In this issue:

FLSA, Seasonal/Temporary Employees and Child Labor Laws

FLSA Child Labor Regulations Refresher

Application of Child Labor Provisions to the Employment of Lifeguards
BUILD UPON A STRONG FOUNDATION

Experience, professionalism, expertise, dedication and services are the foundation of Dougherty & Company. For more than 30 years Dougherty & Company has served South Dakota local and state governments, school districts, counties and cities, underwriting over $4 billion in bonds for South Dakota public entities since 1990.

RELY ON DOUGHERTY & COMPANY AS THE FOUNDATION FOR YOUR PUBLIC FINANCING NEEDS.

General Obligation Bonds | Sales Tax Bonds | Special Assessment Bonds
Revenue Bonds | TIF Bonds | Refinancings | Lease-purchases

DOUGHERTY & COMPANY LLC
TRUSTED PUBLIC FINANCE PARTNER SINCE 1977

Pierre, South Dakota | Phone 605.224.5557 | 877.224.5557
Sioux Falls, South Dakota | Phone 605.339.5800 | 800.339.1111

Member SIPC/FINRA
PRESIDENT
Laurie Gill
Mayor, Pierre

1ST VICE PRESIDENT
Mike Wendland
Mayor, Baltic

2ND VICE PRESIDENT
Anita Lowary
Finance Officer, Groton

TRUSTEES
Pauline Sumption
Finance Officer, Rapid City
Karl Alberts
Finance Officer, Aberdeen
Steve Allender,
Mayor, Rapid City
Christine Erickson
Councilmember, Sioux Falls
Debbie Houseman
Finance Officer, Lake Andes

PAST PRESIDENT
Meri Jo Anderson,
Finance Officer, New Underwood

DISTRICT CHAIRS
Dist. 1 - Mike Grosek
Mayor, Webster
Dist. 2 - Paullyn Carey
Finance Director, Huron
Dist. 3 - Amy Nelson
City Manager, Yankton
Dist. 4 - Becky Brunsing
Finance Officer, Wagner
Dist. 5 - Renae Phinney
President, Ree Heights
Dist. 6 - Leland Treichel
Mayor, Roscoe
Dist. 7 - Arnold Schott
Mayor, McLaughlin
Dist. 8 - Harry Weller
Mayor, Kadoka
Dist. 9 - Carolyn Anderson
Finance Officer, Wall
Dist. 10 - Fay Bueno
Finance Officer, Sturgis

LEAGUE STAFF 1-800-658-3633 Fax: 605-224-8655
Yvonne Taylor Executive Director
Sandi Larson Director of Risk Sharing Services
Lori Martinec Director of Research and Training
Chris Hill Director of Municipal Electric Services
Carrie Harer Director of Marketing & Communications
Lori Butler Director of Finance
Carla McGregor Accounting Assistant
Lisa Nold Office Manager
SD Public Assurance Alliance:
Judith Payne Executive Director
Kristina Peterson Director of Underwriting
Paytra Nichols Underwriter
Jerry Krambeck Member Services Representative
Deb Corkill Executive Assistant

Contents

Features
Street Maintenance Association Meeting ...........6
Police Chiefs & Sheriffs Spring Conference ........7
Code Enforcement Training Conference ..........8
Finance Officer of the Year Nomination Form ....9
Scholarship Funds Available .......................10
Equipment Breakdown Boiler Inspection Process ..12
Supreme Court to Decide Lower Court Jurisdiction to Rule on Waters of the United States ........14
FLSA, Seasonal/Temporary
Employees and Child Labor Laws ...............15
FLSA Child Labor Regulations Refresher ..........16
Employment of Lifeguards .......................20
Small Community Planning Grant .................24
SDMEA Hometown Power – Sioux Falls
Light and Power .................................26
Obituary: Steve Metli .............................28
Obituary: Joseph DesJarlais .......................29
Streamline Purchasing with Cooperatives ..........30
Ask Millennials About Millennials ...............34

Columns
Director’s Notes ....................................4
President’s Report ....................................5
Risk-Sharing News ..................................42
Washington Report: Senator Rounds ............44

In Every Issue
Community Calendar ...............................46
Classifieds ............................................50
Directory Changes ..................................43
Municipal Calendar ..................................53

South Dakota MUNICIPALITIES
Managing Editor: Yvonne A. Taylor Editor: Carrie A. Harer

3
The Legislative Session will only have a couple weeks left once you receive this, but believe me, the last days are the LONGEST days. At this writing, we have steadily worked toward the League’s goals, although admittedly our agenda, given the election year, wasn’t as aggressive as in some past years.

We are looking forward to seeing you all as we visit the District Meeting communities of Lake Andes, Big Stone City, De Smet, Hartford, Bowdle, Akaska, Miller, Murdo, Hot Springs, and Whitewood. We find such great events and sites in each town we go to, we really wish this opportunity to “leave the beaten path” were something all of our citizens and visitors could have.

Affiliate groups are active this time of year, with meetings scheduled for the Municipal Electric Superintendent and Foreman Conference February 28 and March 1; Building Officials ICC Code Officials Institute Program April 4 and 6; Street Maintenance Association meeting April 12-13; Police Chiefs’ Association and Sheriffs’ Joint Meeting April 18-20; and Code Enforcement Workshop May 10-11. Plans are also well underway for the annual Finance Officers’ Schools and Human Resource School. Please go to www.sdmunicipalleague.org for all the dates, agendas, and details so you can get these excellent training opportunities on your calendar.

We hope to see many of you at District Meetings, but until then, remember we are always available at 1-800-658-3633 or yvonne@sdmunicipalleague.org.

Yvonne Taylor
Executive Director
As many of you may have already heard, I have made the difficult decision to not seek re-election for Mayor of Pierre this June.

After spending 18 years as an elected official on the City Commission, the last nine as mayor, I’ve decided it’s time for someone else to take on the role. In many regards, my tenure in local government is coming to a natural conclusion. Long-standing initiatives are wrapping up nicely, and many of the goals I set as mayor have been realized. This is an opportune time for a hand-off.

Regrettably, my role as President of the Municipal League Board of Directors isn’t aligning ideally with the closure of my mayoral career. When my final term as mayor ends on June 30, so will my term as President of the Board. Effective July 1, First Vice President Mike Wendland will complete the remainder of my term before beginning his term as Board President in October.

My commitment to public service is as strong as ever. I will continue to serve in Governor Daugaard’s cabinet as the Commissioner of the South Dakota Bureau of Human Resources, and I am looking forward to new opportunities to serve the citizens of South Dakota.

As Municipal League members, I know you all understand the importance of local government work. I hope local government employees also understand that it’s a privilege to serve our communities. After all, we have the ability to very directly and profoundly impact the daily lives of our constituents. It’s a role I never took for granted, and I hope you won’t either.

I look forward to my remaining four months with the Executive Board, and I know that when I depart in June I’ll be leaving you in the very capable hands of Mike Wendland.

Until then, I have work to do, and I look forward to seeing you at the district meetings!

Laurie Gill
President

SD FIT
Bringing investment services to cities

- Liquid Government Investment Pool
- Fixed Rate Investments
- Bond Proceeds Management
- Cash Flow Management

800-658-3633 | 208 Island Drive, Ft. Pierre, SD 57532 | www.sdpfit.org
**SD Municipal Street Maintenance Association**  
**Spring Meeting**  
**April 12-13, 2017 • Cedar Shore Hotel & Conference Center • Oacoma, SD**

**Wednesday, April 12**

- Noon to 1:00 pm *Registration*
- 1:00 to 1:15 *Welcome and Business Meeting*
- 1:15 to 2:00 *Safety Training for Traffic Areas and Loader Operators*  
  - **Cliff Reuer**, Western Technical Assistance Provider, SDLTAP  
  - **Chuck Fromelt**, Technical Assistance Provider, SDLTAP
- 2:00 to 2:30 *Plastic Pipe Options and Installation Methods*  
  - **Kari Drake**, PE, Engineered Products Manager, Advanced Drainage Systems
- 2:30 to 3:00 *Break*
- 3:00 to 3:30 *SDWARN – South Dakota Water/Wastewater Agency Response Network*  
  - **Brad Lawrence**, Electric Superintendent, City of Madison, SDWARN Chair
- 3:30 to 5:00 *Vendor Lightning Rounds*
- 5:00 to 6:30 *Exhibit Area Social*

**Thursday, April 13**

- 8:00 to 9:00 am *ADA – Planning thru Maintenance*  
  - **Marc Hoelscher**, Division Bridge Engineer, Federal Highway Administration  
  - **Mark Hoines**, Planning & Civil Rights Specialist, Federal Highway Administration
- 9:00 to 10:00 *Municipal Sidewalk Programs*  
  - **Wes Philips**, Engineer, City of Sioux Falls  
  - **Chad Comes**, Engineer, City of Madison
- 10:00 to 10:30 *Sidewalk Program Roundtable*
- 10:30 to 11:00 *Break*
- 11:00 to Noon *Roundtable Discussion*  
  - **Managing Right of Way**

**Registration Fee:** SDMSMA Member $50 and Non-member $65.

**Accommodations:** A block of rooms has been reserved at the Cedar Shore Hotel (605-734-6376) at a rate of $89.95 + tax. Be sure to mention you are with the Street Maintenance Association. **IMPORTANT:** to guarantee this rate your reservation must be made by March 12, 2017.

**REGISTRATION**  
Street Maintenance Association Meeting • April 12-13, 2017

<table>
<thead>
<tr>
<th>Municipality</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Return registration with payment by April 1, 2017 to:**  
SD Municipal Street Maintenance Association  
208 Island Drive, Ft. Pierre, SD 57532

**No refunds will be given after April 1, 2017.**

| Office Use Only: | Date: | Check #: | Amount: |
South Dakota Police Chiefs’ Association
South Dakota Sheriffs’ Association
Spring Conference
April 18-20, 2017 • The Lodge at Deadwood • Deadwood, SD

Agenda

Tuesday, April 18

1:00 p.m.  Individual Business Meetings
SDSA Meeting
SDPCA Meeting

5:00 p.m.  Conference Registration
to 6:30 p.m.

Wednesday, April 19

7:30 a.m.  Conference Registration
to 7:00 p.m.

7:30 a.m.  Vendor Hall Open

9:00 a.m.  General Session Opens
State and Federal Agency Updates

TBA  Vendor Hall Break

TBA  Evidence Handling Procedures:
Lessons Learned
Colonel Craig Price, SDHP

12:00 p.m.  Lunch in Vendor Hall

1:00 p.m.  Dakota Access Pipeline Protest:
Lessons Learned

3:00 p.m.  Vendor Hall Break

3:30 p.m.  Digital Evidence: Evidence in Motion
and Evidence at Rest
Brent Gromer, Supervisory Agent,
SD DCI

4:30 p.m.  Vendor Hall Social
to 6:30 p.m.

7:00 p.m.  Banquet

Thursday, April 20

8:30 a.m.  Law Enforcement Suicide
and Prevention Training
to 4:30 p.m.

- Understand the stress, pressures, and
culture in law enforcement that can
lead to suicidal ideation.
- Identify suicidal behaviors and
communication.
- Develop strategies on how to train law
enforcement in suicide prevention.
- Recognize the importance of
establishing department policy and
procedures related to suicide
prevention and postvention.

10:00 a.m.  Vendor Hall Break

12:00 p.m.  Lunch in Vendor Hall

Friday, April 21

Post-Conference Event
1:00 p.m.  Law Enforcement Marriage Seminar
to 4:00 p.m.

Accommodations
A block of rooms has been reserved at the The Lodge at Deadwood (877-393-5634). Room Blocks are for April 18, 19 and 20, 2017. Be sure to mention SD Police Chiefs’ Association. **IMPORTANT: to guarantee this rate your reservation must be made by March 19, 2017. If a city has not set up direct billing and wants to be
direct billed, request that when making the reservation.

Registration
Registration can be found at www.sdmunicipalleague.org
or call the SD Municipal League office at 800-658-3633.
Register by April 1, 2017.
SD Association of Code Enforcement (SoDACE)
Information and Training Conference
May 10-11, 2017 • Ramkota Hotel • Pierre, SD

Wednesday, May 10
8:30 – 9:00 am  Registration

9:00 – 9:15  Welcome – Amphitheatre II

9:15 – 9:45  Business Meeting

9:45 – 10:30  Administrative Warrants/Right of Entry
Savita Rae, Assistant City Attorney IV, City of San Antonio, Texas
Samuel Adams, Assistant City Attorney III, City of San Antonio, Texas

10:30 – 10:45  Break

10:45 – 12:00  Administrative Warrants/Right of Entry, cont.

