

**REGULAR MEETING OF THE CITY COUNCIL
LEMMON, SOUTH DAKOTA
MAY 1, 2023**

Pursuant to due call and notice thereof, the Regular Meeting of the City Council of Lemmon, South Dakota was held on Monday, May 1, 2023, at 6:00 p.m. in the Council Chambers of City Hall.

Mayor Matthew Barnes and the following City Council were present: Christine Becker, Wayne Corcoran, Pat Dalzell, Gary Ericsson, Tim Pelkofer, and Art Pederson. Employees in attendance were: Chad Abel, Annette Dalzell, Dave Huber, Raven Christman, and City Attorney, Shane Penfield.

Others in attendance were: Tony Wentz, Mike Schweitzer, LaQuita Shockley, Anita Stugelmeyer, Earl Stugelmeyer, Fr. Adam Hofer, Steve Bucks, Code Enforcement Officer Mike Olson, Jen Suter-VanBeek.

Wayne Corcoran declared a conflict of interest on the agenda item Summer Help Hire.

Mayor Matthew Barnes called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Dalzell moved, Corcoran second to approve the Agenda as presented. All voting "Aye" motion carried.

Ericsson moved, Becker second to approve the minutes of the April 3, 2023, Regular Meeting. All voting "Aye"; motion carried.

Pederson moved, Corcoran second to approve the minutes of the April 19, 2023, Special Meeting. All voting "Aye"; motion carried.

Pederson moved, Dalzell second to approve the Mayor Committee Appointments, Employee Appointments, and Board Appointments. All voting "Aye"; motion carried.

Mayor	Matthew Barnes
President of the Council	Pat Dalzell
Vice President of the Council	Wayne Corcoran
City Property & Leases	T. Pelkofer, C. Becker, G. Ericsson
Finance	P. Dalzell, W. Corcoran, G. Ericsson
Garbage & Landfill	T. Pelkofer, C. Becker, A. Pederson
Liquor & Gaming	P. Dalzell, T. Pelkofer, W. Corcoran
Ordinances, Policies & Public Safety	T. Pelkofer, W. Corcoran, G. Ericsson
Law Enforcement	Mayor, President, Vice President
Streets & Sidewalks	P. Dalzell, C. Becker, A. Pederson
Water & Sewer	W. Corcoran, A. Pederson, G. Ericsson
Airport Board-Council Rep	P. Dalzell
Cemetery Board-Council Rep	W. Corcoran

Housing-Council Rep	G. Ericsson
Library Board-Council Rep	A. Pederson
Park Board-Council Rep	C. Becker
BBB Board-Council Rep	P. Dalzell
Planning & Zoning-Council Rep	T. Pelkofer

Airport Board: Mike Ginther, Manager; Chantz Dirk, Arlin Bartels, Pat Bootz, Dennis Maier, Scott Reede

Cemetery Board: Vance Trogstad, Ray Huber, Al Colgrove, Nicole Huffman

Housing & Redevelopment Board: Jeff Haase, Jaden Shockley, Tim Kvale, Delores Wells, Michael VanBeek

Library Board: David Perlmutter, Kim Olson, Linda Borchert, Kelli Penfield, Kellie Fike

Park Board: Toni Huber, Carolyn Penfield, Heather Dauwen, Shane Hulm

Tree Board: Marla Reede

BBB Board: Ryan Kohn, John Lopez, Vance Trogstad, Shari Smith

Planning & Zoning Board: Jeff Haase, Archie Goodrich, Travis Maier, Rosemary Mueller

Employee Appointments

City Attorney	Shane Penfield
Finance Officer	Chad Abel
City Superintendent	Dave Huber

Dalzell moved, Corcoran second to approve claims as presented. All voting "Aye"; motion carried.

