In this issue:

New Guidance on the Hazards of Employee Background Checks

Cyber Security Consideration for Municipalities
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SOUTH DAKOTA MUNICIPALITIES (ISSN 0300-6182, USPS 503-120) is the official publication of the South Dakota Municipal League, published monthly at 208 Island Drive, Ft. Pierre, South Dakota 57532, phone 605-224-8654. This institution is an equal opportunity provider and employer. Periodical postage paid at Pierre, South Dakota and additional mailing offices. Non-member subscriptions are available for $30.00 annually. The opinions expressed herein are not necessarily those of the South Dakota Municipal League. Postmaster: Send address changes to SOUTH DAKOTA MUNICIPALITIES, 208 Island Drive, Ft. Pierre, South Dakota 57532.
Policy committee appointments have been sent out, and on August 13 and 14, more than 100 of your representatives will meet in Fort Pierre to comb through existing policies and recommend changes and new issues that need to be addressed in the 2015 Legislative Session.

We often say two things about the Legislative process – first, you are the most effective lobbyists we have, and second, the policy statement directs every position we take, so you need to be involved and make sure we are saying what you want said.

So we are very grateful to the policy committee members, and urge you all to watch the process and get involved!

As an example of what we worked on during the last session, the following bills will become law on July 1 – all directed by your Policy Committee process:

Texting Ban – We ended up with a bill that has a statewide, $100, petty offense, secondary action texting ban that will operate with your local ordinances like all other traffic issues.

Liquor – There are liquor licenses that allow people to serve and consume alcohol in vehicles – think of the “party limo” kind of thing. We asked the legislature to allow some local control on that license, so now, especially for small vehicles like taxi cabs, or things we’ve seen in other states, like pedal pubs, you’ll be able to say how they operate in your city, and in what areas.

Elections – a bill to provide for what happens when an election needs to be postponed because of weather or emergency was passed; and a bill expanding the prohibition on campaigning within 100 feet of a polling place was extended to include any place voters may go to vote on the day of the election, OR go to vote absentee.

Public safety type issues – A bill passed that added public libraries to the list of places a sex offender cannot loiter.

- It was made illegal to sell those electronic cigarettes – if they contain nicotine – to minors – and they were defined as a tobacco product.

- Those traveling carnival rides will now need to have a certificate of insurance and proof that they’ve been inspected within the year.

- A bill to prohibit “social hosting” was passed. This deals with places where minors drink with the permission of the property owner.

- Our bill to specifically allow you to adopt the property maintenance code – as a stand-alone thing, without going through the entire building code – was adopted. On a similar note, penalties for intentional damage to property were moved up. It is still a misdemeanor if the damage is $1,000 or less, but for damages over $1,000, the penalties move up through the felonies.

- The dog bill. What passed says you cannot pass ordinances that ban dogs by breed – but you CAN pass any form of regulation that applies to all dogs. It is very hard to enforce dog breed bans if you have them – you almost need to have DNA testing to prove what kind of dog you are dealing with. You are still free to regulate dogs (and their owners) based on the dog’s behavior.

Administrative items – the limit on the amount of business you can do with your city without going through the bid process was increased, from $3,000 to $5,000. Also, elected officials will need take out a petition…Right now, if the incumbent doesn’t take out a petition, and no one else does, either, the incumbent gets an entire new term in office. After July 1, that will change so that if no one files a petition, it creates a vacancy, and is filled by either appointment or special election – until the NEXT election.

- More clarifications were made on hired, versus appointed. We didn’t change any substance, but for those who still had questions, we’ve cleaned it all up and it should be clear now.

- If you have park boards, their budgets will now come in whenever you set the time for any other budgets.

- You have long been able to make payments electronically, and to accept payments that way – but there was a prohibition in law that prevented you from REQUIRING all city payments to vendors to be electronic. That prohibition is now gone. It doesn’t really mean you’ll require vendors to accept electronic payment – but think of it like your own personal bank account, when you set up electronic bill pay – I think
WOW!! What a last month this has been. I had my first child graduate from high school, my daughter competed in the state track meet, Memorial weekend came and went in a blur, and last week (at the time this article was submitted) the Human Resource and Finance Officers’ Schools were held in Oacoma. What a great job done by both affiliate presidents; HR President Donna Langland, Brookings; and FO President Mary McClung, Harrisburg and their board members. The sessions were excellent! Everything from “Why Can’t We Just All Get Along,” “What’s Yours Like,” and “Living with an Attitude of Altitude” featuring the “Laugh Lady” to Hot Topics in HR, Budgeting, Constitutional Debt Limit, How to Hire an Engineer, Liquor Laws and Excise Tax, everything was either entertaining or informational.

A big thank you to the SDML staff, Yvonne Taylor, Christine Lehrkamp, Carrie Harer, April LeBeau, and Lori Butler for all that you do to make our conference a success!

Lastly, at the SD Governmental Finance Officers’ Association banquet, I was honored to receive the Finance Officer of the Year Award. I was truly shocked! With many nominations, I could look around the entire room and see others that were deserving of the award. A BIG thank you to Marilee Kricil, Deputy Finance Officer! I could not do my job without her!

After reading the letters of support from fellow coworkers and community members, I can say that I feel honored, humbled, gracious, and so very very blessed. It is truly a privilege to work for the citizens of Wagner and be part of the process to keep our community growing and successful!

See you next month,

Becky Brunising
President
we all write fewer checks any more – now your city can, also. Of course, this is a local option.

- What is meant by “promotion of the city” is now clearer – When you host an event in your city, we were able to clarify that promotion includes any costs incidental to the hosting of events within your city. So stuff like barriers, porta-potties, extra law enforcement – the things that have to be there for the event to be possible – are now allowed.

For anyone who has ever dealt with a railroad when you try to cross their tracks with a utility line – water, sewer, or electric – it isn’t an easy process. It should be better, now. You can still negotiate with them, but there is now a one-time crossing fee of $750 for a city utility line crossing under the railroad right-of-way. And if it is crossing the railroad in the PUBLIC right of way, there is NO fee.

And finally, our big deal this year. And it is really more of a theory than a real law – BUT – we are all pretty familiar with Dillon’s Rule – and South Dakota is a Dillon’s Rule State. That means cities ONLY have the powers given to them by the State, and those powers NECESSARILY IMPLIED. Over the years, we’ve found a sense that the “necessarily implied” has been eroded, and we seem to need legislative approval for every little thing. SO, we were successful in convincing the legislature to basically put the NECESSARILY IMPLIED into state law – so you have by state law “The power to perform all administrative and financial functions for all purposes authorized by law or necessary to the exercise of any power granted.”

Not all things are legislative, however. We also use your policy statement to work with state and federal entities to resolve issues. For example, we had intended to ask for legislation to revise procedures regarding appeals to the local board of equalization, but received a letter that clarifies the deadline and states in part, “failure to perfect an appeal to the local board of equalization is a jurisdictional issue that is fatal to the taxpayer’s appeal. The local board of equalization would not have jurisdiction to hear the taxpayer’s appeal.” Because of this clarification, we no longer felt legislation was necessary.

Until next month, remember we are always available at 1-800-658-3633 or yvonne@sdmunicipalleague.org.

Yvonne Taylor
Executive Director

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**Director’s Notes**

*continued from page 4*

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**Save The Dates**

*Sioux Falls*  Sept. 16, 2014  
*Pierre*  Sept. 17, 2014  
*Rapid City*  Sept. 18, 2014

“The only thing missing is U”

More information about the South Dakota Afterschool Summit to follow.
Elected Officials Workshop
★ Wednesday, July 23, 2014 ★
Ramkota Hotel ★ Pierre

Sessions are in Galleries B & C
9:15 a.m.  Registration
9:45 a.m.  Welcome and Introduction to the League
           Yvonne Taylor, Executive Director,
           South Dakota Municipal League
10:00 a.m. Budgeting and Understanding City Finances
           Rod Fortin, Director of Local Government
           Assistance, SD Dept of Legislative Audit
11:00 a.m. Best Practices: How to Manage City Staff as
           a Part-Time Elected Official
           Mike Wendland, Mayor, City of Baltic
           (SDML Board Member)
           Gary Lipp, Mayor, City of Custer
           (SDML Board Member)
Noon       LUNCH (provided) – Galleries D, E, F & G
12:45 p.m. Snapshot of Liability and Work
           Comp Issues
           Judy Payne, Executive Director,
           SD Public Assurance Alliance
           Brad Wilson, Deputy Administrator,
           SDML Workers’ Compensation Fund
1:45 p.m.   Tips for Conducting an Effective
           and Efficient Meeting
           Adam Altman, City Attorney,
           City of Aberdeen
           Larry Nelson, City Attorney, Cities
           of Worthing, Canton and Hartford
           Emily Sovell, City Attorney, Cities
           of Onida, Highmore and Faulkton
2:30 p.m.   Open Meetings Law, Open
           Records and Executive Sessions
           Steven Blair, Assistant Attorney General,
           Office of the SD Attorney General
3:15 p.m.   Adjourn

Registration Fee: $50.00 per person.
Includes workshop materials, the SDML Handbook for Municipal Officials ($60 value), and lunch.
★ ★ THIS WORKSHOP IS OPEN TO ALL ELECTED OFFICIALS ★ ★

Registration Form
Elected Officials Workshop ★ Wednesday, July 23, 2014 ★ Pierre

Municipality:_________________________________________________________

Please indicate Form of Government:
☐ Aldermanic     ☐ Aldermanic with City Manager     ☐ Trustee
☐ Commission    ☐ Commission with City Manager    ☐ Home Rule

Name ____________________________ Title ____________________________ Email ____________________________

Please Print Name and Title as you would like it to appear on the nametag:
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

Number Attending ______ @ $50.00 = $_______________________

Please return the form and payment by July 16, 2014* to: South Dakota Municipal League
208 Island Drive, Ft. Pierre, SD 57532
*No refunds will be given after July 16, 2014

Office Use Only: Date:________________ Check #:________________ Amount:________________
Ron Burmood joined the South Dakota Public Assurance Alliance staff as Director of Member Services on June 2, 2014.

Prior to joining the SDPAA, Ron earned a Bachelor of Arts degree from Wartburg College and a Master of Business Administration degree from Colorado Technical University. He has spent 20 years adjusting insurance losses with the last 14 years working at Claims Associates Inc. primarily on SDPAA claims.

Ron was raised in Sioux Falls, SD during his elementary and early middle school years until his family moved to Estherville, IA. He lives outside of Harrisburg, SD with his wife, Jill and their son, Zach. He enjoys spending time hunting, fishing, golfing and being active in his son’s sporting activities.

He is excited to get started in promoting the SDPAA and the numerous advantages the pool has to offer to its members.

You can contact Ron at 605-254-3181 or by email at rburmood.sdpaa@sdmunicipalleague.org.

Bob Strachan, CPCU, ARM, AU joined the South Dakota Public Assurance Alliance staff as the new Director of Underwriting on June 16, 2014.

Having spent 23 years in the insurance business, most recently as a Senior Commercial Underwriter, Bob is excited to have the opportunity to contribute to SDPAA’s work on behalf of its Members.

Bob was born in Rapid City, SD but also lived in Minnesota, Wisconsin and Montana. He served in the US Air Force and Montana Army National Guard. He eventually moved back to Rapid City in the late 80’s. Bob and his wife Kristi now live in Sioux Falls, SD.

You can contact Bob at 800-658-3633 – Option – SDPAA or by email at bstrachan.sdpaa@sdmunicipalleague.org.

SDML Welcomes New Staff Members

Deb Corkill joined the South Dakota Public Assurance Alliance staff as Executive Assistant in May.

Prior to joining the SDPAA, she worked as an Human Resources Generalist for MetaBank – Meta Payment Systems division in Sioux Falls.

Deb has been a lifelong resident of South Dakota. She currently resides in Tea, SD with her husband. They have two grown children.

As a new staff member to the SDPAA, she is eager to contribute to the continued growth and success of SDPAA.

You can contact Deb at 800-658-3633 – Option – SDPAA or by email at dcorkill.sdpaa@sdmunicipalleague.org.

Deb Corkill

Bob Strachan

2015 Human Resource School
June 9 - 10, 2015

2015 Finance Officers’ School
June 10 - 12, 2015

Ramkota Hotel, Pierre

Accommodations
Ramkota Hotel, 605-224-6877

Visit the League’s website often! www.sdmunicipalleague.org

Presentations from the 2014 HR and FO Schools can be found under Affiliate Organizations at www.sdmunicipalleague.org.
Transportation Alternatives Program Funding

Letters of Intent forms are now available for the Transportation Alternatives Program (TAP). The TAP is a grant program that uses federal transportation funds, designated by Congress, for specific activities that enhance the intermodal transportation system and provide safe alternative transportation options.

