

Unapproved Minutes
Langford Board of Trustees
May, 2019

The Langford Board of Trustees met in regular session Tuesday, May 14, 2019 at the Finance Office. President Todd Sell called the meeting to order at 6:05 p.m. with Trustee Orrie Jesz, Utilities Manager Blair Healy, Assistant Utilities Manager Joe Keough, Finance Officer Melody Swearingen, GLAD Director Lindsey Kimber, and Amy Punt in attendance.

The Oath of Office was administered to Todd Sell, who ran unopposed for the seat which term expired in 2019. Due to the absence of Trustee Jordan Hupke, no Presidential election was held; Sell conducted tonight's meeting as Acting President of the Board of Trustees.

Lindsey Kimber provided an update on Glacial Lakes Area Development's projects and events, including information regarding a housing tool-kit, revolving loan funds, Welcome to Marshall County initiative, tourism, and grant writing assistance. Kimber left the meeting at 6:20 p.m.

Sell motioned (#2019-29) to approve the April meeting minutes; seconded by Jesz; motion carried.

FINANCE OFFICE REPORT: Sell motioned (#2019-30) to approve the April financial report; seconded by Jesz; motion carried. Swearingen presented the 2018 Annual Report to the council; Sell motioned (#2019-31) for approval; seconded by Jesz; motion carried. Swearingen requested approval to cash a fire dept CD and combine it with the 2019 capital outlay revenues into a new CD; motion to approve (#2019-32) by Sell; seconded by Jesz; motion carried

Terri Glodrey arrived at 6:45 p.m.

Jesz motioned (#2019-33) to declare Lot 9, DaMar Addition as surplus property; seconded by Sell; motion carried.

Janet Hupke arrived at 6:58 p.m. Amy Punt presented the findings of the housing survey that was completed earlier this year, along with information regarding resources for cleaning up nuisance properties and potential opportunities to create available housing within the city. Hupke left the meeting at 7:55 p.m.

APPROVAL OF EXPENDITURES: Sell motioned (#2019-34) to approve the following expenditures: BDM Rural Water \$2,208.50 (water); Britton Journal \$85.30 (publications); Cardmember Service \$438.37 (credit card payment: \$302.38 – Amazon playground supplies; \$135.99 – Amazon office supplies); DaMar Farmers Elevator \$887.17 (supplies, propane); Grand Slam Computers \$829.00 (printer for library; other equipment); Grant & Williams, Inc. \$4,786.16 (audit fees); Heartland Consumers Power District \$13,046.27 (power; transmission fees); Holland NAPA \$260.61 (repairs); Public Health Laboratory \$142.00 (lab fees); Town of Langford \$2,132.04 (utilities); Langford Bugle \$62.84 (publications); Langford Lumber \$178.79 (services, supplies); Lehr Sanitation \$2,500.00 (sanitation services); Marshall County Treasurer \$10,841.00 (law enforcement services); Maxwell Electric \$800.07 (meter installation); petty cash replenishment \$89.14 (\$10.00 registration fee; \$79.14 postage); RESCO \$51.00 (elec supplies); SD Dept of Revenue \$1,845.17 (April sales tax); SD Municipal League \$25.00 (registration fees); USDA Rural Development \$2,776.00 (sewer renovation loan payment); US Postage Service \$101.00 (stamps); Verizon Wireless \$195.09 (cell phone fees/equipment); Western Area Power Administration \$3,818.10 (power). The following items were paid in vacation in April: Venture Communications \$521.01 (phone, fax, internet fees); SD Dept of Revenue \$150.00 (Damar C-Store liquor license renewal). April payroll by department: Council \$545.71; Finance Office \$1,116.41; Streets \$2,976.46; Sanitation \$1,544.54; Library \$859.78; Water \$1,841.18; Electric \$1,695.67; Sewer \$1,544.41.