Mayor/Council, \$1,425.00; Finance, \$6,177.08; Fire Department, \$550.00; Streets, \$8,160.38; Street Sweeper, \$82.76; Landfill, \$2,000.04; Cemetery, \$100.00; General Park, \$1,864.80; Library, \$2,851.10; Water, \$4,697.16; Sewer, \$777.20.

American Family Life Assurance, Premiums withheld, \$363.63; Dacotah Bank, EFTPS, \$6,003.61; Elan Visa, Travel Conference & Supplies, \$706.95; Delta Dental, Dental insurance premiums, \$364.76; Grand Electric, Electric, \$1,445.11; Home Depot, Commercial Playground Equipment, \$14,552.53; South Dakota Retirement, Retirement, \$3,076.63; MDU, Electric, \$5,281.42; SD Dept. Of Revenue, Sales Tax, \$1,400.91; Slope Electric, Lagoon Electric, \$49.71; South Dakota 811, Locates, \$1.05; West River Tele Coop, Telephone & Internet, \$701.29; Wellmark, Blue Cross, \$6,841.41.

Ag Pro, Supplies, \$263.40; B&H Sanitation, LLC, Contract & Dumpster leases, \$6,500.00; Center Point, Books, \$123.33; Christman, Raven, Cleaning contract, \$200.00; Christman, Raven, Conference & Travel, \$199.92; Dakota Herald, Legals, \$500.30; Dalzell, Rich, Tavel, \$14.00; Eido, Employee Ad, \$20.00; Gale/Cengage, Books, \$254.02; Ginther, Mike, Management Fee, \$1,178.34; Gooseneck, Repairs & Supplies, \$309.42; Gregorian, Repairs, \$425.87; HDR, Engineering Sewer Project, \$1,742.50; Hoff Ready Mix, Loader Lease, \$2,000.00; Huber, Dave, Travel & Conference, \$259.92.

LACED, Palace Theater Rent from Library, \$75.00; LACED, Expenses, \$3,285.61; LACED, Beeler, \$1,914.06; Lemmon Chamber, 2023 Expenses, \$12,338.00; Lemmon IGA, Supplies,

\$86.78; Lynch, Ellen, Election Worker 2023, \$225.00; Metering & Technology, Repairs Water Distribution, \$167.30; Mizera, Connie, Election Worker 2023, \$225.00; Northwest Farm & Home Supply, Supplies/repairs, \$135.19; Northwest SD Regional Landfill Assoc., Monthly fees for landfill, \$11,460.18; Northwest Pipe, Repairs, \$249.50; Perkins County Finance Office, Law enforcement contract, \$19,750.00; Perkins County Rural Water, Purchased water & training, \$20,646.95; Perkins County Rural Water, Water Debt, \$75,107.81; Principal Financial Group, Premiums, \$174.37; Sanitation Products, Street Sweeper, \$247,470.00; SD Public Safety, Drivers Licenses, \$286.00; SD Dept. of Health, Water Tests, \$30.00; SD Magazine, Books, \$29.00; Sims Construction, Repairs, \$100.00; St Mary's, Graves, \$10.00; Southwest Grain, Fuel, \$4,069.77; Sweeper Parts & Sales, Repairs, \$118.30; Tennant's Auto Center, Repairs/supplies, \$107.51; The Current Connection, Supplies, \$161.36; The Lodge in Deadwood, Airport Conference, \$320.00; Titan Machinery, Payloader Repair, \$16,919.77; Texley, Carol, Water Refund, \$59.48; Wagendorf, John, Election 2023, \$225.00.

Finance Officer, Abel handed out Certificates of Election to Christine Becker, Ward 1, one-year term; Wayne Corcoran, Ward 1, two-year term; Tim Pelkofer, Ward 2, two-year term; and Gary Ericsson, Ward 3, two-year term. The Oath of Office was administered.

Pederson moved, Ericsson second to elect Pat Dalzell as President of the Council. Pederson moved, Corcoran second to cease nominations and cast a unanimous ballot. All voting "Aye"; motion carried. Dalzell is the President of the Council.

