

CITY OF CENTERVILLE
APPROVED REGULAR MEETING MINUTES
Monday, December 6, 2021
5:30 p.m.

Mayor Kent Austin called the meeting to order at 5:30 p.m.

The pledge of allegiance was recited.

Council members present: Vicki Sikkink, Jeff Nelson, Jackie Krebs, Conway Lunning and Adam Carlson.
Absent: Cory Simonsen

Others present: Kristin Hazen – Finance Officer, Jared Hybertson – Economic Development, Cody Sikkink – Operations Manager, and Nolan Clark – Police Chief.

J. Nelson moved and J. Krebs seconded to approve the agenda as presented. Motion carried. Unanimous.

C. Lunning moved and V. Sikkink seconded to approve the regular meeting minutes from Monday, November 1, 2021. Motion carried. Unanimous.

J. Krebs moved and J. Nelson seconded to approve the warrants as presented. Motion carried. Unanimous.

WARRANTS

Internal Revenue Service \$\$2,904.82 Dept of Revenue & Regulation \$10.00 Internal Revenue Service
\$\$2,954.20 USDA Rural Development \$\$2,130.00 First National Bank \$\$5,239.06 US BANK \$\$2,848.84
SYNCB/AMAZON \$\$246.55 3-D DIGGING & TRUCKING \$\$9,690.00 SYNCB/AMAZON \$938.63
BENCO PRODUCTS, INC. \$44.34 BENTAAS, BRUCE \$150.00 CENTER POINT LARGE PRINT
\$45.54 Century Business \$40.58 City of Sioux Falls \$43.50 COLONIAL LIFE \$511.71 CORE & MAIN
LP \$116.97 CRARY HUFF LAW FIRM \$1,328.00 Dakota ACE Hardware \$51.62 DANS DRAIN & DUCT
CLEANING \$242.50 Diesel Machinery, Inc. \$2,267.52 Glenn W Edberg \$150.00 Health Pool of SD
\$7,561.00 Heiman Fire Equipment, Inc. \$188.00 HYBERTSON, JARED \$234.32 I & S GROUP, INC
\$790.00 JACK'S UNIFORMS & EQUIPMENT \$128.28 KISTLER, JODI \$150.00 KREBS, JACKIE
\$150.00 Lewis & Clark Rural Water \$2,584.00 MAROHL, CARROLL \$150.00 Menards \$85.08 Mid-
American Research Chemical \$1,176.92 Muller Auto Parts \$19.99 VISA \$1,749.65 Pump N Stuff- City
\$365.13 Pump N Stuff- City \$10.88 Pump N Stuff- City \$380.18 R & L SUPPLY LTD \$0.00 REIF,
CARLIEGH \$150.00 RUNNINGS \$192.93 SCHROCK, CLINTON \$150.00 SIKKINK, TRENT \$150.00
South Dakota One Call \$14.56 SOUTHEAST FARMERS CO-OP \$500.60 SWIFT, NATALIE \$150.00
THE ROAD GUY CONST CO., INC \$55,120.00 TITAN GUTTERS \$2,880.00 Total Stop Food Store #747
\$28.95 Verizon Wireless \$136.70 Vermillion Garbage Service \$120.00 VERNON MANUFACTURING
\$80.00 WESTRA, KATIE- CITY \$680.00 Xcel Energy \$3,722.07 Dust-tex Service, Inc. \$156.41 Fort
Randall Telephone Co. \$702.35 L & S Repair \$395.59 Lewis & Clark Rural Water \$5,180.22
MidAmerican Energy Company \$174.29 Sioux Falls Winpump Co. \$1,213.91 Star Publishing \$92.00
USA Blue Book \$71.15 SD Retirement System \$3,639.28

November 2021 Payroll: Finance - \$4,218.38 Police - \$10,114.17.56 Parks - \$840.86; Streets - \$2,522.53;
Water - \$4,779.82; Sewer - \$4,779.57 Library - \$4,568.22; Econ Dev - \$6,064.36;

Mayor Austin shared building permit received from Knudson Properties, previously approved by K. Westra.

No public comments.

Operations – C. Sikkink shared he has taken the 2005 Sterling truck to Butler to determine why antifreeze is going into the fuel tank. He also shared that Matt is working on his CDL and that the maintenance department will be in sewer training the next few days.

