

City of Crooks
City Council
Special meeting / End-Of-Year meeting
Agenda

Date: 12/29/2022

Time: 6:00pm / CST

Location: Crooks Municipal Office (701 S West Ave, Crooks, SD, 57020)

- 1) Call to order / Roll call
- 2) Approve agenda
- 3) Consent calendar items:
 - a) Approve meeting minutes
 - b) Approve claims
 - c) Approve disbursement of funds for payment towards 1st installment of baseball land
 - d) Northern Natural Gas – Deferred collection agreement
- 4) Open comments [The opportunity for anyone not listed on the agenda to speak to the council, speaking times will be limited to three (3) minutes. No action will be taken on questions or items not on the agenda.]
- 5) Public hearings: None.
- 6) Ordinances, resolutions, policies, motions:
 - a) Second reading Ordinance #315: Water and sewer rates
 - b) Second reading Ordinance #316: Water and sewer hook-up fees
 - c) Second reading of Ordinance #317: Supplemental appropriations
 - d) Second reading of Ordinance #318: An Ordinance amending Ordinance #304
 - e) Second reading of Ordinance #319: Supplemental appropriations
 - f) Resolution 2022-27: To establish water & sewer rates for customers of the municipal water and sewer system
 - g) Resolution 2022-28: Contingency transfer resolution
 - h) Municipal election date for 2023
 - i) New personnel policy
- 7) Executive session pursuant to SDCL 1-25-2[1]: Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee.
- 8) Adjourn

Explanation consent calendar items for End-of-Year meeting

4a) Approve meeting minutes. Approve meeting minutes for December 12, 2022 and December 19, 2022 as submitted and published/scheduled for publication.

4b) Approve claims. Approval of all claims against the municipality received as of December 28, 2022 at 5:00pm (close of business). Payment and approval thereof will reduce the payables and reduce outstanding balances for end-of-year for accounting purposes.

4c) Approve disbursement. Request for authorization from City Council to disburse other partial payment towards 1st installment on contract for deed for baseball land. The amount towards this payment is \$20,000. The request is made to ensure disbursement can be made on time as the due date is January 15, 2023.

4d) Northern Natural Gas – Deferred collection agreement. The provider of the capacity, Northern Natural Gas, has filed for interim rates with the FERC. The interim rates are increasing capacity fees by 90% for the capacity purchased by the City. Until the FERC (Federal Energy Regulatory Commission) makes a final determination, the interim rates are in place. The deferred collection agreement will permit the City to pay lower rates (compared to the interim rates) until the final rates are approved. The agreement has been reviewed by the City’s attorney. The City’s consultant for natural gas matters, Clayton Energy, recommended the City approve the agreement. Depending on the finalized rates, the City may have to pay the difference or could received a refund from Northern.



**City of Crooks
Meeting Minutes
December 12, 2022**

1) Call to order/Roll Call. At 7pm the meeting was called to order by Mayor Oseby at the Crooks Community Center. Answering roll call were Alderman Harstad, Alderman Beyer, Alderman Richardson, and Mayor Oseby; a quorum was present. City staff present were City Administrator/Finance Officer Schantz.

2) Pledge of allegiance was recited by those present. Oseby led invocation.

3) Approve posted agenda. Motion by Richardson to approve agenda, seconded by Harstad. No discussion. All aye, motion carried.

4) Consent calendar items. Motion by Richardson to approve consent calendar items, seconded by Beyer. The CC Storage claim for a storage unit rental was reviewed. No further discussion. All aye, motion carried.

Approved consent calendar items: 11/14/2022 meeting minutes, financials, December claims, 2023 law enforcement contract, and American Engineering Testing proposal for east side lift station.

Vendor	Date incur.	Description	Amount
A&B Business Solutions	12/2/2022	monthly managed IT	\$ 841.97
A&B Business Solutions	12/5/2022	copier lease	\$ 298.48
Aflac	11/30/2022	Aflac payable	\$ 138.34
Alliance Communications	12/1/2022	utilities office & sewer	\$ 374.32
Automotive Services Inc	11/30/2022	repair blue truck	\$ 86.61
Automotive Services, Inc.	11/17/2022	repair black truck	\$ 1,673.64
Border States Electric	11/23/2022	2" plex pipe	\$ 6,825.20
Border States Electric	11/23/2022	2" plex pipe	\$ 2,559.45
Builders Electric	12/5/2022	electrical work at New Hope Park	\$ 4,029.00
CC Storage	12/1/2022	storage unit rental	\$ 69.00
City of Sioux Falls - Public Works	11/30/2022	charges rubble site	\$ 143.48
Clayton Energy Corporation	11/14/2022	10-22 commodity purchase	\$ 17,359.30
Clayton Energy Corporation	12/1/2022	monthly reservation & fees	\$ 31,620.03
Crooks Municipal Utilities	12/7/2022	Palmira bathroom utilities	\$ 128.50
Crooks Municipal Utilities	12/7/2022	Crooks Comm. Cen. utilities	\$ 695.44
Crooks Municipal Utilities	12/7/2022	New Hope bathroom utilities	\$ 83.34
Crooks Municipal Utilities	12/7/2022	Sunset irrigation system utilities	\$ 30.87
Crooks Municipal Utilities	12/7/2022	Main lift station utilities	\$ 21.00
Crooks Municipal Utilities	12/7/2022	city shop utilities	\$ 156.53
Crooks Municipal Utilities	12/7/2022	w lift station utilities	\$ 23.10

Crooks Municipal Utilities	12/7/2022	n lift station	\$ 24.15
Debbie McGee Langrehr	11/14/2022	Crooks Comm. Cen. deposit refund	\$ 550.00
DGR Engineering	11/14/2022	hydraulic study report	\$ 20,173.97
DGR Engineering	11/14/2022	east side lift station construction admin	\$ 24,027.37
DGR Engineering	11/14/2022	construction admin drainage project	\$ 2,961.00
DGR Engineering	11/14/2022	10-2022 engineering services	\$ 1,030.88
DGR Engineering	11/14/2022	construction admin san. Sewer project	\$ 1,280.50
Dudley Laundry d/b/a Appeara	11/23/2022	mat, mop, towel, and rug service	\$ 88.61
Ecolab	11/15/2022	pest control services	\$ 97.29
Ferguson Waterworks	12/8/2022	360 AMR subscription	\$ 1,350.00
Ferguson Waterworks	11/22/2022	water registers	\$ 6,977.19
First Dakota Title	11/8/2022	refund clearance certificate	\$ 25.00
First Interstate Bank	11/30/2022	monthly service fee	\$ 38.75
First Interstate Bank	12/7/2022	returned item fee	\$ 4.00
First Interstate Bank	12/9/2022	purchase card payment	\$ 3,214.93
Gas Training Specialties	12/7/2022	training & reg. maint. & mileage	\$ 875.00
Goebel Printing	12/8/2022	staff clothing	\$ 771.92
Health Pool of SD	12/1/2022	health + life insurance payable	\$ 3,737.20
Internal Revenue Service / EFTPS	11/17/2022	payroll tax deposit	\$ 3,373.38
Internal Revenue Service / EFTPS	12/2/2022	payroll tax deposit	\$ 3,802.06
Lacey Rentals	11/15/2022	portable restroom rental at shop	\$ 138.00
Matheson Tri-Gas, Inc.	11/30/2022	gas charts	\$ 34.25
Meierhenry Sargent	11/21/2022	east side lift station bond prep. Fee	\$ 4,587.27
Meierhenry Sargent	12/1/2022	11-2022 legal services	\$ 1,155.00
Meierhenry Sargent	10/26/2022	Bonander CFD recording fee	\$ 30.00
Menards - West	11/15/2022	supplies	\$ 342.51
Menards - West	11/23/2022	Christmas lights	\$ 49.93
Menards - West	12/6/2022	tools for shop	\$ 65.85
New Century Press	11/11/2022	notice of audit	\$ 14.43
New Century Press	11/4/2022	notice of audit	\$ 16.24
New Century Press	11/4/2022	Veterans Day ad	\$ 50.00
New Century Press	11/18/2022	conditional use hearing notice	\$ 15.12
New Century Press	11/18/2022	liquor license issuance hearing notice	\$ 15.68

New Century Press	11/25/2022	11/14/22 mtg mins	\$ 241.36
New Century Press	11/25/2022	hearing notice	\$ 17.36
Nexben	12/1/2022	supplemental life insurance - child	\$ 1.70
Nexben	12/1/2022	vision insurance	\$ 20.42
Nexben	12/1/2022	supplemental life insurance - spouse	\$ 50.40
Nexben	12/1/2022	supplemental life insurance	\$ 59.00
Nexben	12/1/2022	dental insurance	\$ 169.02
Nyberg's Ace Hardware	11/14/2022	supplies	\$ 29.98
Nyberg's Ace Hardware	11/22/2022	supplies	\$ 52.97
Nyberg's Ace Hardware	12/6/2022	ballasts electric	\$ 65.98
Payment Service Network	12/2/2022	gateway fee & 2023 fee	\$ 178.95
Q3 Contracting	11/12/2022	new gas main CDC development	\$ 15,200.00
Q3 Contracting	12/7/2022	new gas services & labor	\$ 6,405.67
SD Assoc. of Code Enforcement	11/17/2022	2023 dues	\$ 75.00
SD Building Officials' Association	11/17/2022	2023 dues	\$ 60.00
SD Dept of Revenue	11/18/2022	10-2022 sales tax payable	\$ 2,791.16
SD Dept of Revenue	12/8/2022	11-2022 sales tax payable	\$ 6,036.81
SD Gov't Finance Officers Assoc.	11/17/2022	2023 dues	\$ 70.00
SD Gov't Human Resource Assoc.	11/17/2022	2023 dues	\$ 50.00
SD Retirement System	11/17/2022	monthly retirement contribution	\$ 3,144.66
SD Street Maintenance Assoc.	11/17/2022	2023 dues	\$ 35.00
SDRS Supplemental Retirement Plan	11/4/2022	ROTH contribution	\$ 300.00
SDRS Supplemental Retirement Plan	11/21/2022	ROTH contribution	\$ 300.00
SDRS Supplemental Retirement Plan	12/6/2022	ROTH contribution	\$ 300.00
SEAFOG	12/2/2022	2023 dues	\$ 200.00
SECOG	11/29/2022	Administrative assistance SRF project	\$ 4,000.00
Shell/Pump'N'Stuff	11/30/2022	fuel	\$ 40.06
Shell/Pump'N'Stuff	11/16/2022	fuel	\$ 45.33
Shell/Pump'N'Stuff	11/28/2022	fuel	\$ 9.84
Shell/Pump'N'Stuff	11/28/2022	fuel	\$ 17.91
Shell/Pump'N'Stuff	12/5/2022	fuel	\$ 96.40
Sioux Falls Area Humane Society	11/9/2022	10-2022 animal control services	\$ 58.34

