of Plankinton, South Dakota to vacate a platted alley located within Block 18, Alexander's Addition, and Block 8 Miracle & Clark's 2nd Addition, both in the Town, now City, of Plankinton, South Dakota, and more particularly described as that portion of the alley which runs North and South from Seventh Street southward to Sixth Street, said alley bisecting Block 18 of Alexander's Addition to the City of Plankinton and Block 8 of Miracle and Clark's Addition to the City of Plankinton, all in Aurora County, South Dakota.

WHEREAS, the Petition was duly filed with the Municipal Officer for the City of Plankinton, Aurora County, South Dakota; and

WHEREAS, the Petition was signed by the owners of all property adjoining such portion of the alley sought to be vacated, namely, Zach D. Scott, Micheal L. Scott, George A. Erdahl, and Becky Erdahl; and

WHEREAS, the Notice of Hearing on Vacation of Alley was published two (2) successive weeks in the legal newspaper of the city of Plankinton, the South Dakota Mail, in accordance with the laws of the State of South Dakota and the said Petition would be heard by the City Council on December 3, 2018 at the City Council Meeting room of City Hall, Plankinton, South Dakota, at 8:00 o'clock P.M.; and

WHEREAS, the Plankinton City Council heard, investigated and considered all interested persons in favor and in opposition to said Petition; and

WHEREAS, it appears to the City that said alley has never been actually used as a public right-of-way, more than 20 years has elapsed since the alley was originally platted, all without any public use, and that the public interest would be best served by vacating the same; and

NOW THEREFORE BE IT RESOLVED by the City of Plankinton, Aurora County, South Dakota, that the alley described as that portion of the platted alley which runs North and South in Block 18 of Alexander's Addition and Block 8 of Miracle and Clark's Second Addition, from Seventh Street southward to Sixth Street, said alley bisecting Block 18 of Alexander's Addition to the City of Plankinton and Block 8 of Miracle and Clark's Addition to the City of Plankinton, all in Aurora County, South Dakota, shall be and is hereby vacated.

BE IT FURTHER RESOLVED that this resolution shall take effect Twenty (20) days after publication, as set forth under the laws of the State of South Dakota; and upon the expiration of such time, the Municipal Finance Officer shall file for recordation a duly certified copy of this Resolution in the office of the Aurora County Register of Deeds.

Dated this 3rd day of December 2018

Signed: John J Staller, Mayor

This Resolution was adopted by a 2/3 vote of the members of the City Council.

Attest: Jeanette Smith, Finance Officer

Hinckley seconded the motion. Roll call recorded the following: Vissia, Kehn, Hinckley & Schuldt, aye; none, naye; Steele, abstained. Motion carried.

Clarification to the employee vacation policy was discussed. Currently a full-time employee receives 80 hours, plus 8 hours per year starting with their sixth year of employment. After the revised employee handbook goes into effect, a full-time employee will receive 120 hours for employment years 6-10. The employees that are currently in their 6-10 year of employment will receive 120 hours, NOT the 'plus 8 hours per year'.

At 8:20 p.m., the Mayor asked for a motion to enter executive session, per SDCL 1-25-2(1) for personnel. Vissia moved, with a second from Schuldt. All voted aye, motion carried. Finance Officer, Jeanette Smith, remained in executive session until 8:27 p.m. Council member Kehn excused himself from executive session at 8:50 p.m.

The Mayor moved to enter regular session at 9:16 p.m., with no action taken.

Vissia moved to hire Rayann Larson as a part-time (10 hours per week) City Librarian, at the rate of \$12.00/hour. The council also requests quarterly reports & that the E-Books system be implemented. This position will begin on January 1, 2019. Hinckley seconded the motion. All voted aye, motion carried. The Council is also requesting a job description from the Library Board.

The Mayor adjourned the meeting at 9:18 p.m.

Signed: John J Staller, Mayor

Attest: Jeanette Smith, Finance Officer

