

**Bridgewater City Council Regular Meeting Minutes**  
**November 9, 2015 7:00 pm**

The City Council of the City of Bridgewater met in the Council Room for their regular meeting on 11/09/15. The meeting was called to order at 7:00 pm by Mayor Michael Damm. Answering roll call were Bob Anderson, Mayor Damm, Zach Guenther, Travis Holthaus, Jerry Paweltzki, and Lacey Weber. Others present: Finance Officer-Joan Julson, Attorney Mike Fink, Sandi Tschetter, RaDel Frye, Ken Haugen, Steve Sievers, Tony Hofer, Charlie Kinkead, Dave Soulek (On-Sight), and Sheriff Mark Norris.

A written resignation from Councilman Phil Heiberger was read. Motion by Holthaus, second by Weber to accept Phil Heiberger's resignation. Motion carried. Council discussed and decided to put a notice in the paper asking that any registered voter from Ward III that is interested in this position, turn in a "Letter of Interest" to the Finance Officer before the December 7<sup>th</sup> meeting. This position would be until the next municipal election.

The minutes of the October 5<sup>th</sup> regular meeting were sent to the council for reading prior to the meeting. Motion by Weber, second by Holthaus to approve the minutes of the October 5<sup>th</sup> regular meeting. Motion carried.

The October Financial statement was sent out to the council for reviewing prior to the meeting. After discussion, a motion was made by Paweltzki, second by Guenther to approve the October Financial Statement. Motion carried. 2<sup>nd</sup> Reading of 2015 Supplemental Appropriations Ordinance #A-98 was done. Motion by Paweltzki, second by Weber to adopt 2015 Supplemental Appropriations Ordinance #A-98. All present voted aye. Motion carried. (Ordinance printed in Nov 12<sup>th</sup> Bridgewater Tribune)

The bills for the month of October were reviewed. A motion was made by Anderson, second by Guenther to approve the October bills with the exception of the Tessier's Inc. bill for the walk-in cooler until further examination. Motion carried.

At this time Dave Soulek from On-Sight talked with the council about a Main street security camera. A fixed camera runs around \$1500 and a moving camera around \$2500. Monthly fee is \$30 plus \$5 per camera. 3 year warranty on camera. All the different features including a KELO skycam were talked about. Tabled until the December meeting for more information.

Read Letcher's Maintenance Report:

- Gutter cleaning of mostly leaves,
- Info on a Bobcat hydraulic, vibrating, 6' roller for street work at SD Federal Surplus for \$3000 was given to council
- Lagoon fence by the creek area needs work – cows are getting in by the lagoon – Letcher will help Paweltzki put up electric fence for now. Holthaus will look into solution for this creek area fence.
- Attending SDARWS/DENR water treatment training in Sioux Falls Nov 17-19

At 7:35 Mayor Damm opened up the Public Hearing for the Lucky Horseshoe temporary 2 day beer/liquor license for a Dart Tournament at the Legion Hall. No one expressed any concerns or objections, so a motion was made by Anderson, second by Guenther to grant the 2 day temporary beer/license to the Lucky Horseshoe for their Dart Tournament on the 19<sup>th</sup> of December at the Legion Hall. All present voted aye. Motion carried.

Attorney Mike Fink reported on a dog issue concerning pit bulls in town. His findings were that there is not much we can do since the state legislature took away a cities right to ban certain breeds in a town and under our vicious animal ordinances, until they (dogs) would do something that would deem them as vicious there is nothing we can do.

Public Input: Charlie Kinkead addressed the council concerning the upkeep of his home on 4<sup>th</sup> & Main. Mayor gave him information on ICAP at Salem to help with some of the issues with his home. Steve Sievers had questions about the Bridgewater Lumber buildings. He was thanked for the cleaning up of the area that he has already done. Council left it at his discretion as to whether he wanted to take down the buildings that are in disrepair or repair them.

Streets & Alleys: Holthaus will try to get the committee together to come up with some type of 5 year plan for street work by the December meeting. Mayor Damm would like to have some engineering companies in to see what they could do in helping us with a 5 year plan for the streets.

Water & Sewer: No information received yet on the 2016 Water line project. Water line repair by Golden West was also discussed. Mayor Damm will talk to Letcher concerning this.