Dalzell moved, Ericsson second to nominate Wayne Corcoran as Vice President of the Council. Pederson moved, Dalzell second to cease nominations and cast a unanimous ballot. All voting "Aye"; motion carried. Corcoran is the Vice President of the Council.

Pederson moved, Corcoran second to grant signatory authority to Mayor, Matthew A. Barnes; President of the Council, Pat Dalzell; Finance Officer, Chad Abel; and Assistant Finance Officer, Annette Dalzell on all three financial institutions including: Bank of the West, Dacotah Bank, and Dakota Plains Federal Credit Union. All voting "Aye"; motion carried.

Fr. Adam Hofer of St. Mary's Catholic Church requested permission to have a Procession from St. Mary's Church to 1st Avenue West and over to Main Avenue, back to St. Mary's on Sunday, June 11, 2023, at 11:40 for approximately 30 minutes. Corcoran moved, Dalzell second to approve the request as presented. All voting "Aye"; motion carried.

Corcoran moved, Becker second to allow the finance office to advertise for a Public Hearing at 6:15 p.m. on June 5, 2023, for a Temporary Liquor License for Lemmon Recreation at the Beeler Community Center on June 24-25, 2023. All voting "Aye"; motion carried.

Pederson moved, Becker second to allow the finance office to advertise for a Public Hearing at 6:15 p.m. on June 5, 2023, for a Temporary Malt Beverage License for Lemmon Chamber of Commerce at the Beeler Community Center on July 5-9, 2023. All voting "Aye"; motion carried.

Pederson moved, Corcoran second to allow the finance office to advertise for a Public Hearing at 6:15 p.m. on June 5, 2023, for a Temporary Liquor License for R-Bar at the Beeler Community Center on July 5-9, 2023. All voting “Aye”; motion carried.

Ericsson moved, Corcoran second to approve the request for 6th Street East to be closed on Saturday, July 8, 2023, for the Boss Cowman Celebration festivities. All voting “Aye”; motion carried.

6:15 p.m. This being the time and place for the Public Hearing to vacate the alleys in the New High School/Armory block. City Attorney, Shane Penfield commented that this should have been done in the 1930’s. Steve Bucks also commented it needs to get finished. Ericsson moved, Becker second to approve the public hearing. All voting “Aye”; motion carried.

Corcoran moved, Becker second to read Resolution #2023-2, A Resolution Vacating Alleys running through the following described property in Lemmon’s Third Addition and Lemmon’s Fourth Addition in the City of Lemmon, South Dakota. All voting “Aye”; motion carried.

Mayor Barnes read Resolution 2023-2. Corcoran moved, Becker second to approve Resolution 2023-2, A Resolution Vacating Alleys running through the following described property in Lemmon’s Third Addition and Lemmon’s Fourth Addition in the City of Lemmon, South Dakota. All voting “Aye”; motion carried.

RESOLUTION 2023-2

A RESOLUTION VACATING ALLEYS RUNNING THROUGH THE FOLLOWING DESCRIBED PROPERTY IN LEMMON’S THIRD ADDITION AND LEMMON’S FOURTH ADDITION IN THE CITY OF LEMMON, SOUTH DAKOTA:

THAT PORTION OF 9TH STREET LOCATED BETWEEN BLOCK 5, LEMMON’S THIRD ADDITION AND BLOCK 5,

LEMMON’S FOURTH ADDITION, FROM 5TH AVENUE WEST TO 4TH AVENUE WEST; ALL ALLEYS LOCATED WITHIN BLOCK 5,

LEMMON’S THIRD ADDITION; THAT PORTION OF 4TH AVENUE WEST LOCATED BETWEEN BLOCK 5, LEMMON’S THIRD ADDITION AND BLOCK 4, LEMMON’S THIRD ADDITION, FROM 8TH STREET TO 9TH STREET;