The TAP was authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21), signed into law on July 6, 2012. The TAP redefines the former Transportation Enhancement activities and consolidates these eligibilities with the Safe Routes to School, Scenic Byways and Recreation Trails Programs. There will no longer be separate applications for Safe Routes to School, Transportation Enhancements or Scenic Byways. These project types should be submitted under this TAP call for Letters of Intent. The TAP builds upon the legacy of the former Transportation Enhancement, Safe Routes to School and Scenic Byways programs by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment.

Approximately $2.1 million is available through this competitive grant process administered by the South Department of Transportation (SDDOT) Office of Project Development. Each grant will be for a maximum of $400,000, although the SDDOT may approve a larger amount for phased projects. The minimum grant amount for infrastructure projects is $50,000. There is no set minimum grant amount for non-infrastructure projects. There is an 18.05% local match requirement for each project.

Program Notes
- This is the third round of funding.
- A total of 20 grants, ranging from roughly $52,000 to $329,000 in Federal funds, have been distributed in the first two rounds.
- By law, the funding is separated into two separate groups – one for projects in communities with population over 5,000 and communities within the Metropolitan Planning Areas and one group for projects in communities under 5,000, counties and tribes.
- Funded projects have included such items as sidewalks, shared use paths and non-infrastructure elements for education and encouragement.
- As the name implies, these projects are focused on developing or improving alternate transportation opportunities for people to get to and from work, school, shopping and other daily needs and destinations using non-motorized methods of transportation.
- Projects that are strictly recreational in focus should explore the Game, Fish and Parks’ Recreational Trails Grant for funding opportunities.

A full description of the TAP is available in the Transportation Alternatives Program Summary and Application Guide.

The submittal of the Letter of Intent form, downloadable at http://www.sddot.com/services/transalt/default.aspx, is a mandatory requirement in order to be eligible to submit a full application for funding. The Letter of Intent form submittal deadline is July 30, 2014. This will be the only call for Letters of Intent for the 2015 Fiscal Year.

Requests for additional information, site visits and/or meetings on potential projects should be directed to Nancy Surprenant by phone at 605-773-4912 or by email at nancy.surprenant@state.sd.us.

Following the receipt of the Letters of Intent, on-site meetings with project sponsors will be scheduled prior to the September 30, 2014, deadline for full applications.

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FAX: 605.224.0659
SD Municipal League Policy Process

April/May: Members are asked at District Meetings and through the South Dakota Municipalities magazine if they are interested in serving on a policy committee.

May/June: The SDML President appoints the policy committees, usually made up of members from previous years, plus any new people who have volunteered. There are four policy committees, with about 25 people on each committee. Policy committee members come from all sizes of towns, and from all regions of the state. The committees are:

- General Government Committee
- Public Health, Safety, and Welfare Committee
- Public Works Committee
- Taxation and Revenue Committee

August: The four policy committees meet to review their own sections of the existing Statement of Policy, delete policies no longer needed, and add any new suggestions they agree upon.

September: Staff follows up on questions or comments from the August meetings, and prepares information for the committees to consider when they meet again in October.

October: Policy committees meet again on the first day of the Annual Conference. The next day, the Resolutions Committee, made up of about 25 people representing all four policy committees, review the entire Statement of Policy and makes a final recommendation to be voted on by the entire membership at the Annual Business Meeting, held on the final day of the Annual Conference.

November: Staff uses the Statement of Policy adopted by the members at the Annual Business Meeting to develop a package of Legislation to take to the next Legislative Session. In addition, the staff uses the policies to guide positions taken by the Municipal League in response to legislation brought forward by others, and to answer questions about the League’s position on a variety of issues.

Policy Suggestions Needed

The SD Municipal League needs to hear from you! The League is beginning the legislative policy process that will end with a Statement of Policy adopted by the members at the Annual Conference in October. The current Statement of Policy can be found at www.sdmunicipalleague.org under the About the League tab. If you have thoughts or suggestions you would like to have addressed by the Municipal League or the State Legislature, please explain them below (use additional sheets if necessary) and return this form by July 18, 2014 to: Yvonne Taylor, SD Municipal League, 208 Island Drive, Ft. Pierre, SD 57532 or fax to 605-224-8655 or e-mail to yvonne@sdmunicipalleague.org.

Suggestions will be taken to the policy committees, where they will consider them for incorporation into the Statement of Policy. Suggestions may also be brought up from the floor on October 10, during the Annual Business Meeting, held at the SDML Annual Conference, October 7-10, 2014 in Spearfish.

City: __________________________________________________________

Your Name: ___________________________________________ Phone Number: __________________________

Suggested Legislative or Policy Change: __________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

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<th>Chairman</th>
<th>Vice-Chairman</th>
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<td>Terry Jaspers, Sisseton</td>
<td>March 24</td>
<td>New Effington</td>
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<tr>
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<td>Tim Reed, Brookings</td>
<td>Paullyn Carey, Huron</td>
<td>March 25</td>
<td>Madison</td>
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<tr>
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<td>Amy Nelson, Yankton</td>
<td>Dawn Murphy, Tea</td>
<td>April 1</td>
<td>Yankton</td>
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<td>Debbie Houseman, Lake Andes</td>
<td>Craig Noteboom, Pickstown</td>
<td>March 31</td>
<td>Dallas</td>
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<tr>
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<td>Renae Phinney, Ree Heights</td>
<td>Ron Blatchford, Miller</td>
<td>March 19</td>
<td>St. Lawrence</td>
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<tr>
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<td>Karl Alberts, Aberdeen</td>
<td>Anita Lowary, Groton</td>
<td>March 18</td>
<td>Ipswich</td>
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<td>Arnold Schott, McLaughlin</td>
<td>Francis Karst, Hoven</td>
<td>March 17</td>
<td>Akaska</td>
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<tr>
<td>8</td>
<td>Harry Weller, Kadoka</td>
<td>David Geisler, Murdo</td>
<td>April 7</td>
<td>Kadoka</td>
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<tr>
<td>9</td>
<td>Gary Lipp, Custer</td>
<td>Harley Lux, Hot Springs</td>
<td>April 8</td>
<td>Custer</td>
</tr>
<tr>
<td>10</td>
<td>Fay Bueno, Sturgis</td>
<td>Mary Jo Nelson, Deadwood</td>
<td>April 9</td>
<td>Sturgis</td>
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## SDML Annual Conference
### October 7-10, 2014
#### Spearfish Holiday Inn Convention Center

**Tentative Schedule**

### Tuesday
- All Day: SDPAA Board Meeting
- 2 p.m.: tee off SDML Golf Tournament
- 7 p.m.: SDML Board of Directors Meeting

### Wednesday Morning
- 8 a.m. to 4 p.m.: Registration
- 8 a.m. to 4 p.m.: Exhibits Open
- 8 a.m.: ABC's of Municipal Websites
- 9 a.m.: Orientation for New Attendees
- 9 a.m.: SD City Management Association
- 9 a.m.: SD Municipal Electric Association
- 10 a.m.: SDML Pooling Meetings/Fun Info Session
- Noon: Safety Awards Luncheon

### Wednesday Afternoon
- 1 p.m.: Elected Officials Workshop
- 1 p.m.: SD Municipal Attorneys’ Association
- 1 p.m.: SD Building Officials’ Association
- 1 p.m.: SD Governmental Finance Officers’ Association
- 1 p.m.: SD Police Chiefs’ Association
- 1 p.m.: SD Municipal Street Maintenance Association
- 4 p.m.: SDML Policy Committee Meetings
- 4 p.m.: SDML Auditing Committee
- 4 p.m.: SDML Nominating Committee

### Wednesday Evening
- 5:00 p.m.: Exhibit Area Social
- 6:00 p.m.: Evening On Your Own

### Thursday Morning
- 7 a.m.: SDML 11th Annual Walk/Run
- 7:45 a.m.: Breakfast and SDML Past Presidents' Breakfast
- 8 a.m. to 4 p.m.: Registration
- 8 a.m. to 11 a.m.: Exhibits Open
- 8 a.m.: Resolutions Committee
- 9 a.m.: Elected Officials Workshop
- 9 a.m.: SD Airport Management Association
- 9 a.m.: SD Association of Code Enforcement
- 9 a.m.: SD Governmental Human Resource Association
- 9 a.m.: SD Municipal Liquor Control Association
- Noon: Excellence in SD Municipal Government Award Luncheon

### Thursday Afternoon
- 1 p.m.: SD Chapter, American Public Works Association
- 1 p.m.: South Dakota Fire Chiefs Association
- 1:30 p.m.: General Sessions

### Thursday Evening
- 5:30 p.m.: President's Reception
- 6:30 p.m.: Dinner and Entertainment

### Friday Morning
- 8 a.m. to 10 a.m.: Registration
- 8 a.m.: Breakfast
- 8:30 a.m.: General Sessions
- 10:30 a.m.: SDML Annual Business Meeting and Election
This year, the *Excellence in South Dakota Municipal Government* award will be presented to an **elected municipal official** in South Dakota. The award recipient will be selected from nominations received by the South Dakota Municipal League Past Presidents’ Committee. All nominations must be submitted in writing by **August 15, 2014**. The award will be presented at the SDML Annual Conference in Spearfish on October 9, 2014.

**Name of Nominee:** __________________________  **Title:** __________________________

**Address of Nominee:** __________________________________________

**Significant contributions to the municipality:** __________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

**Significant contributions to the community:** __________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

**Significant contributions to other organizations:** __________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

**Significant contributions to South Dakota Municipal Government:** __________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

**Other Comments:** __________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

**Submitted by:** __________________________  **Phone:** __________________________

**DEADLINE:** August 15, 2014  
Please submit to:  South Dakota Municipal League  
208 Island Drive, Ft. Pierre, SD 57532  
FAX to 605-224-8655
The following was read by Mary McClung, SDGFOA President and City of Harrisburg Finance Officer, when presenting the award.

“The highlight of our evening is honoring our Finance Officer of the Year and I have to admit I think this is the best part of being president! I am so excited!

We had nine nominations for Finance Officer of the Year. Our independent judges found it very difficult to pick a winner and felt they were all deserving. We know there can only be one winner but we all deserve a huge thank you and pat on the back for the jobs we do every day. I want you all to know that you do something every day, every week and every month that makes all of you deserving of this award.

This year’s winner had so many nominations and accolades that it was difficult to narrow it all down to a speech and not leave anything out. The entire council as well as many community members wrote letters of support.

This Finance Officer has been working for 13 years in their city and according to one city employee… “This person is the go-to for almost everything in the city and has been very instrumental in the great strides the city has made over the last 15 years. This person treats all city employees with sincere respect and takes an interest in them personally. This carries over into the way she treats the public who we serve.”

Others sent letters nominating this individual and they all have said the same thing as well. This person is truly deserving and her track record speaks for itself. One individual added… “this person will go above and beyond what is asked and she has great loyalty to the citizens and city and works to promote the city throughout the state….”

Many of those that sent in nominations felt very honored and proud to be writing their letter of support for this “highly distinguished, perfect candidate.” One nomination said “it never ceases to amaze me how deeply she delves into areas and problems that most people would simply give up on.” And “she always does it with a smile on her face.”

Many felt “blessed” that this finance officer chooses to work in their city for them.

She is very proud of the position and the community she serves and is always looking at ways to move the city forward so it continues to grow and prosper. She also works to make her community a place for young people to return home to. Without her dedication the city wouldn’t be the place where old and young want to reside.

She is involved in or chairs so many activities in her community that I can’t even list them all. Many commented that she is always the first to get involved. I don’t know how she has time for it all but always does it with a smile and her whole heart.

Here are just some of the comments used to describe this year’s recipient: has integrity; is honest; is someone we can trust to get the job done; is hard working and reliable; is innovative and humble; she is a good mother and wife; she is devoted, dedicated and sincere; someone who leads by example; she is conservative, professional, open minded, passionate, flexible and focused. And that was a condensed list, I could’ve said more.

I believe that this quote sums it all up, “I’ve been the city attorney for 30+ years and this person is the epitome of everything a South Dakota Municipal Finance Officer should be. She is honest, hardworking, smart, steadfast in her beliefs, compassionate and proud of her community. She is the best of the best in South Dakota and very much deserves this award.”

She works tirelessly for her city even taking her lunch hours to pull weeds at the Farmers Market to make it look better for customers that stop to shop. She believes in her community and the work of the SD Municipal League and has the respect of elected officials and municipal employees across the state. As the current President of the SD Municipal League she is a great ambassador and role model for all of us.

I have no problem seconding all of those comments and feel extremely honored to be presenting the 2014 Finance Officer of the Year Award to my dear friend Becky Brunsing of Wagner.”
Nearly 100 South Dakota cities, counties and tribes will share in a $500,000 grant program intended to control mosquitoes and prevent West Nile virus (WNV), Gov. Dennis Daugaard announced.

“When West Nile emerged in South Dakota only a few communities had a mosquito control program. Today more than 80 percent have some type of mosquito control program in place,” said the Governor. “The state is pleased to support the work of those local programs with this funding.”

All applying communities received funding, with grants ranging from $1,000 to $30,000. Grant awards were based on the population of the applying jurisdiction and its history of human WNV cases through 2013.