Government Buildings/Municipal Liquor Store: Bathrooms in the bar are being remodeled and new floors put in.

Law Enforcement: Monthly report for October was received. Sheriff Norris was here to answer any questions.

Code Enforcement: Motion by Guenther, second by Weber to renew the 2016 Animal Control Agreement with Sioux Falls Humane Society. Motion carried.

Planning & Zoning: Motion by Guenther, second by Holthaus to approve building permit for Curt Meyer, Herberth O Vinales, and Mike Damm (renewal). Motion carried.

Motion by Guenther, second by Holthaus to approve Resolution 15-1109A. All present voted aye. Motion carried.

***City Of Bridgewater***  
***Resolution 15-1109A***  
**RESOLUTION OF THE CITY OF BRIDGEWATER TO AMEND**  
**ARTICLE 2 – GENERAL POLICIES IN THE PERSONNEL MANUAL**

**WHEREAS**, the City of Bridgewater does desire to add a media policy to the Personnel Manual for its city employees, Community Ambulance EMT's & drivers, and volunteer firemen;

**NOW THEREFORE BE IT RESOLVED**, that the City of Bridgewater shall be authorized to amend Articles 2 – General Policies in the City of Bridgewater Personnel Manual as follows:

**2.12 Media Policy:** From time to time during the course of your service for the City of Bridgewater, the Community Ambulance Service, and/or the Fire Department, you may receive unsolicited contact from representatives of the media including but not limited to newspaper reporters, television and radio reporters and news people, and others. The purpose of this policy is to inform you of the proper steps to follow when such contact occurs.

1. The Mayor has been designated as the only authorized spokesperson for the City of Bridgewater in the event of communications with the media. Therefore, if you receive contact from the media, advise them that you cannot comment and refer them to the Mayor.
2. In addition to referring members of the media to our designated contact person, notify your immediate supervisor immediately of any media contact.
3. Media representatives will understand that you cannot comment. They will appreciate a referral to someone who may or may not be able to answer their questions.
4. When an incident occurs that could give rise to a claim against you or others of your fellow employees, please notify everyone that they may receive contact from the media and that they must be aware of and follow this media policy - e.g. not comment on any occurrence and refer the media to the designated contact person.
5. Never give into what is a natural urge to be helpful if you are contacted by the media. You must follow this policy and the procedures described herein.
6. You should be friendly and not defensive or evasive when advising members of the media that you are not able to comment. As noted above, they will understand this position.
7. No comment means no comment. Do not explain or discuss any occurrence or event with the media unless you are authorized to do so as the designated spokesperson.
8. Keep in mind that whatever you say will be viewed as an official statement on behalf of your employer and your co-workers. This is yet another reason to follow the policy, make no comment, and direct the media representatives to the designated contact person.
9. If you are present during Executive Session of the City Council where litigation or claims are discussed, keep in mind that executive sessions are privileged, that no record is made of these discussions, and that anyone present is absolutely forbidden to discuss the content of conversations which occur during the course of executive session.

**PASSED AND APPROVED** this 9<sup>th</sup> day of November, 2015, by the City Council of the City of Bridgewater, South Dakota by the following vote:

Ayes: 5

Nays: 0

Absent: 0

City of Bridgewater  
By: Michael Damm  
Its Mayor

ATTEST:

Joan M Julson

City Finance Officer

Motion by Holthaus, second by Weber to approve Resolution 15-1109B. All present voted aye. Motion carried.

**City Of Bridgewater**

**Resolution 15-1109B**

**RESOLUTION ADDING A HIPAA POLICY**

**WHEREAS**, the City of Bridgewater desires to add a HIPAA Privacy Policy;

**NOW THEREFORE BE IT RESOLVED** by the City as follows:

**City Of Bridgewater, South Dakota**

**HIPAA Privacy Policy**

The following policy describes, in general terms, how an individual's protected health information may be used and disclosed by Bridgewater City, Ambulance and Fire Department staff. Such policy is designed to meet federal and

state requirements for protecting such health information. **Each employee/staff member shall be required to review this Policy and sign an agreement by which the employee agrees to keep protected health information confidential.**