Sioux Valley Energy	11/15/2022	sewer utilities	\$ 178.12
Sioux Valley Energy	11/15/2022	street light utilities	\$ 254.00
Sioux Valley Energy	11/15/2022	469th lift station utilities	\$ 100.00
South Dakota 811	11/30/2022	monthly message fees	\$ 84.00
Timothy Ruden	11/28/2022	refund application fee	\$ 50.00
U Drive Technology	12/11/2022	monthly message fees	\$ 269.32
US Postal Service	12/5/2022	gas awareness mailing	\$ 481.66
US Postal Service	12/7/2022	mailing fee utility bills	\$ 310.62
USDA - Rural Development	12/20/2022	pay loader note payment	\$ 1,663.00
USDI	11/9/2022	moving district regulator station	\$ 75,223.27
Vantek Communications	12/1/2022	pager utilities	\$ 15.00
Verizon	11/10/2022	utilities metering station	\$ 42.99
Wigham Trucking, Inc.	11/14/2022	street sweeping	\$ 2,960.00
Wilnat Inc d/b/a Koons Gas Measurem't	12/1/2022	bracket kits	\$ 325.65
Xcel Energy	11/30/2022	electric utilities	\$ 3,060.91
		Total claims	\$ 273,216.94

Purchase card payments & returns			
Vendor	Date incur.	Description	Amount
Amazon	11/15/2022	batteries & ink refill	\$ 26.18
Amazon	11/15/2022	ink refill stamp	\$ 9.69
Amazon	11/28/2022	snow stakes	\$ 57.49
Amazon	11/30/2022	4TB internal hard drive	\$ 84.93
Amazon	11/30/2022	NAS DiskStation	\$ 314.99
Amazon	11/30/2022	4TB internal hard drive	\$ 84.93
Amazon	12/7/2022	battery uninterruptible power supply	\$ 205.99
Appera	11/9/2022	mat, mop, towel, and rug service	\$ 88.61
Appera	12/7/2022	mat, mop, towel, and rug service	\$ 99.20
Boxy's Paint and Body Inc.	11/14/2022	repair blue truck	\$ 916.77
Crooks Country Corner	11/17/2022	fuel	\$ 68.03
Ifixit	12/5/2022	replacement battery laptop	\$ 64.99
Interstate All Battery Center	12/2/2022	battery	\$ 60.15
JCL Solutions	11/15/2022	ice melt	\$ 32.32
Mail Technologies/DocuSend	12/7/2022	ebill mailing Crooks	\$ 6.38
Mail Technologies/DocuSend	12/7/2022	ebill mailing non-Crooks	\$ 4.76
Maximum Promotions	12/7/2022	US flags	\$ 81.00
Nyberg's Ace Hardware	12/6/2022	pad locks	\$ 219.80
Office Depot	12/8/2022	supplies	\$ 145.52

Renner Corner	12/1/2022	fuel	\$ 33.21
Scooby's	10/26/2022	vehicle wash	\$ 11.25
Shell/Pump'N'Stuff	11/15/2022	fuel	\$ 22.22
Shell/Pump'N'Stuff	12/9/2022	fuel	\$ 148.58
Shell/Pump'N'Stuff	11/21/2022	fuel	\$ 45.46
Shell/Pump'N'Stuff	11/16/2022	fuel	\$ 99.76
Shell/Pump'N'Stuff	11/29/2022	fuel	\$ 42.56
Shell/Pump'N'Stuff	12/5/2022	fuel & deicing fluid	\$ 62.34
Shell/Pump'N'Stuff	12/7/2022	fuel	\$ 47.43
Sam's Club	12/6/2022	candy for Christmas parade	\$ 53.90
Sturdevant's Auto Parts	11/15/2022	gas cans	\$ 26.99
US Postal Service	11/21/2022	postage delinquent customers	\$ 49.50
		Total purchase card claims	\$ 3,214.93

Gross wages by departments for month of November 2022	
Council	\$ 525.00
Mayor	\$ 420.00
Planning and Zoning Commission	\$ 532.00
Finance Office	\$ 2,883.00
Government Buildings	\$ 1,466.15
Building Inspector	\$ 1,309.50
Highway & Streets	\$ 2,184.88
Highway & Streets - Snow Removal	\$ 1,373.23
Code Enforcement	\$ 95.82
Clean-Up	\$ 305.37
Animal Control	\$ 47.90
West Nile	\$ 81.62
Parks	\$ 2,575.76
Economic Development	\$ 140.10
Gas	\$ 4,843.28
Water	\$ 5,339.08
Sewer	\$ 5,430.88
Total wage claims	\$ 29,553.57

5) Open comments. Mike Lodmel, Superintendent of Tri-Valley School district, introduced himself to board and spoke on developments at Tri-Valley Elementary attendance center in Crooks and path/walkways to be constructed by the facility. Governing body asked Lodmel about timeline for completion of new elementary attendance center and a potential visit of the facility.

6) Public hearings.

- a) Conditional use application for number of animals exceeding level established by Ordinance #174. Applicant was Tracy Pepin of 209 E 6th St. Oseby opened the hearing at 7:12pm. Tracy Pepin and Ben Pepin spoke on their application to the governing body. Pepins are requesting an increase in the permissible number of domestic animals to permit them to keep their son's dog as he has received active orders. The floor was opened for comments from Council and the public. No comments were received. The hearing was closed at 7:15pm. Motion by Harstad to approve conditional use, seconded by Richardson. No discussion. All aye, motion carried.
- b) Application for initial issuance of an on-sale liquor license. Applicant was Winter-Green Acres Event Venue LLC. Oseby opened the hearing at 7:16pm. Application was reviewed. The floor was opened for comments from Council and the public. Number of liquor licenses which can be legally issued in Crooks was discussed. No further comment was received, or further discussion was held. The hearing was closed at 7:17pm. Motion by Richardson to approve initial issuance of liquor license with an effective date of 01/01/2023, seconded by Harstad. No discussion. All aye, motion carried.
- c) TIF #2 Addendum to TIF #2 plan. Applicant was DWBP, developer of Willow Creek Ridge development. Oseby opened the hearing at 7:18pm. Tobin Morris, TIF Consultant, spoke on the proposed amendment to the plan, stating DWBP had found partner to develop senior living facility in Crooks. The facility will further economic development in the Crooks the creation of jobs, and the addition of taxable property in the amount of \$14M to \$15M. The previously adopted TIF revenues split will be modified to 50/50 until the City has received its share of the TIF revenues. The governing body asked whether developer of facility will forego property tax discretionary formula, which Morris stated they will. No further comments were received. Hearing was closed at 7:25pm.
- d) SRF Water Tower application. Oseby opened the hearing at 7:25pm. Schantz read statement prepared by SECOG and informing those present with information about the project. The SRF application was then discussed. The floor was opened for comments from Council and the public. No comments were received. The hearing was closed at 7:31pm.

7) Reports / Other business.

- a) **Parks** report was given by Harstad. Minimal activity in the City parks due to the winter.
 - i. Future necessities. The improvements needed at Heritage Park and associated timeline with accomplishing them was discussed; the future projects at Heritage Park involve a fishing pond and a new playground set.
- b) **Economic development** report was given by Harstad. The recent SMGA board meeting was talked about. The activity in the metro area was spoken on. The CDC north development was spoken on.
- c) **Streets** report was given by Oseby. City staff is preparing for incoming winter storm. Street signs removed due to utility project (south side of Crooks) were placed again. Oseby spoke on replacement vehicle for City staff as the current vehicle has mechanical issues potentially making it unusable.
 - i. West Ave Trails Ph 3 sidewalk. City will arrange for a meeting with school representatives to determine the details of the sidewalk in front

of the new elementary attendance center. ii. 2023 slurry seal. Operations Director Rezac in conjunction with engineers has worked in identifying streets for slurry sealing in 2023.

- d) Planning and Zoning** report was given by Oseby. i. Connection Willie Dr. The item was discussed at a previous meeting and involves the connection of Willie Dr. from the Heritage Pond development to the existing portion of Willie Dr. Harstad will meet with Van Buskirk, developer of Heritage Pond development, to discuss the project. ii. Informational – Outline Commercial Building Official responsibilities. Governing body reviewed outline of duties of Commercial Building Official, which was provided by City’s commercial building official.
- e) Government buildings & IT infrastructure** report was given by Beyer. Transition to new managed IT service provider is underway. A quote for equipment enabling live streaming was discussed.
- f) Finance** report was given by Richardson. i. Capital projects/repairs & reserves. The document and its intention was discussed; a quarterly update of capital projects/repairs should be provided. Richardson plans on meeting with City staff to develop reserve policy. ii. Transfer ARPA funds from 272 to 604 for qualifying expenditures. Schantz asked for authorization to transfer funds from 272 to 604 fund. Motion by Richardson to authorize transfer of funds, seconded by Beyer. No discussion. All aye, motion carried.
- g) Utility** report was given by Oseby. The future development involving sanitary sewer treatment was reviewed, previous City decisions on treatment and future options such as regionalization were discussed. i. East side lift station pay application #2. Pay application was reviewed. Motion by Richardson to approve pay application #2 in the amount of \$355,914.18 as submitted by H&W Contracting, seconded by Harstad. No discussion. All aye, motion carried.
- h) Code enforcement/Animal control.** No report.
- i) Other business:**
- i.** Change meeting start time. Oseby suggested regular monthly meeting should start at 6pm. The suggestion was discussed. Schantz was instructed to provide ordinance changing starting time at end-of-year meeting.
 - ii.** End-of-Year meeting. End-of-Year meeting date and time had to be set. Harstad called End-of-Year for 12/29/2022 at 6pm at the Crooks Community Center.
 - iii.** Spending authorization vehicle replacement. The current state of the 1994 GMC truck was discussed; the vehicle has undergone repairs recently, however, City staff was advised that major mechanical problems exist, which may cause vehicle to be inoperable; furthermore, City staff was advised against additional repairs to vehicle by automotive mechanic. Spending authorization is needed to enable staff to make purchase when opportunity presents itself. Council and Mayor then discussed the item. Motion by Harstad to authorize expenditure of up to \$40,000 for replacement vehicle, seconded by Beyer. No discussion. All aye, motion carried.
 - iv.** Disbursement of property tax revenue of rural service district. Oseby explained that recent annexation of rural properties into City of Crooks resulted in Benton Township’s loss of property tax revenue, which the townships needs to maintain roads. Oseby stated property tax revenue of rural service district needs to be passed to township. The mechanics of facilitating the transfer were discussed.

8) Ordinances, resolutions, polices, motions.