More than 2,100 South Dakotans have had laboratory-confirmed WNV since the state’s first case in 2002 and 32 people have died from the disease. Every county has reported cases.

Since WNV emerged in South Dakota, the state has provided mosquito control programs with more than $4.6 million in support, in either direct grant funding or control chemicals.

A complete list of funded programs and grant amounts follows.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>$30,000</td>
</tr>
<tr>
<td>Altamont</td>
<td>$1,003</td>
</tr>
<tr>
<td>Arlington</td>
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</tr>
<tr>
<td>Aurora</td>
<td>$1,661</td>
</tr>
<tr>
<td>Baltic</td>
<td>$1,413</td>
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<tr>
<td>Belle Fourche</td>
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<tr>
<td>Beresford</td>
<td>$3,329</td>
</tr>
<tr>
<td>Big Stone City</td>
<td>$2,871</td>
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<tr>
<td>Bridgewater</td>
<td>$1,353</td>
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<tr>
<td>Britton</td>
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<tr>
<td>Brookings</td>
<td>$11,414</td>
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<td>Brown County</td>
<td>$24,374</td>
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State Awards $500,000 in Community Mosquito Control Grants
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruce</td>
<td>$2,844</td>
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<tr>
<td>Bryant</td>
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<tr>
<td>Canton</td>
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<td>Cavour</td>
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<tr>
<td>Chamberlain</td>
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<tr>
<td>Cheyenne River Sioux Tribe</td>
<td>$13,960</td>
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<tr>
<td>City of Clear Lake</td>
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<td>City of Monroe</td>
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<td>City of Valley Springs</td>
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<tr>
<td>Clark</td>
<td>$3,850</td>
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<tr>
<td>Clark County Weed &amp; Pest Board</td>
<td>$8,049</td>
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<td>Colman</td>
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<tr>
<td>Crooks</td>
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<td>Dallas</td>
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<tr>
<td>Delmont</td>
<td>$2,543</td>
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<tr>
<td>DeSmet</td>
<td>$8,101</td>
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<td>Doland</td>
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<td>Dupree</td>
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<td>Edgemont</td>
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<td>Elk Point</td>
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<td>Emery</td>
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<tr>
<td>Fairview</td>
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<tr>
<td>Fall River and Custer County</td>
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<td>Garretson</td>
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<td>Gary</td>
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<td>Grant County</td>
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<td>Groton</td>
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<td>Harrisburg</td>
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<td>Hartford</td>
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<td>Hecla</td>
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<td>Herreid</td>
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<td>Ipswich</td>
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<tr>
<td>Kimball</td>
<td>$2,590</td>
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<tr>
<td>Langford, Pierpont, Roslyn and Eden Cooperative</td>
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<tr>
<td>Lemmon</td>
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<td>Lennox</td>
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<td>Lower Brule Sioux Tribe</td>
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<td>Martin</td>
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<td>Marvin</td>
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<td>McPherson County</td>
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<td>Menno</td>
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<td>Milbank</td>
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<td>Miller</td>
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<td>Mission</td>
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<td>Mitchell</td>
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<tr>
<td>Newell</td>
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<td>Nisland</td>
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<tr>
<td>North Sioux City</td>
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<td>Oacoma</td>
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<td>Onida</td>
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<td>Parker</td>
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<td>Parkston</td>
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<td>Philip</td>
<td>$4,422</td>
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<tr>
<td>Pierre</td>
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<td>Pierre</td>
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<td>Plankinton</td>
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<td>Redfield</td>
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<td>Salem</td>
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<tr>
<td>Scotland</td>
<td>$1,996</td>
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<tr>
<td>Sioux Falls</td>
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<td>Sisseton</td>
<td>$5,807</td>
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<td>Tea</td>
<td>$3,509</td>
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<tr>
<td>Town of LaBolt</td>
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<tr>
<td>Town of Reliance</td>
<td>$1,019</td>
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<tr>
<td>Town of Summit</td>
<td>$1,029</td>
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<tr>
<td>Viborg</td>
<td>$4,118</td>
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<tr>
<td>Vienna</td>
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<td>Volga</td>
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<td>Wagner</td>
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<td>Waubay</td>
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<td>Webster</td>
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<td>White Lake</td>
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<td>Wolsey</td>
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<td>Worthing</td>
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<tr>
<td>Yankton Sioux Tribe</td>
<td>$11,990</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$500,000</strong></td>
</tr>
</tbody>
</table>
SD Department of Revenue Tax Information

Contractors’ Excise Tax

Prime Contractor: anyone entering into a contract for construction services or realty improvement; includes repair or remodeling of existing real property or the construction of a new project.

Subcontractor: anyone who contracts with a prime contractor to perform part, or all, of the construction services or realty improvement.

If someone has not been issued a valid prime contractors’ exemption certificate, he/she is considered a prime contractor.

Gross Receipts: full amount received directly or indirectly in money or other consideration, including the greater of the cost or fair market value of materials furnished by the owner for the contractor to install.

Gross Receipts Include:
- Labor
- Sales or Use Tax on Materials
- Excise Tax
- Sweat Equity
- Penalties, Liquidated Damages
- Indirect Payments
- Awards or Bonuses
- Barter Transactions
- Retainage
- Building Permits/Fees
- Owner-Furnished Materials
- Draws on Loans

No Deductions For:
- Subcontractors
- Expenses or Losses
- Property Sold
- Taxes
- Cost of Materials Used

- Cost of Services or Labor Purchased
- Amounts Paid for Interest or Discounts

Owner-Furnished Materials are all materials the owner supplies to the contractor. The prime contractor:
- Owes contractors’ excise tax on the fair market value of all materials, including the sales or use tax paid on these materials.
- Owes state and municipal use tax on the cost of all material if no documentation is obtained showing sales or use tax was paid.
- Owes use tax on material furnished by a government or other sales tax exempt entity.

Sales and Use Tax: All contractors are responsible for paying sales or use tax on all purchases of products or services, regardless of who purchases the materials. This includes:
- Materials installed in construction projects
- All equipment, tools, and supplies used by the contractor

Out-Of-State Purchases: Material and equipment delivered or brought into South Dakota are subject to South Dakota sales or use tax, even if the supplier charges another state’s sales tax.
- Credit is allowed for state and local tax properly paid to another state. If less tax is charged in another state than applies in South Dakota, the contractor will owe the difference in use tax to South Dakota.
- No credit is given for taxes paid to another state if the material is delivered into South Dakota.

Example: A contractor purchases material without tax in Nebraska, and the material is shipped by common carrier to Sioux Falls where it is used on a project. The contractor owes 4% state use tax and 2% Sioux Falls city tax. The tax applies to the total paid for the material, including delivery and handling.
Services: Sales and use tax applies to all services unless state law specifically exempts the service.

Examples of sales and use taxable services include:
- Engineering
- Accounting
- Computer Services
- Inspecting
- Construction Management
- Architectural Planning
- Snow Removal
- Locksmiths
- Survey and Staking
- Testing
- Carpet Laying
- Equipment Rental
- Business Consulting
- Rock Crushing
- Concrete Pumping

The service provider is responsible for the state and municipal sales tax on services based on where the contractor receives the service. Use tax is based on where the product or services is used.

Sales and Use Tax
Sales Tax: The sales tax rate of 4% applies to the gross receipts of the retail sale, lease, or rental of:
- tangible personal property
- products transferred electronically
- services

Services and products are taxed unless specifically exempt.

Point of Possession: Sales tax applies where the customer receives the product or service. Products or services delivered to a location outside of South Dakota are not subject to South Dakota sales tax, but may be subject to that state’s tax. Sales to non-residents are taxable if possession is taken in South Dakota.

Gross Receipts: total amount of money or other consideration received for products sold, leased, or rented.

Gross Receipts Include:
- Taxable and Nontaxable Sales
- Barters
- Reimbursable Expenses (except for accountants and attorneys)
- Delivery charges (shipping, handling, crating, etc.)
- Special Jurisdiction Sales
- Lottery Receipts

No Deductions For:
- Cost of product or service sold
- Expenses
- Charges for services necessary to complete the sale, including delivery charges

Gross Receipts Do Not Include:
- Credit or trade-in value
- Fees or other interest for late charges on overdue accounts, no account, or insufficient funds checks

- Discounts not reimbursed by a 3rd party (may include cash discounts, early payment discounts, or store coupons)

Municipal Tax: Cities may impose a tax of up to 2% that applies to all products and services that are subject to the state sales or use tax. Municipal tax applies when a product or service is used, stored, or consumed within a city that imposes a tax.

Use Tax: The purchaser, or consumer, is responsible for paying use tax. Use tax applies on all products and services that are used, stored, or consumed in South Dakota when South Dakota’s sales tax has not been paid. State and municipal use tax rates are the same as the State sales and municipal tax rates.

Situations when sales tax may not have been paid include:
- Items purchased from an out-of-state vendor or mail order vendor
- Items taken from inventory for your business or personal use
- Items purchased over the Internet
- Purchase of promotional items
- Purchase made in another state and brought into South Dakota, and product not taxed or taxed at a lower rate than in South Dakota
- Rental of equipment brought into South Dakota from another state
- Supplies used or consumed in providing a service (service providers)

Pool Testing

Municipal swimming pools are no longer regulated by the State of South Dakota, however, these facilities should be tested for coliform bacteria during each week of operation.

All pool samples should be tested for “total coliform,” which is an indicator bacteria for drinking water and pools.
- “Total Coliform – Negative” means that no coliform bacteria were found and the water is safe.
- “Total Coliform – Positive” means that coliform bacteria were found.

Two or more consecutive positive samples indicates a general trend of bacteria presence in the pool. Corrective measures should be taken, such as super-chlorination, to prevent a health related incident caused by poor water quality.
Examples of items often assessed use tax include:

- Computers
- Promotional Gifts
- Farm Equipment
- Software and Support
- Snow Removal
- Accounting Services
- Engineering Services
- Manufacturing Equipment
- Meals Furnished for Employees

**Reciprocity:** Credit is allowed for sales or use tax legally due and paid on a product or service in another state against the amount of tax due in South Dakota if the other state provides a like credit.

- If the tax paid is the same or more than the South Dakota state and municipal tax due, no additional tax is due in South Dakota.
- If the tax paid to another state is less than the South Dakota state and municipal tax, the difference in the tax must be paid to South Dakota.

**Example:** A computer is purchased and picked up in Nebraska for use by a Sioux Falls business. The Nebraska store is paid $527.50 ($500 + 5.5% Nebraska sales tax). Because the South Dakota state plus the Sioux Falls municipal tax is 6%, the difference of $2.50 must be paid to South Dakota.

**Department of Revenue Resources**

Toll-Free Phone Center: 1-800-829-9188

Department of Revenue staff are on hand to offer answers to your tax questions Monday through Friday from 8:00 am – 5:00 pm CST.

**Website:** [http://dor.sd.gov](http://dor.sd.gov)

Access any of our divisions through the Department of Revenue home page.

**Visit Revenue Offices:**

Revenue – Pierre Office: Anderson Building, 445 East Capitol Avenue, Pierre SD 57501 605-773-3311

S.D. Lottery: 711 East Wells Avenue, P.O. Box 7107, Pierre SD 57501 (605-773-5770)

S.D. Commission on Gaming: 221 West Capitol Avenue, Suite 101, Pierre SD 57501 (605-773-6050)

**Field Offices:**

- Aberdeen Revenue Office: 419 Moccasin Drive, Aberdeen SD 57401 (605-626-2218)
- Deadwood Gaming Office: 87 Sherman Street, Deadwood SD 57732 (605-578-3074)
Obituary:
Keith L’Esperance

Keith Adrain L’Esperance
September 21, 1950 – June 14, 2014

Keith was born and raised in Rapid City. He graduated from Rapid City High School in 1969. From graduation he worked as a bed pan jockey for Rapid City Nursing Home. Then was a drummer for rock band called Laviathen. He owned his own business, Weaver Jones, and had other miscellaneous jobs before he started his career for the City of Rapid City for the Department of Personnel as a specialist, SPHR.

He was a member of the Elks Club, coached youth bowling for 30+ years, loved to golf, loved to ride his Harley and drive his mustang, and loved playing with his three granddaughters.

He is survived by his wife, Enola; daughter, Robin; stepson, TJ (Karla); granddaughters, Tori, Aleesa, and Dakota; brother, Dave (Delsie); sister, Judy (Stan); sister, MaryAnn; brother, Jim (Shirley); and numerous nieces and nephews.

Family and friends may sign Keith’s online guestbook at www.kirkfuneralhome.com.
New Guidance on the Hazards of Employee Background Checks

By Jerry L. Pigsley and Kelly M. Ekeler, Harding & Schultz, P.C., L.L.O.

Last month, we told you a true story of a public employer that was sued as a result of an employee’s outrageous behavior. If the employer had performed a background check prior to hiring the employee, it would have discovered the employee had a history of similar behavior. While the moral of the story was that pre-hire screens are important, there are also certain hazards associated with background checks. On March 10, 2014, the Equal Employment Opportunity Commission (EEOC) and Federal Trade Commission (FTC) announced new guidance that warns employers of some of the hazards.