The City designates the City Attorney to serve as the City's "Privacy Officer" to oversee and lead all City privacy and confidentiality programs. Presently, the City has two departments (fire department and ambulance) which provide medical and health care services as part of their duties; each department is subject to HIPAA Privacy Rules and Regulations. From time to time, these departments create electronic or paper medical records, or other similar documents concerning an individual's health and treatment. **The City requires these records to be generated and stored in such manner which provides safeguards to the privacy and confidentiality of the persons impacted.**

**A. How the City of Bridgewater may use and/or disclose protected health information.**

1. Treatment Period. The City may use and disclose information compiled about individuals to provide the best possible current or future health care treatment or services. Therefore, the City may, and most likely will disclose such information to doctors, nurses, and other health care providers who are involved in patient care and treatment operations.

2. Payment. The City may use and disclose medical information about individuals concerning services and procedures, so that it may bill and collect from the individual, their insurance, or third-party reimbursement entities.

3. Operational Uses. The City may use and disclose medical information about individuals in order to operate more efficiently and to provide greater levels of customer service.

4. External Entities. In an emergency, the City may disclose information to an entity assisting with disaster relief or accident, so family members might be notified about an individual's medical condition, status, and treatment location.

5. Required By Law. The City may disclose such information if provided to do so by federal, state, and local law.

6. To Avert a Serious Health Threat or Safety Threat. The City may use or disclose such information to persons who need to know when necessary to prevent a serious threat to an individual's health or the health, welfare, and safety of others in the community.

7. Victims of Abuse or Neglect or Domestic Violence. The City may disclose such information to law enforcement, Social Services, or other government agencies authorized to receive the report if the City has reason to believe that an individual was the victim of abuse, neglect, or domestic violence.

8. Lawsuits and Disputes. The City may disclose such information if an individual is involved in a lawsuit or legal dispute, in response to a subpoena, court order, discovery request, or other lawful process by someone else involved in a legal dispute.

9. Coroners, Medical Examiners, and Funeral Directors. The City may release such information to a coroner, medical examiner or funeral director, as necessary for them to carry out their duties and responsibilities.

10. Military and National/Homeland Security. The City may disclose such information to the military upon request. The City may also disclose such information to federal officials conducting national security and/or intelligence activities.

11. Worker's Compensation. The City may disclose such information if required by Worker's Compensation laws or other similar laws and regulations.

**The above is a general overview of how the City of Bridgewater may use and disclose an individual's private health information. If you have any questions or complaints, or if you need clarification on any privacy issue, you should contact the HIPAA Privacy Representative (City Attorney) for the City of Bridgewater, South Dakota.**

HIPAA and South Dakota law safeguards and protects an individual's private health information. The City of Bridgewater is committed to protecting these rights through effective policies and procedures, in each of the departments which compile such information. As set forth above, each employee/staff member is required to read this policy statement; each must agree, in writing, to not disclose to any person or entity any confidential information in the possession of the city.

Note: ("**Confidential Information**" shall be defined to include, but not be limited to, any information including protected health information, regarding patients, and the families of such patients, who receive services by the City, its employees, and any third party emergency medical technicians; such information includes any and all identifying information or any information that tends to establish a relationship between such person and the City.)

All City employees/staff members shall also be required to acknowledge that if he/she is unsure of the nature or manner of handling a disclosure of protected confidential information, he/she will first inform and consult with the Privacy Officer of the City of Bridgewater.

**B. Individual Rights.**

An individual who has received health care services (from the City Fire or Ambulance Departments) has the right to:

1. Inspect and copy their health information. The City may charge a reasonable fee for any copies requested. Such requests should be in writing to the City Finance Officer.
2. Amend health information if an individual believes it is incorrect or incomplete.

An individual may request that the City amend or modify such information. Such requests should be in writing to the City Finance Officer.

3. Request a limit to the health information disclosed by the City. Such information request should be made in writing to the City Finance Officer.
4. Request a list of disclosures the City has made of his or her own private health information. Such information request should be made in writing to the City Finance Officer.
5. Request confidential communications. An individual may request that the City contact an individual by another means or at a different address, or limit the number of people who have access to an individual's private health information. Such request must be made in writing to the City Finance Officer.
6. File written complaints. If an individual believes his/her privacy rights have been violated or questions the use and disclosure of their health information, the individual should immediately file a written complaint to the City Finance Officer.