12:00 – 1:00 pm  Luncheon and Presentation of the Code Enforcement Officer of the Year Award – Gallery F&G

1:00 – 3:00  Dangerous Assessment Response Team (DART) – Amphitheatre II
Savita Rae, Assistant City Attorney IV, City of San Antonio, Texas
Samuel Adams, Assistant City Attorney III, City of San Antonio, Texas

Break

3:00 – 3:15  Trial Preparation
Savita Rae, Assistant City Attorney IV, City of San Antonio, Texas
Samuel Adams, Assistant City Attorney III, City of San Antonio, Texas

3:15 – 5:00  Trial Preparation
Savita Rae, Assistant City Attorney IV, City of San Antonio, Texas
Samuel Adams, Assistant City Attorney III, City of San Antonio, Texas

Thursday, May 11
9:00 – 10:00 am  State Asbestos Requirements – Amphitheatre II
Chad Babcock, Asbestos Coordinator, SDDENR Waste Management Program

10:00 – 10:15  Break

10:15 – 11:15  Code Enforcement for Small Communities
Geoff Fillingsness, Code Enforcement Officer, City of Beresford

11:15 – Noon  Code Enforcement Roundtable
• Business Improvement Districts
• Sign Ordinances and Enforcement

Registration Fee:
Advance Registration: $50/SoDACE member and $90/non-member.
On-site Registration: $60/SoDACE member and $100/non-member.

Accommodations:
A room block has been reserved at the Ramkota Hotel (605-224-6877) at a rate of $89.99 + tax. Be sure to mention you are with the Code Enforcement Association. **IMPORTANT: to guarantee this rate your reservation must be made by April 9, 2017.

REGISTRATION

SD Code Enforcement Training Conference • May 10-11, 2017

Municipality __________________________________________

Name __________________________________________
Title __________________________________________
Email __________________________________________

Return registration with payment by April 21, 2017 to: South Dakota Association of Code Enforcement
208 Island Drive, Ft. Pierre, SD 57532

No refunds will be given after April 21, 2017

Office Use Only: Date:_________________________ Check #:_________________________ Amount:_________________________
2017 - 2018
“FINANCE OFFICER OF THE YEAR”
Official Nomination Form

All nominations must be submitted in writing by May 1, 2017. The Finance Officer of the Year award will be presented during the 2017 Finance Officers’ School held June 7-9 in Pierre.

Name of Nominee: ____________________________

Position: __________________________________

Years of service to the municipality: ________________

Contributions to the municipality as a Finance Officer: ____________________________________________

________________________________________________________________________________________

Contributions to the community as a citizen: ________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Significant contributions to any other organizations: ________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Personal accomplishments: ________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Other Comments: ________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Submitted by: ____________________________ Phone: ______________

DEADLINE: May 1, 2017
Nominations will be kept confidential.
Use additional paper if necessary.
Additional nomination letters are welcome.

Please submit to:
South Dakota Municipal League
208 Island Drive
Ft. Pierre, SD 57532
Fax: 605-224-8655
Scholarship Funds

South Dakota City Management Association Scholarship Funds

Applicant must be a member of the South Dakota City Management Association.

Scholarship funds must be used to attend the 2017 ICMA Conference, October 22-25 in San Antonio/Bexar County, Texas.

The Scholarship fund allows for up to $1,500 per year, which may be awarded to more than one applicant at the discretion of the Board. SDCMA will reimburse the City of the scholarship recipient expenses related to registration, airfare, lodging, transportation, and meals not included in the conference package. Recipient is responsible for keeping all receipts and submitting them to the SDML for reimbursement. All reimbursement costs are subject to SDCMA board approval.

Submit the completed application to SDML, 208 Island Drive, Ft. Pierre, SD 57532 or fax to 605-224-8655 no later than June 1, 2017, to be considered for the scholarship.

An official scholarship form can be obtained by visiting www.sdmunicipalleague.org then the City Management section under the Affiliate Organizations tab.

SD Municipal Street Maintenance Association Scholarship Funds

Applicant must be a member of the South Dakota Municipal Street Maintenance Association.

Scholarship funds must be used to attend the American Public Works Association PWX Conference August 27-30, 2017 in Orlando, FL. Information can be found at http://www.apwa.net/PWX.

SDMSMA will pay the cost of airfare, mileage at the state rate, lodging for the conference dates only, APWA PWX Conference registration fee and meals not included in the conference package at the state meal rate. Recipient is responsible for keeping all receipts and submitting them to the SDML for reimbursement. All reimbursement costs are subject to SDMSMA board approval.

Submit the completed application to SDML, 208 Island Drive, Ft. Pierre, SD 57532 or fax to 605-224-8655 no later than June 1, 2017, to be considered for the scholarship.

An official scholarship form can be obtained by visiting www.sdmunicipalleague.org then the Street Maintenance section under the Affiliate Organizations tab.

State Historical Society Awards Grants

Historic preservation projects in Arlington, Delmont, Faulkton, Madison and St. Onge have received matching grants from the South Dakota State Historical Society.

“2017 is the 20th year for this historic preservation grants program,” said Jay D. Vogt, director of the State Historical Society. “In 2016 we awarded $108,204 between 11 projects which had matching funds of $291,301. The resulting total public-private investment is $399,505. This program is designed to encourage restoration or rehabilitation of historic properties and is one more way we can promote and protect our history and culture.”

The grants are awarded through the State Historical Society’s Deadwood Fund grant program. Funding for the program is from Deadwood gaming revenue earmarked by state law for historic preservation projects throughout the state. The program is administered by the society’s State Historic Preservation Office at the Cultural Heritage Center in Pierre.

The following projects were the most recent to receive grants to supplement their work:

- Arlington: Arlington Community Museum, also known as the Arlington Masonic Temple, built 1907-1908, $2,378 grant awarded for roof replacement.
- Delmont: Thomas Lenehan House, or The Onion House, built 1902, $20,000 grant awarded for structural and roof repair of onion dome tower.
- Faulkton: Pickler Mansion, built 1882-1894, $10,700 grant awarded for structural stabilization.
- Madison: Herschell-Spillman Steam Riding Gallery, also known as the Prairie Village Carousel, built sometime between 1901 and 1920, $20,000 grant awarded for wood and mechanical restoration.
- St. Onge: Anderson-Ridley Barn, built 1902, $3,437 grant awarded to repoint mortar on the barn.

These new recipients represent a total award amount of $56,515 and matching funds of $236,586. The total public-private investment is $293,101. These figures are reflected in the 2016 statistics above.

Deadwood Fund grants are awarded twice a year with grant application deadlines of February 1 and October 1. They are reviewed at the spring and winter meetings of the State Historical Society’s board of trustees. For more information on the Deadwood Fund grant program, contact the State Historic Preservation Office at the Cultural Heritage Center, 900 Governors Drive, Pierre, SD 57501-2217; telephone 605-773-3458; or website history.sd.gov/Preservation.
Inspired by the process of transforming raw river water into drinkable water, the new 24/7/365 Grand Forks Regional Water Treatment Plant provides an energizing work environment for the operators, a safe and educational space for facility tours, and a 210,000 sf, 20 million gallon-per-day hybrid treatment process to bring clean water to the taps.
Equipment Breakdown Boiler Inspection Process

By Kristina Peterson, Director of Underwriting, SDPAA

If you have a location with a boiler, you know the state requires inspections and a current Certificate on file. Did you know boiler inspections are provided to Members who participate in Equipment Breakdown coverage through SDPAA? As part of the Equipment Breakdown coverage, Liberty Mutual provides boiler inspections to Members, files the inspection with the state, tracks the Certificate expiration dates, and contacts you, the Member, when an inspection is due.

Liberty Mutual has a system in place with the State of South Dakota to track each boiler certificate expiration date and adjust the inspections accordingly. Below is the Liberty Mutual process. They work directly with the state to ensure proper reporting and documentation is completed to stay within compliance.

Liberty Mutual Boiler Inspection Process
1. Your local Inspector should contact you close to the current Certificate Expiration Date to schedule an inspection.

2. If you would like to schedule an inspection or have technical inquiries prior to your Inspector contacting you, utilize the process below for a 24 – 48 hour response from your Inspector.
   a. You can call the Liberty Mutual Hotline 877-526-0020 or email LMEBInspections@Libertymutual.com. The assigned Equipment Breakdown Risk Engineer will call to schedule within 24 – 48 hours. When requesting an inspection please include the following:
      i. Current Policy Number
      ii. Location Address
      iii. Contact Name
      iv. Contact Phone Number and/or Email Address

What Happens Once an Inspection is Complete?
1. The inspector will enter the results directly into the State of South Dakota inspection system within 7 days. The state will have the inspection results immediately.
   a. At this point, Liberty Mutual has no involvement with the issuance of the Certificate. The state will review and send the Certificate to you.
2. The Inspector will issue a Customer Report to the contact at the building location summarizing the visit results and what actions were taken within 7 days.
How Can You Ensure the Inspection Process Goes Smoothly?
1. Ensure that you supply your Inspector with the most current contact information.
   a. Name and address of the contact for the inspection.
   b. Name and address of where the Certificate should be mailed to.
2. Ensure you respond to the State of South Dakota within established time frames for any code violations per the instructions in the violation notice you receive from the state. Your local Liberty Mutual Inspector can provide guidance with this process if needed.
3. Any other recommendations will be followed up on during the next regular scheduled Certificate Inspection.
4. If you need duplicate Certificates to hang in your boiler room or have inquiries about your inspection due date with the state you can contact:
   Contact Information
   Aaron Lorimor – Chief Boiler Inspector
   State Fire Marshal’s Office
   118 West Capitol Avenue
   Pierre, SD 57501
   Phone: 605-431-3396
   Email: alorimor45@yahoo.com

Overall Process Summary:
1. SDPAA provides Liberty Mutual with an updated statement of values for each Member participating in Equipment Breakdown coverage.
2. Liberty Mutual matches the statement of values with the State of South Dakota Boiler Database.
3. Liberty Mutual Inspector contacts the Member and schedules a visit prior to the boiler’s expiration date.
4. Liberty Mutual performs the inspection.
5. Liberty Mutual Inspector submits the inspection report to the State of South Dakota and sends a letter to the Member.
6. The state sends an updated Certificate to the Member.

Important Items to Remember:
1. If you install a new boiler or replace an old boiler contact your Liberty Mutual Inspector to schedule an inspection to register your boiler.
2. If there is an incident with your boiler that results in severe property damage or personal injury you are required to contact the Chief Boiler Inspector for the State of SD as soon as possible.
3. If you wish to file a claim with Liberty Mutual please contact:
   Claims Associates, Inc.
   PO Box 1898
   Sioux Falls, SD 57108
   Phone: 605-333-9810
   Fax: 605-333-9835
   Email: info@claimsassoc.com
   File a Claim:
   http://claimsassoc.44i-s.com/assign-a-claim

For questions regarding the State of South Dakota’s involvement, visit the Department of Public Safety’s website: http://dps.sd.gov/emergency_services/state_fire_marshall/boilerinspectors.aspx.

If you are interested in participating in the SDPAA Equipment Breakdown coverage, contact our office at 800-658-3633 or email kpeterson.sdpaa@sdmunicipalleague.org.
Supreme Court to Decide Lower Court Jurisdiction to Rule on Waters of the United States

By Lisa Soronen, Executive Director, State & Local Legal Center

The Supreme Court has agreed to decide whether federal courts of appeals versus federal district courts (lower courts) have the authority to rule whether the “waters of the United States” (WOTUS) regulations are lawful.

Numerous states and local governments have challenged the WOTUS regulations. In National Association of Manufacturers v. Department of Defense the Supreme Court will not rule whether the regulations are lawful. Instead, they will simply decide which court gets to take the first crack at deciding whether they are lawful.

The regulations define the term “waters of the United States,” as used in the Clean Water Act. The definition of this term determines the scope of federal authority to regulate water and when states, local governments, and others must seek federal permits to develop land because it contains WOTUS. States and local governments object to numerous aspects of the definition as too broad.

Most federal legal challenges begin in federal district courts, whose decisions are then reviewed by federal courts of appeals. Per the Clean Water Act a number of decisions by the Environmental Protection Agency Administrator must be heard directly in federal courts of appeals, including agency actions “in issuing or denying any permit.”

A definitional regulation like the WOTUS regulation does not involve the issuing or denying of a permit. Nevertheless, the Sixth Circuit Court of Appeals concluded that it has jurisdiction to decide whether the WOTUS regulations are lawful.

Judge McKeague, writing for the court, relied on a 2009 Sixth Circuit decision National Cotton Council v. EPA holding that this provision encompasses “not only of actions issuing or denying particular permits, but also of regulations governing the issuance of permits.” The definition of WOTUS impacts permitting requirements. A concurring judge stated he believed National Cotton was wrongly decided but that the court was bound by it.

The Supreme Court has likely stepped in to resolve this dispute because it is a waste of judicial resources for federal courts of appeals to decide whether WOTUS regulations are lawful if they don’t in fact have the jurisdiction to make this determination. Even before deciding whether it had jurisdiction to hear this case the Sixth Circuit issued a nationwide preliminary injunction ruling that the WOTUS regulations are unlawful.