NEW BUSINESS:

Sell motioned (#2019-35) to approve the annual request from Glacial Lakes Area Development for a contribution the amount of \$1,500.00; seconded by Jesz; motion carried.

The council reviewed Heartland Consumers Power District's Integrated Resource Plan. Heartland provided detailed information regarding the load forecast, along with detailed summaries of the supply side resources and demand side resources. Jesz motioned (#2019-36) to approve the Integrated Resource Plan; seconded by Sell; motion carried.

Jesz motioned (2019-37) to approve the updated Emergency Response Plan for Public Wastewater Systems; seconded by Sell; motion carried.

Safe Drinking Water Certificates of Achievement were awarded to Blair Healy, Joe Keough, and the Town of Langford by the SD Dept of Natural Resources.

The following building permit requests were reviewed and approved: Brandon Alberts, new construction; Eileen Smith, move mobile home; Paul Erickson, home renovations.

Amy Punt left the meeting at 8:43 p.m.

OLD BUSINESS:

Jesz, Healy and Keough provided an update from the pre-construction meeting for the water renovation project.

Jesz motioned (#2019-38) to approve the Pole Inspection Proposal provided by DGR Engineering, along with the Agreement for Professional Services (with DGR Engineering) for Phase I Electric System Improvements; seconded by Sell; motion carried.

Jesz motioned (#2019-39) to approve the second reading of an addition to Title 6 of Langford's Ordinances to add Chapter 6-3 pertaining to Special Events; seconded by Sell; motion carried. Reads as follows: BE IT ORDAINED BY the Town of Langford that the following Chapter 6-3 SPECIAL EVENTS be added to TITLE 6 – LICENSES of the Ordinances of the Town of Langford. This serves as an addition to the ordinances of the Town of Langford heretofore adopted.

TITLE 6 – LICENSES

Chapter 6-1 – Alcoholic Beverages

Chapter 6-2 - Pets

Chapter 6-3 – Special Events

6-3-1 DEFINITIONS. The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a.) Activity – A parade or public meeting or assembly or special event.
- b.) Parade – A March or procession of any kind.
- c.) Public Meeting or Assembly – a planned or organized gathering of a group of persons, or a ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of more than ten (10) persons, upon any public street, sidewalk, park or other public property.
- d.) Special Event – a community activity or activities that involve the use of public facilities, buildings, streets, sidewalks or property.
- e.) Use – to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, to paint, spray or write on the surface of a public right-of-way thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public property within the city, including any use related to parade or special events.

6-3-2 EXCEPTIONS. This chapter shall not apply to any of the following:

- a.) Funeral or wedding processions.
- b.) A governmental agency acting within the scope of its functions.
- c.) Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity.