An individual may also register requests or complaints directly with the City of Bridgewater's Privacy Officer (City Attorney). The contact information for the City Attorney may be obtained at the Bridgewater City Finance Office.

**PASSED AND APPROVED** this 9<sup>th</sup> day of November, 2015, by the City Council of the City of Bridgewater, South Dakota by the following vote:

Ayes: 5

Nays: 0

Absent: 0

City of Bridgewater  
By: Michael Damm  
Its Mayor

ATTEST:

Joan M Julson

City Finance Officer

Motion by Holthaus, second by Guenther to go into Executive Session for Employee Reviews & Negotiations (SDCL 1-25-2.4). Motion carried. Time 8:31 pm. Mayor Damm declared executive session over at 8:37 pm.

Employee Reviews tabled until the December meeting.

It was noted that the Finance Officer will be attending Election workshop in Sioux Falls, on November 20<sup>th</sup>.

Motion by Holthaus, second by Guenther to adjourn. Motion carried. Time 8:37 pm. Next regular meeting is December 7, 2015.

Michael Damm – Mayor

Joan M Julson – Finance Officer

#### Claims:

Payroll by Dept.: Ambulance 4854.22; Council 4500.00; Finance Office 987.04; Gov't Bldg 15.44; Landfill/Dump 289.50; Liquor 228.03; Parks 934.12; Sewer 1224.57; Streets 1366.44; Water 1172.47; EFTPS-October payroll taxes, 2344.06; SD Retirement System-employee & city match, 796.54.

Supplies: Addy Disposal-extra trash tags, 25.00; Campbell Supply-shop supply mostly oil, 348.58; M/S Pump-N-Stuff-gas, 141.26; Matheson-amb oxygen, 158.06; Menards-Bar bathroom paint, firehall supplies, storm sewer cement & amb supply, 123.80; Moore Medical-amb supply, 326.80; Potter Tire & Service-gas, diesel & supply, 498.61; R&S Sanitation-9/30 & 10/05 rollofs & tipping fee, 903.08; S&D Sellers- bar women's bathroom vanity/top & trim boards, 112.00; Sturdevants Auto Parts-shop supply, 334.80.

Repair & Maintenance: Meyer Motor LLC-amb repairs (water pump, battery & oil change), 945.34.

Beer and Liquor: (paid in October) Beal Distributing, Inc., 2222.26; Dakota Beverage, 925.30; Johnson Brothers Famous Brands, 533.02; Republic National Dist, 1088.45.

Miscellaneous: A&B Business Inc-Maintenance contract, 51.64; A-OX Welding Supply-1 yr "S" cylinder lease for welder, 49.45; Addy Disposal-dumpsters, 40.00; Bridgewater Development Corp-monthly donation, 100.00; Bridgewater Tribune-October publishing, 156.15; Damm, Michael-mileage to Convention in Watertown, 96.60; Nordwald Rentals-Dec rent (Payable 12/1/15), 350.00; McCook County-Contracted Law Enforcement monthly payment, 2015.00; Petty Cash-postage, 1.35; Porta Pros, Inc-2 porta potties for bar bathroom remodel, 250.00; Presuhn, Donna-reimburse corner radius & drain at 7<sup>th</sup> & Main, 685.44; SD Dept of Revenue-water testing, 15.00; SD Municipal League-Election workshop, 25.00; SD One Call-7 faxed locates for Sept & Oct, 7.84; SD State Treasurer-October garbage, etc. sales tax (includes a 1.5% allowance for timely payments - \$3.66), 240.51; Small Town Treasures-funeral arrangement for Bob Anderson father, 40.00.

Utilities (Paid in October): Addy Disposal, 3997.50; Golden West, 245.04; Hanson Rural Water, 3943.00; Xcel Energy, 1883.93.

Insurance: AFLAC-reimbursed by employees, 382.18; Health Pool of SD, 3202.36.

Professional: Fink Law Office, PC-October statement, 81.28.

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