AND THAT PORTION OF THE ALLEY LOCATED IN BLOCK 4, LEMMON’S THIRD ADDITION, FROM 4TH AVENUE WEST TO THE EAST LINE OF LOT 4 AND LOT 9 OF BLOCK 4, LEMMON’S THIRD ADDITION IN THE CITY OF LEMMON, PERKINS COUNTY, SOUTH DAKOTA

WHEREAS, the Lemmon School District #52-4 presented a petition to the city of Lemmon requesting vacation of the aforementioned alleys; and

WHEREAS, the petition was signed by all owners of the property adjoining said alleys; and

WHEREAS, a Notice of Public Hearing has been published once each week for two successive weeks, April 3rd, 2023 and April 10th, 2023 and such hearing took place not less than ten days following the last publication; and

NOW, THEREFORE, be it resolved that the City of Lemmon hereby approves the vacation and closing of the above-described alleys,

Dated this 1st, day of May, 2023.

CITY OF LEMMON

Matthew A. Barnes, Mayor

ATTEST:

Chad Abel, Finance Office

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF PERKINS)

On this 1st day of May, 2023, before me, the undersigned officer, personally appeared Chad Abel, City Finance Officer and Matthew A. Barnes, Mayor of the City of Lemmon, respectively known to me to be officers of the City of Lemmon, the corporation described in the within instrument having authority to execute such instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL)

My commission expires:

Notary Annette Dalzell

6:17 p.m. Kevin Love entered the meeting.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for American Legion Post 66. There being no one to speak for or against this license; Dalzell moved, Corcoran second to approve the license. All voting “Aye”; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Dakota Lodge. There being no one to speak for or against this license; Corcoran moved, Pederson second to approve the license. All voting “Aye”; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Deez, Inc. There being no one to speak for or against this license; Corcoran moved, Becker second to approve the license. All voting “Aye”; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Dollar General. Tony Wentz spoke against this license stating the corporations are killing the downtown businesses. Pederson moved, Pelkofer second to approve the license. All voting “Aye”; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Family Dollar Store. Tony Wentz spoke against this license. Pederson moved, Pelkofer second to approve the license. All voting “Aye”; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Geo's Corner. There being no one to speak for or against this license, Pederson moved, Becker second to approve the license. All voting "Aye"; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Kokomo Gallery. There being no one to speak for or against this license, Corcoran moved, Becker second to approve the license. All voting "Aye"; motion carried.

This being the time and place for the Public Hearing for Retail (On/Off Sale) Malt Beverage 2023-2024 for Lemmon Pit Stop, LLC. There being no one to speak for or against this license, Pederson moved, Becker second to approve the license. All voting "Aye"; motion carried.

This being the time and place for the Public Hearing for a Temporary Liquor License for R-Bar at the Beeler Community Center on May 20-21, 2023, for a Special Event. Corcoran moved, Becker second to approve the license. All voting "Aye"; motion carried.

This being the time and place for the Public Hearing for a Temporary Liquor License for R-Bar at the Beeler Community Center on August 19-20, 2023, for a Special Event. Becker moved, Corcoran second to approve the license. All voting "Aye"; motion carried.

Code Enforcement Officer, Mike Olson reported to the Council that he is working on several properties of which two need to be cleaned out so the successful bidder can do the tear-down of the property. The City of Lemmon will also be seeking someone to do mowing for the properties that need to be mowed per code enforcement. Olson noted he has had several complaints against one property, which is a safety hazard, and he is addressing the matter. Olson also spoke about the GE Lemmon house located at 507 3rd Avenue West and the very poor condition of the house. Olson noted that there are several very large cracks in the exterior of the building and it is beginning to crumble. This house is on the historic register, and discussion ensued about that, and what the options are to get it fixed or torn down. Pelkofer asked Mike Olson to contact the owner of the GE Lemmon house to see if it is possible to get inside the house to assess the condition of the interior of the home. This is Olson's first trip to town this year.