EEOC Guidance – Use of Criminal Check May Violate Title VII

During the past few years, the EEOC has actively examined the use of employee background checks. The EEOC’s examination came on the heels of concern of potential hiring barriers, mainly for black and Hispanic men, resulting from employers’ exclusion of those with criminal records. In 2012, the EEOC issued guidance that does not ban criminal background checks, but rather advises employers that use of such checks may violate Title VII under particular circumstances. EEOC Enforcement Guidance, No. 915.02 (4/25/12); see also Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

The EEOC’s 2012 guidance outlined two ways in which an employer could violate Title VII when considering a job applicant’s criminal history:

1. Employers violate Title VII if they treat job applicants with the same criminal records differently because of their race, national origin, or another protected characteristic.
2. If an employer has a policy that excludes applicants based upon a criminal record and the policy operates to disproportionately disqualify people of a particular race or national origin, the employer must show that the disqualification is “job related and consistent with business necessity” to avoid liability under Title VII.

According to the EEOC, the employer can show a disqualification is “job related and consistent with business necessity” if, in screening applicants for criminal
conduct, it: (a) considers at least the nature of the crime, the time elapsed since the criminal conduct occurred, and the nature of the specific job in question, and (b) gives an applicant who is disqualified by the screen the opportunity to show why he or she should not be disqualified.

EEOC and FTC Joint Guidance – March 2014
In the new guidance issued jointly by the EEOC and FTC, the agencies warn employers about the risk of violating antidiscrimination laws and the Fair Credit Reporting Act (FCRA) when using information related to a credit history, medical condition, or obtained through social media. The guidance advises employers not to obtain or base employment decisions on an applicant’s family medical history. The guidance also reminds employers of the specific FCRA requirements when making a decision based on background information, and of the record-keeping requirements for all personnel records, including those related to the hiring process. The full text of the guidance for employers, Background Checks: What Employers Need to Know, is available at http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm.

The agencies also issued guidance directed at job applicants and employees, which reminds individuals that an employer must have the individual’s permission before obtaining a credit history. Employees are advised to contact the EEOC if they believe they have been discriminated against based on background information. The full text of the guidance for employees, Background Checks: What Employees Need to Know, is available at http://www.eeoc.gov/eeoc/publications/background_checks_employees.cfm.

Conclusion
There are ample opportunities to hit a hazard when using background checks. The EEOC’s requirement that an employer individually assess whether a disqualification is “job related and consistent with a business necessity” potentially conflicts with state laws that require background checks for public employment positions. Despite the hazards, background checks are necessary for many positions and, if done correctly, can significantly reduce a municipality’s potential liability.

Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The authors of this article, Jerry L. Pigsley and Kelly M. Ekeler, can be contacted at 402-434-3000, at Harding & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, or at j pigsley@hslegalfirm.com or kekeler@hslegalfirm.com.

New Municipal Tax Changes Effective July 1

Beginning July 1, 2014, five South Dakota communities will implement new municipal taxes or update their current city taxes.

The municipal tax changes that will take effect include:

- **Fairview** is imposing a 2 percent general sales and use tax rate.
- **Roscoe** is increasing its 1 percent general sales and use tax rate to 2 percent.
- **Lemmon** is imposing a 1 percent municipal gross receipts tax rate on lodging, eating establishments, and alcoholic beverages. This tax is in addition to their 2 percent general sales and use tax rate.
- **Lennox** is imposing a 1 percent municipal gross receipts tax rate on lodging, eating establishments, alcoholic beverages, and ticket sales or admissions to places of amusement, athletic and cultural events. This tax is in addition to their 2 percent general sales and use tax rate.
- **Mobridge** is continuing their 1 percent municipal gross receipts tax rate that was set to expire on June 30, 2014, on lodging, eating establishments, and alcoholic beverages. This tax is in addition to their 2 percent general sales and use tax rate.

South Dakota municipalities are able to implement new tax rates or change existing tax rates on January 1st or July 1st each year.

The South Dakota Department of Revenue has Municipal Tax Information Bulletins available listing all municipal sales and use tax rates statewide as well as information on tribal sales, use, and excise taxes.

Updated bulletins are free of charge and available after July 1, 2014, by contacting the Department of Revenue at (800)-TAX-9188 (800-829-9188) or by downloading a copy from the Department’s website at http://dor.sd.gov/, scroll over “Taxes” and select “Business Taxes”, followed by “Publications” and then select “Municipal Tax.” The full web address is http://dor.sd.gov/Taxes/Business_Taxes/Publications/Municipal_Tax.aspx.
Employer Must Prove Physical Presence in Workplace is Essential Function, Sixth Circuit Rules

This article does not directly include South Dakota but could serve as guidance.

Likely making it easier for employees to telecommute from home as an accommodation under the Americans with Disabilities Act, the U.S. Court of Appeals for the Sixth Circuit, 2-1, has determined that “attendance” is no longer synonymous with physical presence in the workplace. *EEOC v. Ford Motor Company*, No. 12-2484 (6th Cir. Apr. 22, 2014). The Sixth Circuit has jurisdiction over Kentucky, Michigan, Ohio, and Tennessee.

In this case, a buyer, Jane Harris, requested that she be allowed to work from home when necessary to accommodate her severe irritable bowel syndrome (IBS), which sometimes made it difficult for her to stand without soiling herself. The employer, which had allowed other buyers to work from home on a more limited basis, refused her request, in part because of the expected frequent nature of the need to work from home. The employer determined that being in the office was an essential function of the job due to the emphasis placed on teamwork and in-person team problem-solving.

The district court concluded that Harris’s proposal was not reasonable under the ADA and granted summary judgment to the employer.

The Sixth Circuit, however, determined that there was an issue of fact as to whether the request to work from home was a reasonable accommodation under the circumstances. With advances in technology, the Court stated, the workplace can be anywhere that an employee can perform his or her job duties. In this case, because the Court found evidence in the record that much of the work could be done over the telephone or by video conference, and other buyers had worked from home, the Court allowed the plaintiff to proceed with her ADA failure-to-accommodate claim.

Judge David W. McKeague dissented from the majority’s opinion. He pointed out that “the stated law of this circuit ... is that attending work on a regular, predictable schedule

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is an essential function of a job in all but the most unusual cases, namely, positions in which all job duties can be done remotely.” (Emphasis in original.) Judge McKeague also noted, “The majority further holds that an employee’s flat-out rejection of an employer’s offer to help her find another position does not constitute an alternative reasonable accommodation, despite the fact that the reason talks could not evolve to a point of identifying a specific position was because of the employee’s refusal to consider the possibility.”

Following the Sixth Circuit’s decision, employers can expect to receive more requests to work from home. The Court recognized that telecommuting is not as unusual as it once was. However, it also recognized that plenty of jobs still require physical presence where the employee must interact directly with people or objects at the worksite. Employers who want to insist upon physical presence in the workplace should expect to prove the unreasonableness of a work-from-home request under their particular circumstances. It is essential employers plan for this eventuality now. The reasonableness of the request will depend upon the job requirements, written job descriptions and realities of the position. Employers should be prepared to identify the job requirements that cannot be performed remotely.

Further, employers who must accommodate an employee should plan for the related employment issues that go along with working from home, including tracking hours for non-exempt employees, monitoring employee productivity and performance remotely, and maintaining data privacy and security of sensitive company and client information when this information is accessed remotely or maintained at an employee’s residence.

Jackson Lewis Shareholder Joseph J. Lynett, a member of the Disability, Leave and Health Management group observes, “Employers have long considered that ‘being there’ was a fundamental attendance requirement and important to effectively perform the job. The Court’s decision plainly calls into question this time-honored view of work.” Lynett recommends that employers “drill down more than ever on these requests during the ADA’s interactive process, gathering all the relevant circumstances, to defend, if necessary, why the request to telecommute was not granted. Employers also should update job descriptions to confirm the importance of presence in the workplace to perform certain jobs, as well as update telecommuting policies.”

Please contact Chris Hoyme, at hoyme@jacksonlewis.com if you have any questions about this case or need assist in reviewing job descriptions and accommodations policies.

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JULY 2014
By Mike Conduff, ICMA-CM

As a freshman in the civil engineering program at the University of New Hampshire (a long, long time ago), I learned Isaac Newton’s law of motion, “A body in motion tends to stay in motion” and its corollary, “A body at rest tends to stay at rest.”

While Newton’s Laws of Motion, which were developed by this 17th century scientist, and governing may not seem to have much in common, my experience tells me that good governing bodies tend to stay good, and one of the key principles that they use to do so is “The Principle of One Voice.”

**Group Power**

In essence, this principle says that the power of the group is as a group and that no individual—even if he or she disagreed with and voted against the decision—has the ability to counteract the group. Further, the group accepts split decisions without rancor or concern because in ongoing good governance the group does not always have to (and even should not always) agree.

What I tell governing body members is that this does not mean that if they voted against a particular course of action that they have to become the spokesperson for the decision. It simply means that they cannot undermine or act contrary to the decision.

What they can certainly say to their constituents, the media, or others who might ask is something along the lines of, “As you know, I opposed this decision and voted against it. Now that the council has voted, however, in the interest of good governance, I will be supporting the decision as we move forward.”

If this sounds too perfect to be true, consider this. At a recent training for city councilmembers in the Wichita, Kansas, area sponsored by the Hugo Wall School, I was joined by a panel of successful mayors who shared their
experiences in these matters. I heard a great story by Willis Heck, the former mayor of Newton, Kansas.

Mayor Heck talked about an exceedingly controversial item involving a shared facility with the school district that he spoke strongly against, going so far as to attend a school board public hearing to try and influence the decision. The community was sharply divided and after much debate, the school board and the city council, of which he was a member, voted to proceed with the endeavor. Willis voted against the motion.

After the vote, and when it was clear that the facility was indeed going to be shared, the council asked him to help negotiate the terms because in their words, "We think you have the best skills for this." As Willis so simply put it when I asked him about that situation recently: "I, of course, did the best I could because that was the will of the majority!"

**Group Wisdom**

Another example came to me early in my career by one of the first mayors I worked with in Pittsburg, Kansas. After an extremely controversial decision in which he sided with staff and lost the vote, I asked him what his next course of action was going to be.

He looked straight at me and said, "Why, support the wisdom of the group of course. I learned long ago that I was going to win some and lose some. I didn’t prevail on the item today, but guess what? There always will be another item."

When council can take this type of long view, you see good governance tending to stay good.

If councilmembers behave this way now, be sure and reinforce their behavior by pointing it out and complimenting it. Also be sure staff plays by this rule as well. If the council votes against the staff recommendation, even if you believe in your heart they were wrong, remember my early mayor’s admonition—there will always be another issue. Make sure council knows that you and the staff always follow the majority direction.

If your council does not adhere to the Principle of One Voice and you experience pushback, subterfuge, or outright defiance on the part of individual members, try to get good governance going by reminding them, privately at first and then publically if necessary, that the staff is duty bound to follow the will of the majority.

You also can point out that even though they disagree personally with the decision, it hurts the community to try and undermine it, and that it is in the best interest of all to look to the next issue, because there always will be one.

**Group Support**

Mayor Heck closed his story this way: "When I look back on my time as mayor, I can say that ensuring that both sides got a fair deal on that one issue brought me so much credibility that I was able to advance many other causes that were even dearer to me.

“Folks knew that I could be trusted to support the will of the council, irrespective of where I stood as mayor, and so were much more willing to listen to me than they otherwise might have been.”

Mike Conduff, ICMA-CM, is a former city manager. He is President and CEO of The Elim Group in Denton, Texas, mike.conduff@theelimgroup.com.

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**SOUTH DAKOTA BASIC CODE**

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These days, it is hard to open a newspaper, surf the web, or watch television without hearing another tale of cyber security or privacy breach. Whether it be for individuals, businesses, or municipal entities, there are substantial physical, financial, data-based, and liability risks that are present for any user of technology hardware and software. The good news is that there are also many techniques and tools available to abate such risks.

The Nature of the Environment

These days, technology is everywhere. Almost everyone (even children) has a “smart phone” and mobile tablets, which are more powerful computers than those that sat on most desktops just a few years ago. Personal information is stored on these devices, and is also shared or acquired by virtue of multiple aspects of daily life in industrialized societies. Almost everyone uses the Internet, at least occasionally. Online banking participation has been steadily increasing, and now mobile payments, including transactions by way of “smart phones” appear to be on the verge of becoming commonplace in most modern societies.

Unfortunately, as these devices and conveniences contribute to daily life for organizations and consumers, there are increasingly sophisticated groups and individuals who are constantly working to take advantage of such systems and information for a profit, or in support of other nefarious agendas. The recent Target Corporation breach has sent new shockwaves through the business and information system worlds as we are reminded of just how much privacy and financial damage dedicated persons can cause. Worse still, the technology that is believed to have allowed this massive data breach is said to have been available on the black market for several years, and may have been purchased or acquired by somewhat less sophisticated hackers. The ability of even the novice to cause expert level damage by way of easy acquisition of malicious code, greatly increases the overall level of risk.