- a) Second reading of Ordinance #312 (Adopting design standards for the City of Crooks) was given by Oseby. Motion by Harstad to approve ordinance, seconded by Richardson. No discussion. Roll call vote: Harstad – aye, Richardson – aye, Beyer – aye. All aye, motion carried.
- b) Second reading of Ordinance #313 (Supplemental appropriations) was given by Oseby. Schantz recommended amendment to ordinance. Motion by Beyer to amend ordinance for amendment and approve ordinance with amendment, seconded by Harstad. No discussion. Roll call vote: Harstad – aye, Richardson – aye, Beyer – aye. All aye, motion carried.
- c) Second reading of Ordinance #314 (Adoption regulations pertaining to discharge of firearms) was given by Oseby. Motion by Beyer to approve ordinance, seconded by Richardson. No discussion. Roll call vote: Harstad – aye, Richardson – aye, Beyer – aye. All aye, motion carried.
- d) First reading of Ordinance #315 (Water and sewer rates) was given by Oseby. The ordinance will change the procedure to establish water and sewer rates are adopted and clarifies language concerning billing of the base charge.
- e) First reading of Ordinance #316 (Water and sewer hook-up fees) was given by Oseby.
- f) First reading of Ordinance #317 (Supplemental appropriations) was given by Oseby. The ordinance was discussed.
- g) Reading of Resolution 2022-23 (TIF #2 Amendment) was given by Oseby. Motion by Beyer to approve resolution, seconded by Harstad. No discussion. All aye, motion carried (3-0).

**CITY OF CROOKS
RESOLUTION #2022-23**

A RESOLUTION CREATING A MODIFICATION TO TAX INCREMENT DISTRICT NUMBER TWO, CITY OF CROOKS, AND THE ASSOCIATED PROJECT COSTS

WHEREAS, the City of Crooks requests a modification to the allowable project costs associated with the creation of a tax increment financing district for purpose of developing a currently undeveloped property to augment the multi-family residential housing, commercial presence, as well as a senior living facility in the City of Crooks.

WHEREAS, the City of Crooks passed a resolution consenting to creating “Tax Increment Financing District Number Two, City of Crooks” on May 31st, 2022 (hereinafter “TIF District #2”).

WHEREAS, the City of Crooks submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #2 with total project costs of \$5,495,224; and,

WHEREAS, the City of Crooks adopted Tax Increment Plan Number Two on May 31st, 2022; and,

WHEREAS, City of Crooks is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL § 11-9-23.

WHEREAS, Pursuant to SDCL § 11-9-23, redetermination of tax increment base when project costs increased by amendment of plan; if the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

WHEREAS, amendments to the Project Plan dated December 12th, 2022 have been updated to reflect the new amount of the total amount to be reimbursed and no expenditure may be provided for in the plan more than five (5) years after a district is created unless an amendment is adopted by the governing body pursuant to SDCL § 11-9-23.

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The City Council of Crooks approves the increased Project Plan Costs from Tax Increment District Two Project Plan dated December 12th, 2022, in the original amount of \$4,000,000 to the new amount of \$5,000,000.
2. The City Council of Crooks approves the Developer's Agreement, dated December 12th, 2022, among the City of Crooks and DWBP to reflect the increased Project Plan in the amount of \$5,000,0000.
3. The City Council of Crooks makes the following findings:
 - a. Less than five (5) years have passed since creation of the district
 - b. The additional project costs are less than 35%, and thus do not constitute a redetermination of the tax increment base
 - c. The additional project plan costs are associated with implementing the economic development goals of the City.

Ayes: Harstad, Richardson, Beyer

Nays:

Abstains:

Dated this 12th day of December, 2022.

Mayor

ATTEST:

(SEAL)

Finance Officer

Passed: 12/12/2022

Published:

Effective:

- h)** Reading of Resolution 2022-24 (Purchase real property) was given by Oseby. The resolution was reviewed. The resolution authorizes the purchase of real property leading to the new east side lift station, located west of the railroad tracks in the land. The purchase price of \$22,500 was discussed. Motion by Beyer to approve resolution, seconded by Richardson. No discussion. All aye, motion carried (3-0).

**CITY OF CROOKS
RESOLUTION #2022-24**

A RESOLUTION OF THE CITY OF CROOKS TO PURCHASE REAL PROPERTY AS PROVIDED FOR IN SDCL § 9-12-1.

WHEREAS, SDCL § 9-12-1 provides that the City of Crooks (hereinafter “City”) has the power to purchase real property in its corporate name within or without of its corporate limits; and

WHEREAS, the City deems it desirable and in the best interest of the City to acquire that certain real property located in Minnehaha County, South Dakota, to be legally described as:

Tract 1 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5TH P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.,

NOW, THEREFORE, BE IT RESOLVED THAT; that the City offers to acquire the above-described real property for such price and upon such terms and conditions as stated in the attached Real Estate Purchase Agreement.

Ayes: Harstad, Richardson, Beyer
Nays:
Abstains:

Dated this 12th day of December, 2022.

F. Butch Oseby, Mayor (SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed: 12/12/2022

Published:

Effective:

- i) Reading of Resolution 2022-25 (Purchase real property) was given by Oseby. The resolution was reviewed. The property to be purchased is additional land for the pond in Heritage Park. The purchase cost of the property is \$115,800 and the composition of land to be purchased (part crop land and part pasture land) were discussed and reviewed. Motion by Harstad to approve resolution, seconded by Beyer. Richardson stated City needs to establish a formal process for negotiations involving land purchases such as prior authorization, appraisals of property, and designated officials to negotiate. No further discussion. All aye, motion carried (3-0).

**CITY OF CROOKS
RESOLUTION #2022-25**

A RESOLUTION OF THE CITY OF CROOKS TO PURCHASE REAL PROPERTY AS PROVIDED FOR IN SDCL § 9-12-1.

WHEREAS, SDCL § 9-12-1 provides that the City of Crooks (hereinafter “City”) has the power to purchase real property in its corporate name within or without of its corporate limits; and

WHEREAS, the City deems it desirable and in the best interest of the City to acquire that certain real property located in Minnehaha County, South Dakota, to be legally described as:

Tract 2 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5TH P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.,

NOW, THEREFORE, BE IT RESOLVED THAT; that the City offers to acquire the above-described real property for such price and upon such terms and conditions as stated in the attached Real Estate Purchase Agreement.

Ayes: Harstad, Richardson, Beyer

Nays:

Abstains:

Dated this 12th day of December, 2022.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed: 12/12/2022

Published:

Effective:

- j) Reading of Resolution 2022-26 (SRF application) was given by Oseby. The resolution was reviewed. Motion by Richardson to approve the resolution, seconded by Beyer. No discussion. All aye, motion carried (3-0).

**CITY OF CROOKS
RESOLUTION #2022-26**

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE

APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Crooks (the “City”) has determined it is necessary to proceed with Water Storage Improvements (the “Project”); and,

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

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

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$3,200,000 to the Board for the Project.
2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Ayes: Harstad, Richardson, Beyer

Nays:

Abstains:

Adopted this 12th day of December, 2022.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed: 12/12/2022

Published:

Effective:

9) Adjourn. Motion by Richardson to adjourn meeting at 8:26pm, seconded by Beyer. No discussion. All aye, motion carried.

Respectfully submitted,
Tobias Schantz
City Administrator/Finance Officer
City of Crooks, SD

Published:
Published once at the approximate cost of: \$

**City of Crooks
Special Meeting Minutes
December 19, 2022**

1) Call to order/Roll Call. At 5:02pm the meeting was called to order by Mayor Oseby at the Crooks Community Center. Answering roll call were Alderman Harstad (on phone), Alderman Beyer (on phone), Alderman Richardson (on phone), and Mayor Oseby; a quorum was present. City staff present were City Administrator/Finance Officer Schantz.

2) Approve posted agenda. Motion by Beyer to approve agenda, seconded by Richardson. No discussion. All aye, motion carried.

3) First reading of Ordinance #318 was given by Oseby.

4) First reading of Ordinance #319 was given by Oseby.

5) Adjourn. Motion by Harstad to adjourn meeting at 5:05pm, seconded by Richardson. No discussion. All aye, motion carried.

Respectfully submitted,
Tobias Schantz
City Administrator/Finance Officer
City of Crooks, SD

Published:
Published once at the approximate cost of: \$

City of Crooks
End-of-Year 2022 claims

City of Crooks claims listing

Vendor	Date incur.	Description	Amount
Brad/Marilyn Hills	12/20/2022	CCC refund	\$ 850.00
Clayton Energy	12/13/2022	commodity purchase	\$ 44,111.17
Dakota Supply Group	12/8/2022	hydrant markers	\$ 315.60
Ecolab	12/27/2022	pest control services	\$ 97.29
Ferguson Waterworks	12/22/2022	meter couplings & gaskets	\$ 486.93
Ferguson Waterworks	12/13/2022	supplies	\$ 129.20
First Interstate Bank	12/28/2022	purchase card payment	\$ 1,709.61
General Corrosion Company	10/18/2022	cathodic survey	\$ 1,375.00
Health Pool of SD	1/2/2023	health + life insurance payable	\$ 3,883.85
Hydro Tech Service	12/10/2022	fire hydrant repair	\$ 1,489.20
Internal Revenue Service	12/20/2022	payroll tax deposit	\$ 19.10
Internal Revenue Service	12/20/2022	payroll tax deposit	\$ 3,464.83
Knife River	12/12/2022	deicing sand & delivery	\$ 2,153.04
Knife River	12/14/2022	deicing sand & delivery	\$ 1,048.29
Knife River	12/13/2022	deicing sand & delivery	\$ 1,016.20
Lacey Rentals	12/13/2022	portable restroom rental	\$ 138.00
Matheson	11/30/2022	supplies	\$ 34.25
Melius Manufacturing	12/28/2022	cover for sprinkler valve	\$ 1,800.00
New Century Press	12/2/2022	NoH TIF #2 PZ Commission - 2nd pub.	\$ 18.90
New Century Press	11/25/2022	NoH TIF #2 PZ Commission	\$ 21.28
New Century Press	11/25/2022	NoH TIF #2 City Council	\$ 20.72
New Century Press	12/2/2022	NoH TIF #2 City Council - 2nd pub.	\$ 18.41
Phonetics, Inc. d/b/a Sensaphone	12/15/2022	annual cellular phone	\$ 299.40
Q3 Contracting	12/15/2022	gas main installations	\$ 17,431.62
Raztech LLC	12/1/2022	new firewall & installation	\$ 2,107.70
RDO Equipment Co.	12/20/2022	maintenance pay loader	\$ 619.96
SD DANR	12/19/2022	stormwater fee	\$ 100.00
SD Retirement System	12/19/2022	monthly retirement contribution	\$ 3,151.40
SD State Treasurer	12/20/2022	unclaimed property	\$ 340.07
SD State Treasurer	11/28/2022	unclaimed property	\$ 25.00
SDRS Supplemental Retirement Plan	10/21/2022	ROTH contribution	\$ 450.00
SECOG	12/12/2022	2023 dues	\$ 2,374.00
SF Area Humane Society	12/2/2022	11-2022 animal control services	\$ 61.25
Shell/Pump'N'Stuff	12/19/2022	fuel	\$ 50.70
Shell/Pump'N'Stuff	12/15/2022	fuel	\$ 47.30
Shell/Pump'N'Stuff	12/12/2022	fuel	\$ 61.13
Shell/Pump'N'Stuff	12/12/2022	fuel	\$ 17.14
Shell/Pump'N'Stuff	12/12/2022	fuel	\$ 111.65
Shell/Pump'N'Stuff	12/27/2022	fuel	\$ 67.51
Shell/Pump'N'Stuff	12/22/2022	fuel	\$ 14.39
Shell/Pump'N'Stuff	12/20/2022	fuel	\$ 24.78
Sioux Valley Energy	12/13/2022	sewer utilities	\$ 209.70
Sioux Valley Energy	12/13/2022	street light utilities	\$ 106.02
Sioux Valley Energy	12/13/2022	469th lift station utilities	\$ 177.00
Utility Safety and Design, Inc.	11/30/2022	odorant for natural gas system	\$ 1,088.85
Verizon	12/10/2022	utilities metering station	\$ 85.09
Wilnat, Inc d/b/a Koons Gas Measurem't	12/7/2022	relief valves	\$ 1,975.18
Xcel Energy	12/27/2022	utilities	\$ 3,369.16
Total claims			\$ 98,566.87

