

**Bridgewater City Council Regular Meeting Minutes  
December 11, 2017 7:00 pm**

The City Council of the City of Bridgewater met in the Council Room for their regular meeting on 12/11/2017. The meeting was called to order at 7:00 pm by Mayor Michael Damm. Answering roll call were Bob Anderson, Mayor Damm, Travis Holthaus, Jessica Liesinger, Jerry Paweltzki, Jesse Sutton, and Lacey Weber. Others present: Finance Officer-Joan Julson, Maintenance-Todd Letcher, Attorney Robin Eich (Eich Law), Tammy Hofer, Attorney Mike Fink, Steve Sievers, Sandi Tschetter, Gabriel Laber & Jacob Morris (DGR Engineering), and Sheriff Mark Norris.

Pledge of Allegiance was recited.

Business from the Nov meeting, Sutton rescinded his motion to accept Liesinger resignation and Holthaus also rescinded his second on this motion. This concerned the unvoted on motion at the end of the Nov meeting.

The minutes of last month's meeting was sent to the council for reading prior to the meeting. Motion by Holthaus, second by Sutton to approve the Nov 6<sup>th</sup> regular meeting minutes. The following are comments made by Paweltzki on the minutes as requested by Mayor Damm to be put in the minutes. Paweltzki comments were that "he has a problem with the manifesto being part of the minutes. He's been going to board meetings for 50 years and been on boards for 40 years and he's never seen anything like this put in the minutes. He doesn't think it should have been put in there and he would make a motion to have it stricken from the minutes but that would mean it would have to be published again and he doesn't feel it should be published again. His objection is that it shouldn't have been in the minutes, it wasn't asked to be put in the minutes so it shouldn't have been. A couple of meetings ago he asked that the employees salaries be put as part of his motion and that was not included. He stated that we have to get things straightened out as to what goes into the minutes and what doesn't go into the minutes. After reading thru this and listening to it, he understands that the Mayor and Jesse were extremely upset with the council's actions or disactions. That was all he would say about that. They should feel the same way as Jason, Steve Sievers, and Bob Anderson feels about actions the council takes." No other comments. Motion carried.

The November Financial statement was sent out to the council for reviewing prior to the meeting. After discussion, a motion was made by Anderson, second by Paweltzki to approve the November Financial Statement. Motion carried. Motion by Weber, second by Holthaus to approve Resolution #17-1211 – Contingency Transfer. All present voted aye. Motion carried.

**City of Bridgewater**

**Resolution #17-1211**

**RESOLUTION APPROVING CONTINGENCY TRANSFER**

**THEREFORE BE IT RESOLVED**, that the Bridgewater City Council authorizes the following transfer in the General Fund of \$3250.00 from Contingency with \$3000 going to Parks and \$250 to Clean-up to finance the additional expenses incurred during the year.

Dated this 11<sup>th</sup> day of December, 2017.

Resolution passed: 6 votes in favor; 0 votes opposed; 0 absent.

Michael Damm

Mayor

ATTEST:

Joan M Julson

Finance Officer

(SEAL)

The bills for the month of November were reviewed. A motion was made by Weber, second by Paweltzki to approve the November bills. Motion carried.

Maintenance Report by Letcher:

- Removing dead wood out of trees at city park (he will be burning there when there is snow cover)
- Working on the Legion Hall basement lights
- Extra set of handrails at the Legion Hall – council OK'd
- Duel Shape will be home and could help with extra work – Council OK'd
- Will be talking with school about dumping snow by the football field.

Public Input: Tammy Hofer had the following comments and gave the finance officer a paper copy to put in the paper word for word. "I'd like to start out saying this, I defended the City. I heard rumblings about the cameras, by many people, that the council and city employees will be spying on people at the bar, and micro-managing bar staff. Each time, I defended the City, saying they are just trying to protect the city. I should know, right? As was pointed out, I work for the City Attorney, and I helped prepare this surveillance policy!! The same surveillance policy which was passed at the November 6<sup>th</sup> meeting. The same policy that says that the City "will utilize the public surveillance system in a manner as to minimize impact on such constitutional rights..." Interesting. For the city to use, or allow its representative to use, the surveillance system to verbally report to the council and those present at the meeting, not only what happened at the bar, but in such great detail as to who moved where, what was said, even the tone of voice that was used, is inexcusable. IS THERE AUDIO ON SURVEILLANCE SYSTEM? NO. But then, the alleged wronged party submitted his written description of the incident, which he had read at the meeting, to the City Council, inserting his own words, and inserting his own opinion of the tone and mannerisms used, as his "un-biased" reporting of the incident. The finance officer was then instructed, by someone, to put the entire description of the incident INTO THE NEWSPAPER, word for word, as part of the meeting minutes. Tell me how in the world this is "Minimizing impact" on people's constitutional rights??!! If the surveillance system is going to be used, not only to micro-manage its employees, but to promote the city's, or its representatives, own political agendas, and be used to publicly shame the City Bar's patrons, to embarrass them, and **do damage** to their families, including their young children, and their elderly parents, **the cameras need to go!** Bad enough that there is an incident. Bad enough that the City's representative inserted himself into a situation when he himself was a 'bar patron' that night. Bad enough that criminal charges were initiated by the City's representative without the council's knowledge or consent. But to then put the entire 'un-biased?' description in the paper? This is political misconduct at its best! So my new motto is this: BAR PATRONS BEWARE! Your under-the-influence idiocy may be headline news next week, without regard to your privacy, and without regard to any policy that is in place."