Expansion Agreement – J. Nelson moved and C. Lunning seconded to approve the final version of the 15.81 MGD Expansion Commitment Agreement made and entered by and among Lewis and Clark Rural Water Systems, Inc. (“Lewis and Clark”) and its members. Motion carried. Unanimous.

Christmas Decorations - C. Sikkink has recommended to look into different Christmas decorations for the 2022 year as the current are not functioning as well as they have in the past. K. Hazen will start looking into the cost of getting new ones and present to council at the next regular council meeting.

Mayor Austin would like C. Sikkink to purchase a couple heavy weight hi-vis jackets for the winter.

Police Chief Clark gave the monthly police report for October:

November 2021	
22 Calls for service/disturbance/assistance	1 Motor vehicle crash reports
17 Traffic stops	0 Arrest
0 Traffic assists for fire/ambulance calls	1 Domestic dispute calls
2 Animal calls	1 Mental health incidents

Chief Clark touched on the highlights from his Police Department report. A full report is available at City Hall.

V. Sikkink moved and J. Nelson seconded to approve the fully updated and final Police Policy Manual including additional language in Use of Force and Duty to Intervene. Motion Carried. Unanimous.

Economic Development: J. Hybertson touched on the highlights from his Economic Development report. Report is available at City Hall or on the city website.

Mayor Austin and J. Hybertson have been in discussions with a cultivation and manufacturing business that has interest in setting up shop in Centerville. They will continue to have conversations about this to see if the opportunity is a good fit.

J. Nelson moved and C. Lunning seconded to approve the second reading of Ordinance 2021-09 Ethical Obligations of Municipal Elected Officials. Motion carried. Unanimous.

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY OF CENTERVILLE, SD, AMENDING THE MUNICIPAL ORDINANCES OF THE CITY BY ADDING TITLE III: ADMINISTRATION, CHAPTER 31: OFFICIALS AND EMPLOYEES, SECTION 31.05: ETHICAL OBLIGATIONS OF MUNICIPAL ELECTED OFFICIALS.

BE IT ORDAINED BY THE CITY OF CENTERVILLE, SD:

Section 1. That the Municipal Ordinances of Centerville, SD, is hereby amended to include Section 31.05 which shall read as follows:

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BE IT ORDAINED BY THE CITY OF CENTERVILLE, SD:

Section 1. That the Municipal Ordinances of Centerville, SD, is hereby amended to include Section 31.05 which shall read as follows:

§ 31.05 – ETHICAL OBLIGATIONS OF MUNICIPAL ELECTED OFFICIALS.

- (A) Code of Ethics. The City Council of the City of Centerville, desiring to ensure that its elected officials conduct themselves in an ethical and conscientious manner, adopts and enacts the following code of ethics to be followed by each elected of its elected municipal officials. Upon the passage and approval of this Ordinance, and thereafter at the first organizational meeting of each operational year, each elected official of the municipality shall execute the Pledge shown herein below. In the event of a Mayor or Council member entering into office during the operational year, whether by appointment or by special election, upon taking the oath of office said official shall execute the Pledge show herein below. In all cases, said Pledge shall become part of the City Council's official record for that meeting.

The Code of Ethics applies to all elected municipal officials, including the Mayor and each member of the City Council.

- (1) Every elected municipal official shall exercise ordinary and reasonable care in the performance of his or her duties, exhibiting honest and good faith, and using the care, skill, common sense, and informed judgment that a reasonably prudent person would use in a similar situation.
- (2) Every elected municipal official is elected to a position of public trust toward the City, its taxpayers, residents, and employees. Thus, when conducting the business of the City, every elected municipal official must avoid and disclose all conflicts of interest and potential conflicts of interest, especially those potential conflicts of interest described in SDCL §§ 6-1-1 and 6-1-2. In that regard:
 - (a) An elected municipal official shall not perform any labor, or furnish equipment or supplies to the City for compensation. He or she shall not be interested directly in any contract with the City which may have remunerative awards to the elected official.
 - (b) No elected municipal official may participate in discussing or vote on any issue in which the elected official has a conflict of interest. Each elected official shall decide if any potential conflict of interest requires such member to be disqualified from participating in discussion or voting. However, no elected official may participate in discussing or voting on an issue if the following circumstances apply:
 - (i) The elected official has a direct pecuniary interest in the matter before the City Council; or
 - (ii) At least two-thirds of the City Council votes that an elected official has an identifiable conflict of interest that should prohibit the member from discussing and voting on a specific matter.