Purchase card payments & returns			
Vendor	Date incur.	Description	Amount
Amazon	12/21/2022	key tags	\$ 8.99
Amazon	12/21/2022	office supplies	\$ 29.03
Amazon	12/28/2022	tax forms	\$ 42.34
Crooks Country Corner	12/19/2022	fuel	\$ 181.73
Crooks Country Corner	12/9/2022	fuel	\$ 55.84
Crooks Country Corner	12/28/2022	fuel	\$ 99.98
Crooks Country Corner	12/27/2022	fuel	\$ 60.01
Crooks Country Corner	12/19/2022	oil	\$ 26.63
Dudley Laundry d/b/a Appeara	12/21/2022	mat, mop, towel, rag service	\$ 99.20
GoDaddy	12/12/2022	domain renewal	\$ 47.22
Mac's	12/28/2022	shop supplies	\$ 106.66
Microsoft	12/20/2022	monthly subscription Office 365	\$ 106.50
Microsoft	12/20/2022	monthly subscription email	\$ 57.51
Nyberg's Ace Hardware	12/20/2022	chain lube & snow pusher	\$ 78.97
ODP Business Solutions	12/12/2022	refund office supplies return	\$ (50.98)
Scooby's Car Wash	11/2/2022	snow plow wash	\$ 15.50
Scooby's Car Wash	11/7/2022	Kubota mower wash	\$ 10.00
Scooby's Car Wash	11/1/2022	vehicle wash	\$ 11.00
Scooby's Car Wash	11/28/2022	skid steer wash	\$ 14.50
Shell/Pump'N'Stuff	12/25/2022	fuel	\$ 143.99
Shell/Pump'N'Stuff	12/15/2022	fuel	\$ 44.89
Shell/Pump'N'Stuff	12/16/2022	fuel	\$ 170.89
Shell/Pump'N'Stuff	12/20/2022	supplies	\$ 20.69
Shell/Pump'N'Stuff	12/27/2022	fuel	\$ 42.33
Shell/Pump'N'Stuff	12/28/2022	fuel	\$ 48.59
US Postal Service	12/12/2022	postage delinquency notices	\$ 237.60
Total purchase card claims			\$ 1,709.61

Purchase card payments & returns - Restated claim			
Shell/Pump'N'Stuff - restated	10/11/2022	fuel	\$ 59.55

**City of Crooks
Ordinance #315**

An Ordinance of the City of Crooks, South Dakota, providing for a change of the water and sewer rates for customers connected to the City of Crooks's water and sewer system. Be it ordained by the City Council of the City of Crooks, South Dakota, that:

Section 1 – Rates. The Crooks City Council shall establish rates and the base rate for the water consumers and sewer user connected to the municipal water and sewer systems of the City by resolution. Sewer metered gallons shall be based on water metered gallons.

Section 2 – Surcharges:

Clean Water – 04 (“CW-04”): In addition to the normal sewer system user fee, the City hereby establishes a surcharge of \$9.20 payable by all users of the Sewer System for the project financed by CW-04 loan with the borrower bond Series 2021. The collection of the surcharge shall start on September 10, 2021. The surcharge shall remain in effect until such time as the borrower bond is paid in full, it shall be collected at the same time as other charges of the system, and establish a surcharge account to segregate the income from other system income for bookkeeping purpose to be pledged to the South Dakota Conservancy District. The surcharge shall be reviewed from year to year and modified in order to provide the required 110 percent debt coverage.

Clean Water – 05 (“CW-05”): In addition to the normal sewer system user fee, the City hereby establishes a surcharge of \$4.00 payable by all users of the Sewer System for the project financed by CW-05 loan with the borrower bond Series 2022. The collection of the surcharge shall start on August 5, 2022. The surcharge shall remain in effect until such time as the borrower bond is paid in full, it shall be collected at the same time as other charges of the system, and establish a surcharge account to segregate the income from other system income for bookkeeping purpose to be pledged to the South Dakota Conservancy District. The surcharge shall be reviewed from year to year and modified in order to provide the required 110 percent debt coverage.

Section 3 - Base rate charged. The base rate shall be charged regardless of metered gallons. The base charge shall apply to each unit in those structures with multiple units.

Section 4 – CPI and commodity cost adjustments. The water and sewer rates shall be adjusted annually in conjunction with the State of South Dakota consumer price index (CPI). The water and sewer rates shall be adjusted annually for increases in cost for the base commodity as communicated by the City’s water supplier(s); the increase shall be added to the metered gallons

Section 5 - Ordinances in conflict. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Legislative History:

Public hearing: ---

First reading: 12/12/2022

Second reading:

Amendment:

Additional reading due to substantial amendment:

Passage & adoption:

Publication date:

Effective date:

Published once at the approximate cost of:

**City of Crooks
Ordinance #316**

An ordinance establishing the water and sewer system connection fee for the Municipality of Crooks, Minnehaha County, South Dakota.

Be it ordained by the City of Crooks, South Dakota, that:

Section 1. PURPOSE.

The purpose of this Ordinance is to establish a fee for new connections to the City of Crooks Municipal Water and Sewer System.

Section 2. FEE AND FEE COLLECTION.

The fee per connection to the municipal water and sewer system shall be set by resolution as determined by the City Council. The fee shall be collected upon issuance of a building permit for a new structure and in instances of currently existing structures without a connection prior to the connection. The fee shall be deposited fifty percent (50%) into the Water (602) fund and fifty percent (50%) into the Sewer (604) fund.

Section 3. FEE PER CONNECTION.

The fee established by Section 2 shall be established per connection to the water and sewer systems. In cases of single-family residential or small businesses with only one connection, only one fee will be assessed. In instances of buildings/facilities with multiple units, each having their own connections, the fee established by Section 2 shall be assessed per unit.

Section 4 . INTERPRETATION.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5 . USE OF REVENUE.

Any revenues received under Section 2 of this ordinance may be used for capital expansions or replacements of the water or sewer system, major repairs and maintenance of the water or sewer system, and debt service payments made out of the of the Water (602) fund or Sewer (604) fund.

Section 6 . SEPARABILITY.

If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the ordinance, and applicability thereof to other persons or circumstances shall not be affected thereby; furthermore, any ordinance or provisions of ordinances herewith in conflict shall be repealed.

Ayes:

Nays:

Abstain:

Adopted this ____ day of _____, 202__

F. Butch Oseby, Mayor

Attest:

(Municipal Seal)

Tobias Schantz, Finance Officer

Legislative History:

Public hearing: ---

First reading: 12/12/2022

Second reading:

Amendment:

Additional reading due to substantial amendment:

Passage & adoption:

Publication date:

Effective date:

Published once at the approximate cost of:

**City of Crooks
Ordinance #317
Supplemental Appropriations Ordinance**

Be it ordained by the City of Crooks that the following sum is supplementally appropriated to meet the obligations of the municipality for the fiscal year of 2022.

Section 1.

	101 General Fund
450 Culture-Recreation	
452 Parks	
431.0 Land	\$ 224,914.00
470 Debt Service	
441.0 Principal	\$ 42,718.19
442.0 Interest	\$ 211.81
Total appropriations	<u>\$ 267,844.00</u>

Sources of Funding / Means of Finance	
391.29 Other long term debt issued	\$ 267,844.00
Total means of finance	<u>\$ 267,844.00</u>

Section 2.

The Finance Officer is hereby directed to transfer the said amount and to show such action on the proper records of the City.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

First reading:
Amendment:
Second reading:
Adopted & Passed:
Published:
Published once at the approximate cost: \$
Effective:

**CITY OF CROOKS
ORDINANCE #318**

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, AMENDING
ORDINANCE #304, SECTION 1.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH
DAKOTA, THAT:

Ordinance #304, Section 1, shall be amended to read as follows:

Section 1. – Regular meeting days, meeting times, and meeting place. The City Council of the City of Crooks, South Dakota, shall meet regularly on the second Monday of each month. All regular meetings shall commence at 6:00PM on said days, at the place commonly known as the Crooks Community Center, or at such other place as the Council may, from time to time, designate.

Ayes:

Nays:

Abstain:

Adopted this ___th day of _____, 202_.

F. Butch Oseby, Mayor

ATTEST:

Tobias Schantz,
Municipal Finance Officer

(MUNICIPAL SEAL)

Legislative History

First Reading:

Second Reading:

Passage & Adoption:

Publication Date:

Effective Date:

Published once at the approximate cost of: \$

**City of Crooks
Ordinance #319
Supplemental Appropriations Ordinance**

Be it ordained by the City of Crooks that the following sum is supplementally appropriated to meet the obligations of the municipality for the fiscal year of 2022.

Section 1.

	101 General Fund	604 Sewer Fund
430 Public works		
432 Sanitation		
431.0 Land		\$ 22,500.00
450 Culture-Recreation		
452 Parks		
431.0 Land	\$ 115,800.00	
Total appropriations	\$ 115,800.00	\$ 22,500.00

Sources of Funding / Means of Finance

253.9	Unrestricted Net Position		\$ 22,500.00
264	Restricted Fund Balance	\$ 22,200.00	
339	Other Intergovernmental Revenue	\$ 93,600.00	
	Total means of finance	\$ 115,800.00	\$ 22,500.00

Section 2.

The Finance Officer is hereby directed to transfer the said amount and to show such action on the proper records of the City.

(SEAL)

F. Butch Oseby, Mayor

Attest:

Tobias Schantz, Finance Officer

First reading:
Amendment:
Second reading:
Adopted & Passed:
Published:
Published once at the approximate cost: \$
Effective:

Explanation 7) Ordinances, resolutions, policies, motions

7h) The Crooks City Council needs to make a motion to set the 2023 election date. Traditionally, this item is discussed at the first regular meeting in January 2023; however due to timeline, particularly with regards to publications and starting the process, staff formally requests the date be set at the end-of-year meeting. The recommended date for the municipal election is April 11, 2023.