Why does it matter whether federal courts of appeals versus federal district courts have the authority to decide whether the WOTUS regulations are lawful? In its amicus brief asking the Court to decide this case Ohio, joined by nearly 30 other states, points out that if these (and other) regulations must be reviewed by federal courts of appeals, within 120 days following their enactment and are not, they cannot be challenged in a later enforcement proceeding. But whether states and local governments and others object to a regulation will often depend on how it is applied. So potential future litigants may have no reason to challenge a regulation until long after the 120-day window has passed, but will be barred from doing so in the future.
It is important to regularly review Fair Labor Standards and Child Labor regulations PRIOR to seasonal hiring. Often we become complacent and continue to do things the way we have always done them. Reminders like this give us an opportunity to verify that we are adhering to the law. In this economy, none of us can afford to make mistakes that cost our communities back wages for overtime.

The Fair Labor Standards Act (FLSA) allows for specific exemptions from minimum wage and overtime including administrative, executive and professional exemptions. For purposes of this article, we will assume that most employees hired for seasonal and temporary positions are non-exempt from minimum wage and overtime provisions. This means that these employees will be eligible to receive minimum wage at $8.65 per hour. Seasonal and temporary employees are eligible to receive 1.5 times the hourly wage for all hours worked over 40 in any given workweek as required by FLSA.

FLSA DOES include an exemption from minimum wage and overtime for Seasonal Amusement or Recreational Establishments - Section 13(a)(3). Tests for this exemption include: a) does not operate for more than seven months in any calendar year; OR b) during the preceding calendar year, average receipts for any six months of such year were not more that 33 1/3% of its average receipts for the other six months of such year.

It would seem apparent that a swimming pool or other facility that is open only for the summer months would qualify for this exemption from overtime and minimum wage provisions of the FLSA. But please note, if seasonal employees who qualify for this exemption perform other jobs for the city, this exemption from overtime may not apply.

Also please review the “FLSA Child Labor Regulations Refresher” article on pages 16-19. It is important to consider the duties that employees under age 18 are permitted to perform. With limited resources and limited staff, it becomes essential to understand the law.

The majority of the questions that the Municipal League receives are regarding “children” under eighteen years of age (16-17) and if they are allowed to run lawn mowers. In a later article the actual Prohibited Occupations for 16-17 year olds (non-adult) are reviewed. Even though lawn mowers are not specifically mentioned, there are enough related references to this type of work that many cities across South Dakota do not use child labor for these duties. The League discourages cities from doing so but we will leave that to you and your City Attorney to work out. It would also be prudent to review the Child Labor Violation Penalties which is in a later article as well.

These laws can be complicated and difficult to sort out. If there are questions, employers are required to follow the law that provides the greatest benefit to the employee.

SD Codified law can be found online at sdlegislature.gov/Statutes/Codified_Laws/ under Title 60 Labor and Employment. The South Dakota Department of Labor staff is also a great resource. You also have access to the knowledgeable SDML staff (800-658-3633) and the SD Governmental Human Resource Association.

SOUTH DAKOTA BASIC CODE
Affordable Codification for Small and Mid-Sized South Dakota Municipalities
A comprehensive model code of ordinances for municipalities featuring:

- Subject matter encountered by municipalities
- Annual state law updates
- A comprehensive index and a title devoted to your unique local ordinances
- Published by American Legal and the South Dakota Municipal League
- For more information call or e-mail deRicci Getty at 1-800-445-5588 or dgetty@amlegal.com
FLSA Child Labor Regulations Refresher

Reprinted from the United States Department of Labor Wage and Hour Division website. The information in this article is a snapshot of what is provided via the DOL website. For more details follow visit http://www.dol.gov/whd/regs/compliance/childlabor101_text.htm.

With summer just around the corner, it may be a good time to have a little refresher course on the Fair Labor Standards Act (FLSA) regarding child labor regulations. Employers may employ youth only under certain conditions and child labor regulations vary significantly depending on the age of the youth.

The federal child labor provisions, also known as the child labor laws, are authorized by the Fair Labor Standards Act (FLSA) of 1938. These provisions were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. By knowing, understanding, and complying with these provisions, employers, parents, and teachers can help working teens enjoy those safe, positive, early work experiences that can be so important to their development.

Other Laws That Impact Child Labor
Other federal and state laws may have higher standards. When these apply, the more stringent standard must be observed. All states have child labor provisions, compulsory school attendance laws, and establish the minimum ages and conditions under which youths may operate motor vehicles.

Unless otherwise exempt, a covered minor employee is entitled to receive the same minimum wage, overtime, safety and health, and non-discrimination protections as adult workers.

Minimum Age Standards for Nonagricultural Employment
14 Minimum age for employment in specified occupations outside of school hours for limited periods of time each day and each week.

16 Basic minimum age for employment. At 16 years of age, youth may be employed for unlimited hours in any occupation other than one declared to be hazardous by the Secretary of Labor.

18 Minimum age for employment in nonagricultural occupations declared hazardous by the Secretary of Labor.

Occupation Standards for 14- and 15-Year-Olds
The following list, which is not exhaustive, are jobs that 14- and 15-year-olds may not be employed in:
1. Any manufacturing occupation.
2. Any mining occupation.
3. Most processing occupations such as filleting of fish, dressing poultry, cracking nuts, developing of photographs, laundering, bulk or mass mailings (except certain occupations expressly permitted as discussed below).
4. Occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined or otherwise processed (except to the extent expressly permitted as discussed below; and as discussed in footnote 1).
5. Any occupation found and declared to be hazardous by the Secretary of Labor.
6. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing of hoisting apparatus.
7. Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
8. Occupations involved with the operating, tending, setting up, adjusting, cleaning, oiling or repairing of any power-driven machinery, including, but not limited to, lawnmowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Fourteen- and 15-year-olds may operate most office machinery and those machines that are expressly permitted.
9. The operation of motor vehicles or service as helpers on such vehicles.
10. The riding on a motor vehicle inside or outside of an enclosed passenger compartment except as permitted in #16 in the next list.
11. Outside window washing that involves working from window sills.
12. All work requiring the use of ladders, scaffolds, or their substitutes.
13. All baking and most cooking activities except as discussed in the following #3.
14. Work in freezers and meat coolers and all work in the processing of meat for sale; however, youth are permitted to occasionally enter freezers only momentarily to retrieve items.
15. Youth peddling, including not only the attempt to make a sale or the actual consummation of a sale, but also the preparatory and concluding tasks normally performed by a youth peddler, such as the loading and unloading of motor vehicles, the stocking and restocking of sales kits and trays, the exchanging of cash and checks with the employer, and the transportation of the minors to where the sales will be made.
16. Loading and unloading of goods or property onto or from motor vehicles, railroad cars, and conveyors, except as discussed in the following #12.
17. Catching and cooping of poultry in preparation for transport or for market.
18. Public messenger service.
19. Occupations in connection with:
   a. Transportation of persons or property by rail, highway, air, on water, pipeline, or other means.
   b. Warehousing and storage.
   c. Communications and public utilities.
   d. Construction (including repair).

Except 14- and 15-year-olds may perform office or sales work in connection with a, b, c, and d above when not performed on transportation media, on an actual means of transportation, or at the actual construction site.

The following is the list of jobs the Secretary of Labor has determined will not interfere with the schooling, health, and well-being of 14- and 15-year-olds and therefore MAY BE performed by such youth. Any job not specifically permitted, is prohibited.

1. Office and clerical work, including operation of office machines.
2. Work of an intellectual or artistically creative nature such as but not limited to computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher’s assistant, singing, the playing of a musical instrument, and drawing, as long as such employment complies with all the other provisions contained in §§ 570.33, .34, and .35.
3. Cooking with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease. NOTE: this section does not permit cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as “Neico broilers.”
4. Cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping.
5. Price marking and tagging by hand or by machine. Assembling orders, packing and shelving.
7. Errand and delivery work by foot, bicycle, and public transportation. Except such youth may not be employed by a public messenger service.
8. Cleanup work, including the use of vacuum cleaners and floor waxes, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
9. Kitchen work and other work involved in preparing and serving food and beverages, including operating machines and devices used in performing such work. Examples of permitted machines and devices include, but are not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm prepared food and do not have the capacity to warm above 140°F.
10. Cleaning kitchen equipment. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters, and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers and liquids do not exceed a temperature of 100°F.
11. Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items, including vegetables, fruits, and meats, when performed in areas physically separate from a freezer or meat cooler.
12. Loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site. Such light tools would include, but not be limited to, rakes, hand-held clippers, shovels, and brooms. Such light tools would not include items like trash, sales kits, promotion items or items for sale, lawn mowers, or other power-driven lawn maintenance equipment. Such minors would not be permitted to load or unload safety equipment such as barriers, cones, or signage.
13. The occupation of lifeguard (15-year-olds but not 14-year-olds) at traditional swimming pools and water
amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas, and baby pools, but not including the elevated areas of water slides) when properly trained and certified in aquatics and water safety by the American Red Cross or a similar certifying organization. No youth under 16 years of age may be employed as a lifeguard at a natural environment such as an ocean side beach, lake, pond, river, quarry, or pier.

14. Employment of certain youth under specified conditions inside and outside of establishments where machinery is used to process wood products. See the DOL link at the beginning of this article for information on this exemption.

15. Work in connection with cars and trucks if confined to the following:
   - Dispensing gasoline and oil.
   - Courtesy service on premises of gasoline service station.
   - Car cleaning, washing, and polishing by hand.
   - Other occupations permitted by Child Labor Regulation No. 3, but not including work involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

16. Work in connection with riding inside passenger compartments of motor vehicles except as prohibited in #10 in the previous list or when a significant reason for the minor being a passenger in the vehicle is for the purpose of performing work in connection with the transporting—or assisting in the transporting of—other persons or property. Each minor riding as a passenger in a motor vehicle must have his or her own seat in the passenger compartment; each seat must be equipped with a seat belt or similar restraining device; and the employer must instruct the minors that such belts or other devices must be used. In addition, each driver transporting the young workers must hold a valid state driver’s license for the type of vehicle being driven and, if the driver is under the age of 18, his or her employment must comply with the provisions of HO 2 (see chart).

Employment Standards for 16- and 17-Year-Olds in Nonagricultural Employment

The Hazardous Occupations Orders (HOs) for Nonagricultural Employment

These Orders are published in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations.

The FLSA provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor “shall find and by order declare” to be particularly hazardous for 16- and 17-year-old persons, or detrimental to their health and well-being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent.

The seventeen HOs apply either on an industry basis, specifying the occupations in the industry that are not permitted, or an occupational basis irrespective of the industry in which found. Some of the HOs contain limited exemptions.

<table>
<thead>
<tr>
<th>HO</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO 1</td>
<td>Manufacturing and storing of explosives.</td>
</tr>
<tr>
<td>HO 2</td>
<td>Motor-vehicle driving and outside helper on a motor vehicle.</td>
</tr>
<tr>
<td>HO 3</td>
<td>Coal mining.</td>
</tr>
<tr>
<td>HO 4</td>
<td>Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling.</td>
</tr>
<tr>
<td>HO 5*</td>
<td>Power-driven woodworking machines.</td>
</tr>
<tr>
<td>HO 6</td>
<td>Exposure to radioactive substances.</td>
</tr>
<tr>
<td>HO 7</td>
<td>Power-driven hoisting apparatus, including forklifts.</td>
</tr>
<tr>
<td>HO 8*</td>
<td>Power-driven metal-forming, punching, and shearing machines.</td>
</tr>
<tr>
<td>HO 9</td>
<td>Mining, other than coal mining.</td>
</tr>
<tr>
<td>HO 10*</td>
<td>Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurants kitchens and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering.</td>
</tr>
<tr>
<td>HO 11</td>
<td>Power-driven bakery machines including vertical dough or batter mixers.</td>
</tr>
<tr>
<td>HO 12*</td>
<td>Power-driven balers, compactors, and paper processing machines.</td>
</tr>
<tr>
<td>HO 13</td>
<td>Manufacturing bricks, tile, and kindred products.</td>
</tr>
<tr>
<td>HO 14*</td>
<td>Power-driven circular saws, bandsaws, chain saws, guillotine shears, wood chippers, and abrasive cutting discs.</td>
</tr>
<tr>
<td>HO 15</td>
<td>Wrecking, demolition, and shipbreaking operations.</td>
</tr>
<tr>
<td>HO 16*</td>
<td>Roofing operations and all work on or about a roof.</td>
</tr>
<tr>
<td>HO 17*</td>
<td>Excavation operations.</td>
</tr>
</tbody>
</table>

* These HOs provide limited exemptions for 16- and 17-year-olds who are bona-fide student-learners and apprentices.
The Wage and Hour Division, which is part of the Department of Labor, administers and enforces the child labor, minimum wage, overtime and recordkeeping provisions of the Fair Labor Standards Act. The Wage and Hour Division also has enforcement responsibility for programs covering such things as prevailing wages for government contracts, the payment of special minimum wages, farm labor, family and medical leave, immigration and polygraph testing. Wage and Hour Division Investigators, who are stationed across the United States, are authorized to conduct investigations and gather data on wages, hours of work, and compliance with all the provisions of the FLSA, including the child labor provisions.