If an elected municipal official with a direct pecuniary interest participates in discussion or votes on a matter before the City Council, that official's vote will be invalidated.

- (3) Every elected municipal official shall maintain the confidentiality of all matters pertaining to the City in accordance with the South Dakota open meetings laws, executive session laws, and other related laws and regulations.
- (4) Recognizing that honest differences of opinion are natural and healthy, every elected municipal official shall work with other elected officials in a spirit of harmony and cooperation and in the best interest of the City, in spite of differences that may arise during the resolution of issues before the Council. Every elected official shall respect and abide by the decisions of the Council and shall not undermine or diminish decisions reached by a majority of the Council.
- (5) Every elected municipal official shall confine his or her official efforts to those that apply to his or her office. Specifically, Council members shall confine their actions in the form of policy making, ordinance enacting, authorizing action by City officers and employees, and evaluation; and the Mayor is the executive elected official who is to confine his or her actions to those of conducting meetings, executing decisions and agreements of the Council, and overseeing the general administration of the City's affairs through cooperation with and assistance to the City Finance Officer. Every elected municipal official shall recognize that it is his/her responsibility not to run the day-to-day affairs of the City, but to work collectively with all other elected officials in cooperation with the Finance Officer to ensure that the City is well run by the implementation of proper policies, procedures and decision-making.
- (6) Every elected municipal official shall recognize and adhere to the tenet that authority rests only with the City Council assembled in a meeting, and not with any individual elected official. Each elected official shall make no personal promise nor take any individual action which may compromise the Council or the City. Each decision rendered by the City Council shall be reached after discussing all relevant aspects of the issue with the other elected officials in a meeting in compliance with the South Dakota open meetings laws in effect at the time of the meeting. Individual members of the City Council, outside of regularly constituted meetings of the City Council shall have no authority to make decisions, to commit the Council to actions, to inquire into issues beyond those of which any member of the public may properly inquire, or to supervise or direct day-to-day City activities.
- (7) Every elected municipal official shall strive to work collectively with the other elected officials to operate the City in the best interests of the City, its residents, its taxpayers, and its employees.

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- (7) Every elected municipal official shall strive to work collectively with the other elected officials to operate the City in the best interests of the City, its residents, its taxpayers, and its employees.

- (8) Every elected municipal official shall uphold and enforce all applicable laws, rules, regulations, and court orders affecting the City, including the ordinances and policies of the City.
 - (9) Every elected municipal official shall refer all complaints through the proper "chain of command" within the City to determine if an informal and/or administrative solution can be obtained. In the event an informal and/or administrative solution is not obtained, then the issue may be brought before the City Council for resolution after consideration by the appropriate committee, but no individual elected official should otherwise become involved in the resolution of any matter that may thereafter come before the entire City Council for official action.
 - (10) Every elected municipal official shall respect and treat professionally all officers and employees of the City. No individual elected official shall pressure, threaten, or intimidate, directly or indirectly, any officer or employee, or any other elected official to do a certain thing or act a certain way.
 - (11) Every elected municipal official shall comply with this code of ethics. Failure to abide by this code of ethics is a breach of the public trust.
- (B) Pledge. The Pledge referenced in Section 31.05(A) above shall take the following form:

PLEDGE

As an elected municipal official of the City of Centerville, South Dakota, I hereby acknowledge and agree to abide by the ordinances and official policies of the City, including in particular Ordinance No. 2021-09, being an ordinance establishing Section 31.05: Ethical Obligations of Municipal Elected Officials.

I recognize that this is my responsibility under the ordinances and official policies of the City of Centerville, and that my failure to comply with the Ordinance may amount to a violation of the public trust.