CITY OF CROOKS, SD PERSONNEL MANUAL

REVISED 12-2022

Adopted:

TABLE OF CONTENTS

Policy 1: Purpose and Use

- 1.1 Purpose of Policies and Procedures
- 1.2 Revision
- 1.3 At-Will Employment
- 1.4 Applicability to Appointed and Elected Officials
- 1.5 Administration of Personnel Policy
- 1.6 Departmental Procedures

Policy 2: General Policies

- 2.1 Equal Employment Opportunity
- 2.2 Harassment/Discrimination
- 2.3 Workplace Violence Policy
- 2.4 Americans with Disabilities Act/Accommodations
- 2.5 Safety
- 2.6 Vehicle Safety
- 2.7 Smoking
- 2.8 Confidential Information and Media Inquiries
- 2.9 Public Relations
- 2.10 City Property
- 2.11 Use of Telephones
- 2.12 Use of Computers
- 2.13 Political Policy

Policy 3: Recruitment, Hiring, Promotion & Records

- 3.1 Recruitment and Hiring Policy
- 3.2 Applications for Employment
- 3.3 Eligibility
- 3.4 Veterans Preference
- 3.5 Disqualification
- 3.6 Selection
- 3.7 Physical Examination
- 3.8 Promotion/Transfer
- 3.9 Performance Evaluations
- 3.10 Personnel Records
- 3.11 Benefits, Medical, and Confidential File
- 3.12 Employment References

Policy 4: Classification, Hours of Work, & Compensation

- 4.1 General Policy
- 4.2 Employee Classification
- 4.3 Attendance
- 4.4 Compensation
- 4.5 Rate of Pay
- 4.6 Time Sheets
- 4.7 Pay Period and Pay Day
- 4.8 Early Pay Checks
- 4.9 Payroll Deductions

- 4.10 Call Back Pay
- 4.11 Overtime
- 4.12 Comp Time
- 4.13 Workers' Compensation
- 4.14 Travel and Reimbursement of Expenses
- 4.15 Merit Increases
- 4.16 Telecommuting/Working from Home

Policy 5: Paid and Unpaid Leaves

- 5.1 General Policy
- 5.2 Paid Time Off Leave Eligibility
- 5.3 Computation Period
- 5.4 Paid Time Off Accrual & Carryover
- 5.5 Written Leave Request Required
- 5.6 Paid Time Off Accrual Rate for Full Time Employees
- 5.7 Extended Leave for Illness or Temporary Disability
- 5.8 Maternity Leave
- 5.9 Bereavement Leave
- 5.10 Jury Duty/Litigation
- 5.11 Voting Leave
- 5.12 Military Leave
- 5.13 FMLA Leave
- 5.14 Leave without Pay
- 5.15 On-the-Job Injury Leave

Policy 6: Benefits

- 6.1 General Policy
- 6.2 Holidays
- 6.3 Health Insurance
- 6.4 Group Life Insurance
- 6.5 Retirement
- 6.6 Supplemental Insurance

Policy 7: Drugs & Alcohol

- 7.1 General
- 7.2 Testing

Policy 8: Disciplinary Action

Policy 9: Separation from City Service

- 9.1 General Policy
- 9.2 Voluntary Separation
- 9.3 Involuntary Separation
- 9.4 Return of City Property

POLICY 1: PURPOSE AND USE

1.1 Purpose of Policies and Procedures

The policies and procedures for personnel administration are enacted by the City of Crooks, SD (hereinafter “City”). In the event of a conflict between these policies and any collective bargaining agreement or state and federal law, the terms and conditions of that agreement or law shall prevail.

1.2 Revision

The City specifically reserves the right to repeal, modify or amend any of these policies.

1.3 At-Will Employment

The City recognizes that South Dakota is an employment at-will state and the intent of this City is to maintain that employment at-will status of all employees. This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits. No at-will employee has any due process rights relative to any termination proceeding.

1.4 Applicability to Appointed and Elected Officials

All elected and appointed officials shall comply with all laws, including but not limited to discrimination, harassment, and non-retaliation.

1.5 Administration of Personnel Policy

The City Administrator is responsible for administering policies. The City Administrator is authorized and directed to administer the provisions of this manual, including the right to establish such administrative procedures that might be necessary to further explain and implement the provisions of the manual. Employees shall acknowledge receipt of the personnel policy after hired by the City.

1.6 Departmental Procedures

These personnel practices and procedures shall not limit the authority of any municipal director or supervisor to make departmental operating standards and procedures. However, such departmental operating standards and procedures shall not conflict with the provisions of these personnel practices and procedures.

POLICY 2: GENERAL POLICIES

2.1 Equal Employment Opportunity

It is the policy of the City to recruit, hire, train, promote, discipline, and discharge all applicants and employees equally and without regard to race, religion, creed, color,

national origin, sex, age, disability, political affiliation, marital or veteran status, or any other basis prohibited by state or federal law.

Violations of this policy by any City employee may be cause for immediate disciplinary action. Any employee who feels they have been discriminated against according to this policy should bring this concern to his/her/their supervisor or higher authority according to the procedure specified herein.

2.2 Harassment/Discrimination

The City is committed to providing a work environment that is free from discrimination and harassment. Harassment or discrimination on the basis of race, religion, color, national origin, sex, age, disability or any other basis prohibited by state or federal law will not be tolerated.

Harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature. It is defined as behavior which is unwelcome and personally offensive to its recipient. It is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship. This sexual harassment policy also applies to same-sex harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
2. Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
 - repeated sexual flirtations, advances, or propositions;
 - continual or repeated verbal abuse of a sexual nature;
 - foul language;
 - unwanted physical contact;
 - graphic verbal commentaries about an individual's body or manner;
 - sexually degrading words used to describe the individual;
 - the display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels he/she/they have been harassed, discriminated or retaliated against or that his/her/their personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her/their supervisor, the employee should immediately contact the department head, City Administrator, Mayor, or Council President.

A supervisor or manager who becomes aware of any possible harassment, discrimination or retaliation should advise the department head, Mayor, or Council President. The City will make a thorough, confidential (as possible), and impartial investigation of the complaint. All employees must cooperate with any such investigation. The City will take prompt remedial measures to immediately end the offending action.

Discrimination and harassment in the workplace is prohibited by Federal and State law, whether committed by elected officials or supervisory or non-supervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party or an employee involved in an investigation is also prohibited by law and will not be tolerated by the City. A legitimate complaint of sexual harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc. A formal complaint of harassment or discrimination may be initiated in lieu of, during, or following this informal process as provided by State or Federal law.

Violations of the above stated policy by any employee may be cause for immediate disciplinary action.

2.3 Workplace Violence Policy:

It is the policy of the City that all employees have a right to work in an environment that is free of wrongful harassment. The City unequivocally condemns unlawful violence in verbal or physical form. The City will not tolerate intentional damage to City property by City employees or elected/appointed officials.

The prohibitions on inappropriate behavior and/or harassment set forth above also apply to the actions of non-employees (such as vendors, customers, etc.) if such actions relate to an individual and his/her/their employment. An employee who feels he/she/they have been treated inappropriately by a non-employee should immediately notify his/her/their supervisor or higher authority.

Any employee who is found, after appropriate investigation, to have violated this policy will be subject to appropriate disciplinary action, up to and including, termination.

2.4 Americans with Disabilities Act/Accommodations:

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) provides rights and protection to individuals with disabilities in the areas of employment. The City is committed to the fair and equal employment of individuals with disabilities under the ADA and ADAAA. It is also the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. The employee or employment applicant shall inform the City Administrator or the department of the need for an accommodation, and the City shall engage in an

interactive process regarding the request. The City may request documentation of the functional limitations to support the request.

Any individual who believes that he/she/they or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the City may, by himself/ herself/themself or by any authorized representative, file a complaint with the City or with the state or federal commissions.

Additionally, the City provides reasonable accommodations related to religion. If any employee is in need of a religious accommodation, request should be made to the Finance Officer.

2.5 Safety:

The City will attempt to provide the safest possible working conditions for its employees. All employees are expected to conduct themselves and handle equipment in such a manner as to avoid accidents. Employees are also responsible for observing all City safety rules and are to report unsafe working conditions or equipment to the supervisor.

2.6 Vehicle Safety:

1. Drivers of city vehicles must possess a valid driver's license and obey traffic rules and regulations.
2. Only authorized personnel shall operate city vehicles.
3. Seat belts shall be worn by all drivers and passengers using city vehicles.
4. Vehicles shall be maintained in safe and operable condition.
5. Operators shall regularly perform visual inspection on lights, brakes, horns, turn signals, and tires.
6. Operators shall report all unsafe or defective equipment they observe to supervisors.
7. Slow moving vehicles shall be equipped with the appropriate signs.
8. No more than three persons shall ride in the front seat of any vehicle.
9. No person shall ride on any portion of a motor grader, tractor or similar equipment except as the driver, operator, or trainer without proper safety precautions.
10. No person shall ride in the bed or box of a work truck (It is not the intent of this provision to prohibit riding in the back of a pickup on a job site or work situation which is incidental to the project and speeds in excess of 5 mph are not reached.).
11. Drivers shall not permit vehicles to be loaded beyond the capacity of the unit.
12. Equipment and tools carried on or in a vehicle shall be placed securely in compartments or fastened down.
13. Drivers shall be particularly cautious when driving near children.
14. Children shall be kept from playing on or around city owned vehicles and/or equipment.
15. When moving vehicles onto, out of, or near buildings, such movement shall be done slowly and with caution.
16. Employees shall not jump on or off or leave operator seat of vehicles while they are in motion.

17. Employees who operate city vehicles shall attend a defensive driving course at least once every three years.
18. Drive at a safe speed; never go over the speed limit.

Backing Operations:

1. Backing shall be avoided unless absolutely necessary.
2. Backing shall be done only after the driver has made certain their vehicle has adequate clearance on all sides.
3. Backing shall be done very slowly and with extreme caution.
4. Both sides shall be observed during backing operations.
5. Where possible, backing shall be done with the use of a signal man.

2.7 Smoking:

It is the policy of the City that smoking and vaping (of tobacco and medical marijuana (THC)) shall not be permitted in City buildings, facilities, grounds, vehicles, or enclosed equipment.

2.8 Confidential Information & Media Inquiries:

As an employee, in the course of your employment, you may become aware of certain confidential information that should not be shared with others, including co-workers and non-employees. For example, employees are prohibited from discussing the circumstances surrounding potential liability incidents or claims, or legal actions involving the City, unless authorized to do so. Employees are required to take reasonable and necessary steps to preserve the confidentiality of such information. Employees who receive media inquiries should refer them to the Mayor or City Attorney.

2.9 Public Relations:

2.9.1 Generally:

All employees are responsible for providing their particular service to the public in a courteous, polite manner.