Penalties for Violation
Civil Money Penalties
Employers may be subject to a civil money penalty of up to $12,278 for each employee who is the subject of a child labor violation. The penalty may be increased to $58,808 for each violation that causes the death or serious injury of a minor, and that penalty may be doubled when the violations are determined to be repeated or willful. When a civil money penalty is assessed against an employer for a child labor violation, the employer has the right, within 15 days after receipt of the notice of such penalty, to file an exception to the determination that the violation or violations occurred.

When such an exception is filed with the office making the assessment, the matter is referred to the Chief Administrative Law Judge, and a formal hearing is scheduled. At such a hearing, the employer may, or an attorney retained by the employer may, present such witnesses, introduce such evidence and establish such facts as the employer believes will support the exception. The determination of the amount of any civil money penalty becomes final if no exception is taken to the administrative assessment thereof, or if no exception is filed pursuant to the decision and order of the administrative law judge.

Injunction to Compel Compliance
The FLSA authorizes the Department of Labor to seek injunctions against violators of the child labor provisions to compel their compliance with the law. Further violations could result in sanctions against such persons for contempt of court.

Criminal Sanctions
The FLSA also provides, in the case of a willful violation, for a fine up to $10,000; or, for a second offense committed after the conviction of such person for a similar offense, for a fine of not more than $10,000 or imprisonment for not more than 6 months, or both.

Additional Information
For information about the federal child labor requirements, visit the YouthRules! at http://www.youthrules.dol.gov.

Inquiries about the Fair Labor Standards Act or any other law administered by the Wage and Hour Division may be addressed to any local office of the Wage and Hour Division. Additional information is available at http://www.dol.gov/whd/index.htm.

Locate the Wage and Hour Division office nearest to you, telephone the toll-free information and helpline at 1-866-4US-WAGE (1-866-487-9243); a customer service representative is available to assist you with referral information from 8am to 5pm in your own time zone; or log onto the nationwide listing of Wage-Hour District Offices located at: http://www.dol.gov/whd/america2.htm.

Notes
1. Section 13(c)(7) of the FLSA, enacted in 2004, permits the employment of certain minors between the ages of 14 and 18, who have been excused from compulsory school attendance, inside and outside of places of business where machinery is used to process wood products. This provision, however, does not permit such minors to operate, or assist in the operation of power-driven woodworking machines.

The Fair Labor Standards Act (FLSA), administered by the U.S. Department of Labor’s Wage and Hour Division (WHD), requires that most employees be paid at least the applicable federal minimum wage and overtime pay for all hours worked at time and one-half the regular rate of pay after 40 hours in a workweek. The FLSA also includes child labor and recordkeeping provisions. While some seasonal and recreational establishments such as outdoor swimming pools may be exempt from the minimum wage and overtime requirements of the FLSA if they meet certain tests, this exemption does not apply to the child labor or record keeping provisions of the FLSA.

Child labor Provisions of the FLSA
The federal child labor provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

16 and 17 years of age
Sixteen and 17-year-olds employed as lifeguards may perform any nonhazardous job, for unlimited hours. The Secretary of Labor has declared 17 Hazardous Occupations Orders (HOs) which restrict the types of jobs and/or industries in which youth under 18 years of age may be employed. Not exhaustive, the following list represents some common tasks which occur at establishments that employ lifeguards. Under the federal child labor provisions, workers under 18 years of age generally may not:

- Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven woodworking, metalworking, bakery, meat processing, and paper products machinery - including meat slicers, compactors, balers, mixers, and saws.
- Drive or serve as an outside-helper on a motor vehicle on a public road; but 17-year-olds who meet certain

18 years of age
Once a minor reaches 18 years of age, the federal child labor provisions no longer apply to their employment.
specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time during daylight hours as part of their job (see Fact Sheet #34).

- Operate power-driven hoists such as elevators, cranes, derricks, and high-lift trucks. However, 16- and 17-year-olds may operate and assist in the operation of most water amusement park and recreation establishment rides.

- Load, operate, or unload power-driven balers and compactors used in the disposal of waste. A limited exemption exists that permits the loading, but not the operating or unloading, of certain scrap paper balers and paper box compactors under certain specific conditions (see Fact Sheet #57).

**14 and 15 years of age**

Fifteen-year-olds, but not youth less than 15 years of age, may be employed as lifeguards at traditional swimming pools and most facilities of water amusement parks. Such employment must meet the following conditions:

- The 15-year-old must be trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety; and
- The 15-year-old must be employed in compliance with all the other applicable provisions of the federal child labor rules contained in Child Labor Regulations No. 3 (see Subpart C of 29 CFR Part 570), including the restrictions on the hours and times of day that 15-year-olds may be employed as discussed below; and
- The federal child labor rules require that 15-year-olds who are employed to teach or assist in teaching others how to swim must also be certified as swimming instructors by the American Red Cross or some other similar certifying agency.

The occupation of lifeguard, as per 29 C.F.R. § 570.34(l), encompasses the duties of rescuing swimmers in danger of drowning, the monitoring of activities at a swimming pool to prevent accidents, the teaching of water safety, and providing assistance to patrons. Lifeguards may also help to maintain order and cleanliness in the pool and pool areas, conduct or officiate at swimming meets, and administer first aid. Additional ancillary lifeguard duties may include checking in and out such items as towels, rings, watches and apparel. Properly certified 15-year-old lifeguards are also permitted to use a ladder to access and descend from the lifeguard chair; use hand tools to clean the pool and pool area; and test and record water quality for temperature and/or pH levels, using all of the tools of the testing process including adding chemicals to the test water sample. Such youth would, however, be prohibited from entering or working in any chemical storage areas, including any areas where the filtration and chlorinating systems are housed.
As mentioned, a core and defining duty of a lifeguard is the rescuing of swimmers in danger of drowning, often by entering the water and physically bringing the swimmer to safety. Under 29 C.F.R. § 570.34(l), any employee under the age of 16 whose duties include this core duty—such as a “junior lifeguard” or a “swim-teacher aide”—or whose employment could place him or her in a situation where the employer would reasonably expect him or her to perform such rescue duties, would be performing the duties of a lifeguard while working in such a position. For such employment to comply with these child labor provisions, the employee would have to be at least 15 years of age and possess the proper certification.

A traditional swimming pool means a water tight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith. A water amusement park means a facility that not only encompasses the features of a traditional swimming pool, but also includes such additional attractions as wave pools, lazy rivers, activities areas and elevated water slides.

Properly certified 15-year-olds may be employed as lifeguards at water amusement park wave pools, lazy rivers, and activities areas, but not at the top of elevated water slides. Generally, all youth under 16 years of age are prohibited from operating or tending power-driven equipment and may not assist the public as they enter, “ride,” and leave water-park or amusement-park-type rides. Thus, minors under 16, even if properly certified as lifeguards, may not be employed as dispatchers, attendants, or slide monitors at the top of elevated water slides. Fifteen-year-olds who are properly certified may be employed as lifeguards stationed at the splashdown pools located at the bottom of elevated water slides.

Youth under 16 years of age may not be employed as lifeguards at natural environment facilities such as rivers, streams, lakes, ponds, quarries, reservoirs, wharfs, piers, or ocean-side beaches.

**Hours Limitations**
The employment of 14- and 15-year-olds, including those 15-year-olds employed as lifeguards, is generally limited to:
- Outside of school hours;
- 3 hours on a school day, including Fridays;
- 8 hours on a nonschool day;
- 18 hours in a week that school is in session;
- 40 hours in a week that school is not in session.

Also, such youth may not work before 7 a.m. or after 7 p.m. (except from June 1 through Labor Day when the evening limit is extended to 9 p.m.).

**Occupations Limitations**
Fourteen- and 15-year-olds, including properly certified 15-year-olds who are employed as lifeguards, may not be
employed in the following occupations that are often found at establishments that have traditional swimming pools:

- Work involving the operation or tending of any power-driven machinery and hoists (except office machinery). This prohibition includes work involving most amusement park and recreation establishment rides – including dispatchers on elevated water slides – and power-driven lawn mowers and trimmers.
- All baking and most cooking. These minors may perform cooking with electric and gas grilles that does not involve cooking with open flames. They may also cook with deep fryers that are equipped with and utilize devices that automatically lower and raise the fryer baskets into and out of the hot oil or grease. They may not operate NEICO broilers, pressure cookers, ovens or rotisseries.
- The cleaning of cooking equipment and the filtering, transporting, and disposing of hot oil and grease when the surfaces or hot oil or grease exceed 100°F.
- All work in construction, including demolition and repair.
- All work involving the use of ladders or scaffolding, except properly certified 15-year-old lifeguards may use a ladder to access and descend from the lifeguard chair.
- All work in freezers, but they may enter freezers equipped with safety latches, for brief periods of time, to retrieve items.

13 years of age and younger
Youth under 14 years of age are generally not allowed to work in nonagricultural occupations. However, the FLSA does allow a parent who is the sole-owner of a business to employ his or her child in any occupations other than mining, manufacturing or those declared to be hazardous by the Secretary of Labor.

Where to Obtain Additional Information
For more information on the FLSA child labor provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! Web site at www.youthrules.gov.

For additional information on the Fair Labor Standards Act, visit the Wage and Hour Division Web site: http://www.dol.gov/whd/ or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

When state child labor laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at http://www.dol.gov/whd/contacts/state_of.htm.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

The Small Community Planning Grant Program was established to promote a proactive approach to water and wastewater infrastructure management. This program provides small communities with funds to hire an engineering consultant to develop a project specific engineering report. The engineering report’s level of detail will be on par with the facilities plan required for SRF projects.

The Small Community Planning Grant Program also includes utility rate analysis and review. Communities can access grant funds to procure professional services to conduct a rate analysis and review using the Show-me Ratemaker™.

Eligibility Requirements
The grant is available to systems serving a population of 2,500 or fewer.

Grants will be made on a first come, first served basis.

The project sponsor must be an entity of government (county, municipality, or township), or a special purpose district with the authority to construct a water or wastewater project (sanitary, water user, watershed, or water project).

Nonprofit organizations are also eligible provided they were formed for the primary purpose of supplying water or sanitary service. Nonprofit water systems applying for this grant must meet the definition of a community water system (a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents).

This grant is not available for projects already on the State Water Plan.

Application Requirements
An applicant must submit an original application to the Department of Environment and Natural Resources. The application will be reviewed by staff for completeness and technical merit. Staff will work with applicants to correct any identified deficiencies. The application is available for download or to complete online at https://denr.sd.gov/dfta/wwf/statewaterplan/smallcommunityplanning.aspx.
Award Dates
The Department of Environment and Natural Resources may make a small community planning grant award at any time following department review of the application.

Award Criteria
Communities will be reimbursed 80 percent of the cost of the engineering study upon completion of the engineering report. The maximum reimbursement a community may receive is $8,000 for a water engineering study. Wastewater related studies may receive reimbursement up to $10,000.

Communities conducting a utility rate analysis and review study may receive reimbursement of 80 percent of costs up to $1,600. The study must be an analysis using the Show-me Ratemaker™ process.

The remaining cost will be paid by the community and may consist of local cash or other non-state grant assistance. In-kind contributions will not be accepted as local match.

The engineering or utility rate report will be considered complete and payment made to the grantee only if all the items discussed in the Report Requirements section are addressed. The department will determine completeness of the study.

Report Requirements
The engineering study must contain adequate information to be used as a facilities plan. An outline of items that must be included in a facilities plan is located in the Small Community Planning Grant application. A professional engineer licensed in the state of South Dakota must prepare the study.

The Show-me Ratemaker™ analysis must be conducted by a recognized technical assistance provider or financial planning professional competent in providing this service. The report must include the background assumptions and the information generated by the Show-me Ratemaker™ software.

More Information
Department of Environment and Natural Resources Water and Waste Funding Program 523 East Capitol Avenue, Pierre, South Dakota 57501 Contact: Andy Bruels E-mail: denrinternet@state.sd.us Phone: 605-773-4216 Fax: 605-773-4068
HOMETOWN - Sioux Falls Light and Power
This month I had the pleasure of meeting with Sioux Falls Light and Power. I was excited to clear up my confusion of just how Sioux Falls Municipal Electric supplies power to just some of Sioux Falls. Light and Power Superintendent Jerry Jongeling and his staff were excited to show me the history of their building as well as explaining which areas of Sioux Falls are in their service area.

