

MINUTES OF MENNO CITY COUNCIL PROCEEDINGS
July 1, 2019

Mayor Darrell Mehlhaf called the city council to order at 7:00 p.m. on July 1, 2019 in the finance office at city hall. Council answering roll call: George Cokens, Ron Diede, Jerry Fischer, Jerome Kotalik and Scott Simonsen. Finance Officer Lisa Edelman, Police Chief Michael Hofeldt, Superintendent Anthony Cokens and Ross Dolan were also present.

Agenda: Kotalik moved to approve the agenda. Fischer seconded the motion. All votes aye.

REGULAR MEETING ITEMS: Minutes: Simonsen moved to approve the minutes of the June 3, 2019 regular meeting. Diede seconded the motion. All votes aye.

Finance Report: Cokens moved to approve the June finance report. Kotalik seconded the motion. All votes aye.

	General	Restricted GO Bond	Water	Restricted Water Meter Surchg	Sewer	Restricted GO Bond Ph 1 Sewer Surchg	Restricted Rural Dev Ph 2 Sewer Surchg	Restricted Perpetual Care	Totals
Checking Balance 5/31/19	570,736.81	58,118.68	(78.81)	11,314.86	124,797.44	67,493.82	28,488.63	452.86	861,324.29
Warrants:	(58,523.00)	(30,693.62)	(8,309.71)		(5,696.04)		(3,077.00)		(106,299.37)
JE Adjustment –June 2019	92.00		(346.72)	50.85	91.68	65.45	46.74		0.00
Receipts:	56,660.37	847.03	10,079.37	1,326.40	8,943.57	2,598.05	2,236.26		82,691.05
Authorized Transfers	(25,000.00)	54,736.00				(29,736.00)			0.00
Interest:	65.65	3.26	1.62		26.06				96.59
Checking Balance 6/28/19	544,031.83	83,011.35	1,345.75	12,692.11	128,162.71	40,421.32	27,694.63	452.86	837,812.56
Profit or (Loss) for the month	(26,704.98)	24,892.67	1,424.56	1,377.25	3,365.27	(27,072.50)	(794.00)		(23,511.73)

Warrants: Diede moved to approve the following warrants. Simonsen seconded the motion. Roll call: all votes aye.

WARRANTS APPROVED: Council 652.64; Mayor 207.79; Finance 1876.62; Building 89.27; Police 3315.97; Street 2188.50; Garbage 379.72; Cemetery 152.15; West Nile 149.52; Ambulance 856.87; Pool 2977.13; Parks 186.88; Library 357.95; Development 220.60; Water 1168.06; Sewer 1164.56; Aflac, insurance 232.10; Wellmark BCBS, group insurance 5347.92; Fidelity Life, vision insurance 57.70; SDRS, retirement 1712.50; SDSRP, supplemental retirement 125.00; EFTPS, payroll taxes 4097.68. **Utilities:** NorthWestern Energy, electricity & gas 3304.48; Golden West, phone 484.99; Verizon Wireless 35.41; SD State Treasurer, sales tax May 312.99; USDA, Phase 2 sewer loan pmt 3077.00; Banyon Data Systems, support 1785.00; Barnes & Noble, library books 104.26; Bender’s Sewer, camera sewer line 1416.00; B-Y Water, water 6473.90; Bertsch Law Office, legal services 289.15; Bierschbach Supply, repair 52.60; Cardmember Services, envelopes 721.04; City of Menno, utilities 35.64; Commercial Asphalt, patch mix 459.00; Dakota Supply, water supplies 326.92; DENR, annual fees 350.00; Dept of Health, samples 139.00; Dept of Revenue, license plates 75.35; Deposit Refund, water dep refund 114.36; Tim Freier, mow cemetery 2500.00; Hawkins, pool supplies 42.46; Jensen Ins., fire ins. 55.00; Klautdt Service, fuel-supplies 879.54; Matheson Tri-Gas, amb supplies 45.60; Menno Lumber, supplies 210.79; Midwest Radiator, repair 83.89; Myer’s Sanitation, 286 residential 4004.00; One Office, supplies 179.55; Principal Life, group ins. 984.40; Allen Schoenfish, 2 lambs amb fundraiser 300.00; SD One Call, locates 252.00; SD Rural Water, annual dues 405.00; SD Unemployment Ins 45.22; SCPI, publishing 302.73; Ulmer Farm, culverts 1596.40; US Bank, loan pmts 6487.53.

Police Report: Fischer moved to approve the police report. Cokens seconded the motion. All votes aye. Citation for driving unlicensed vehicle, citation for no insurance, unwanted individual at Rooster’s, 2 complaints for individual being harassed, welfare check, report of stolen medications.

SCHEDULED BUSINESS: Variance – 601 S High St: Having heard no opposition, Cokens moved to grant a variance to allow for a garage to be built 1 foot from the North property line. Diede seconded the motion. Roll call: all votes aye.

Drainage: Some new culverts are being put in to help move water more quickly through town.

Street Projects: Quotes were requested for chip sealing streets. One quote was received and the other company declined to give a quote. It was decided to wait with chip sealing and concentrate on repairing the streets that were damaged with the excess rain this spring.

Sewer: The smoke testing found several minor problems that will be addressed by sending letters to the residents that have the issues. Bender's came to camera the sewer along High Street and no problems were found. There are several manholes that still need to be repaired that are leaking water into the sewer system. All these issues are adding to the problem of too much water, but are not the complete cause of the excess water infiltration. There was some discussion on how to inspect sump pumps that may be pumping directly into the sewer system.

NEW BUSINESS: Budget Meeting: Diede moved to hold the budget meeting on July 17 at 6:00 p.m. Kotalik seconded the motion. All votes aye.