Additionally, the old ways of stealing information and valuable hardware remain. Smart phones and tablets are attractive targets for theft, as are laptop computers and similar equipment. Where these items contain personal and private information as to the user or others (identity, medical, financial, etc.) the damage caused can be severe. Additionally, state and federal laws exist that require self-

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reporting of such privacy breaches. There are substantial costs and burdens faced as to notification of such events to affected parties, including common obligations to provide credit monitoring or other services.

Preparation and Protection
While the risks are substantial, there are defenses. Some are high tech, but many are simple common-sense based. High tech strategies include use of Internet security software (anti-virus, anti-malware/spyware, firewall), use of passwords on smartphones, tablets, computers, and hard drives. Lower tech strategies include using strong passwords (with alphanumeric and special character contents), keeping passwords in secure locations, changing passwords often, and locking up or securing hardware in locked storage, or at least out of sight. Valuable electronics represent valuable targets for theft from vehicles, offices, or even one’s hands. There are a large number of people who still use default passwords like “test” or “password” or “12345” on equipment, increasing vulnerability. Portable devices like smartphones and tablets may also have utilities or applications (“apps”) available which allow the item to be located by GPS, or shutdown (render useless) the item in the case of theft, by way of a remote command placed by the authorized user.

Software security suite solutions have also never been easier. Such software can be purchased for multiple devices, subject to periodic renewal or upgrade, usually on an annual basis. Many of these programs automatically update virus and other definitions and run scans every few days, or more frequently, depending upon user or default settings. Software can generally be downloaded from Internet retailers, as opposed to purchasing physical software, if desired.

The level of security in place also varies by organization. Some entities set passwords at the BIOS or hardware level on laptop and desktop computers and may encrypt or password protect system hard drives. This should theoretically prevent an unauthorized user from accessing data if a device is stolen, even with a disk or alternate hard drive.

It is also true that we are sometimes our own worst enemies when it comes to cyber security. One of the most common ways hackers use to gain authorized access is by way of “phishing” attacks. Using a telephone call or e-mail under false pretenses, the hacker will try to get the recipient to surrender valuable or private information that can be used to compromise identity, privacy, or security. Most of us are bombarded with “spam” or junk e-mail, which often contains links, attachments, or other similar items that are used for such purposes. Recently, hackers have improved their techniques by using names of accounts or persons that are familiar to you, hoping that you won’t verify the actual identity of the sender before opening attachments or following links. (Placing your cursor over the sender’s name at the top of the e-mail will often reveal the actual sender’s e-mail address).

Related to security issues are those of data protection. A surprising number of personal and organizational users do not back up data frequently. Computer hard drives and other memory devices are fairly vulnerable to losses such as theft, fire, water, electrical current, lightning, or similar perils. The costs of restoring lost data can represent thousands of dollars or hours. Fortunately, portable hard drives of large capacity have dropped substantially in price in the past several years. A portable plug-in (USB) hard drive of 1 Terabyte (one trillion usable characters of data) can be purchased for $100 or less. Such devices can easily be used as backup devices using system or aftermarket utilities, and the devices can be stored off site after hours to ensure that data (or even an “image” or copy of the system in question) can be very quickly restored in the event of damage or loss.

For those who have wireless internet networks, most devices have strong encryption systems built in. But in order to be effective, the encryption must be activated and passwords must be strong. (“Guest” access can also be granted with many of these devices, with simple passwords but without administrator access which could allow the user to make device or security changes).

Conclusion
While technology and information risks are ever-present in modern society, one can take steps from a personal and organizational standpoint to reduce such risks. In the event of a loss from intrusion, theft or physical loss, such preparations can also greatly reduce damages, and shorten recovery and restoration periods.

Jason Nieman is the Claim and Litigation Manager for the Illinois Municipal League Risk Management Association.

Can Mixing Systems Help Prevent Aging Surface Water?

By Erika Henderson, Director of Research, Pittsburg Tank & Tower

In the past, many water operators thought daily turnover and fluctuation of volume was enough to mix the water in a storage tank. Today, research and tests are showing more effort may be needed to effectively mix storage tank water and improve water quality. Several water tank features can contribute to how effective water is mixed and the rate at which it ages.

A tank’s design, daily use, and location in the system should all be considered when deciding the best action for improving water quality. Tanks with high height to diameter ratio, such as standpipes, are more susceptible to aging surface water because greater water variations can develop among the many layers. As the distance between surface and bottom water increases, more effort is required for the bottom layers to reach the distant top layers. Same thing applies when inlet and outlet pipes are both placed in the bottom ring of a tank: the new incoming water is also the first to exit the tank while surface water is left to continue aging. However, if the inlet pipe is extended to allow over-the-top filling, then surface water can be pushed to the bottom and mixed with incoming water.

“Water quality is a significant concern to water distribution system managers. Disinfection by-product (DBP) formation is largely dependent on reaction time, and it can continue for several days within the distribution system. At the same time, disinfectant residual must be maintained throughout the most remote components of the system to ensure pathogen-free water. Managing the residence time of water within storage tanks is one practice available to minimize water age within the distribution system. Water system managers and engineers should consider the need for circulation of water and residence time management within storage tanks during the design phase.” AWWA M42

Although, water quality and circulation are often discussed during the design phase, they are continuing concerns for water operators. Deaths and illnesses occur daily from unhealthy water, and water operators can lose their license to operate a water system if unhealthy water is found in their system. Great responsibility comes with being a water operator and many pride themselves on providing excellent water quality. A popular method for improving water quality is to install a mixing system. Mixing systems can help prevent aging surface water that often leads to stratification, accumulation of disinfectant by-products, water quality loss and ice formation.

Stratification
Stratification occurs when water has become separated into layers. Layers are arranged according to density, and density differences are created when variations of water temperature or pH exist. The warmer, less dense, older water sits above the cooler, denser, new water coming in creating layers. The incoming water stays near the bottom and is also the first to exit the tank if an over-the-top fill has not been installed. The top layer of older water is left to age even further. As water ages, the quality deteriorates and bacterial growth increases. The bacteria may not cause sample problems in the warmer months, but may show up when the older, surface water begins to cool and sink to the bottom in the cooler months.

Water temperature can be checked every five foot during an inspection to help determine whether stratification is a problem. If stratification is an issue, then a mixing system may be needed. Mixing systems should be designed according to the tank’s unique dimensions and needs. Most are designed to take the denser, newer water from the bottom and mixing it with the less dense, warmer surface water. Mixing helps maintain consistent water temperatures and pH levels throughout the tank thus preventing stratification. However, mixing must occur regularly to prevent reoccurring stratification, sample inconsistencies and inaccurate disinfection treatment.

Disinfectant By-Products
Disinfectant decay occurs when chemicals used for disinfection react with other organic material, organisms, and surfaces. These reactions create carcinogenic disinfectant by-products known as Trihalomethanes (THMs) and halo-acetic acids (HAA). By-products are present in almost all chlorinated water supplies, but the key is keeping these levels as low as possible. Mixing systems can help keep these levels low by effectively blending all water with disinfectants increasing the contact time. When disinfectant contact time is increased less chlorine concentration is needed and thus fewer by-products are produced.

Ice Formation
Most compounds become denser as they change from a liquid to a solid because the molecules become more tightly packed. But water is most dense at 39.2°F (4°C), and becomes less dense at lower temperatures causing ice to float. Water in a tank is the same and according to NFPA 25, “the temperature of water tanks shall not be less than 40°F (4.4°C).” When temperatures fall below freezing, ice can form on the surface. The ice will continue to expand and get thicker as the water temperature remains below freezing. Ice can cause serious damage to a tank: tank coatings are
often damaged, pipes can become clogged, leaks and structural damage can result, and even tank failures have occurred from ice forming in water tanks.

“When a tank freezes, one or more of the following conditions usually results and cause leakage."

- Inside overflow or other piping breaks occur.
- Ladders or other attachments to the container are pulled out by ice, making a hole at the point of attachment.
- Ice pressure can expand and place hoop stress loads on the steel and seams, which may cause the tank wall to yield or burst.
- Leaks due to corrosion become apparent.” AWWA M42

Mixing systems can provide regular water circulation to help maintain a consistent water temperature above freezing and prevent the water from separating into layers where dangerous ice can form on the surface and sides of tanks.

**Maintaining Water Quality**
All tanks should be regularly monitored for mixing efficiency, but tanks with low filling cycles, high volume, or at the end of a water system should be monitored more often. These types of tanks may not only require mixing system upgrades, but may also require more frequent inspections and cleanings to maintain water quality and reduce aging surface water. Mixing systems can help prevent aging surface water, but they must be designed and installed properly to be effective. A reputable tank company with knowledge and experience in these types of upgrades should be contacted to perform the work. For further information on water tanks and mixing systems please contact Don Johnston at 270-748-1343 or djohnston@watertank.com.

**References**
Whether out in the field delivering services or occupying the manager’s chair, all employees have a stake in reporting incidents of suspected or actual wrongdoing. An organization’s reputation is built—for better or worse—on the conduct of each individual employee.

Creating a culture that encourages an individual to raise the red flag when something unethical or illegal is taking place is critical. Everyone needs to be willing to report what’s happening behind the scenes or even take steps to stop it from happening in the first place.

But it’s a tough sell. Whistle-blowing feels like a violation of that kindergarten rule not to be a tattletale. Very few of us enjoy confrontation or being the instigator who causes trouble for someone else (even if that person deserves it). The lack of certainty about facts and motivations keeps others silent. But the consequences of keeping silent can be significant and harmful.

Unethical Conduct Is Visible
The typical case of unethical conduct in the workplace is rarely a secret. Somebody besides the perpetrator knows. After all, the conduct is taking place in a fairly sophisticated work environment in the light of day to be witnessed by a work colleague or perhaps even a supervisor. And if it is a serial activity, the number of witnesses just grows.

Or perhaps no one actually witnessed the activity but suspects it based on some level of tangible evidence. Then there are the others who didn’t see the conduct but heard about it.

Cost of Silence
This all begs the question: What do we need to do to create a culture where individuals feel personally responsible and safe enough to report questionable conduct and to convey the point that sitting on the sidelines while a colleague falls off the ethics cliff is harmful to all?

Leaders are not immune from the urge to sit on the sidelines. The topic at one city’s management team meeting was the recent dismissal of the IT director. This individual, recruited from the private sector with high expectations, lasted only a year before the city manager asked for his resignation.

The manager explained to the management team that in several instances the director entered into contracts that violated city policy. This employee continued the practice
even after being counseled on the matter. The final straw was his personal relationship with a direct report.

As members of the management team talked about their experiences with this individual, they were startled to realize that they all had inklings that things were not okay, that he just didn’t seem to get it about operating in the public sector, and, yes, that they had heard those rumors about his affair.

But—to a person—no one had talked with the individual or raised the issue with the city manager. What was their ethical obligation to address their concerns with their peer? Would an early intervention have produced a better outcome?

The result of the team members’ reflection was a personal and joint pledge for real, mutual accountability. In practice, this meant having the courage, in private, to call their colleagues on unacceptable conduct. The next step would be directly to the city manager’s office, if required.

Professional Accountability
As a profession, we face the same ethical obligation to hold our colleagues accountable for their conduct. And, yes, it’s tough to do. We’ve walked in their shoes. We relate to the difficulty of having every misstep, big or small, reported in the media and kept alive by the bloggers.

The ICMA Code of Ethics establishes a uniform and high set of standards for the profession. In a murky and complicated universe, it defines clear lines of acceptable conduct. Some ethical violations, like taking extra compensation or gifts, are obvious. They get the required attention of elected officials, other authorities, and the public. Usually they will be addressed by both the local government and ICMA.

But there is a whole universe of inappropriate conduct where the associated risk and potential damage to the public and the profession may be visible and understood only by another professional in the field. Therein lies part of the value of self-policing.

Personal Responsibility
After many years of discussion about whether members have an ethical obligation to report incidents of unethical conduct by peers, the ICMA Committee on Professional Conduct concluded that we do. In 2004, this guideline was added to the Code: “When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.”

See something that raises a substantial question as to a colleague’s honesty, trustworthiness, or fitness to serve the public? See conduct that is damaging to the reputation of other professionals and to the profession? Then you should report it in good faith to ICMA, even knowing that you might not have all the facts. Allow an objective peer review process to sort out those facts and reach an independent judgment.

Bottom line? Create a culture within your organization that actually encourages employees to report wrongdoing. Blow the whistle on your peers. The cost of silence is too high to the profession and to your organization.

Martha Perego, Ethics Director, ICMA, Washington, D.C., mperego@icma.org.