Mayor Damm comments on the above situation were that he felt threatened, belittled and embarrassed by the situation. He was and still is not happy with the council's decision on the situation. He feels they made the wrong decision on how to handle it. After a period of time, Anderson asked if the council was done talking about the bar issue. (As Attorney Mike Fink has recused himself on the Sparky's Oct incident, Attorney Robin Eich with Eich Law was here to give guidance or/and answer any questions concerning the Sparky's Oct incident.) With there being no more comments, a motion was made by Anderson, second by Liesinger to cease discussion of the October bar issue. Motion carried.

Gov't Bldg/Municipal Liquor Store: Discussed on a letter from DENR concerning accepting yard waste (leaves & grass clippings) at the dump site. We will need to continue with our permit application with the DENR.

Call will be made to Country Pride to keep furnace fuel on a "keep full" for the fuel oil at the bar. Also Letcher is to get a programable thermostat for the bar.

Ambulance: Ambulance is in dire need of EMT's Motion by Anderson, second by Sutton to add Roger Johnston on as an ambulance driver. Motion carried.

Motion by Holthaus, second by Anderson to write off uncollectible ambulance bills (Medicare/Medicaid/Insurance Assignment) of \$14,195.37. All present voted aye. Motion carried. (Total charges were \$50,966.30.10 less payments of \$36,770.93 leaving an assignment balance of \$14,195.37. It was noted that in accepting payment from Medicare or Medicaid we have to accept what Medicare or Medicaid says the bill should be. In turn for getting paid by Medicare and/or Medicaid, we must also agree not to charge these amounts to the patient and consequently have to write these amounts off at the end of the year.)

Permission was granted to Jim Julson & Sue Rinehart to attend the SD Ambulance Association conference in Pierre on Feb 10<sup>th</sup> & 11<sup>th</sup> in Pierre.

Law Enforcement: Reports for November were noted. Sheriff Norris reported that we can run background checks for SD record on any employees. FO will be calling the Clerk of Courts for information.

Parks & Rec: Checking on forestry grant for some trees at the city park. Council discussed redoing bathrooms at the city park and tearing up old tennis courts. We do have \$5000 from Xcel for park upgrades.

Code Enforcement: Hanson house at 7<sup>th</sup> & Main - procedure on demolition is still on going.

Motion by Holthaus, second by Sutton to approve the 2018 Sioux Falls Humane Society agreement. Motion carried.

Motion by Holthaus, seconded by Paweltzki to set aside in reserves - \$500 to sewer repair & maintenance, \$5000 in ambulance, and \$5000 for firetruck. All present voted aye. Motion carried.

Paweltzki brought up a list of proposals for 2018. They are as follows: 1) That the city builds a 50' x 120' building to be used as a new bar/restaurant and finance office. Or that it be used as a grocery store/finance office. 2) or the city buy the packing plant and turn it into a new bar/restaurant/finance office or grocery store. 3) that the city builds a spec house to sell, or buy the Jason Waldner lot and build an affordable house to sell 4) He proposes that the city chip and seal the majority of streets that are still in good shape before they deteriorate. Council visited about the street chip and seal. They had actively decided to hold off on the chip and seal due to the cost of redoing some of the streets. So many of the streets have areas that need digging up and repair that chip and seal doesn't last. We do have some areas that do have asphalt on already that we should be chip and sealing. They also talked about the things Bridgewater has to attract a business. We need to have a "Strategic Plan" in place to be able to sell "Bridgewater" to a prospective business. Paweltzki brought up that someone from the Governors Office of Economic Development will be coming out the 19<sup>th</sup> of December to drive around and scope out the town. He would like the council to hold a special meeting on the 19<sup>th</sup> of December at 3 pm to meet with these people. Attorney Fink commented about the need for this to be a joint venture with the Bridgewater Development Corp and the city.

At this time Gabe Laber and Jacob Morris with DGR arrived. Motion by Holthaus, second by Liesinger to go into Executive Session to discuss contract negotiations & potential litigation concerning Premier Contracting (SDCL 1-25-2.3). Motion carried. Time 8:22 pm. Attorney Fink, Laber & Morris (DGR) and Letcher were also in the Executive Session. At 8:47 Laber and Morris left the executive session and council continued in executive session for employee contract & negotiations (SDCL 1-25-2.4). Mayor declared executive sessions over at 8:52.

Motion by Paweltzki, second Liesinger to hire Courtney Kessler and Deanna Hoffman as bartenders pending background checks. Motion carried.