2.9.2 Conduct:

All municipal employees are expected to maintain high standards of conduct and cooperation in their relationships with their fellow employees and City officials.

2.9.3 Off Duty Conduct:

In accepting a position with the City, an employee also accepts a position of trust and responsibility. Off-duty conduct shall not detract from the public's confidence in the ability of the employee to perform his or her job-related duties well. Any information to which employees may have access because of their position with the City and which may be detrimental to the City, shall be kept in strictest confidence.

2.9.4 Appearance:

All employees are to present themselves in as neat and clean an appearance as their job description allows. Employees are required to wear clothing appropriate for their positions, particularly if exposed to potential hazardous situations, etc.

2.10 City Property:

The use of City property for any unreasonable personal use is prohibited.

2.11 Use of Telephones:

The use of telephones for personal business during work hours is discouraged and should be kept to a minimum. While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls on non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. Employees are not permitted to make personal long-distance telephone calls using the City's telephones, except in emergencies.

2.11.1 Personal Cellular Phones

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. The City will not be liable for the loss of personal cellular phones brought into the workplace.

2.11.2 Personal Use of City-Provided Cellular Phones

In its discretion, the City may issue a business cell phone to an employee for work-related communications. Employees are expected to protect such cell phones from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of a replacement. Accidental damage to the City-provided cellular phone during the course of official business will not require employee to reimburse City for phone.

2.11.3 Safety Issues for Cellular Phone Use

Employees must follow SD State Law regarding cell phone use including that of texting while operating City owned vehicles and equipment. Safety must come before all other concerns. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

2.11.4 Cell Phone Reimbursement

The City will reimburse fifty dollars (\$50) per month for the cost of a cell phone plan for employees who are required by the City to have a mobile phone for their work.

Employees are responsible for providing their own phone. Employees who receive reimbursement for work use of a mobile phone are required to maintain an operating phone and submit a cell phone plan invoice upon request.

2.12 Use of Computers:

City computer equipment is limited to use for official City business only. Computer games and unlicensed software will not be permitted on City computers.

The City may monitor computer, Internet and email usage, including retrieving and reading email messages and other computer files, and monitoring of Internet traffic. Therefore, email messages and other use of City computers are not confidential, and even though you may be issued a private password or other private access code to log in to the computer, you should have no expectation of privacy with regard to your use of the City computer network system.

2.13 Political Policy:

Employees are encouraged to exercise their right to vote in City elections, but shall not engage in or participate in any other way in said elections while actively working for or representing the City. Failure to comply with this provision may result in disciplinary action. Employees must be diligent in public or in public forums in clearly expressing political opinions are personal opinions so that it does not appear their political opinions are official opinions of the City.

Any employee who intends to give testimony in a legislative process involving issues relevant to the City or the employee's position with the City, must get permission from their supervisor prior to providing the testimony. This does not prohibit the employee from taking leave and testifying for themselves or exercising their rights as citizens.

POLICY 3: RECRUITMENT, HIRING, PROMOTION & RECORDS

3.1 Recruitment and Hiring Policy:

It is the policy of the City to recruit and fill job vacancies with the most qualified individual for the position. The City has three methods of recruiting qualified applicants to fill job vacancies in City employment. These are: 1) promotion from within; 2) transfer from within; or 3) open announcement and advertisement. All selections shall be based on merit and fitness to fill the job vacancy. All recruitment efforts are based upon equal employment opportunity and conducted without regards to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status. In the hiring process, the City Administrator may rely on the recommendation of the department head.

3.2 Applications for Employment:

Individuals interested in applying for a specific position with the City must complete and submit a City application form. In addition to the completed application form, a resume may be strongly encouraged.

3.3 Eligibility:

To be eligible for employment with the City the applicant must:

- 1) be legally eligible to be employed in the United States as proven on the required I-9 form. (Required by federal law)
- 2) if born after December 31, 1959 and male, be registered for the selective service. (Required by federal law and SDCL 3-1-1.1)

3.4 Veterans Preference:

Where all other qualifications are equal, preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States using the definition of veteran listed in SDCL 33-17-1 and the periods specified in 33-17-2.

3.5 Disqualification:

An applicant is disqualified from employment by the City if he/she/they 1) does not meet the minimum qualifications for appointment; 2) knowingly has made a false statement on the application form or resume; 3) has committed fraud during the selection process; or 4) has failed to register for the selective service where so required to do.

3.6 Selection:

Selection to fill a job vacancy is made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. All selections are to be made without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, and marital or veteran status.

3.7 Physical Examination and Drug Test:

A physical examination and drug test may be required upon acceptance of employment in any municipal position. The forms and the cost of the examination(s) shall be borne by the City.

3.8 Promotion/Transfer:

If in the best interest of the City, promotions or transfers of individuals already employed with the City shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment.

3.9 Performance Evaluations:

Performance evaluations are designed to provide the employee with a record of his/her/their performance, to encourage professional growth and to promote communication between the supervisor and employee. When conducted, the performance appraisal will be conducted by the employee's supervisors and/or the City Administrator.

The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. If requested, employees are required to sign their evaluations and may obtain a copy upon request. Signing does not imply agreement with the evaluation, but simply agreement that the contents have been made known or discussed with the employee.

3.10 Personnel Records:

3.10.1 Personnel File

It is the policy of the City to maintain accurate and updated information on City employees in its personnel files. The personnel file may include the following documents, but will not include any information contained in the confidential file listing (see policy 3.11):

- personal data sheet
- letters of commendation
- payroll deduction authorizations
- W-4 form
- I-9 form
- leave and absence slips
- disciplinary actions
- termination or discharge record
- previous positions held with City and rate of pay
- performance appraisals

The Finance Officer shall be responsible for maintaining personnel records. In the absence of the Finance Officer, his/her/their designee shall assume responsibilities for such personnel records. Employee records are confidential. Such records shall be accessible only to the individual employee, the decision-making authority affecting the individual employee's employment status, and any others with a demonstrated need to know. The employee or his/her/their representative shall have reasonable access to his/her/their personnel records upon request to the Finance Officer. The file will be made available to the employee's representative only upon express written authorization by the employee and copying costs paid by the employee.

As to written disciplinary actions in the personnel file, the employee may submit a letter of rebuttal to his/her/their file regarding any information contained in his/her/their file that is in dispute.

3.10.2 Changes of Name, Address, Telephone and Withholding Status

It is the employee's responsibility to inform the Finance Officer of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes. Intentional failure to report such information is grounds for disciplinary action.

3.10.3 Personnel Record Retention

Personnel records are maintained in accordance with the records retention and destruction manual for cities published by the State Bureau of Administration.

3.11 Benefits, Medical and Confidential File:

The City maintains confidential file(s) on employees. The file may include:

- benefit forms (retirement, health, and life insurance, etc.)
- injury reports and workers' compensation information
- necessary medical examinations and records
- harassment/discrimination investigatory documents.

Access to this file is limited to the Finance Officer and on an absolute need to know basis only as deemed appropriate by the Finance Officer.

3.12 Employment References:

Absent a written authorization from the employee, it is the City's policy to provide only the following information on both present and past employees:

- if an employee has been employed with the City in City government service;
- dates of employment;
- current position or position at the date of separation from employment and other positions held; and
- verification of salary information.

At the written request of an employee, additional information may be disclosed about the job performance of the employee or former employee to a prospective employer of that person. It shall be presumed to be done in good faith and, unless lack of good faith is shown by clear and convincing evidence, the disclosing party and City may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request.

Providing employment references, including off-the-record remarks, without authorization in violation of the above stated policy may result in disciplinary action.

POLICY 4: CLASSIFICATIONS, HOURS OF WORK & COMPENSATION

4.1 General Policy:

It is the City's intent to create a standard work week within which an employee is expected to perform City services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. The standard 40 hour work week and 8 hour work day applies to employees, unless otherwise stated. Start time will be set by the employing department. If less than a full hour is worked, the amount of time recorded on the timesheet should be rounded to the nearest 15 minutes. The City complies with the Fair Labor Standards Act regarding overtime pay.

4.2 **Employee Classifications:**

Appointive Official: An individual who holds a position in the City as specified by S.D.C.L. 9-14-1.

City Employee: Anyone employed by the City who is not an appointive official.

Regular Full-Time Employee: (FTE = Full Time Employee) An employee who is employed by the City to work a predetermined schedule of at least 32 hours per week. Benefits for FTE are as follows:

Paid Time Off Leave:	Full benefit
Holiday Pay:	Full benefit
Health Insurance – employee only:	Full benefit
Life Insurance:	Full benefit
Bereavement Leave:	Full benefit
Call Back Pay:	Full benefit (non-exempt)
S.D. Retirement System:	Participating

Regular Part-time Employee: An employee who is employed by the City to consistently work at least 20 hours but less than the full time hours per week as defined above on a regular basis. Benefits for these employees are as follows:

S.D. Retirement System:	Participating
Holiday Pay:	Half benefit

Temporary or Seasonal Employee: An employee who is employed by the City to consistently work for less than 20 hours per week (part time) or less than six (6) months in a calendar year. No benefits are provided.

The City will determine, on a case by case basis, if an employee qualifies as salaried-exempt personnel. City will comply with the FLSA in classification of employee.

Exempt Employees: Those employees who meet the standard duties test as established by FLSA. Exempt employees are not eligible for overtime.

Non-Exempt Employees: Employees that do not meet the standard of duties test as defined by the FLSA. Non-exempt employees are eligible for overtime.

4.3 **Attendance:**

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their immediate supervisor or the City Administrator prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent more than three (3) consecutive days without proper

notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from City service.

4.4 Compensation:

The City shall have the authority to establish municipal salaries/wages and other fringe benefits. The City Council may establish a compensation plan based on such criteria as the Council deems necessary.

4.5 Rate of Pay:

All municipal employees shall be paid at the regular rate of pay for all hours worked not exceeding forty (40) hours each week. The regular rate of pay for all municipal workers is that rate per hour which an employee received regardless of whether he or she is paid by the hour, by the piece, on salary, or by any other method. For the purpose of computing hourly rates for annually paid workers, the annual rate shall be divided by two thousand eighty (2080) hours.

4.6 Time Sheets:

For the purpose of calculating and issuing pay checks, each employee's time sheet is a record of their regular hours worked, overtime worked, and Paid Time Off leave used. Every hourly employee and their supervisor must sign their time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action. Time sheets will be furnished by the City and hourly employees shall use the provided time sheets to track their time. Exempt personnel are not required to maintain a timesheet; Exempt personnel are compensated not for the amount of time spent on the job, but rather for the general value of services performed.

4.7 Pay Period and Pay Day:

Employees shall be paid semi-monthly. The pay period shall run from the 1st through the 15th of each month and the 16th through the end of the calendar month. Timecards will be turned in to the Finance Office on the 16th and first day of the succeeding month. Compensation for each pay period will be distributed on the 5th and the 20th of the month. When either falls on a holiday, pay will be distributed on the last working day before the holiday. Direct deposit is strongly encouraged.