Dalzell noted that the BBB Board met and recommends the request of the Boss Cowman Committee of \$6,000.00 be granted for the Boss Cowman Supper during the celebration. Dalzell moved, Pederson second to approve the request. All voting "Aye"; motion carried.

Lemmon Chamber of Commerce requested the street closure of the 200 Block of Main Avenue on July 7-8, 2023, for the activities of the Boss Cowman Celebration. Pederson moved, Becker second to approve the closure. All voting "Aye"; motion carried.

Corcoran moved, Becker second to approve the "open container" for the Boss Cowman Celebration on July 5-9, 2023, in the restricted area as designated and for the specific times designated. All voting "Aye"; motion carried.

Raven Christman spoke about the parade route for the Boss Cowman Parade. The parade will start on 2nd Street West, moving onto Main Avenue, turning right on 8th Street West, and going to 6th

Avenue West, continuing past the Five Counties Nursing Home. Dalzell moved, Becker second to approve the route as presented. All voting “Aye”; motion carried.

Dave Huber presented the Park Board recommendations for summer hire. Dalzell moved, Ericsson second to approve as presented. On a roll call vote, all voting “Aye”; with Corcoran abstaining. Motion passed.

Petrified Park Museum & Gift Shop: Carolyn Penfield, \$12.75; JB Gold \$12.75; Tonya Newsome \$12.00.

Parks: Ed Gold \$12.75; Toni Huber \$12.75.

Baseball: Ben Hetzel, Head Coach, \$12.75; Isaish Portwood, Assistant Baseball, \$12.00.

Pool: Saydee Corcoran, Pool Manager, \$13.00; Emily Faughn, \$12.25; Kelly Lynch, \$12.25; Belle Corcoran, \$12.25; Karly Riley, \$12.25; Chance Newsome, \$12.00.

More help is needed in the Parks for mowing, trimming, etc. and help is also needed in the Petrified Wood Park Gift Shop and Museum.

Ericsson moved, Becker second to allow Chad Abel to attend SDML Finance Officer School in Pierre on June 7-9, 2023. All voting “Aye”; motion carried.

Corcoran moved, Becker second to allow the Finance Office to publish the Weed & Grass Ordinance as presented. All voting “Aye”; motion carried.

A reminder that the City of Lemmon Clean-up Week is May 22-27, 2023. Please call City Hall with questions.

Abel noted KBA will be in the office May 8-10, 2023, for the 2022 audit of the city.

City Attorney, Shane Penfield spoke to the Council about Public Official Liability. Penfield touched on the open meeting laws, executive sessions, and group email/text and noted he is available for any questions at any time.

Public Comment

Tony Wentz talked to the Council that Lemmon is “hurting as a whole and corporations are taking out the Main Street District.” Wentz believes that there should be a different tax for the businesses on Main Avenue as opposed to the businesses on the Highway. Wentz noted that business is dying.

Committee Reports

Pederson congratulated Raven Christman on a TV segment that was done by KFYZ-TV of Bismarck, ND on the Lemmon Library and all it has to offer. Congratulations Raven.

Huber noted the Sewer Project is moving along with man holes being placed and some of the lining/replacing is in progress. There are some detours around town. Huber also noted the loader is back and in great working order.

Raven Christman reported that she attended a free conference at the Rapid City Public Library and it was a really good conference. Christman also shared that Peggy Douglas will be at the Palace Theatre on Wednesday, May 10, 2023, to do her rendition of Hank Williams at 6:30 p.m. The admission is free.

Abel congratulated the City of Lemmon on the Drinking Water Excellence for the past 18 consecutive years. Dave Huber and Rich Dalzell are certified with DANR for the Drinking Water Programs and were recognized.

Becker moved, Corcoran second to adjourn. Mayor Barnes declared the meeting adjourned at 7:05 p.m.

CITY OF LEMMON

MATTHEW A. BARNES, Mayor

ATTEST:

ANNETTE DALZELL, Assistant Finance Officer

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