

## February 11, 2019 Minutes

The Howard City Council met in regular session on Monday, February 11, 2019 at 7:00 pm in the Council Chambers. Mayor Donald Arens presided with Aldermen Jean Thompson, Bernard Feldhaus, Lynn Borgers, Jerry Adler and Greg Dufault. Colby Tolk was absent. Attorney Kristian Ellendorf was present along with intern Kelly Kanaan. Deputy Finance Officer Kate Calmus was also present.

Mayor Arens called the meeting to order. Motion by Adler, seconded by Borgers and carried to approve the amended agenda. Thompson moved, Adler seconded and carried to approve the minutes of the January 14<sup>th</sup> meeting. Adler moved, Dufault seconded and carried to approve the following claims: Alliance, utilities, 347.63; A-OX, rental, 18.66; APPEARA, rental, 45.62; Campbell Supply, supplies, 105.00; Capital One, other, utilities, supplies & travel, 581.68; County of Miner, prof fee, 2000.00; Dakota Pump, repairs, 4287.63; Danko, supplies, 434.96; Dawson's, sanitation, 12042.90; Kody Dawson, utilities, 45.00; Nathan Dawson, repairs, 62.77; Dold's, repairs, 327.00; East River, energy, 9143.42; First District, dues, 1031.72; Heartland, energy, 77952.63; Heiman, repairs, 1455.04; Homestead, repairs, 10.38; HFCA, supplies, 897.00; Kingbrook, water, 9987.75; Troy Loudenburg, utilities, 45.00; Miner County Pioneer, publish, 125.94; Miner County Sheriff, contract law, 7210.00; Protsch Law, prof fee, 730.00; Office Peeps, supplies, 374.70; Chad Podhradsky, utilities, 45.00; Pronto, supplies, 344.71; Puthoff, repairs, 3.70; State of SD, prof fee, 45.00; Sun Life Financial, insurance, 84.95; Timmer Supply, repairs, 79.86; Tom's Hardware, supplies, 198.81; Truenorth Steel, repairs, 1969.20; WAPA, energy, 16028.25; Aflac, supplemental insurance, 54.00; Central Electric, utilities, 96.00; SD Dept of Revenue, sales tax, 7277.47.

**Other Claims:** Avera Health, insurance, 2335.35; Katey Calmus, travel, 174.58; Colonial Life, supplemental insurance, 336.52; Delta Dental, insurance, 220.00; NorthWestern, utilities, 795.25; SDSRP, supplemental retirement, 300.00; EFTPS, WHSS, 3697.60; Child Support, child support, 600.00; SD Retirement, retirement, 3385.48.

**Wages:** Finance Officer, 6765.44; Streets, 3836.87; Electric, 5442.44; Library, 1925.25; Council, 1217.94; Custodian, 534.51; Snow, 2018.39; Animal Control, 159.70; Water 2078.59; Sewer, 804.82.

Thompson moved, Borgers seconded and carried to approve the Electric and Water Reports and acknowledge receiving the Sheriff's Report. The Council reviewed the past due accounts report.

### **PUBLIC COMMENT:**

Evan Meyer, representing the Rocky Mountain Elk Foundation, asked to be approved for a special event permit only if an agreement isn't reached with the Hotel. Adler moved, Borgers seconded and carried to grant the special event permit March 9<sup>th</sup> if needed. Feldhaus voted nay.

Jim Enga with Omni-Pro, met with the Council to discuss automated meter reading and load management. Enga was very informative. He will prepare a budgetary quote for the Council to consider.

Kent with Ulteig Engineering and Chad Podhradsky discussed the 2019 projected Street Project. It was discussed having a core test done on Section Line. Thompson moved, Borgers seconded and carried to agree to engage services with American Engineering Testing, Inc. Estimated fees - \$1175.00. Podhradsky submitted contracts for engineering services. Dufault moved, Borgers seconded and carried to sign the contracts.

**OLD BUSINESS:**

Attorney Ellendorf will prepare an amended ordinance to allow horses in agricultural districts by special exception. She will have it prepared for the next meeting.

The Council reviewed the list of follow-up letters sent out by the Code Enforcement Officer Olson. Eugene Larson's property was discussed again with Attorney Ellendorf. She asked for it to be put on the agenda for March's meeting.

The Council will discuss the Attorney Contract in executive session at the end of the meeting.

On April 1<sup>st</sup> Finance Officer Klinkhammer proposed to step down to Deputy Finance Officer and Kate Calmus will take over duties of Finance Officer. Klinkhammer will work full time to the end of the year, then will go part time in 2020. Borgers moved, Thompson seconded and carried to accept the proposal.

**NEW BUSINESS:**

Kody Dawson submitted a quote from Infotech for a new load management computer for \$2499.99. He and Kate Calmus had also looked into purchasing an iPad through Verizon. It would be more economic to go through Dawson's account and have the City reimburse him. Borgers moved, Thompson seconded and carried to allow the purchase of the computer & iPad and reimburse Dawson for monthly fee.

Sheriff Eggert submitted a proposed snow ordinance to the Council. Borgers moved, Thompson seconded and carried to have Attorney Ellendorf review and revise if she thinks it should be. Sheriff Eggert also submitted an Agreement for Law Enforcement between the City and County for 2019 & 2020. Feldhaus moved, Thompson seconded and carried to approve the contract.

Thompson moved, Borgers seconded and carried to partner with the County for additional work for the Miner County GIS Website to be performed by First District. Total agreement amount for 2019 would not exceed \$2,000.00.

Adler moved, Feldhaus seconded and carried to approve the Annual Report.

The Council reviewed the improvement recommendations that were developed by Safety Benefits.

The Department of Revenue sent the City a report of alcohol beverage violations and notice of convictions. The Council reviewed the report.

Attorney Ellendorf recommended to the Council to amend ordinance 4-5-5 to comply with SDCL 35-4-124 as follows:

**4-5-5 VIOATION TO CONSUME OR MIX ALCOHOLIC BEVERAGE IN PUBLIC PLACE OTHER THAN LICENSED ON-SALE PREMISES – EXCEPTION**

Except as authorized under SDCL 35-4-124 no person shall consume any intoxicating liquor or mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of the licensed on-sale dealer where the alcoholic beverage was purchased from

the dealer for the sale purposes. For purposes of this section, "public place" means any place, whether in or out of a building, commonly and customarily open to or used by the general public and any street or highway. However, this section does not apply if the City of Howard gives prior authorization for persons to consume or blend alcoholic beverages or to engage in the sale thereof by reason of a special alcoholic beverage license under SDCL 35-4-124, in or upon property described by the authorizing governmental subdivision, which property is publicly owned, or owned by a nonprofit corporation. The permit shall not exceed those permitted for on-sale licensees.

The penalty for violation of the above ordinance shall be fine of \$200.00 and/or thirty days in jail. Dufault moved, Borgers seconded and carried to pass the first reading to amend ordinance 4-5-5 and increase the fee to \$50.00. Adler voted nay.

Borgers moved, Dufault seconded and carried to go into executive session.

Borgers moved, Thompson seconded and carried to come out of executive session and also moved to sign the attorney contract, which will increase monthly fee to \$730.00.

There being no further business, Thompson moved, Borgers seconded and carried to adjourn to the next regular meeting to be held March 11, 2019.

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Donald Arens, Mayor

ATTEST:

Donna Klinkhammer  
Finance Officer