Gabriel Laber (DGR) talked to the council about the Infrastructure Planning for the 2018-2019 years. Items discussed were water meters, Juniper Ave (3<sup>rd</sup> to HWY 262), 4<sup>th</sup> Street (Poplar to Walnut) and Storm Sewer Improvements. We are on the State Water Plan for certain projects. This doesn't obligate us to do anything it just tells the state that we are looking at certain projects. He also spoke on how it was best to get your applications in early, beginning of the year, since that is when there is the most grant/loan money available. This would maximize our funding money. We will be holding a Public Hearing before any funding application can be submitted to discuss the proposed project, the proposed financing and source of repayment for any loans. Motion by Holthaus, second by Sutton to hold a Public Hearing on Dec 28<sup>th</sup> at 7 pm on the water meter/storm sewer/street improvements project. Motion carried.

Motion by Paweltzki, second by Holthaus to set a special meeting for Dec 19<sup>th</sup> at 3 pm with the Governor's Office of Economic Development representative. Motion carried.

It was noted that the 2018 Municipal Government Day at the Legislature is Feb 6<sup>th</sup>.

Motion by Holthaus, second by Paweltzki to set Cassidy Lehrman wage at \$12 retroactive back to October 10<sup>th</sup> bar manager hire date. Motion carried.

Motion by Paweltzki, second by Holthaus to go into Executive Session for Employee Reviews & Negotiations (SDCL 1-25-2.4) Motion carried. Time 9:40 pm Mayor declared over at 9:44 pm.

Motion by Anderson, second by Holthaus to increase Letcher and Julson wage by 3% for 2018. Motion carried.

Motion by Liesinger, second by Paweltzki to adjourn. Motion carried. Time 9:45 pm.  
Next regular meeting is January 8, 2018.

Michael Damm – Mayor

Joan M Julson – Finance Officer

### **Claims:**

Payroll by Dept.: Ambulance 3694.24; Finance Office 543.52; Fire 73.35; Gov't Bldg 146.70; Landfill/Dump 32.60; Liquor 3524.14; Parks 256.73; Sewer 910.86; Streets 896.51; Water 931.23; EFTPS-November payroll taxes, 2507.64; SD Retirement System-employee & city match, 570.66.

Supplies: Bob's Candy Service – bar food items, 2062.51; Chesterman Company–Coke products for bar, 220.05; C&B Operations LLC–JD lawn mower hook bolt, 18.80; Core & Main–2 water meters, 251.86; Country Pride–liquor store fuel oil & propane, 698.30; Farmers Alliance–shop propane, 352.00; Fensel's Electrical Supply–ice machine parts, 23.80; Kaylor Locker–bar chislic, 250.00; McLeod's Printing & Office Supply–laser checks, 158.33; Menard's–shop, bar, streets, Legion Hall, amb, FO supply, 293.87; Meyer Motor LLC–exhaust fan for bar kitchen, 373.27; Moore Medical–amb & fire dept supply, 109.43; Potter Tire & Service–gas, diesel & supply, 524.20; Rinehart, Sue–USB flashdrive for amb, 37.24; Stern Oil Co–Legion Hall propane, 218.50; Sturdevant's–mostly shop supply, 123.26; Walts Homestyle Foods Inc–bar pizza etc, 596.50.

Repairs & Maintenance: Superior Hood Steamers, Inc–hood & vent cleaning in bar, 695.00

Beer and Liquor: (paid in November) Beal Distributing, Inc., 1413.70; Dakota Beverage, 647.80; Johnson Brothers Famous Brands, 885.25; Republic National Dist, 652.90.

Miscellaneous: A&B Business Inc–Maintenance contract, 62.48; Bridgewater Development Corp–monthly donation, 100.00; Bridgewater Tribune–November publishing, 495.69; D&E Music & Vending–8 winter dart teams & 3 winter pool teams dues, 308.00; Dept of the Treasury–payroll late filing fee, 402.89; Julson, Jim–mileage to amb mtg in Mitchell 10/11/17, 25.20; McCook County–Contracted Law Enforcement monthly payment, 2112.50; Nordwald Rentals–January rent (Payable 1/1/18), 350.00; Petty Cash–bar supply & postage, 104.66; RBS Sanitation–November garbage pick-up for 190 households, 2660.00; RBS Sanitation–November dumpster fees (Legion Hall, bar, firehall, shop), 224.18; Safe-N-Secure–remote session by phone, 32.00; Schoenfelder, Julie–Karaoke at Sparky's, 225.00; SD Dept of Revenue–water testing, 75.00; SD One Call–3 faxed locates for Oct & Nov, 3.36; SD State Treasurer–November garbage, etc. sales tax (We received a 1.5% allowance for timely payments - \$3.47), 227.85; SD State Treasurer–November bar sales tax (We received a 1.5% allowance for timely payments - \$11.39), 747.64; Thaler, Barb–training & mileage for EMT class, 133.00; US Bank – 2 SRF sewer loans, 1861.18.

Utilities (Paid in November): Golden West, 433.43; Hanson Rural Water, 5050.50; Xcel Energy, 2377.05.

Insurance: AFLAC–reimbursed by employees, 200.96; Health Pool of SD, 3141.70.

Professional: Fink Law Office PC–November statement, 521.89; SDML Workers' Compensation Fund– 2018 renewal, 2900.00; SECOG–balance of water project grant administration, 2500.00.

Published once at the approximate cost of \$ 152.53