Superintendent Jongeling explained to me that their service territory is land locked and covers a large area of northern Sioux Falls to downtown. It is scattered at times and there could be different providers on the same city block. They serve around 2,700 customers with 600 commercial services. The rest being residential including homes and apartments. They also maintain about 20,000 street lights are working on replacing the lights with LED. At this point, they have replaced about 430 with LED and have received a grant from Heartland Consumers Power District for $5,000 towards the replacement of the lights.

Speaking of lights, the Sioux Falls Light and Power also maintains the lights on the 300 yard tunnel on 57th Street that goes under the interstate and that tunnel is also getting new lights. Currently there are 284 HP Sodium lights that have an annual cost of around $50,000. Sioux Falls Light and Power is replacing those 284 and will be able to reduce the amount of lights to 140 LED lights.

Sioux Falls Light and Power is also implementing AMI (Census) and is in the process of a pilot project of 75 meters with three billing cycles to test the project and will move forward if it checks out to their standards.
Superintendent Jongeling also mentioned some upgrades to their transmission lines. Currently they are 69,000 Volts and will be putting in 115,000 Volt lines to the south transmission line in 2016 and plan on doing the north lines in 2017. Sioux Falls Light and Power also plans on putting in a new sub station in 2018 or 2019.

The history of their building was also very interesting. What was once a corn cannery in the 1800’s was transformed to an electrical generating facility in the early 1930’s and still has the generators in the building. Superintendent Jongeling took me through the basement and showed me the old parts for working on the generators.

I had a great time learning about the Sioux Falls Light and Power department and I am excited to go back to talk to them more about their history and future. If anyone would like to check out their facility, Jerry said “Anyone is more than welcome to stop by.” Thanks to Jerry and his staff for showing my why their HOMETOWN is great.

Questions? Comments?
Email: Chris@sdmunicipalleague.org
Call: 605-770-6299.

Regulators in the basement of the Sioux Falls Light and Power building.

Generator dated September 1933.

---

Tree Planting Grants

The SD Dept. of Agriculture has grant funds available to communities that lost trees during storm events. The funds must be used to purchase or plant trees.

“Some communities have struggled to replace trees lost during significant storm events that have occurred in recent years,” Rachel Ormseth, SDDA community forestry coordinator, says. “This program will help communities to replace those trees and does not restrict them with a $1,000 limit on tree planting.”

“Communities that apply for the grants should specify in their application when the storm event occurred that caused the tree loss.” Applications for the storm tree replacement grant funds can be found at the Dept. of Agriculture, Resource Conservation & Forestry Division website http://sdda.sd.gov/conservation-forestry/. Questions regarding the grants can be directed to 605-773-3623 or SDRCF@state.sd.us. The application deadline is March 17, 2017.
Obituary: Steve Metli

Steve Metli age 71 of Sioux Falls, passed away January 30, 2017 at Sanford medical Center. In lieu of flowers, the family request donations be made in memory of Steve to the LifeScape Foundation, McCrossan Boys Ranch or a charity of your choice.

Stephen Dale Metli was born on May 30, 1945 to Palmer and Jean Metli. Steve was raised in a military family and attended 15 schools before graduating from O’Gorman High School in 1963. He attended the University of South Dakota, and after a three-year hiatus in the United States Army, he graduated with a Bachelor of Arts Degree in Government in 1971.

Steve retired as Director of Planning and Building Services for the City of Sioux Falls in 2005. During his career, Steve worked for five mayors and numerous City Commissioners and Council members. Over his 31-year career, Steve supervised the City Departments of Planning, Zoning, Building Inspections, Sioux Falls Transit and Media Services. He also provided liaison services to the Arena, Convention Center, and the Washington Pavilion of Arts and Science. However, Steve never actually retired from service to the community but continued to serve on numerous boards for non-profit and service organizations until his death. Statewide recognition of Steve’s many contributions was acknowledged when Governor Mike Rounds presented Steve with the “Municipal Employee of the Year” award at the South Dakota Municipal League Conference in 2004.

Steve was proudest of the role he played in the preservation and development of the Falls Park, the Big Sioux River Greenway and bicycle trail system. Other passions of Steve’s were downtown development, neighborhood improvement plans, and serving as project manager for construction of the Sioux Falls Convention Center/Sheraton Hotel.

Steve’s civic involvement included Prairieland Economic Development Corp., Sioux Falls Boys Club, Dakota Bowl-O’Gorman High School, O’Gorman Foundation, United Way Construction Division, Canaries Baseball Stadium Development Committee, Washington Pavilion Kirby Science Center Advisory Board, Falls Park Wells Fargo Sound & Light Show Committee, March of Dimes, American Cancer Society, Sioux Falls Recreation and Event Center Task Force, Sioux Falls Zoological Society, Member Sioux Falls O’Gorman Hall of Fame, McCrossans Boys Ranch, Sioux Falls Area Foundation Development Committee and Downtown Development Committee, and LifeScape Foundation.

Family would like to thank all of Steve’s wonderful friends for being a part of his life and sharing in his love for the City of Sioux Falls, especially his close friends Craig and Pat Lloyd and Jim and Betty Halde.

In addition, we would like to leave with you a phrase Steve repeatedly told us, “Always leave wherever you are better than how you found it.”

Steve was preceded in death by his parents, sister Angela, and nephews Michael and Thomas Metli. He is survived by his children Mindy Johnson, Matthew Metli and Mary (Eric) Meester; grandchildren Drew Colyer, Michael Johnson, Cassidy (Joseph) Dahlhausen, and Justin Johnson; great-grandchildren Maxwell, Audric, Zaiden and Paige; brothers Michael (Marie), John (Sherry) and Brian (Barbara); sister Gina (Thomas) Riedner; a niece, Ann Metli, nephews Mason and Marshall Metli; special friend Kathy Van De Walle.
Obituary: Joseph DesJarlais

Joseph Eugene DesJarlais was born to Joseph Henry and Mae (Hammond) DesJarlais in Murdo, SD, on July 11, 1939. Joe’s mother taught school on the Rosebud Indian Reservation. His father was one of the early cowboys who drove cattle from Texas to Kansas and on to Belle Fourche and Montana on what we know as the Chisolm Trail. He later bought a barbershop, hotel and saloon in Norris, all of which he traded for a ’37 Chevy during the depression. He loaded his family and moved to Sturgis in 1940. In 1941, his father purchased the farm property which has since served as the family residence.

Joe grew up in Sturgis where his earliest job was working as a shoe shine boy in his dad’s barbershop. Joe had a passion for visiting the surrounding towns, attending Saturday night dances during his high school days. He served his country in the Army National Guard. He graduated in 1958 from Brown High School then attended college in Ames, Iowa, studying architecture.

Joe met his wife, Sylvia Kramer who was also attending college in Ames as a Nursing student. They were married 4 months later in August 1960 and moved to Des Moines where they had 3 children. Joe worked for Capp homes as an Architect and Sylvia worked in the local hospital as an RN.

Joe returned to Sturgis in 1964 when his father became ill. He attended Barber school in Fargo, ND, and took over the Midway barbershop on Main Street Sturgis. He later opened the People Place but had a temporary setback due to cardiac problems and moved his business to his home in 1983. Joe was active in the Jaycees, Lions Club, and helping with the Boy Scouts program.

Joe bought his boyhood home from his mother in 1970 and began building his vision of paradise from the ground up. Using plans from high school drafting class he and his family built their current home and he continued building and shaping the property right up until his death.

Joe worked on the planning and zoning committee in Sturgis and later served on the city council for 5 years. He was very active with the Mended Hearts association, more importantly as a voice for the children of Mended Little Hearts, which is a program dedicated to patients and families of children with congenital heart disease and improving their quality of life.

His hobbies were too many to mention but enjoyed hunting and fishing with his kids, gold panning, and especially wood working, glass etching, and any new creative building project he dreamed up.

One of the legacies he left for his boys was an annual camping trip. It all started in 1969 over Memorial Day, a tradition that has continued every year for the last 46 years.

Another one of Joe’s favorite events started with a few friends staying with them during the Sturgis Rally over 30 years ago. The group of friends has grown over the years and his presence will be sorely missed.

Joe passed away January 27, 2017, at Rapid City Regional Hospital from complications relating to longstanding cardiovascular disease.

He is survived by his wife, Sylvia; sister, Devee (Cliff) Lushbough, Aurora CO; daughter, Tami DesJarlais, Sturgis; son, Joe (Sharon), Westminster, CO; son, Scott (Amy), South Pittsburg, TN; and grandchildren, Kristina, Joe, Ryan, Tyler, and Maggie. He was preceded in death by his parents, Joseph Henry and Mae DesJarlais.
Streamline Purchasing with Cooperatives

South Dakota cities have a tremendous opportunity to take the lead in utilizing innovative, cost-saving best practices. The cities in the state are clearly dedicated to both optimizing current projects and also launching new, innovative ones with a cost-friendly approach. However, implementing new projects can be difficult without the proper assets or resources to move forward. It can be stressful to make improvements with limited resources, budget and staff. As cities look ahead and develop strategies for the rest of the year, it is beneficial to consider the use of cooperative purchasing, an effective tool to help save time and money. In an economic climate where local governments are pushed to do more with less, cooperatives can easily assist with purchasing needs.

What is Cooperative Purchasing?
Cooperative purchasing combines the collective buying power of multiple agencies in order to provide a contract that can be utilized by other public agencies. A cooperative contract can improve the overall effectiveness of the purchasing process by providing volume discounts, administrative savings and other benefits. Many different types of cooperatives exist–some operate nationally, some locally–so it is important to research each contract individually.

Benefits of Cooperative Purchasing
The use of a cooperative ultimately reduces the total acquisition cost through economies of scale. For example, if you go to a car dealership to buy one car, the salesman will bend over backwards to make you feel like you got a great deal–but the numbers may reveal that the markdown won’t save you as much as you originally thought. Now, return to the car dealership to buy a hundred cars, and the price for each vehicle will go way down. You are almost guaranteed a good deal. This is simply because you have purchasing power. The concept of cooperative purchasing aims to place this power in the hands of counties, cities, school districts, nonprofits, and more–especially smaller agencies, to give them a greater advantage.

Cooperative purchasing can also increase a city’s administrative efficiencies by eliminating the need to go through a bid or RFP process. It’s no secret that the public sector continues to deal with budget and staffing issues–cities especially can find themselves dealing with funding concerns. A cooperative contract is designed to help cities receive competitively solicited pricing for goods and services as well as save staff time and resources. It is an impactful, user-friendly way to achieve savings.

Cooperative Best Practice–Lead Public Agency Model
Many different types of cooperatives exist, so it is important that a city perform due diligence on each contract to ensure it meets the state’s laws regarding intergovernmental purchasing. Some utilize a lead public agency model (LPA) in which a government entity handles some part of the solicitation process. Cooperatives that use a LPA for the entire solicitation process are the model for cooperative best practices.

Here’s how it works: the LPA issues the RFP or ITB, advertises it nationally and regionally, and makes use of a national evaluation team (made up of public procurement officials from 2 to 5 public agencies across the country) to give the award. The LPA then manages various aspects of the contract, such as extensions and amendments, and stays available for questions about the solicitation from users. Although each city may have different purchasing procedures to follow, applying the competitive bid
requirements of a LPA usually satisfies these requirements for most state and local government agencies. While users ultimately make the final call in which contracts to use, lead agencies have years of purchasing expertise which brings credibility and confidence to the process.

What to Consider When Choosing a Cooperative Contract
A few additional questions to consider when choosing a cooperative include: is the procurement process offered substantially similar to the process your city is required to use? Does the cooperative organization have independent and broad oversight of the program and its operations? Does the supplier have multiple cooperative contracts— if so, which is best? Does the cooperative provide third-party oversight, or audits, to ensure contract compliance? To help address these questions, turn to www.procuresource.com. This free website is a directory of the key cooperative programs and can help address these questions, provide documentation and streamline the process of identifying the cooperative contracts that will work for your district.

Cooperative purchasing can and will be an effective addition to your toolbox of cost-saving measures. Armed with this awareness, South Dakota cities can make good use of their time and money.