1st Reading-Supplemental Appropriations: Fischer moved to give 1st reading of supplemental appropriations ordinance #2019-1, an ordinance to supplement the ambulance department within the general fund. Simonsen seconded the motion. Roll Call: all votes aye.

Private Pool Party: A request was received to have a private pool party after the regular pool hours. Request declined due to no action taken.

Pool Cameras: Due to several issues at the pool as well as some vandalism, a quote of approximately \$500 plus mileage for installation of security cameras was presented to the council. Simonsen moved to hire Jurrens Electronics to install cameras for security and accountability at the pool. Diede seconded the motion. All votes aye.

Conflict of Interest Policy: Fischer moved to approve resolution 2019-3, a resolution adopting a conflict of interest policy. Simonsen seconded the motion. Roll Call: all votes aye.

Resolution 2019-03

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF MENNO.

WHEREAS, South Dakota Codified Laws (SDCL) Section § 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Menno, South Dakota (City) receives funds from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, while provisions addressing conflicts of interest for municipal officials currently exist in state law, the City wishes to adopt a conflict of interest policy that incorporates these statutory requirements and assists its elected and appointed officials in recognizing, disclosing, and avoiding conflicts of interest; and

WHEREAS, adopting a conflict of interest policy will clarify expectations from the public when elected and appointed officials are conducting City business; and

WHEREAS, the City deems it in the best interest of the City to adopt this Conflict of Interest Policy for the City and for all elected and appointed officials of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Menno, that there is hereby established the following Conflict of Interest policy, which in its entirety reads as follows:

CITY OF MENNO CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS

The City seeks to prevent and avoid any conflicts of interest in the conduct of its business operations and to avoid the appearance of such conflicts to the public it serves. Each elected and appointed official has the duty to place the interests of the citizens of Menno foremost in any dealings on behalf of the City and has a continuing responsibility to comply with this Policy. This policy applies to any elected or appointed official who serves on the City Council, who serves on any board, committee, or commission of the City, or who is appointed to serve the City in any capacity pursuant to SDCL Chapter 9-14 (collectively referred to as "Official").

Conflicts of interest may exist when an Official, or an immediate family member of such Official, has a personal or financial interest clearly separate from that of the general public on a matter before the Official. An immediate family member for purposes of this policy is any person related to an Official within the first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild or an individual claimed by the Official or his/her spouse as a dependent for federal income tax purposes. Such conflicts of interest may be financial or personal, direct or indirect, and the existence of a conflict of interest is dependent upon the unique facts of a particular situation.

It is the policy of the City to follow state law regarding conflicts of interest, and this policy is not intended to be stricter than the applicable requirements of state law. Generally, state law provides that an Official may not have a personal financial interest in any City transaction for the purchase of labor or services, materials or supplies, or real or personal property that belongs to the City. An exception to this general rule may apply if the transaction is reasonable and just, if the contract is made without fraud or deceit and if the Official discloses the conflict and recuses himself/herself from participation in the decision for which there is a conflict of interest. These exceptions include the following:

- (1) A contract for \$5,000 or less;
- (2) A contract awarded by competitive bidding procedures if more than one competitive bid is submitted or, if only one competitive bid is submitted, the procedures in SDCL 6-1-2.1 have been followed;
- (3) A contract for professional services;
- (4) A contract awarded off of the state contract list at the established price or less;
- (5) A contract that does not require competitive bidding when there is no other source of supply or services and when the total of any such contracts does not exceed \$50,000 for a public improvement or \$25,000 for a contract for supplies or services; or
- (6) A contract with an entity for which competitive bidding is not required unless the majority of the governing body are members or stockholders who collectively have a controlling interest, or any governing board Official is an officer or manager or such entity.

No department director who is authorized in his/her official capacity to sell or lease any property or to make any contract may be personally interested, directly or indirectly, in any such sale, lease, or contract.

Procedure When Conflicts of Interest Exist

If an Official who is a member of the City Council, or a board, committee, or commission has a disqualifying interest in a matter before the body on which the Official serves, he/she shall disclose the conflict to the body prior to its consideration of the matter. Once this disclosure is made, the Official shall not formally participate in the official discussion, any executive session, or any vote on the matter. If the Official has a conflict of interest in the matter and chooses to participate in the discussion, the Official should leave the dais and speak on the item from the audience as a member of the public.

If it is alleged that an Official has a disqualifying conflict of interest in a matter before the City Council, or a board, committee, or commission on which the Official serves, and if the Official does not voluntarily refrain from participating in the matter, then the Official may be disqualified from officially participating in consideration of the matter upon a two-thirds vote of the Council, board, committee, or commission on which the Official serves. The City Council, or a board, committee, or commission voting to disqualify such Official must make a specific finding of the disqualifying conflict of interest for which it has excluded the Official from participating in the matter under consideration. An Official disqualified in this manner may not participate in the official discussion, any executive session, or any vote on the matter.

If any Official desires assistance to determine if that Official, or another Official, has a disqualifying conflict of interest, the Official may request an advisory opinion from the City Attorney's Office. Such opinion shall be made available to all members of the City Council, or the board, committee, or commission about which the opinion is provided, but shall not be available for public inspection unless a majority of the members of the City Council or the board, committee, or commission to which the opinion is provided votes to make such opinion public.

DATED this 1st day of July, 2019.

CITY OF MENNO

Mayor

ATTEST:

Finance Officer

Next Meeting: The next regular meeting will be Monday, August 5 at 7:00 p.m.

Diede moved to adjourn at 7:56 p.m. Cokens seconded the motion. All votes aye.

ATTEST:

CITY OF MENNO, SOUTH DAKOTA

Lisa Edelman, Finance Officer

Darrell J Mehlhaf, Mayor

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