4.8 Early Pay Checks:

The City does not grant early pay to employees. If an employee is to be absent on payday, it is his/her/their responsibility to ensure that his/her/their paycheck is properly handled. If no arrangements are made prior to the employee leaving, the paycheck shall be given to the employee at the earliest possible time upon his/her/their return.

4.9 Payroll Deductions:

The City is required to withhold Federal Income Tax and Social Security (FICA) from each employee's pay check, unless employee designates as exempt on W-4.

Other deductions include:

- 1) Employee contributions to the South Dakota Retirement System.
- 2) Employee contributions to Health Insurance

3) Employee contributions to Supplemental Insurance

4.10 Call Back Pay:

Any non-exempt, full-time employee who is called in to work for an emergency or other unexpected and/or unscheduled need arises that must be handled outside of an employee's scheduled work hours, an employee may be called back into work to address the need. When this occurs, upon approval of the City Administrator, the employee shall receive pay at the rate of time and one-half (1.5x) of their regular rate of pay for the time spent addressing the need and will receive a minimum of two hours of pay. Time spent performing regularly scheduled duties outside the Standard Work Day shall not be included in call back pay.

Call Back Pay applies when, in the opinion of the City Administrator, an emergency situation exists which may either result in substantial impairment of vital service or is a public health/safety hazard. The call back pay shall not apply to scheduled work outside of the employee's regular work shift. Those hours will be counted toward a regular forty (40) hour workweek.

If a call back occurs and continues into a regular work shift, call back pay applies up to the time of the regular scheduled work shift starting. At that point, regular pay rate is then applied.

Salary-exempt employees are not eligible for call back pay.

4.11 Overtime:

It is the policy of the City to discourage overtime whenever possible. Overtime for all employees is time actually worked over forty (40) hours per week. Overtime shall be contingent upon the City's need. Except in emergencies and extenuating circumstances, overtime must be preapproved by immediate supervisor, or City Administrator.

Employees may be required to work overtime when determined necessary by their supervisor or the City. Any employee who does not qualify as an exempt employee under the provisions of the Federal Wage and Hour Law and who works more than forty (40) hours during the work week will receive payment for the extra hours, at the rate of one and one half- (1.5x) times his/her/their regular rate. Holiday, Paid Time Off leave and leave with pay hours shall not be considered as hours worked.

The employee shall have the option of selecting compensatory time off or overtime pay and the superintendent or Finance Officer shall be advised of that decision prior to the performance of any such work.

Overtime compensation for all overtime eligible employees shall be at the rate of one and one-half (150%) of the employee's regular hourly rate. However, if an employee is required to work on a holiday the City will follow the holiday policy as found in 6.2.2.

4.12 Comp Time:

Authorized comp time shall be administered within the same guidelines as overtime and be accrued at time and one-half. Comp time hours accrued must be used within 30 days of accrual and if it is not then the overtime pay will be provided in the next regular payroll period.

4.13 Workers' Compensation:

Workers' compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions are injuries caused by willful and serious misconduct or by a worker's intoxication or by an employee's voluntary participation in recreational social activities.

The City pays the entire cost of workers' compensation insurance. The insurance will cover all related medical and rehabilitation expenses and a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.

Injury on the job must be reported immediately to your immediate supervisor. The injured employee must then complete the appropriate worker's compensation forms. State law requires any injury to be reported no later than three (3) business days after it occurred. If it is not reported within three days and the employee doesn't have a good reason, worker's compensation benefits could be denied.

In cases where worker's compensation wage reimbursement is paid to an employee, the employee may use PTO leave to make up the difference between worker's compensation pay and their regular pay. When all PTO becomes exhausted, worker's compensation pay will be continued but participation by the City through wage supplementation will be discontinued and leave benefits will not accrue. Following an inability to work due to a work-related injury, benefits of health and life insurance will be continued for the employee for a period of six months under one of these two scenarios:

- 1) If the employee chooses to use accumulated PTO leave to supplement worker's compensation pay, the six months of City participation will begin at the date accumulated leave is exhausted.
- 2) If the employee chooses to not use accumulated PTO leave to supplement worker's compensation pay, the six months begins at the date of the injury.

In either case, City participation of health and life insurance will not exceed one year from the date of injury. Retirement contributions shall be discontinued during the period of time the City is not participating in conjunction with worker's compensation.

4.14 Travel and Reimbursement of Expenses:

4.14.1 General Policy

It is the policy of the City that employees be fully reimbursed for necessary and reasonable job-related travel expenses.

4.14.2 Travel Approval Required

Except travel that is related to the execution of regular duties of personnel and in emergency instances, travel must be approved by the City Administrator or Department Head, prior to the date of travel.

4.14.3 Meals and Incidental Travel Expenses

The City will disburse a per diem allowance pursuant to the current General Service Administration's per diem schedule, as is established for the applicable fiscal year, to the employee. The per diem rate disbursed to the employee is contingent on the location and location-specific amount set by the General Services Administration. The per diem rate shall only be dispersed if travel occurs at least 40 miles one-way. Same day travel, first and last day travel, shall be prorated at 75% of the applicable per diem rate.

4.14.4 Receipts Required for Lodging

The City's Finance Officer, in coordination with the official or employee, shall arrange for lodging during the employee's travel. If lodging arrangements cannot be made by the City, the official or employee is required to submit receipts for reimbursement.

4.14.5 Mileage Rate

When employees must use their private vehicles for approved travel, mileage shall be reimbursed at the current mileage rate established by the Internal Revenue Service. Employees are required to make every effort to use a City-owned vehicle for travel.

4.14.6 Expense Report Required

Except for mileage incurred through the use of a private vehicle for incidental travel to regular work-related activities, all employees are required to complete an expense report. The expense report will be furnished to the employee and shall be returned within thirty days to the Finance Officer to obtain per diem and mileage reimbursement. Failure to submit an expense report will result in denial of per diem disbursement and mileage reimbursement.

4.15 Merit Increases:

The City Council shall have the responsibility for the final approval or disapproval of all salaries and other rates of pay. The City Administrator and department heads may recommend salaries and other rates of pay for employees in his or her department to the City Council. Established wage schedules shall be reviewed at least annually and may also be revised at any other time deemed advisable by the City Council.

4.16 Telecommuting/Working from Home:

There may be situations in which employees may work from home. If so, such work must be approved by the appropriate supervisor and the employee must first sign an agreement with the City related thereto as well as complying with the terms of the agreement. Approval to telecommute/work from home will be determined on a case-by-case basis.

POLICY 5: PAID AND UNPAID LEAVE

5.1 General Policy:

Leaves of absence under Paid Time Off (PTO) for vacation and sick time are considered a benefit and privilege offered by the City. Leave is not granted automatically, but is to be requested by the employee. A reasonable effort will be made to ensure that all employees are treated fairly. In some instances, it may not be possible to grant all leaves requested during busy times or emergency situations, however reasonable effort will be made to grant requests. Employees anticipating a leave of absence are encouraged to apply for such leave as soon as possible.

5.2 Paid Time Off Eligibility

All full-time employees are eligible for Paid Time Off accrual. Part-time employees and seasonal/temporary employees are ineligible for accrual of Paid Time Off.

5.3 Computation Period

All Paid Time Off shall be based on a calendar year.

5.4 Paid Time Off Accrual & Carry Over

Paid Time Off will be accrued on a semi-monthly basis with each pay period. An employee may carry over into the successive year a maximum of 320 hours of PTO. Any hours in excess of the maximum carry-over will automatically be subtracted down to the maximum number of carry-over hours on the first business day of the calendar year. The amount of hours subtracted will be paid out on a supplemental payroll deposit with the first paycheck of the year. The City Administrator/Finance Officer may make exceptions in certain cases based on extenuating circumstances. Such exceptions must be in writing to be valid.

Employees on leaves of absence without pay or suspensions without pay do not accrue PTO. Upon separation from employment, an employee will be paid for any accumulated PTO. Reimbursement for PTO will be at the employee's salary rate per their last day of employment. When an employee's PTO falls on a holiday, such time is not to be subtracted from an employee's PTO balance. PTO must be scheduled with the employee's immediate supervisor at the *earliest possible time* prior to the use of such leave. The City reserves the right, within reason, to disapprove requested PTO for the purposes of maintaining the work force during heavy scheduled work periods.

If an employee's leave balance is exhausted, up to 80 hours of PTO may be borrowed. If employee shall leave employment, either voluntarily or involuntarily, with a negative PTO balance, employee shall reimburse the City for the value of the borrowed time.

5.5 Written Leave Request Required

PTO requests must be submitted in writing to the department head or City Administrator on the City Leave Request form or another form as deemed acceptable. PTO will be granted on a first come first serve basis, based on operational needs.

5.5.1 Non-exempt personnel – leave increments

Paid Time Off taken off by non-exempt personnel shall be taken in increments of fifteen (15) minutes.

5.5.2 Exempt personnel – leave increments

Salary-exempt personnel are required to use accumulated leave and fill out leave forms for any absence greater than four (4) hours, unless otherwise pre-approved by the salary-exempt personnel's supervisor. Before time away, employees are expected to ensure that the needs of the public and other city employees that rely on them can reliably be met.

5.6 Paid Time Off Accrual Rate for Full-Time Employees:

Paid Time Off (PTO) for use when sick or taking other time away from work will be granted to all qualified employees who provide proper notice. PTO will accrue at a rate according to the following schedule:

Regular Full-time Employees:

0 – 2 Years:	7.5 hours/pay period (180 Hours/Year)
2 – 7 Years:	9.5 hours/pay period (228 Hours/Year)
> 7 Years:	11 hours/pay period (264 Hours/Year)

5.7 Extended Leave for Illness or Temporary Disability:

Employees may request approval to use accumulated Paid Time Off leave for the purpose of paid release time to recover from an extended illness or temporary disability. For extended periods of illness or temporary disability, a medical doctor's certification of illness may be required.

5.8 Maternity Leave:

The City shall treat maternity leave the same as any other temporary disability.

5.9 Bereavement Leave:

Regular full-time employees are entitled to a three (3) day paid bereavement leave upon the death of an immediate family member. Upon the death of an extended family member or to participate in funeral duties (pall bearer, usher, reader, music etc.) regular full-time employees are entitled a one (1) day paid bereavement leave.

5.10 Jury Duty/Litigation:

Regular full-time and regular part-time employees will be granted leave with pay for jury duty or if they are subpoenaed to testify in court. During such periods of absence, regular full-time or regular part-time employees will receive their regular rate of pay minus the jury duty pay or the employee may endorse the court payment, less documented mileage/expenses, to the City. Employees who are absent from work due to jury duty will not be dismissed or suspended from employment; and shall retain and be entitled to the same job status and pay as he/she/they had prior to performing jury duty. Persons who are to be absent due to jury duty must notify his/her/their immediate supervisor or the City Administrator in advance. If no prior notification is given the employee may be subject to disciplinary procedures. PTO leave benefits shall accrue at the normal rate for eligible employees during jury duty. City employees involved in their own litigation are required to use PTO leave.