About U.S. Communities
The largest national cooperative, U.S. Communities, is the only purchasing cooperative founded by public agencies, for public agencies. The distinguished sponsors that cofounded and co-own U.S. Communities include: the National Association of Counties (NACo), the National League of Cities (NLC), the U.S. Conference of Mayors (USCM), and the Association of School Business Officials (ASBO). In addition, the South Dakota Municipal League, along with 90 state associations, shows its support for U.S. Communities through sponsorship.
What's New?
U.S. Communities recently launched a contract that gives city users access to a variety of quality products available on the Amazon Business online marketplace. With this new launch, city purchasing teams can use Amazon Business to buy business items within the ten awarded categories listed below:

- Office Supplies
- Animal Supplies, Equipment and Food
- Audio Visual and Electronics
- Books
- Home and Kitchen
- Clothing
- Musical Instruments
- Higher Education Scientific Equipment and Lab Supplies
- Classroom, School, Art Supplies and Materials
- Hard to Find Items (including 3D printers, commercial espresso machines, and more)

Amazon Business was awarded this exclusive multi-year contract (off of which users of U.S. Communities can piggyback) through a competitive solicitation process and detailed evaluation conducted by Prince William County Public Schools, Virginia. The lead public agency worked diligently to put together a contract that fills a void previously unfulfilled for cities – specifically, a purchasing option that supports local businesses and delivers office supplies as well as one of the most surprisingly in-demand product for local agencies, pet food.

The contract has many additional exciting features. Through the U.S. Communities program, Amazon Business will provide public agencies with an avenue to not only concentrate miscellaneous spend, but to consolidate purchasing data and produce reports on it. Essentially, in addition to the products available on the marketplace, Amazon Business will offer unique tools to help purchasers, including multi-user accounts, approval workflows (customize order approvals, set spending limits, etc.), payment methods, reporting and analytics (track and monitor spending with dynamic charts and data tables), spend controls, and tax-exempt purchasing. Amazon Business strives to support local business development by continuing to expand their sourcing from local businesses. As part of this, cities will be able to filter products to view those derived from local, minority-owned and women-owned businesses.

The award of this contract represents U.S. Communities’ commitment to providing relevant and suitable solutions for cities. The partnership’s tagline, “everything you love about Amazon for the public sector,” genuinely conveys Amazon’s commitment to serve all public agencies nationwide.

Suppliers
See the next page for a current list of suppliers.

The Bottom Line
Since its founding in 1991, U.S. Communities has generated millions of dollars in savings for participating cities. Today more than 55,000 registered counties, cities, education institutions and nonprofits utilize U.S. Communities contracts to procure more than 2 billion dollars in products and services annually. There are no fees to participate and no purchasing minimums, allowing maximum flexibility for participating cities. Each month more than 600 new participants register their organization to simplify their procurement process. This continuing growth is fueled by the program’s proven track record of delivering excellence in procurement solutions. As you assess the programs available to your city, be sure to include U.S. Communities on your list.

Questions?
For more information on U.S. Communities, please visit www.uscommunities.org or contact Chris Oltmanns at coltmanns@uscommunities.org or 402-672-8219.
<table>
<thead>
<tr>
<th>Company</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acro Service Corporation</td>
<td>Temporary Staffing</td>
</tr>
<tr>
<td>Advance Auto Parts</td>
<td>Auto Parts and Accessories</td>
</tr>
<tr>
<td>Alvarez &amp; Marsal</td>
<td>Public Sector Consulting</td>
</tr>
<tr>
<td>Amazon Business</td>
<td>Online Marketplace</td>
</tr>
<tr>
<td>Applied Industrial Technologies</td>
<td>Industrial Supplies</td>
</tr>
<tr>
<td>BI Incorporated</td>
<td>Offender Monitoring Solutions</td>
</tr>
<tr>
<td>Carahsoft</td>
<td>Google Products, Services &amp; Solutions</td>
</tr>
<tr>
<td>Cintas</td>
<td>Facilities Services</td>
</tr>
<tr>
<td>Club Car</td>
<td>Utility, Transportation &amp; Golf Vehicles</td>
</tr>
<tr>
<td>Columbia ParCar Corp.</td>
<td>Utility, Transportation &amp; Golf Vehicles</td>
</tr>
<tr>
<td>Democracy Live</td>
<td>Electronic Balloting Solutions</td>
</tr>
<tr>
<td>DLT Solutions</td>
<td>Oracle Products, Services and Solutions</td>
</tr>
<tr>
<td>DLT Solutions</td>
<td>Amazon Web Services</td>
</tr>
<tr>
<td>Experian</td>
<td>Data, Analytics and Fraud Detection Solutions</td>
</tr>
<tr>
<td>Farber Specialty Vehicles</td>
<td>Specialty Vehicles</td>
</tr>
<tr>
<td>Fisher Science Education</td>
<td>Science &amp; Labware</td>
</tr>
<tr>
<td>GameTime</td>
<td>Park and Playground</td>
</tr>
<tr>
<td>Garland/DBS Inc.</td>
<td>Roofing</td>
</tr>
<tr>
<td>Gopher</td>
<td>Athletic Supplies &amp; P.E. Equipment</td>
</tr>
<tr>
<td>Graybar</td>
<td>Electrical, Security, Telecommunications</td>
</tr>
<tr>
<td>Haworth</td>
<td>Office Furniture</td>
</tr>
<tr>
<td>Herman Miller</td>
<td>Office Furniture</td>
</tr>
<tr>
<td>The Home Depot</td>
<td>Maintenance and Hardware</td>
</tr>
<tr>
<td>HD Supply</td>
<td>Maintenance and Hardware</td>
</tr>
<tr>
<td>Herc Rentals</td>
<td>Equipment and Tool Rental</td>
</tr>
<tr>
<td>HotelPlanner</td>
<td>Travel Services and Solutions</td>
</tr>
<tr>
<td>Insight Public Sector/ Insight Cloud</td>
<td>Technology Products and Solutions</td>
</tr>
<tr>
<td>Knoll</td>
<td>Office Furniture</td>
</tr>
<tr>
<td>KOMPAN</td>
<td>Park and Playground</td>
</tr>
<tr>
<td>Knowledge Services</td>
<td>Staffing and Workforce Solutions</td>
</tr>
<tr>
<td>KONE</td>
<td>Elevator Maintenance and Services</td>
</tr>
<tr>
<td>Kronos</td>
<td>Workforce Management Solutions</td>
</tr>
<tr>
<td>Premier – US Foods</td>
<td>Food Products and Services</td>
</tr>
<tr>
<td>Premier</td>
<td>Pharmaceutical, Medical-Surgical Solutions</td>
</tr>
<tr>
<td>Rehrig Pacific Company</td>
<td>Waste and Recycling Solutions</td>
</tr>
<tr>
<td>Ricoh</td>
<td>Office Machines and Managed Print Services</td>
</tr>
<tr>
<td>Safeware-Mallory</td>
<td>Homeland Security and Public Safety</td>
</tr>
<tr>
<td>ServiceWear Apparel</td>
<td>Uniform and Work Apparel</td>
</tr>
<tr>
<td>SupplyWorks</td>
<td>Janitorial</td>
</tr>
<tr>
<td>TAPCO (Traffic &amp; Parking Control Co)</td>
<td>Traffic Control Products and Solutions</td>
</tr>
<tr>
<td>Tradition Energy</td>
<td>Energy Consulting and Management</td>
</tr>
<tr>
<td>Trane</td>
<td>HVAC Products, Installation &amp; Services</td>
</tr>
<tr>
<td>UNICOM Government</td>
<td>Technology Products and Services</td>
</tr>
<tr>
<td>Virco</td>
<td>Education Furniture</td>
</tr>
</tbody>
</table>
Ask Millennials About Millennials

This article provides important insight into the demographics and trends in planning associated with the millennial generation, those born between the early 1980s to the early 2000s.

By Richard Brockmyer, AICP, and Julia Collins

The millennial generation is getting a lot of press these days. Take a look on CNN.com, the Wall Street Journal, or any other major news organization’s website and you’re bound to find at least one article on how they are “self-absorbed,” “can’t make it on their own,” or “can’t live without technology.” Give it another Google search and you’ll probably find articles about how this generation is “game changing,” “breaking the mold,” or “redefining social interactions.” But, what’s the hubbub? Is this generation really so different? If they are, what does the rise of the millennial generation mean for planners and the communities they serve? We are here to help debunk the myths and articles you may have read and discuss the implications this generation will have on how we plan our future communities.

Who is a millennial?

Let’s start with the basics. While there is no definitive definition, anyone born between the early 1980s to the early 2000s is typically considered part of the millennial cohort. Keep in mind that there are numerous other names for this generation. If you haven’t heard the term millennial, maybe you’ve heard of Generation Y, the Echo Boomers, Generation Next, Generation Net, the Global Generation, Generation We, or Generation Me? It’s all the same – even if some of them are contradictory. No matter what you call them, they are already beginning to have a major impact on everything from the housing and transportation industries to marketing and human resources. In terms of size, think of the baby boomer generation and add about ten million; they are approximately 87 million strong compared to 76 million baby boomers. Simply put, it’s the largest age cohort in American history. In terms of where they live, surprisingly the highest concentration of millennials isn’t the heavily

Resident Population By Single Year Of Age.

Source U.S. Census Bureau, 2013. Graphic Provided By Richard Brockmyer, AICP.

populated Eastern Seaboard, but actually the emerging urbanized Western part of the United States.²

Millennials are also the most diverse generation ever seen in American history. A Pew Research report recently found that roughly 43 percent of millennial adults are non-white, which is the highest share of any previous generation.³ Not surprisingly, Hispanics make up a large share of the millennial generation, especially in the southwest. In fact, research by Pam Perlich at the University of Utah suggests that in states like Texas, Arizona, Nevada and California, the share of 5 - 17-year-olds with immigrant parents is as high or higher than 30 percent.⁴ Clearly, this exposure to multicultural households will continue to shape this generation and the future choices they make.

Life-Stage Trends
Life-stage trends are important to keep in mind before one considers how this generation will impact our society. We are guessing that at least some of the baby boomers reading this article have an adult millennial living at home, or at the very least had one stay well past their eighteenth birthday or had them come back to live at home for a stint. You’re not alone. In fact, young adults, those 25-34, are now more likely to live in multi-generation households than those who are 85 and older.⁵ Many millennials are also delaying marriage and parenthood. For instance, 48 percent of boomers were married at age 18 to 32 in 1980. Fast forward to the millennial in 2013 and only 26 percent in that age group were married.⁶ What does this mean? These trends ultimately lead to smaller family size and far more one and two person households as well as a growing in demand for smaller housing units.

Current economic conditions have a dominant role in some of these trends. While the millennial generation is the most well-educated in American history – with a third of older millennials holding a bachelor’s degree or more – this does
not equate to financial success. Most come out of college with significant debt, an average of around $27,000. While the economy has continued to improve since the Great Recession, millennials continue to struggle with a much higher unemployment rate – hovering around 10 percent for 20-24-year-olds compared to around 5 percent for those older than 25. Those who do find a job are often underemployed for their qualifications, working in service industries, just to make ends meet, and, of course, to pay off those student loans.

Wage stagnation also means that millennials with a Bachelor’s degree are earning about $45,000 annually, or about the same amount that the Boomer generation was earning when they left college 30 years ago. For those who don’t go to college, the reality is much worse with the earning gap between college graduates and high-school graduates at an all-time high along with significantly higher unemployment rates. The majority of millennials are postponing or simply do not intend on getting married, having children, or buying a house. While economic conditions will change, this generation’s attitudes and behaviors have been shaped during a tumultuous time and in many cases are unlikely to shift significantly throughout the entirety of their lifespans.

Reliance on Technology
The trend that millennials are probably most famous for is their use of technology. Who thinks about millennials without automatically thinking about a kid in skinny jeans with his face glued to his phone? Millennials have often been described as digital natives. Technology isn’t just a tool that they use; it’s a part of their life. It’s probably easiest to describe this way – the oldest millennial doesn’t really know a world without a personal computer, which debuted in 1981. A millennial born ten years later doesn’t know a world without the World Wide Web and was eight years old when Google emerged. A millennial born at the tail end of the cohort has always known a world with camera phones, Facebook, and Skype.

While it’s easy to poke fun at or even find fault with this reliance, they understand technology better than any generation. Additionally, millennials truly are interacting and communicating instantaneously in innovative ways through social media and digital mechanisms (or technology). With that comes a different concept of community, disposable income spending habits on technology, and an expectation for public participation to be available through digital mechanisms.

Impact on Planning
So, what do all of these trends mean? Millennials are different and planners should take note as the implications

---

Trends In Technology.

*Graphic Provided By Richard Brockmyer, AICP.*

![Trends In Technology Graphic](image-url)
of these differences are broad and far reaching and will drastically change the approaches we use to shape our communities. Let’s start with transportation preferences. Millennials are driving less and taking transit and other modes of transportation more frequently. Even more auto-oriented states, like Utah, are seeing a decrease in the number of 16-19-year-olds with a driver’s license. Of course, the previously mentioned economic hardships play a role in our transportation preferences. Cars are expensive and, until recently, the price of gas was continuously growing. But other lifestyle trends are at play as well and will likely last even after the economy is fully recovered. This generation simply views transportation and mobility differently.