Mayor

Ward 1 Council Person

Ward 1 Council Person

Ward 2 Council Person

Ward 2 Council Person

Ward 3 Council Person

Ward 3 Council Person

Attest:

City of Centerville Finance Officer

Date: _____

- (C) Sanctions and Penalties. If an elected municipal official is accused of violating this code of ethics, the City Council may investigate said allegation. If the investigation reveals a possible violation, the Council may conduct a hearing in executive session after giving notice to the elected official accused of violating said code of ethics. If, after such hearing, the Council determines that a violation has occurred, the City Council shall have the authority to impose one of the following sanctions:
- (1) With the concurrence of a majority of the City Council, to privately reprimand, in executive session, the elected official who violates the code of ethics, in which case no official record of the matter will be kept;
 - (2) With the concurrence of a majority of the City Council, to privately reprimand, in executive session, the elected official who violates the code of ethics, but to maintain an official written record of the matter;
 - (3) With the concurrence of a majority of the City Council, to issue a public censure, in open session following the hearing, to the elected official who violates the code of ethics, which shall be made a part of the minutes of the City Council; or
 - (4) With regard only to a member of the City Council, pursuant to SDCL § 9-8-5, with the concurrence of two-thirds of the City Council, the Council may expel the Council member and declare a vacancy in that office. The City Council does not, however, have the statutory authority to expel the elected Mayor from office.

In any case, if the City Council determines it to be appropriate, in addition to and apart from any one of the foregoing sanctions, the City Council shall have the authority to disavow by official resolution the improper acts or statements by an individual elected municipal official, said action to be taken in open session and placed upon the minutes of the City Council.

The City Council recognizes that outside the scope of this ordinance, removal of an elected municipal official may only be done for a reason provided by law, and only through such process as the law defines, including particularly cases of misfeasance, malfeasance, or other applicable violations of South Dakota law.

Ward 3 Council Person

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Attest:

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Adopted this 6th day of December, 2021.

Mayor

ATTEST:

Finance Officer

Seal

First Reading: November 1, 2021

Second Reading & Adoption: December 6, 2021

Publication: December 15, 2021

Effective Date: January 4, 2021

Published once at the approximate cost of _____.

V. Sikkink moved and J. Nelson seconded to approve the first reading of Ordinance: 2021-10 Amending Title XI: Business Regulations. Motion carried. Unanimous.

V. Sikkink moved and J. Nelson seconded to approve the first reading of Ordinance: 2021-11 Amending 2019 Revised Zoning Regulations. Motion carried. Unanimous.

J. Krebs moved and C. Lunning seconded to approve the first reading of Ordinance: 2021-12 Ward Redistricting. Motion carried. Unanimous.

V. Sikkink moved and C. Lunning seconded to approve the first reading of Ordinance 2021-13 Supplemental appropriations. Motion carried. Unanimous.

A. Carlson moved and C. Lunning seconded to approve extending the Clarity Telecom, LLC dba Vast Broadband Franchise Ordinance dated 09/24/2007 to 09/24/2027 (an additional 5 year) Motion carried. Unanimous.

V. Sikkink moved and J. Nelson seconded to approve the decrease in individual swimming pool season passes from \$55.00 to \$40.00 effective the summer of 2022. Motion carried. Unanimous.

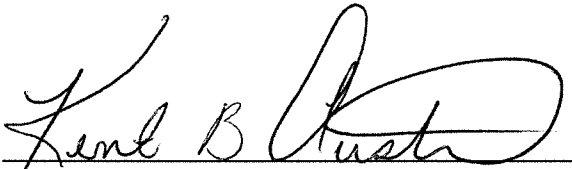
K. Hazen shared that Christmas Day falls on Saturday, December 25, 2021 and New Year's Day falls on Saturday, January 1, 2022. Because the holiday falls on a Saturday, the day before will be recognized as a paid holiday and the office will be closed.

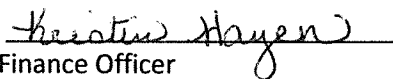
K. Hazen asked if the council would like to again offer the employee's \$50.00 for Christmas. J. Krebs moved and A. Carlson seconded to approve the \$50.00 to each full time employee. Motion carried. Unanimous.

The next special City Council Meeting is scheduled for Monday, December 20, 2021 at 5:30 p.m.

The next regular City Council meeting will be held Monday, January 3, 2022 at 5:30 p.m.

There being no further matters to discuss, C. Lunning moved and V. Sikkink seconded the meeting be adjourned. Motion carried. Unanimous. Meeting adjourned at 6:45 p.m.


Kent Austin, Mayor

Attest: 
Finance Officer