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Transient Vendors: Get the Facts Before You Buy

Transient vendor season is underway in South Dakota, a time when out-of-state vendors roll into the state to sell their products and services. While many of the vendors are legitimate, the South Dakota Department of Revenue advises people to take common-sense steps to ensure vendors are reputable before doing business with them.

If you are considering hiring a person to provide repair or construction services, the department advises you to:

- Be careful about paying for work in advance; before making final payments, make sure transient vendors have paid their local suppliers or you may be held liable for unpaid materials.
- Make sure you are completely satisfied with the work before paying the bill, and do not pay more for the job than originally quoted unless you have given written approval for the additional work or cost.

Out-of-state vendors often travel to South Dakota to sell items like fruit, seafood, meat packages, paintings, magazine subscriptions, rugs, T-shirts, sunglasses, household cleaners, furniture, stuffed animals, and asphalt and roofing services. Asking the right questions when approached by those vendors can help you avoid making a purchase you may regret:

- Question the salesperson about the product, warranties, guarantees, etc.
- Get something in writing with the company’s name, address and phone number.
- Ask to see their current South Dakota tax license. State law requires everyone selling products or services to have a current South Dakota sales or contractors’
excise tax license. To verify if the license is valid, call the Department’s toll-free helpline at 800-829-9188.

All sellers must provide you with a contract or receipt at the time of sale showing the date, the merchant’s name and address, and a statement informing you of your right to cancel the contract within three days. After proper cancellation, the seller has 10 days to refund your money.

If you have doubts about the vendor or think you may have been the victim of a scam, call your local police department or county sheriff’s office immediately. You can also contact the Attorney General’s Consumer Protection Office at 800-300-1986 or by email at consumerhelp@state.sd.us. Be prepared to give as much information as you can about the vendor, including the name of the company and salesperson; company address and telephone number; and make, model and license number (if possible) of the vehicle the vendor was driving. Without tips from the public, law enforcement officials may not be able to catch illegal vendors before they move on to the next community.

For more information on transient vendors, contact the South Dakota Department of Revenue’s toll-free helpline at 800-829-9188, press “1” for the Business Tax Division.
The Makings of a Town
Alcester’s Flavorful Business District

Story and photos by Bernie Hunhoff

Small businesses add flavor to a small town, and Alcester is a good example. Hanging near the front door of Pete’s Produce is the head of a moose shot in 1929 by the store’s namesake and founder, Pete Hughes, who bought furs, sold baby chicks and bought eggs from local farmers. Today, Pete’s is a hardware and feed store.

“We still have a lot of smaller farmers and some who raise livestock,” says Barry, Pete’s grandson. “That’s who we’re here for. We are starting to see the bigger operations, too, but they don’t like to farm our rolling hills.”

The rustic wood floors and high, ornate ceiling would be the envy of a big-city, upscale coffee shop. But this is the real thing; little has changed since Pete hung the moose on the wall.

“There are not too many places left in a town of 800 where you can get a bolt or an extension cord or some wire or get an old electric fencer fixed, plus get fertilizer and feed for the critters,” says Maggie Gillespie, an Alcester business woman and farmer’s wife.

The current operators are Barry and his brother, Todd, and their dad, Dick. All three are avid deer hunters; their whitetail mounts hang near grandpa’s moose.

Pete’s isn’t the oldest business in town. That honor probably goes to the Alcester Union, the weekly newspaper started 125 years ago. Paul Buum, the editor and publisher, is another fan of Pete’s.

“I’ve known the Hughes family my entire life,” he says. “Good people. I don’t remember much about Pete because he passed away when I was pretty young. Dick served as fire chief for many years, and Todd served as chief for 28 years. He decided to step down about three years ago and I was elected chief. Barry is my assistant chief.”

Alcester State Bank, a year younger than the newspaper, has been operated by the same family since 1919 when E.F. McKellips came to town — but not continuously. The bank closed during the Great Depression, costing many local citizens their deposits.

But E.F. became a legend when he later re-opened the bank and worked day and night for 20 years until he had repaid every depositor. Two generations later, people still talk about it.

E.F.’s son Roger, now retired, was a popular silver-haired Democratic leader in the state legislature for many years and a gubernatorial candidate in 1978. Today, Roger’s son Gary heads the bank, which employs 27 people.

Two manufacturing plants, Alkota Cleaning Systems and Custom Coils, provide more than 150 jobs. They and the bank are all on Iowa Street, a one-way north-south avenue.

“We don’t have a stoplight, but we have a one-way street,” laughs McKellips. “It was just a way to add parking and keep the cars moving. I don’t think anyone’s ever been arrested for going the wrong way.” Neither will you be ticketed for parking in the center of Second Street, the main boulevard. It’s a tradition dating back longer than anyone can remember.

One of the bank’s most interesting workers was DeeCort Hammitt, a teller who made change by day and played music into the wee hours of the morning. “He came home from the bank and beat the piano half to death, clean up to midnight when his wife would finally have to hit him on the head and tell him to come to bed,” says Bob Hammitt, a nephew.

DeeCort led the Alcester Town Band. In 1927, he and the band entertained President Calvin Coolidge at Custer State Park. They went to the Chicago World’s Fair in 1933 and 1934 as the official agricultural band. He wrote and published many songs, including To a Prairie Lullaby for Lawrence Welk, who often played at The Ritz, a dance hall near Beresford, in the 1940s. DeeCort is best remembered for composing South Dakota’s official state song, Hail South Dakota, in 1943. He and his wife, Bessie Jane,
raised 11 children (including six sons who served in WWII), and many of them had musical talent.

Alcester’s newest business is Dakota Earth, a pasta factory operated by Dan and Elizabeth Avery and their children. Pasta and noodle-making was just a family hobby until two years ago, when the Averys started selling garden produce at farmer’s markets. Elizabeth suggested that they sell pasta in the off-season.

“We went to the Vermillion Farmer’s Market hoping to sell 10 bags and we sold 70,” Dan says. Last year, operating out of the family kitchen, they moved 30,000 bags. Pasta supplies and equipment were taking over the house, so this summer they bought an empty furniture store on Main Street and began a remodeling project. Soon they’ll have a retail shop, factory space and offices.

Dan hasn’t had time to study why their Dakota Earth products are so popular, but he believes it’s because the company is small enough to monitor the freshness and quality of the ingredients, and “my wife is brilliant at knowing just how to make the flavors come out.”

Italian tomato basil is a favorite, along with spinach garlic and sweet red onion. Four regional distributors are hungry for the factory to reach full speed; one says it’ll take all they can make, but first the family has to finish remodeling.

McKellips’ bank handled the financing, and Pete’s Produce is also helpful. “I bought a screw gun there the other day, and later I checked the price on Amazon. Pete’s was five dollars cheaper. I was sold. You’re my hardware store now,” he said, looking out the factory window and across the street.

This article is reprinted from the November/December 2013 issue of South Dakota Magazine. For more information visit www.SouthDakotaMagazine.com.
One Thing at a Time

By Jeff Davidson

Every day, virtually all city and county managers and their staffs engage in multitasking. This might feel temporarily satisfying, but multitasking cannot compete with the long-term productivity of handling one thing at a time.

To become a master of doing one thing at a time, pick an activity—work related or not—that you enjoy and where there’s a high probability that you can engage in that activity without doing anything else. It could be driving your car with the radio off or reading in your favorite armchair without having a snack.

Start with small segments. If you’re reading in your favorite armchair, promise yourself you’ll go 10 minutes without any snacks the first night. The second night, go 15 minutes, then 20, and so forth. Eventually, you might get to the point where you can read for an hour or more without having to resort to snacks.

If you’re trying to engage in reading, conceptual or breakthrough thinking, or creative problem solving, find as quiet a place as possible. Your ultimate goal will be to focus on work-related tasks one at a time, so that your concentration and quality of performance goes up, your anxiety level goes down, and the clock slows down.

Tackle One Key Task
When you’re surrounded by tasks competing for your attention, identify the one that’s most important to tackle and stay with it until completion, or for as long as you can. If you’re temporarily pulled away by something else, return to the important task at hand, and, again, stay with it to completion, or for as long as you can.

When you have no choice but to handle a multiplicity of items competing for your attention, practice the ability to give at least short bursts of your full attention to the task at hand, before turning away to something else that begs your attention.

If you’ve ever noticed airline reservation personnel in the middle of a pressure situation, you know what I mean. Suppose the plane is going to be leaving in a matter of minutes, and several passengers have arrived late.

Rather than trying to deal with three or four passengers at the same time, the ticket agent deals with one person and ticket situation at a time, often not even raising his head from the computer screen. He is ensuring the ticket will be correct once it’s printed.

The same observation can be made of a bank teller, a bus driver, or a construction worker walking on scaffolding five stories above the ground. Indeed, when you look around, you find all kinds of people who are adept at doing one thing at a time.

Other habits can also help you master this habit:
- Initiate personal balancing techniques. Take deep breaths, stare out the window, envision yourself tackling
the situation easily, or close your eyes for a few seconds before confronting the task again.

- Observe the people in your organization who concentrate well. What do they do differently than the rest? Talk to them, learn from them.
- Bring earplugs to work, if it’s necessary. Use a sound screen if it helps.
- Encourage others to join your mission to increase your powers of concentration.

Some Wiggle Room

While you need to disengage in multitasking, far more than you realize, there are times when it’s perfectly permissible to do more than one thing at a time.

Most of those times occur away from work. Obviously, at dinner with a friend or loved one you’ll be talking and eating simultaneously. Generally, it’s okay to drive and listen to the radio, CDs, or your iPod. The exception is when the decibel level is so high that your concentration is impaired.

The issue becomes foggy when it comes to using a cell phone and driving. Both have the potential to diminish your concentration and increase your probability of being involved in an accident. Some people argue that cell phones come with speakers, so you can hold a phone conversation while keeping both hands on the wheel.

The problem with engaging in conversation and performing other tasks is that speaking requires far more brain activity than the passive act of listening to the radio or a CD player. If you insist on engaging in conversations while using your cellphone in the car, perhaps it’s best for you to pull off to the side of the road.

The more often you can get into the habit of doing one thing at a time, the better you’ll do, and the more time will slow down for you.

Jeff Davidson, MBA, CMC, is principal, Breathing Space® Institute, Raleigh, North Carolina. An author and presenter on work-life balance, he holds the world’s only registered trademark from the United States Patent and Trademark Office as a “Work-Life Balance Expert.”®

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**U.S. Communities Can Help Cities Be Prepared for Any Emergency**

With the onset of tornado season and other hazardous weather events, U.S. Communities, NLC’s government purchasing cooperative, can provide timely and affordable products and solutions to help cities “weather the storm” and assist in recovery from the aftermath.

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Other U.S. Communities supply partners provide roofing supplies and services, heavy equipment rental, electrical supplies, materials for command centers, first aid equipment, portable lighting, clean up supplies and more.

Sponsored by NLC and four other national associations, along with 29 state municipal leagues (including the SDML), U.S. Communities reduces the cost of goods and services by aggregating the purchasing power of public agencies nationwide. Today more than 55,000 registered agencies, education institutions and nonprofits utilize U.S. Communities contracts to procure more than 1.4 billion dollars in products and services annually.

U.S. Communities has no minimum purchase requirements and meets all state procurement requirements through competitively bid contracts by a lead public agency. Register at http://www.uscommunities.org/, it is fast, easy and free. For additional information, contact Marc Shapiro at NLC (Shapiro@nlc.org) or your U.S. Communities Regional Manager, Jason Angel, at jangel@uscommunities.org or 415-328-8109.

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SOUTH DAKOTA MUNICIPALITIES
A new report on city small business development efforts was released by the National League of Cities (NLC), calling on local governments to make small business development a priority and create “ecosystems” that support small business growth.

The report, “Big Ideas for Small Business,” concludes that cities must reorganize their resources to be business-friendly and provide owners with access to new sources of capital. The report also provides local leaders with a toolkit with strategies to strengthen local business communities, and as a result, improve their local economies.

“Small businesses are an integral part of every community, and are responsible for roughly half the nation’s economic output,” said National League of Cities President Chris Coleman, Mayor of Saint Paul, Minn. “This new report on ‘Big Ideas for Small Business’ shows that local leaders are in a unique position to create a small business ecosystem that connects entrepreneurs with city resources, including funding opportunities, streamlined regulations and technical assistance. Cities across the country understand that for small businesses to be successful in the long-term, it is critical that they have the support of communities and local leaders.”

The report profiles the best practices of 12 cities with proactive initiatives that support the small business ecosystems in their communities. Example initiatives include the creation of incubator spaces to accelerate small business expansion, microlending and crowdsourcing, streamlining regulations and inspections and others.

Local businesses and city governments would strongly benefit from the Marketplace Fairness Act, which would ensure that online retailers play by the same rules as local brick and mortar retailers when it comes to collecting sales taxes. In addition to funding vital city services such as public safety and infrastructure, local businesses would be able to compete fairly with online retailers and offer more choices to consumers.