For instance, technology now allows them to answer emails, listen to podcasts, watch movies, or connect with friends during their transit trip. In other words, the transit trip, even if it’s longer than taking a car, can be used as a productive time to catch up on work or for leisure activities they would not be able to do otherwise. Driving a car does not allow this flexibility.

In addition, walking and bicycling provide opportunities for much needed exercise, are low cost, and environmentally friendly – all important considerations for millennials. They are also at the forefront of developing, and early adopters of, innovative transportation choices like bike-shares, car-shares, and systems like Uber and Lyft. Many of us share sentiments like, “Why drive when someone else can do it,” “I can be more efficient if I work on the bus or train on my way to work,” or “I can get there and get some exercise on my bike or by walking.”

Millennial trends are also impacting land use. While many millennials are still living in suburban locations where they have to rely on a car to get most places, the preference to live in more walkable urban locations is clearly stated in a variety of studies by groups like the American Planning Association and the National Association of Realtors. While many still dream of eventually owning a house, the type and location of that unit is more critical than bedrooms and having a yard. A majority prefer smaller houses in walkable mixed-use suburbs with multi-modal transportation options. While ownership is still the end goal for countless millennials, apartments, condos, and accessory dwelling units are attractive options due to housing costs, provided that the neighborhood they are located in offers the urban amenities that they are seeking. In fact, some research suggests that they’re willing to pay more to live in these kinds of places. With smaller families and more single-person or two-person households, a large home isn’t necessary. A home that’s close to transit and within walking distance to grocery stores, restaurants, parks, and bars is a bigger priority when purchasing.

**Key Things to Consider**

Now the fun part. Keeping these trends and preferences in mind, what are some of the key things planners should consider when it comes to land use and transportation planning for the future? What are this generation’s needs and desires and how can we take advantage of some of the opportunities they present to address issues like traffic congestion, housing affordability, and community health?

Providing multi-modal transportation choices is key in meeting millennial expectations. It’s clear that they not only value public transit, but are often selecting where they live based on transit availability. The good news is doing this provides a whole host of other sustainable benefits for the larger community. Appropriate transit investment can reduce single-occupancy vehicle travel for others beyond just millennials, reduce roadway congestion and automobile emissions, as well as reduce the need for costly roadway expansions. Land use planners and policy-makers
should also consider how land use and development designs can support new or additional transit investments. Transit planners and policy-makers should also consider how to make service more convenient and reliable. Developing web and mobile applications that provide real-time data can go a long way in meeting millennials' expectations. Transit providers should also consider adding amenities like Wi-Fi to their systems to bolster the ability to work and relax using technology during the transit trip.

Transportation investment should also be made to better accommodate active transportation choices. Communities should plan and implement suitable bikeways and consider bicycling an equal mode rather than an afterthought. Pedestrians should be viewed as equal roadway users. Providing a continuous, safe network of sidewalks is an obvious first step, but designing complete streetscapes and design enhancements that include the pedestrian should be considered as a main objective. Adding street trees, wayfinding signs, and street furniture not only provides a buffer between pedestrians and vehicles but also can help create the urban environment and amenities so many millennials are seeking. Again, these investments will not just provide something that the millennial population is looking for, but provide safer and more pleasant facilities for the larger community. Incentivizing walking and biking through these changes can lead to a host of health and economic benefits for communities and are significantly smaller investments than roadway improvements.

As planners and policy-makers, we also need to understand the growing demand for small lot single family homes, townhouses, condominiums, and accessory dwelling units. Millennials are not looking for large houses isolated from other uses. Creating an urban environment requires more urban densities, a mix of land uses, and urban design. While many tend to hear the word density and think of Manhattan, the reality is that significant densities can be achieved through a mix of building types that fit within suburban communities. Developing urban centers with building heights between three and six stories is a far more realistic expectation and in many cases far more preferable to even millennials. Allowing accessory dwelling units can also help meet the housing needs. Yet, even allowing these kinds of development will require re-evaluating zoning codes as well as parking requirements and regulations.

TRANSFORMERS
DISTRIBUTION AND SUBstation

Modern Rewind Facilities
More than 61 Acres Inventory
Prompt Delivery–Coast to Coast

CALL TOLL-FREE
800-843-7994
FAX 605-534-8861
E-Mail: t-r@t-r.com
Internet: www.t-r.com

BUY – SELL – RENT

Complete Outdoor Substations,
Circuit Breakers,
Regulators,
and Switchgear
The rental market is likely to remain high, especially for the millennial generation, as many continue to struggle with student loan debt, low wages, higher unemployment rates, and a propensity to change jobs frequently. Some communities may initially struggle with meeting this need, fearing that renters won’t feel a sense of ownership in the community or will bring down surrounding land values. We’ve seen plenty of planning commission or city council meetings where these, or similar issues, are brought up as a reason to deny rezoning despite little proof that rental products actually create these results. We want to tell you to fear this no more. Over the next decade, this generation will drive spending and economic growth simply by their sheer number. Some estimates suggest millennials will have more spending power than the Boomers by 2018. While allowing higher densities, rental developments, or accessory dwelling units may be unpopular in the short-term in some areas, a community that ignores providing these options does so at its own economic peril.

Planners and policy-makers should also understand the impact that technology is having on the retail industry, and what this could mean for shaping future commercial districts. You can buy anything on the internet, compare prices and it can be at your door the next day. This doesn’t spell doom for brick and mortar retail. Many retailers have actually found unique ways to marry e-commerce with their brick and mortar stores – for example offering free Wi-Fi or offering discounts and online coupons through smartphone applications. This typically means fewer store locations and putting these stores in the right locations.

When millennials go out, they are looking for a shopping experience, a sense of place, and a social component to their outing. This preference may change the face of retail, and the best way for you to support these in your community is to allow and encourage a mix of uses served by transit coupled with urban amenities. Retail that’s easy to walk or get to via transit in “hip” urban centers will likely perform better in the future than big box retail stores. Additionally, something else needs to draw them out as shopping is easy to do online. Unfortunately, this will likely mean further decline for suburban shopping malls and strip malls that are the lifeblood for many communities. Yet, there is an opportunity to revitalize at least some of these areas by creating lifestyle communities that offer a retail component combined with many other uses.
One of the most important roles for a planner is involving the public in developing and shaping the future. Clearly, there is an opportunity to reach millennials through technology. Yet, all too often all this encompasses is a website and a Facebook page to host PDF documents. Technology can offer so much more, provide a better unbiased sampling of the community and truly allow for more transparency and collaboration with the public. With minimal investments, communities can create interactive maps, share public data sets, set up areas for public forums and the collection of public comments. The days of hosting an open house and expecting people to come to you are gone. Millennials expect to be able to provide input on their own schedule and through the click of a button. Planners should also consider cultural backgrounds and norms in public engagement efforts, especially given the large Hispanic millennial population. Communities may receive more involvement by partnering with community centers, schools, or hosting booths at cultural events.

Despite sometimes being characterized as a generation of narcissists, millennials are actually very charitable and active in social and environmental justice issues. Just as often as the media accuses millennials of being selfish, they are also described as naïve “do-gooders.” The reality is that this generation feels an obligation to tackle complex and problematic issues, even if sometimes it’s done to garner attention for themselves. As planners, we should embrace this do-gooder mentality and make every effort to understand and work with this generation because they ultimately want to contribute.

As planners, we cannot tell what the future will bring but we can rely on trends, markets and preferences to help support our decisions. It is up to us, to support the desires this generation has and give them the choices and opportunities they are looking for, especially those that lead to a more sustainable future. The best thing that you can do for this generation is to make sure they have a voice and are engaged in your planning processes. When discussing important issues like providing multi-modal options, offering different housing choices, or allowing a mix of land uses make sure this generation’s desires and associated trends are not ignored. Better yet, help the larger community understand the impacts of these trends. Undoubtedly, this cohort has and will continue to reshape and influence this country and its built environment. Our aim with this article is to provide insight or at least the desire for you to learn more about them – you can trust us, we’re millennials.

Richard Brockmyer, AICP, recently joined Fehr & Peers, a national transportation consulting firm. Previously he worked for the Utah Transit Authority. Julia Collins is a Senior Transportation Planner with Park City Municipality in Utah. Previously she worked as a transportation planner at Wasatch Front Regional Council.

Endnotes


References


This article was originally published in the July/August 2015 issue of The Western Planner Journal. Visit www.westernplanner.org to learn more.
SUPPLYING PRECAST CONCRETE PRODUCTS FOR OVER 90 YEARS

CONCRETE PIPE

MANHOLES & INLETS

ARCH PIPE

ARCH BRIDGE

TUNNELS & UNDERPASS

BOX CULVERTS

Our Precast Concrete Products have withstood the test of time, providing quality, dependable services for over 90 years to cities and counties in South Dakota.

SALES REPRESENTATIVES

Steven Myer, PE
Eastern SD Sales
Cell: 605-933-0112
smyer@creteconcreteproducts.com

William Huber
Western SD Sales
Cell: 605-209-0979
whuber@creteconcreteproducts.com

Dan Bjerke, PE
Technical Marketing
Cell: 605-381-0493
dbjerke@creteconcreteproducts.com

Brian Anderson
SD Project Engineer
Cell: 406-461-5949
banderson@creteconcreteproducts.com

www.forterrabp.com
Employment Law

We thank our partners at Boyce Law Firm for their expertise on employment law issues, including the following two interesting articles. The first is a reminder regarding the exception for denying unemployment benefits. The second is an article on the up and coming topic of social media in the work place. We appreciate their permission to republish them.

– Submitted by Claims Associates, Inc.

Denying Unemployment Benefits in South Dakota
By Lisa Marso

Employers often mistakenly believe that an employee who quits employment precludes the former employee from obtaining unemployment benefits in South Dakota. The general rule does, indeed, provide as such. However, exceptions exist.

First, the quitting must be “voluntary”. Thus if the employee is given the option to resign or be fired, then employee is still entitled to unemployment benefits. Second, the quitting must be without “good cause”. More common “good cause” reasons include (1) the employment is hazardous to health as certified by a qualified medical provider; (2) relocation by the employee was required for continued employment; (3) the employer breached or substantially altered the employment contract; (4) the employer substantially disregarded of the standards of behavior; (5) the employee’s religious belief mandated the quitting and no reasonable accommodation was offered before the employee quit; (6) the employee had to quit to be protected from domestic abuse and s/he did return to the abuser; and (7) the employee quit to be with a spouse who was reassigned military duties. Thus, employers need to make sure they are fulfilling their duties to employees, such as keeping a workplace free from unlawful harassment and/or discrimination, discussing religious accommodations where the issue arises, providing a safe environment for the employee to work, etc. Doing so will protect against an employer’s experience-rating account being subjected to benefit charge.

NLRB Puts Chipotle’s Social Media Policy in the Fryer
By Tommy L. Johnson

The National Labor Relations Board (the “Board”) continues its heightened scrutiny of employee handbooks’ social media policies as the Board grapples with the concept of “protected concerted activity” in the era of social media. In an August, 2016 ruling, the Board affirmed an administrative law judge’s decision holding that Chipotle’s social media policy violated the National Labor Relations Act (the “Act”).

By way of background, the case arose when Chipotle terminated an employee for tweeting about the working conditions of Chipotle’s employees and for circulating a petition amongst coworkers that addressed break periods. One of the tweets posted included a news article concerning hourly workers having to work on snow days when other workers were off and public transportation was closed. When asked if the employee would remove the tweets, the employee agreed, and the tweets were subsequently taken down.

In part, the challenged portions of the social media policy were:

“If you aren’t careful and don’t use your head, your online activity can also damage Chipotle or spread incomplete, confidential, or inaccurate information”

“You may not make disparaging, false, misleading, harassing or discriminatory statements about or relating to Chipotle, our employees, suppliers, customers, competition, or investors.”

An employer violates Section 8(a)(1) of the Act when it maintains a work rule that reasonably tends to chill employees in the exercise of their Section 7 rights. Section 7 rights include, among others, the right of employees to self-organize, join unions, bargain collectively, and to engage in other concerted activities, such as discussing working conditions and wages.
The Board held that, while neither of the challenged provisions explicitly prohibited Section 7 activity, employees would reasonably construe portions of the provisions to restrict the exercise of Section 7 activity, and could serve to chill employees in the exercise of their Section 7 rights. The Board noted that ambiguous rules are construed against the employer. As such, the Board ruled that Chipotle violated Section 8(a)(1) of the Act by restricting its employees’ Section 7 rights.

The Board’s decision serves as yet another reminder that employers must review and closely scrutinize and parse their social media policies to evaluate not only whether, by its terms, a policy prohibits Section 7 activity, but whether an employee could reasonably construe the policy to prohibit Section 7 activity. In particular, employers should avoid vague or ambiguous verbiage and should consider using expressly defined terms.