5.11 Voting Leave:

City employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to two consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

5.12 Military Leave:

5.12.1 Request for Military Leave of Absence

An employee who wishes to be granted military leave of absence must submit the request and a copy of his/her/their official orders or other records from the military service to his/her/their immediate supervisor or the City Administrator prior to the dates of attendance. If the reservist or National Guard member submits a copy of his/her/their official annual training schedule prior to beginning of the year's military activities, the employee need only submit separate requests and orders for those training duties not included on the annual schedule, or when the annual schedule is modified.

5.12.2 Active Duty

An employee who enlists or is called into Active Duty for the military service of the United States or who, in time of national emergency, voluntarily enlists for active duty, shall be granted military leave for the time necessary to permit completion of the military service. In order to have re-employment rights, a person leaving active duty in the military service of the United States shall contact the City in writing their intent to return to employment within 90 days after his/her/their separation from active duty, or within 90 days after his/her/their release from hospitalization continuing after such separation for not more than one year. This applies to inductees and enlistees, as well as to reservists and National Guard members performing full active duty, as opposed to initial duty for training, or active or inactive duty training, or other active duty where different re-employment rights are defined by Federal Statute. The City will follow all applicable laws in regard to military service.

5.12.3 Reserve or National Guard Training Leave

An employee who enlists as a Reservist or a member of the National Guard shall be granted time off without pay for initial active duty for training, annual training encampment, weekend training drills, and other active and inactive training duty. The reservist or National Guard member must report back to his civilian job at the beginning of his first regularly scheduled shift on the first day after the completion of initial active duty for training or other training duty plus the necessary travel time to return from the training site to the place of employment. He/she/they is also entitled to a reasonable rest time, and a reasonable time thereafter if return is delayed by factors beyond his/her/their control. If an employee fails to report to his/her/their job within this specified time period, he/she/they may be subject to the penalties which would be imposed on any employee who is tardy or absent without permission. If an employee separates his/her/their employment with the City in order to enlist in the Reserves or National Guard, he/she/they must reapply to the City within 31 days after his/her/their separation from initial active duty for training in the Reserves or National Guard in order to retain re-employment rights.

5.12.4 Federal Statute

An employee who participates in any branch of the Military Service of the United States is covered by and subject to Federal Statute, US Code Title 38, Chapter 43, and all other applicable statutes.

5.13 FMLA Leave:

As a public entity, the City complies with the Family Medical Leave Act (“FMLA”) regarding notice, and FMLA leave benefits are provided if the City meets FMLA covered employer status and the employee meets eligibility requirements. To the extent both exist, FMLA is unpaid leave, however, any FMLA leave shall run concurrent with any paid or other unpaid leave time, meaning you must first use any available paid leave for any FMLA leave and unpaid leave runs concurrent with FMLA leave. If there is FMLA leave, the City will maintain your health and other benefits as if you continued to be actively employed. However, you must continue to pay your portion, if any, of the group health plan premiums or your benefits may be cancelled. While on FMLA leave you are prohibited from working other employment. If you are requesting leave for a serious health condition, whenever possible the medical certification from your healthcare provider should be supplied before leave begins. The City may require examination(s) and/or information from your provider as set forth under the FMLA. Further questions about FMLA leave should be directed to the City Administrator.

5.14 Leave without Pay:

The City Administrator may grant leave without pay to employees needing to be away from their job when other leave options are unavailable. Situations requiring leave without pay may include, but is not limited to, family emergencies or extended medical leave when all other leaves are exhausted, and educational leaves. Such leave will be granted only when it will not adversely affect the departmental operations of the City. Employees shall not accrue PTO leave while on leave without pay. Such leave will be granted without compensation.

5.15 On-the-job Injury Leave:

All medical and hospital expenses for injuries to employees arising out of the course and scope of their employment shall be paid for in accordance with workers' compensation laws of the State of South Dakota. An employee injured while on-the-job must immediately notify the City Administrator, Finance Officer, or immediate supervisor. The employee must complete a South Dakota First Report of Injury Form and submit it to the Finance Office.

POLICY 6: BENEFITS

6.1 General Policy:

Benefits that follow are those offered by the City to employees. These benefits are afforded according to individual employee classifications (see policy 4). Applicable information will be provided separately to you by the City. Benefits may change at any time without prior notice to you and there is no guarantee of continuation of any benefits. Declination of benefits will not result in cash value benefit added to employee compensation.

6.2 Holidays:

The City recognizes the following holidays, plus any other day proclaimed as a holiday or administrative leave day by the Mayor, Governor of South Dakota, or the President of the United States:

- New Year's Day
- Martin Luther King Jr. Day, 3rd Monday in January
- Presidents' Day, 3rd Monday in February
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Native Americans' Day, 2nd Monday of October
- Veterans' Day
- Thanksgiving Day, 4th Thursday in November
- Friday After Thanksgiving Day
- Christmas Day

When a holiday falls on a Saturday, the preceding Friday is observed as the paid holiday for eligible City employees. If a holiday falls on a Sunday, it is observed on the following Monday.

6.2.1 Administrative Holidays/Administrative Leave

The Mayor shall have the authority and discretion to declare day(s) as administrative holidays. The Mayor and City Administrator shall have the authority and discretion to issue administrative leave.

6.2.2 Work on a Holiday

Any regular full-time or regular part-time, non-exempt employee required to work on a paid holiday observed by the City will be paid for the hours worked at a rate of time and a half. Any exempt employee required to work on a paid holiday observed by the City will have the time worked added to their PTO leave bank at a rate of time and a half.

6.3 Health Insurance:

The City will provide all regular full-time employees with health insurance coverage as determined by the City Council by appropriate resolution. The monthly premium shall be paid by the City for 100% of individual coverage; if employee opts for family coverage, the employee will pay the difference above and beyond individual coverage.

6.4 Group Life Insurance:

The City shall make available to all regular full-time employees a group term-life insurance policy in an amount to be determined by the City Council. 100% of the premium shall be paid by the City.

6.5 Retirement:

A mandatory 6% of a regular Class A (Class-B-Public Safety is a mandatory 8%) participating full-time employee's gross pay goes into the South Dakota Retirement System, unless a contribution of a different percentage is required by South Dakota law. The employee's contribution shall be matched by the City.

More information on rules and regulations can be obtained from the South Dakota Retirement System or the Finance Officer.

6.6 Supplemental Insurance/Benefits:

Any other supplemental insurance/benefits that an employee can purchase through the City must be paid 100% by the employee.

POLICY 7: DRUG AND ALCOHOL ABUSE POLICY

7.1 General:

The City has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health, and the City strives to establish and maintain a work environment that is free from the effects of alcohol and drug abuse. The City complies with the Drug-Free Workplace Act of 1988. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances including alcohol is prohibited while employees are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Any employee found

to be in violation of this policy or any of the provisions set forth in the plan below will be subject to discipline up to and including termination of employment. The City may conduct drug and alcohol testing of employees where reasonable suspicion exists to suggest the employee is under the influence of drugs or alcohol or where there has been an accident-causing personal injury or property damage.

7.2 Testing:

Testing for drugs or alcohol may be done pre-employment and during employment based on required testing for certain positions, on reasonable suspicion, on post-accident situations where serious property or physical injury occurred, on random testing, and/or on follow-up testing required related to discipline.

POLICY 8: DISCIPLINARY ACTION

The City expects employees to use good judgment and exhibit a sense of responsibility. All employees are responsible for providing their particular City services to the public in a courteous, polite manner. Employees are expected to maintain high standards of conduct and cooperation in their duties for the City, and to conduct themselves in an appropriate manner and maintain a high level of job performance, and to not disclose confidential information learned in the course of employment. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action.

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment, or dismissal as defined below. The City may, but is not required to, apply these actions progressively and for example, suspension or termination of employment may be applied as a first step of discipline. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship.

Types of discipline include, but are not limited to:

- Oral Reprimand: A verbal statement, which may or may not be documented.
- Written reprimand: A written statement.
- Suspension without Pay: Removal from duties for City for specified period of time, without pay, for up to 10 working days.
- Demotion or Reassignment: May include reduction in pay (possibly including benefits), job duties, placement or into a lower position; change of employee's duties within his/her/their current position; or use any combination.
- Dismissal: Involuntary termination of employment.

POLICY 9: SEPARATION FROM CITY SERVICE

9.1 General Policies:

9.1.1 Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

9.2 Voluntary Separation:

9.2.1 Retirement/Resignation

A City employee may retire/resign from City service by giving his/her/their appointed authority written notice of his/her/their retirement/resignation. Said retirement/resignation is requested at least two weeks in advance of their leaving City service. The appointing authority may accept the employee's retirement/resignation as taking effect immediately.

9.2.2 Un-notified Absence

If an employee is absent for more than three (3) consecutive days without proper notification in accordance with the attendance policy, they shall be considered to have voluntarily resigned their position in City service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the City. Any un-notified absence of less than three (3) days may result in disciplinary action.

9.2.3 Retirement Age

There is no mandatory retirement age for City employees.

9.2.4 Unemployment Compensation:

The City follows the state of South Dakota Unemployment laws as found in SDCL Title 61.

9.2.5 Exit Interviews:

Upon notice of voluntary termination of employment, the City may, in its discretion, conduct an exit interview prior to an employee's separation from City employment. The employee shall be compensated for the time at their pay rate on the last day of employment. The exit interview is conducted for several purposes, including:

- 1) to resolve all outstanding matters between the City and the employee;
- 2) to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation;
- 3) to aid the City in gathering information to help improve the City working environment and other employment relationships.

9.3 Involuntary Separation:

Employment with the City is “at-will”, meaning that both the City and the employee have the right to terminate the employment relationship at any time, without prior notice, and for any reason except as prohibited by law. The City’s decision to terminate an individual’s employment will generally occur because of performance (as it relates to job requirements) or conduct-related issues, but may also occur because of economic reasons or other or no issues. The decision to discharge a municipal employee shall be made at the discretion of the City Administrator.

9.4 Return of City Property:

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee’s final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

Employee Personnel Manual Receipt and Acknowledgment Form

I _____ certify and acknowledge the following:
[print name]

- I have received and read a copy of the City's Personnel Manual. I understand that the policies, rules, and benefits described are subject to change or may be revised with or without notice, through directives, written policies, resolutions, ordinances, and laws, based on the City's particular circumstances of a given situation.
- It is expressly understood that the contents of this manual do not constitute the terms of a contract of employment, but rather my employment with the City is on an at-will basis, which means that the employment relationship may be terminated at any time by either the employee or the City with or without cause and with or without notice.

Employee's Signature

Employee's Printed Name

Date