The report can be found at http://www.nlc.org/big-ideas-for-small-business.
Summer Safety Reminders

Summer is here and once again many departments are extremely busy, whether it is trying to complete various projects in the short construction season that we have in South Dakota or just trying to keep up with day-to-day operations. I would like to offer the following safety and loss control reminders for supervisors and employees in dealing with summer challenges.

Safety Meetings
It is extremely important to continue to provide employees with reminders on how to perform job tasks safely during the summer months. This can best be done by actually increasing the number of safety talks during busy and challenging times. Safety needs to be a priority throughout the year and not just when it is convenient. “Toolbox” or “tailgate” safety meetings should be held on a regular basis, ideally each week. They do not have to be lengthy but they should be used to remind employees of the importance of not compromising safety to try to keep up with seasonal demands.

Employees, including seasonal help, need to be reminded of such safety topics as back injury prevention and the importance of wearing adequate personal protective equipment for the job tasks that they are performing. In addition to covering proper lifting techniques, employees should be reminded to use mechanical devices whenever possible to assist with lifting heavy objects. A maximum of 50 pounds is the ideal weight limit for most employees. Employees should be encouraged to ask for assistance for lifting any heavy, large or bulky objects. Back injuries are still one of the leading causes of all work comp injuries. Employees need to also be reminded to wear proper clothing and personal protective equipment, including eye, hearing and foot protection, while performing their assigned tasks.

Motor vehicle crashes are still the leading cause of all work-related fatalities so it is important that employees are reminded to wear their seat belts, even on short trips. Cell phone use continues to be a leading distraction and frequent contributing cause of motor vehicle crashes. Entities need to make sure that they have written policies prohibiting placing and receiving calls while employees are driving. Supervisors need to make sure that these policies are enforced to protect employees and other motorists alike. Texting while driving should be absolutely prohibited.

Heat Stress
Workers who are exposed to extreme heat or work in hot environments may be at risk of heat stress. Heat stress can result in heat stroke, heat exhaustion, heat rashes, or heat cramps. Heat can also increase the risk of injuries to workers as it may result in sweaty palms, fogged-up safety glasses, and dizziness. Prevention of heat stress in workers is important. Employers should provide training to workers so they understand what heat stress is, how it affects their health and safety, and how it can be prevented.

According to the National Institute for Occupational Safety and Health (NIOSH), employees should avoid exposure to extreme heat, sun exposure, and high humidity when possible. When these exposures cannot be avoided, workers should take the following steps to prevent heat stress:

- Wear light-colored, loose-fitting, breathable clothing such as cotton. Avoid non-breathing synthetic clothing.
- Gradually build up to heavy work.
- Schedule heavy work during the coolest parts of day.
- Take more breaks in extreme heat and humidity. Take breaks in the shade or a cool area when possible.
- Drink water frequently. Drink enough water that you never become thirsty.
- Avoid drinks containing caffeine and large amounts of sugar.
- Be aware that protective clothing or personal protective equipment may increase the risk of heat stress.
- Monitor your physical condition and that of your coworkers.

Safety Observations
Supervisors should be encouraged to take time from their busy schedules to observe their employees while they are working. Are they following your written safety rules? Are they wearing the required personal protective equipment? Are they performing their assigned tasks safely? If they are following proper procedures they should be commended. A little praise goes a long ways in establishing a positive safety culture. If they are not following the rules their behavior should be corrected and they need to be reminded that their safety is most important to you and your entity. The first time a supervisor observes a violation of a safety rule and ignores it, they have just told the employees that safety is not that important to your organization and it is okay to ignore the rules.

Work Zone Safety
According to NIOSH there were 609 fatalities in construction and maintenance work zones in 2012. For
everyone’s safety, employees need to be reminded to properly set up work zones and temporary road closures as outlined in Part VI of the “Manual on Uniform Traffic Control Devices.” The MUTCD is designed to protect the motoring public and your employees. It will also serve as the standards that your entity has to meet whenever defending any type of civil litigation. Employees need to be reminded that they should be wearing the required hi-visibility safety vests/clothing any time they are working in and around traffic. Proper advance warning signs should be used to warn motorists of any work that is being done on the streets or within the right-of-ways. Temporary traffic control devices need to be utilized as outlined in the MUTCD. Yellow warning lights should be activated on all equipment that is being used within the work zone. A supervisor should always review the layout of the work zone to make sure motorists are being adequately warned of the potential dangers ahead and that workers are being protected.

Challenges continue for local government. Budget shortfalls, increased demands for service and additional challenges caused by the weather face many of you and your employees. The importance of getting the job done quickly should never be placed as a priority over safety. Safety is a good investment and unlike some of the paltry returns that we are seeing on our monetary investments, SAFETY DOES PAY! Your life may depend on it.

Doug Kirkus
Loss Control Consultant
South Dakota Public Assurance Alliance
SDML Workers’ Compensation Fund
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South Dakota is one of seven states throughout the country without a state income tax. With a zero percent state income tax rate, zero percent corporate income tax rate, and four percent state sales tax rate, South Dakotans enjoy one of the lowest tax burdens in the country. Our state’s strong leadership and good fiscal management have created conditions that allow our elected officials to rely on sales taxes as the primary tool to finance government services, keeping South Dakotans’ tax burden low and increasing prosperity and creating jobs throughout the state.

While taxpayers who choose to itemize their deductions in states with an income tax can deduct their state and local income taxes from their federal income, taxpayers in states like South Dakota have been excluded from utilizing this deduction due to the decision by the state to collect sales taxes rather than income taxes to fund government services. In order to level the playing field for all taxpayers, Congress amended the tax code in 2004 to create an itemized deduction for state and local sales taxes for taxpayers who wish to deduct state and local sales taxes rather than state income taxes. Unfortunately, this deduction is a temporary part of the tax code that was last extended at the end of 2012 and expired at the end of 2013. If Congress fails to act before this year’s taxes are due next April, the nearly 20 percent of South Dakotans who itemize their federal taxes will find themselves facing a larger tax bill.

Unfortunately, Majority Leader Harry Reid (D-Nevada) has blocked consideration of any amendments on the Senate floor, preventing this important legislation from moving forward. Unfortunately, this action has blocked not only the state and local sales tax deduction, but other tax relief measures important to South Dakotans, such as an extension of the 15-year depreciation period for qualified retail property improvements. However, I am hopeful that Majority Leader Reid will reconsider his position, thus allowing the full Senate to take up this legislation in the very near future.

The local and state sales tax deduction helps to level the playing field for taxpayers living in states without state income taxes, including South Dakota. While I am pleased that legislation is moving through the process that would extend this important deduction for an additional two years, I believe South Dakotans deserve certainty in knowing that they will not once again find themselves disadvantaged relative to taxpayers in other states. I will continue to work with my colleagues across the aisle to ensure this common-sense deduction becomes a permanent part of the tax code.

I believe it is important that Congress acts to prevent this tax increase. As a member of the tax-writing Senate Finance Committee, I joined with my colleagues on both sides of the aisle earlier this year in passing a bill extending a series of expiring tax provisions for the next two years. Included in the package was a provision extending the state and local sales tax deduction. During consideration of the legislation on the Senate floor, I filed an amendment along with Senator Maria Cantwell (D-Washington) that would have made the deduction for state and local sales taxes a permanent part of the tax code.
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August Community Events