- 6-3-3 NOTIFICATION REQUIREMENT. Notice must be provided to the city finance office not less than forty-five (45) days prior to the proposed activity, providing the following information:
- a.) Name, address, and phone number of the person requesting the permit.
If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the organization's headquarters and leader shall be provided.
 - b.) Name, address and telephone number of the person(s) who will be directly in charge of and responsible for the event.
 - c.) The purpose of the event.
 - d.) The date, time and location of the event, including a specific list of event activities.
 - e.) The approximate number of persons who will participate and/or attend the event.
 - f.) Plans for the assembly and the dispersal of the event.
 - g.) Such other reasonably relevant information as the Board President, City Council, or Sheriff's Dept may request for investigation of the application.
- 6-3-4 FINDINGS REQUIRED. The City Council shall issue a permit as provided hereunder when, from a consideration of the application and from such other information as may otherwise be obtained:
- a.) The concentration of such activity will not unduly interfere with proper fire and police protections of, or ambulance service to, areas where the activity will take place or areas contiguous to such areas.
 - b.) The conduct of such activity will not unduly interfere with the movement of firefighting equipment en route to a fire, or the movement of other emergency equipment.
 - c.) The conduct of such activity is not reasonably likely to cause injury to person(s) or property.
 - d.) There will be adequacy of applicant supervision for the proposed activity.
 - e.) Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.
- 6-3-5 CONDITIONS TO PERMIT. The City Council shall have the authority to impose such conditions as are necessary to insure that all of the Findings Required above shall exist during the continuation of the event.
- 6-3-6 NOTICE OF INSUANCE OR DENIAL / APPEAL PROCEDURE. The City Council shall act upon the permit application at its next meeting following the receipt of the notice contingent upon the filing requirements in the Notification Requirement. If the permit is denied, the Finance Office shall mail to the applicant within three (3) days of the Council's decision a notice of the denial and the reasoning. The applicant shall have the right to appeal the denial to the City Council. A notice of the appeal shall be filed with the City Finance Office within seven (7) days after the mailing of the notice of denial. The City Council shall act upon the appeal at its next meeting following receipt of the notice of appeal.
- 6-3-7 DUTY OF PERMITTEE. A permittee hereunder shall comply with all the terms and conditions of the permit and with all applicable laws and ordinances.
- 6-3-8 REVOCATION OF PERMIT. Any member of the Marshall County Sheriff's Department may revoke any permit issued hereunder, or under the direction of the Board President or City Council any member of the Marshall County Sheriff's Department may be requested to revoke any permit hereunder upon the failure of the permittee to comply with the terms and conditions of the permit or if the event, because of the nature or manner in which it is being conducted is jeopardizing those elements of the public safety or welfare set forth in the Findings Required above.
- 6-3-9 PUBLIC CONDUCT DURING A PARADE, ASSEMBLY, OR PUBLIC EVENT. It is unlawful for any person to unreasonably obstruct, impede, or interfere with a public meeting or assembly or

special event or with any person, vehicle or animal participating in such meeting, assembly or special event for which a permit has been granted in accordance with the herein provisions.

6-3-10 HOLD HARMLESS AND INSURANCE. Any permittee shall, with their application, acknowledge a hold harmless clause where the permittee using the public property agrees to hold the city harmless from loss. Any activity in this section where alcohol is permitted to be consumed, sold and/or served shall also show proof of general liability insurance in the amount of not less than one million dollars (\$1,000,000.00).

6-3-11 SPECIAL EVENT ALCOHOL BEVERAGES LICENSES. The City regulates and restricts permits for special alcohol beverage licenses issued in conjunction with special events. In addition to the terms and conditions in 6-1-3 TEMPORARY PERMIT, the following terms and conditions shall apply:

- a.) Any license issued shall be issued for a period of time established within the sole discretion of the city council.
- b.) The licensee must comply with the regulations set forth on the application and all applicable state laws set forth concerning alcoholic beverages
- c.) The fee for the license(s) issued shall be as provided in the city fee schedule per event which must be paid prior to the event.
- d.) A public hearing is required before approval and issuance of any license
- e.) A valid copy of certificate of insurance or letter from insurer confirming the policy is in place naming the city as an additional insured for the activities described in the special event application;
- f.) Applicant must provide security guards to help police the area where alcoholic beverages are sold and served.

END OF ORDINANCE

Glodrey left the meeting at 9:50 p.m.

The council adjourned its regular session to enter executive session at 9:50 p.m. Jordan Hupke joined via teleconference. Sell left the building during between 9:53 p.m. and 10:00 p.m. The council reconvened to regular session at 10:12 p.m. Regarding final details to the purchase or property from Todd Sell for the purpose of constructing a new water tower, Hupke motioned (#2019-40) that the City pay all closing costs of the transaction; seconded by Jesz; motion carried.

Hupke motioned (#2019-41) to offer employment to a candidate and await the response; seconded by Jesz; motion carried.

There being no further business, the meeting adjourned at 10:20 p.m.

The next regular session of the Board of Trustees is scheduled for Tuesday, June 11, 2019 at 6:00 p.m. at the Finance Office.

ATTEST: Melody Swearingen, Finance Officer; Todd Sell: Acting Board President

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