**July 25 - July 27**
Harvest Fest
Wilmot

**August 1**
Downtown Block Party on the Eastbank
Sioux Falls

**August 1 - August 2**
Jerauld/Buffalo 4-H Achievement Days
Wessington Springs

**August 1 - August 3**
Sioux River Folk Festival
Canton

**August 1 - August 10**
Sioux Empire Fair
Sioux Falls

**August 2**
BBQ Pit Row Winner
Clark Classics Car Club Car Show
Clark

Music in the Park: John and Susan McNeill
Yankton

Bean Bag Tourney
Canton

Kayaking for Fun
Pickstown

Steady Eddy Disc Golf Tournament
Fort Pierre

Evening with the Owls
Fort Pierre

Dutch Oven Cooking Demonstration
Lake City

Annual Foothills Classic Car & Tractor Show
Wessington Springs

Outdoor University
Sioux Falls

**August 3**
Madison Car Show
Madison

Sangria Sunday at Strawbale Winery
Renner

Glacial Lakes 4-H Rodeo
Sissetton

**August 4**
Legends Ride
Deadwood

12th Annual Sturgis Mayor’s Ride
Sturgis

Custer Cruisin’ Vintage Bike Show
Custer

**August 4 - August 10**
Sturgis Motorcycle Rally
Sturgis

**August 5**
National Night Out
Aberdeen

National Night Out Box Elder

Custer Cruisin’ Mayor’s Ride
Custer

Randy Houser in Concert
Deadwood

**August 6**
Nature Day Camp: Nature Explorers
Hot Springs

**August 7**
Nature Day Camp: Fabulous Flowers
Garretson

Summer Porch at Strawbale Winery
Renner

Summer Lecture Series Presentation at Crazy Horse Memorial
Crazy Horse

Aberdeen Aqua Water Ski Show
Aberdeen

Custer Cruisin’ Veterans’ Appreciation Ride
Custer

Summer Concert Series at Main Street Square
Rapid City

Stoney LaRue in Concert
Deadwood

Thursday Nite Live Outdoor Concert Series
Watertown

**August 7 - August 10**
Custer County Fair - Hermosa
Hermosa

“Barefoot in the Park” - A Play
Yankton

**August 8**
Art Walk - Rapid City
Rapid City

Shawn Cable with Erik Apland Concert
Watertown

Art Night Downtown
Rapid City

McCory Gardens Garden Party
Brookings

Harvey Dunn Memorial Society Plein Air Event
De Smet

**August 9**
Harvey Dunn Memorial Society Plein Air Event
De Smet

Camaro Fun Days
Brookings

Adams Homestead Celebration
North Sioux City

RiverKid Sprint Triathlon
Pierre

State of South Dakota Pioneer Birthday Bash
Madison
August Community Events

Dutch Oven Basics
Canistota

Stories of the Stars Hike
Yankton

Un-Nature Hike
Canton

Street Masters Car Show and
Ice Cream Social
Fort Pierre

Sand Volleyball Fun
Bruce

Back to School at the Empire Mall
Sioux Falls

August 9 - August 11
Parmelee Community Pow Wow
Parmelee

August 10
Harvey Dunn Memorial Society
Plein Air Event
De Smet

Sangria Sunday at Strawbale Winery
Renner

August 11 - August 17
Brown County Fair
Aberdeen

August 13
Nature Day Camp: Nature Explorers
Custer

August 14
Nature Day Camp: Fabulous Flowers
Brandon

Summer Porch at Strawbale Winery
Renner

Summer Lecture Series Presentation
at Crazy Horse Memorial
Crazy Horse

Thursday Nite Live
Outdoor Concert Series
Watertown

Summer Concert Series at
Main Street Square
Rapid City

John Nelson Drawing In Action
Watertown

The Music of Abba in Concert
Deadwood

Midcontinent Free Day at
Bramble Park Zoo
Watertown

August 14 - August 16
Legendary Hart Ranch Rodeo
Rapid City

August 15
The Dweebs Street Dance
Watertown

August 15 - August 17
Riverboat Days & Summer
Arts Festival
Yankton

Riverboat Days Mall Craft Show
Yankton

American Island Days
Chamberlain

August 16
Yankton Riverboat Days Kayak Run
Yankton

Downtown Riverfest
Sioux Falls

South Dakota Gran Fondo -
Tour De Prairie
Watertown

Animal Enrichment Day
Sioux Falls

James Valley Model Railroad
Open House
Aberdeen

Family Dino Dig
Brandon

South Dakota Bat Festival
Custer

Parrot Program
Canton

South Dakota Birthday Bash
Pickstown

Persied Meteor Shower and Star Party
Garretson

August 16 - August 17
Great Plains Hot Air Balloon Race
Sioux Falls

August 16 - August 18
White River Frontier Days
Wacipi & Rodeo
White River

August 17
Sangria Sunday at Strawbale Winery
Renner

Watertown’s SD State 125th Celebration
Watertown

Willie Nelson in Concert
Deadwood

August 19 - August 20
Dakotafest
Mitchell

August 20
Pat Benatar in Concert
Deadwood

Miller Lite Bull Bash
Mitchell

August 20 - August 24
Corn Palace Festival
Mitchell

August 21
Thursday Nite Live
Outdoor Concert Series
Watertown

Summer Concert Series at
Main Street Square
Rapid City

JULY 2014
August Community Events

Red Hat Day at Joy Ranch  
Watertown

Aberdeen Aqua Water Ski Show  
Aberdeen

Summer Porch at Strawbale Winery  
Renner

Summer Lecture Series Presentation at Crazy Horse Memorial  
Crazy Horse

**August 21 - August 24**  
Kool Deadwood Nites  
Deadwood

**August 22 - August 24**  
52nd Annual Steam Threshing Jamboree  
Madison

Bash to the Colonies Sailboat Regatta  
Yankton

**August 22 - August 25**  
Rosebud Fair Pow Wow Celebration  
Rosebud

**August 23**  
Lean Horse 100 Ultra-Marathon  
Custer

Sizzlin’ Summer Nights Car & Motorcycle Show  
Aberdeen

Watertown Color Dash  
Watertown

Donkey Ranch Golf Tournament  
Wessington Springs

Dallas Carnegie Library Centennial Celebration  
Dallas

Rumble on the Ranch  
Watertown

Book on a Bike  
Yankton

SD State Mammal  
Canton

Celebrate SD Bike Hike  
Bruce

Animal Tracks  
Lake City

**August 24**  
Aberdeen Air Show  
Aberdeen

Sangria Sunday at Strawbale Winery  
Renner

Season Track Racing Championships  
Watertown

**August 28**  
Summer Concert Series at Main Street Square  
Rapid City

Summer Porch at Strawbale Winery  
Renner

Summer Lecture Series Presentation at Crazy Horse Memorial  
Crazy Horse

**August 28 - September 1**  
South Dakota State Fair  
Huron

**August 29 - August 30**  
Calamity Peak Cowboy Gathering  
Custer

**August 29 - August 31**  
Survivor Weekend  
Canton

LifeLight  
Worthing

Men’s National A & B Fast Pitch Tournament  
Watertown

**August 29 - September 1**  
Labor Day Celebration  
Winner

**August 30**  
Chute the Bull  
Winner

**August 30 - September 1**  
Bean Bag Game Tourney  
Bruce

Monarch Butterfly Tagging  
Garretson

Bike Rodeo  
Pickstown

Rockin’ RibFest  
Yankton

**August 30 - September 5**  
Labor Day Weekend Open House  
Crazy Horse

**August 31**  
Black Hills Bicycle Tour  
Rapid City

**August 31**  
Sangria Sunday at Strawbale Winery  
Renner

Bike Parade  
Pickstown

Studebaker Car Show  
Custer

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MAINTENANCE WORKER: The City of Philip, SD, is now accepting applications for a full-time Maintenance Worker. Work areas include, but are not limited to water, sewer, streets, snow removal, rubble site, swimming pool and airport. The following certifications/licenses must be possessed or be able to obtain: Commercial Applicator’s License, Class I Water Distribution, Class I Wastewater Treatment and Distribution, Commercial Driver’s License. Knowledge and experience with all types of equipment is desired. Individual must also be dependable, reliable, friendly, and able to work with others. Salary/wage is depending upon qualifications and experience. Applications and detailed job descriptions may be obtained from the City Finance Office, PO Box 408, Philip, SD 57567-0408; telephone 605-859-2175; or, email philip@gwtc.net. The City Office is located at 140 S. Howard Ave., Philip, SD, Haakon County Courthouse, Fourth Floor. Office hours are 8:00 a.m. to 5:00 p.m. Monday thru Friday (Mountain Time). Applications will be accepted through 5:00 p.m. on Monday, July 7, 2014. EOE.

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GOVERNMENT COMMUNITY RESOURCE COORDINATOR: City of Pierre, SD. This position is responsible for providing assistance to the Mayor, City Administrator and Directors to respond to inquiries, to be the City’s point person for external communications, to direct grant writing and research for the city, and to
coordinate City services with groups, organizations, and businesses and to coordinate special projects for the city. Minimum Qualifications: Experience working with local government, public administration, web site administration and community organizations is preferred. The successful candidate must possess good computer skills and be fluent in Microsoft Office. Excellent communication, organizational, and interpersonal skills are essential. Salary Range: $54,631.62-$60,303.80. Open until filled. Send applications to City of Pierre Human Resources Director, P.O. Box 1253, Pierre SD 57501, 605-773-7429, www.cityofpierre.org. EOE.

FINANCE OFFICER: Hill City, SD seeks professional candidate for a full-time appointive Finance Officer position. This position oversees all aspects of City finances on behalf of the Mayor and City Council. Supervises all aspects of the City Finance Office and assures State and Federal regulatory compliance. Responsible for all fiscal management of City funds, insurance administration, licensing, elections, budgets, equalization/assessments, ordinance and resolutions. A graduate from an accredited college or university with a degree in accounting, finance, business, or public administration, or a closely related field; and five (5) years’ progressively responsible accounting work or any equivalent combination of experience, education and training which provides the desired knowledge, skills and abilities. Prior experience in municipal government and fund accounting preferred. Open until filled. Salary DOE. Info at hillcitysd.org or 605-574-2300. EOE.

EXECUTIVE DIRECTOR: The City of Huron has an opening for a full time Huron Community Campus (HCC) Executive Director. Duties: Responsible for the management of the day to day activities within the Fine Arts/Huron Community Campus (HCC). Facilitates development of the Fine Arts/Huron Community Campus. Promotes community programs and higher education. Assesses community needs for education. See job description on city website. Salary: Bi-weekly salary $1944.00 - $2332.80 DOQ. Applications available: online at www.huronsd.com, select “City Employment” tab, then click on “City Employment.” City Finance Office, 239 Wisconsin Ave SW, 605-353-8505. George Merkel, P.O. Box 226, 605-352-4226. S.D. Dept of Labor & Regulation, 2361 Dakota Avenue South, 353-7155. EOE. Open until filled.

JOURNEY LINE WORKER: Missouri River Energy Services is expanding our crew in Jackson, MN. We are looking for a highly motivated Journey Line Worker to join our team providing electric distribution maintenance services to the City of Jackson. Requirements include: Education: 1 year Power Line (minimum). Experience: 4 years in operation, construction, reconstruction, maintenance, and repair of electrical distribution systems and associated equipment. Journey Line Worker designation. Active Driver’s License; ability to obtain a CDL endorsement within 6 months. MRES is an organization of 61 member municipalities that own and operate their own electrical distribution systems. We provide very competitive wages, a comprehensive/low cost benefit package, and an outstanding work environment that promotes a long lasting career. Visit our website at www.mrenergy.com. For consideration, email your resume to hr@energy.com.

WATER TREATMENT PLANT FOREMAN: Watertown Municipal Utilities has a full-time opening for a Water Treatment Plant Foreman. Reporting to the Water Superintendent, this position is responsible for the technical and supervisory work in the direction of the municipal water treatment plant and related facilities. SD Water Treatment Class III Certification and two years supervisory experience required. Salary commensurate with experience and qualifications. Excellent benefits package, including pension, health insurance, life insurance, 457 plan, paid sick leave and vacation. A completed application and resume, including salary history, references and a cover letter, are required. Wage range of $26.94 - $30.72. Job description and application are available at: Watertown Municipal Utilities, Attn: Human Resources, 901 – 4th Avenue SW, Watertown, SD 57201. E-mail: hr@watertownmu.com. Application and job description online at www.watertownmu.com. Open until filled. EOE.

POLICE OFFICER: City of Lennox, SD is accepting applications for a full-time certified police officer and a part-time certified police officer. Qualifications: a High School diploma/GED certificate, state law enforcement academy certification. Apply at City Hall, 107 South Main Street, Lennox, at http://www.cityoflennoxsd.com, or call 605-647-2286 for application. EOE.

FOR SALE: The Town of Chancellor has declared a red 1944 Farmall B Tractor with a 6’ Belly Mower surplus. This tractor has been repainted and decaled. For more information, call the Town of Chancellor at 605-647-8696 and leave a message. The bids must be sent in an envelope marked on the outside “Farmall B Tractor Bid.” Bids can be sent to Town of Chancellor Box 106, Chancellor, SD 57015. The bids must be received by August 8, 2014 and will be opened at the Town Board Meeting in the Chancellor City Hall on August 10, 2014. The board has the right to reject any or all bids.
FOR SALE: Sensus RadioRead Water Meter Equipment - The City of Piedmont, SD has seventy-eight (78) new “Sensus RadioReaders” Model # M510P-F1-3W-X-P for sale. Asking price is $75.00 each. Sensus Radioread offers the most robust, high-powered radio frequency transmitter available for use with walk-by or drive-by automatic meter reading systems. RadioRead offers a choice of meter reading options. A handheld unit can be used for reading RadioRead equipped meters. A more powerful vehicle transceiver has greater range and can be used in any car or truck at any time to read meters as the vehicle drives past RadioRead equipped meters. If interested contact the City of Piedmont at 605-716-5495.

FOR SALE: Water Meter Pits - The City of Piedmont, SD has nine (9) new Ford Meter Box Pits Model# PTFCBHH-288-15-72 for sale. Asking price is $500.00 each. The pits provide a means to allow a meter (not included) to be read and maintained even though it is set deep in the ground to resist freezing. The THERMAL-COIL Meter Box is designed to install the meter on a platform that normally sets near the bottom of the box where the ground temperature keeps it warmer. The meter and platform are connected to the service line by coils of polybutylene tubing which allow the meter and platform to be raised to the surface. If interested call 605-716-5495.


FOR SALE: Elgin White Wing Street Sweeper 345 ci International truck engine, self-propelled with curb brush, $2,500. Rosco pull-behind 7 1/2’ Street Sweeper new brushes in 2013, newer 4 cyl., air-cooled Wisconsin type motor (50 hrs), $2,000. Both are as is, where is. Contact the City of Wilmot at 605-938-4811.

July 1 – The effective date of any new or amended municipal sales tax ordinance. The municipality must notify the Department of Revenue of the ordinance at least 90 days prior to the effective date. (SDCL 10-52-9; 10-52A-13; See Hdbk., sec. 12.260)

No later than July 1 – Each municipal governing body shall provide to the Department of Public Safety, Division of Emergency Management, information that will enable emergency agencies to reach the members of the municipal governing board and the mayor at any time, day or night. The information necessary shall include home, business, and other personal telephone numbers including any facsimile transmission machines and cellular or mobile telephone numbers; home, business, and other personal addresses; employer’s name and telephone number; and home, business, and other personal email or internet addresses. In addition, each municipal governing body shall provide contact information for the municipal employees responsible for the following functions if the municipality employs a person in such a capacity: City administrator or city manager; Building inspection; Engineering; Electrical; Fire; Police and law enforcement; Public works; Streets and highways; Sewer and waste water; Water; Telephone; Utilities; Emergency services or civil defense; Coroner; and 911 coordinator. (SDCL 33-15-11.1; 33-15-11.2; See Hdbk., sec. 9.400)

July 4 – Independence Day – State holiday (SDCL 1-5-1)

First meeting following election – Except as otherwise provided, every officer of the municipality will begin to discharge his duties on the first meeting of the month next succeeding the election, or as soon as the officer has qualified. (SDCL 9-14-5; See Hdbk., sec. 5.115)

First meeting following election – Appointed municipal officials are usually appointed. The appointment may be annual, or for an interval determined by the governing body. (SDCL 9-14-3)

First meeting following election – In municipalities having the mayor and common council form of government, the
council must elect a president and vice-president for the ensuing year. (SDCL 9-8-7; See Hdbk., sec. 2.520)

First meeting following election – In municipalities governed by a mayor and four commissioners, the board must designate by a majority vote, the following commissioners: Public Safety, Public Works, Utilities, and Finance and Revenue. Commissioners are assigned areas of responsibility under the law. (SDCL 9-9-18 to 9-9-24; See Hdbk., sec. 2.590)

First meeting following election – In municipalities governed by a mayor and two commissioners, the board shall by a resolution adopted by a majority, assign and apportion between the members, all duties that are not assigned to the mayor. (SDCL 9-9-27; See Hdbk., sec. 2.595)

First meeting following election – In those municipalities employing a city manager and under the commissioner form of government, at the first regular meeting in the month following the annual election, the commissioners must elect one of their members to serve as mayor for a term of one year. (SDCL 9-10-6; See Hdbk., sec. 2.615)

On or before July 15 – The liquor tax reversion must be made. (SDCL 35-5-22; See Hdbk., sec. 11.600)

No later than August 1 – In those municipalities employing a city manager, the city manager is required to prepare and submit an annual budget to the governing body. (SDCL 9-10-15(5); See Hdbk., sec. 12.065)

Sales tax ordinance deadlines – The effective date of any new or amended municipal sales tax ordinance must fall on either January first or July first. The municipality must notify the Department of Revenue of the ordinance at least 90 days prior to the effective date. (SDCL 10-52-9; 10-52A-13; See Hdbk. Sec. 12.260)

On or before September 1 – The finance officer must report annually to the governing body an estimate of the expenses of the municipality and likewise the revenue necessary to be raised for the current year in budget form similar to that recommended by the municipal accounting manual as provided in SDCL 4-11-6. (SDCL 9-22-23; See Hdbk., sec. 12.065)

At the first regular meeting in September, or within ten days thereafter – The annual appropriation ordinance for the ensuing year must be introduced. (SDCL 9-21-2; See Hdbk., sec. 12.066)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment enacted which changes the boundaries of the municipality. Notification shall be in written form, shall contain a copy of the resolution or amendment, and may be sent by electronic means or registered mail. Municipalities shall also provide any changes and additions to streets and addresses. (SDCL 10-52-13; See Hdbk., sec. 14.172)

August

14th Street Improvements
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