As a final word, Chipotle’s social media policy also contained a disclaimer that said, “This code does not restrict any activity that is protected or restricted by the National Labor Relations Act, whistleblower laws or any other privacy rights.” The Board found that this disclaimer did not serve to cure the unlawfulness of the foregoing provisions.

SDML Directory Changes

- Belle Delete: PC Scott Jones
  Add: PC Marlyn Pomrenke
- Fourche Delete: ATT Ryan McNight
  Add: ATT Stephanie Trask
- Belvidere Delete: CM Jason Muellenberg
  Add: CM Troy Boone
- Beresford Delete: PWD Fred Snoderly
  RD Erin Alwin
  Add: RD Jory Kunzman
- Madison Delete: PC Thomas Jeans
  Add: PC Brandon Petersen
- Martin Add: PS Nathan Powell
- Mitchell Add: ADM Jeff Mizenko
  RD Erin Alwin
  Add: CE Donna Nordell
- Summerset Delete: ATT Kyle Wiese
  Add: ATT Stephanie Trask

Email Directory changes to lisa@sdmunicipalleague.org. Visit www.sdmunicipalleague.org for a cumulative listing of changes to the 2016-2017 Directory of Municipal Officials.

Life-Changing Events & Your Insurance Needs

Insuring South Dakotans since 1995.
It’s our only business!

From Maternity to Newborn to Elderly care, the HPSD is there every step of the way!

Call the SD Municipal League at 1-800-658-3633 for more information.

Sponsored by:
SOUTH DAKOTA MUNICIPAL LEAGUE
As we know, late last year the Russian government conducted cyber hacks of the Democratic National Committee (DNC) server and attempted to hack the Republican National Committee (RNC) email system. In October 2016, the Department of Homeland Security and the Director of National Intelligence stated that the cyber hackers “intended to interfere with the U.S. election process” — a very serious charge. On December 29, former President Obama imposed sanctions against Russian intelligence services and kicked dozens of Russian diplomats out of the country in retaliation.

The DNC hack is a reminder to all Americans that the United States is not immune to damaging cyber-attacks from hostile foreign nations and other bad actors. We must update our national security policies to deter such attacks before a future debilitating attack occurs, possibly on critical civilian infrastructure.

Imagine what would happen if a foreign actor interfered with the operations of a nuclear power plant, or shut down the communications that control aircraft operations, rail operations or water releases from large dams. Such an attack on our critical infrastructure could threaten our entire economy or — worse — lead to loss of life. Without an appropriate plan in place to stop or respond to these cyber-attacks, we put ourselves at increased risk for a catastrophic attack to occur.

I was recently appointed chairman of the newly-formed Senate Armed Services Committee’s (SASC) Subcommittee on Cybersecurity, which is tasked with providing oversight and guidance for policies related to the Defense Department’s cyber forces and capabilities. Particularly concerning to me is the Defense Department’s role in responding to an attack on our nation’s critical civilian infrastructure and in deterring bad actors from conducting such an attack in the first place. As recent events have shown, the U.S. is not immune to a cyber-attack from hostile foreign actors. Even more alarming, our adversaries have determined that the reward outweighs the risk of launching a cyber-attack against our nation. It is the newest, most sophisticated form of attack threatening our national security today. I look forward to working closely with SASC Chairman John McCain (R-Ariz.) to outline an agenda for the committee that will tackle the most pressing national security matters with regard to cybersecurity. Additionally, I look forward to working with the Pentagon, under the new leadership of Secretary James Mattis, on cyber issues.

I am glad that Congress included a provision in the 2017 National Defense Authorization Act (NDAA) which would begin the process of defining when an act in cyber space constitutes an act of war. With language similar to my Cyber Act of War Act, which I cosponsored with Sen. Angus King (I-Maine), the NDAA will require the administration to determine when a cyber-attack on the United States requires a military response. This is vital because, while current policies permit the Pentagon to respond to a cyber-attack against military forces, our nation does not have a clear policy to govern our response to attacks on civilian infrastructure. The NDAA seeks to change that.

Defining when a cyber-attack requires a military response is but one in a series of steps we must take to deter our enemies from attacking the United States with this new, sophisticated form of aggression. We cannot know if the alleged hacks in 2016 would have been thwarted had the provisions of the Cyber Act of War Act already been in law. What we do know is that, absent a clear message to our adversaries as to when a cyber-attack may warrant a U.S. military response, we will not have done all we can to deter devastating attacks in the future.
The M Series 3 continues the legacy of quality already established by Cat® Motor Graders. Advanced cab design and revolutionary joystick controls greatly improve operator comfort and productivity. From building roads to maintaining them, the M Series 3 Motor Graders give you a winning edge in productivity, efficiency and comfort.

Get to grade faster. And do it in a way that’s safe, efficient, profitable and sustainable. That’s the challenge – all day, every day.

Contact Butler Machinery to find out how our new motor graders can help.

© 2015 Caterpillar. All rights reserved. CAT, CATERPILLAR, their respective logos, “Caterpillar Yellow,” the “Power Edge” trade dress as well as corporate and product identity used herein, are trademarks of Caterpillar and may not be used without permission. www.cat.com www.caterpillar.com
# APRIL Community Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 31 - April 1</td>
<td>59th Annual Schmeckfest</td>
<td>Freeman</td>
</tr>
<tr>
<td>March 31 - April 2</td>
<td>Professional Bull Riders Built Ford Tough Series</td>
<td>Sioux Falls</td>
</tr>
<tr>
<td>April 1</td>
<td>Spring Fling Home &amp; Garden Show</td>
<td>Hot Springs</td>
</tr>
<tr>
<td>April 3 - 9</td>
<td>American Indian Awareness Week</td>
<td>Spearfish</td>
</tr>
<tr>
<td>April 7</td>
<td>The Big Grape</td>
<td>Sioux Falls</td>
</tr>
<tr>
<td>April 7 - 8</td>
<td>Forks, Corks and Kegs Food and Wine Festival</td>
<td>Deadwood</td>
</tr>
<tr>
<td>April 8</td>
<td>Winefest Renaissance 2017</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>April 15</td>
<td>Eggstravaganza</td>
<td>Rapid City</td>
</tr>
<tr>
<td>April 20</td>
<td>Peter Mawanga &amp; The Amaravi Movement</td>
<td>Spearfish</td>
</tr>
<tr>
<td>April 22 - 23</td>
<td>Banff Mountain Film Festival World Tour</td>
<td>Rapid City</td>
</tr>
<tr>
<td>APR 26 - 29</td>
<td>Black Hills Film Festival</td>
<td>Hill City</td>
</tr>
</tbody>
</table>

For details on each event visit [www.travelsouthdakota.com](http://www.travelsouthdakota.com).

---

**Engineering a better tomorrow.**

Clark Engineering has delivered successful engineering and technical solutions for nearly 80 years. Our engineers and scientists utilize the latest technology to provide economical, sustainable design services. **We are committed to your future.**

- Civil Engineering
- Land Surveying
- Landscape Architecture
- Road Sign Inventory
- Bridge Inspection
- Municipal Development
- Wetland Delineation
- Mechanical, Electrical, Plumbing
- Resource Recovery & Renewable Energy

---

**LEARN MORE**

[CLARK-ENG.COM](http://CLARK-ENG.COM) | 605.331.2505

---

*Aberdeen | Sioux Falls | Watertown*
WE ARE PLEASED TO ANNOUNCE

CONNECTSD

Riverside Technologies, Inc. (RTI) is the primary equipment provider for the municipalities that received technical infrastructure improvements through the state sponsored South Dakota Broadband Initiative. Improvements included wired and wireless network equipment, servers, firewalls for edge security and end user devices such as computers, laptops and tablets. The SDBI project has now closed and RTI would like to help South Dakota municipalities sustain those technical improvements and maximize their potential. Therefore, we are continuing to offer the same products and services to our state’s municipalities and related organizations through a new project called ConnectSD. RTI has a long standing history with public sector, and looks forward to delivering the same level of products and services to which they are accustomed through the ConnectSD project.

Connect with us at: www.riversidetechnologies.com/connectsd/cart

HARDWARE:
- Laptops & Chromebooks
- Desktops & Workstations
- Servers
- Storage
- Access Points
- Printers

DEPLOYMENT:
- Hard Drive imaging
- Asset tagging
- Google Management Console
- Chromebook Elite Services

CUSTOMIZATION:
- Embroidery
- Laser Engraving
- Decals
- Banners
- Carrying Cases & Backpacks

INTEGRATION:
- Active Directory Migration
- Wireless Assessment
- Network Assessment
- Managed IT Services
- Break-fix Services
- Green Delivery
- RTI Backup

FOR MORE INFORMATION, CONTACT RTI TODAY:
866-804-4388 | 866-812-5370
www.RiversideTechnologies.com

Passion | Creativity | Teamwork
CLASSIFIED ADS POLICY: Member municipalities receive free insertions and free postings on the League website. Non-member advertisers are billed $50 per insertion. All ads are subject to editing if necessary. The next deadline is March 10 for the April 2017 issue. Email ads to carrie@sdmunicipalleague.org or fax to 605-224-8655. Visit www.sdmunicipalleague.org for more classifieds.

ASSISTANT MAINTENANCE WORKER: Canistota, SD. The City of Canistota is currently accepting applications for a full time assistant maintenance worker. Duties include, but are not limited to work performed in the streets, parks, swimming pool, landfill, water and wastewater departments. Applicants must possess a high school diploma or GED, a valid driver’s license along with a CDL or the ability to obtain a CDL. The applicant must also be insurable. Knowledge with all types of equipment is desired. Salary will be dependent on experience and qualifications. This full time position will remain open until filled. For more information, contact Kathy Townsend, City of Canistota Finance Officer at 605-296-3551 or by email, canistotasd@unitelsd.com The City of Canistota is an equal opportunity employer.

ASSISTANT PUBLIC WORKS DIRECTOR/GENERAL MAINTENANCE: The City of Eureka, an equal opportunity employer, is accepting applications for a full-time Assistant Public Works Director/General Maintenance. Valid driver’s license required. No conviction by any state or federal agency for any crime punishable by imprisonment in a federal or state penitentiary. Appropriate character and behavior traits for public relations. High School graduate or GED certificate required. Experience preferred in heavy machinery operation and knowledge of all city departments and functions in all departments. Must possess or obtain a CDL. Have or ability to get water and sewer certifications by the state of South Dakota. Mosquito spraying certification. Pay based upon experience. Position open until filled. Apply at the City of Eureka, PO Box 655, Eureka, SD 57437. Contact the City Office at 605-284-2441 for more information regarding job description and application. Any and all applications may be rejected.

CHIEF OF POLICE: Avon, SD. Part-time hourly position. Responsible for managing the operations of the police department, including record keeping activities, and patrolling the community to maintain public order. Must exercise independent judgment and use discretion during daily patrol activities. Must have graduated high school or have a GED with no criminal convictions that
DIRECTOR OF PUBLIC WORKS/PROFESSIONAL ENGINEER: The City of Mitchell is seeking a Licensed Civil Engineer to manage the Public Works Department. Manages the design and construction of streets, storm and sanitary sewers, sidewalks, bike paths, and infrastructure for other community projects. Participates in long-range planning to meet the needs of the community and contribute to an atmosphere of progress and vitality. Directs division managers in Streets & Sanitation, Water & Waste Water, Municipal Airport, and Engineering. This is a Department Head position which answers directly to the Mayor, and works cooperatively with the City Administrator and other Departments to accomplish goals that are tied to the mission of the City. Bachelor’s Degree in Civil Engineering, certification as a Professional Engineer, and experience sufficient to thoroughly understand the diverse objectives and functions of the Department, usually interpreted to require three to five years related experience. Starting wage $92,507 with excellent benefit package. Open until filled. For a full job description and application materials see www.cityofmitchell.org. The City of Mitchell is an Equal Opportunity Employer.

MAINTENANCE WORKER: Hoven, SD. Work areas include but are not limited to water, sewer, streets, snow removal, landfill, swimming pool and airport. The following certifications/licenses must be possessed or be able to obtain: Commercial Applicators License, Class I Water Distribution, Class I Wastewater Treatment and Collection. Knowledge with all types of equipment is desired. Wage DOE. Please contact the City of Hoven, PO Box 157, Hoven, SD 57450. Call 605-948-2257. Position will remain open until filled.

PATROL OFFICER: Brookings, SD. Full-time hourly position. Responsible for providing law enforcement services to citizens of Brookings. Must exercise independent judgment and use discretion acting decisively during times of crisis and emergency. Must be 21 years of age with no convictions of any crime by any state or federal government punishable by imprisonment in a federal or state penitentiary. Valid driver’s license required with acceptable driving record. Law Enforcement Standards and Training Commission certification must be obtained within one year of hire date. Will work rotation of various shifts. Hourly pay range $22.34 to $27.17/hr. Full benefit package with shift differential. To apply: Visit www.cityofbrookings.org for position description and completion of on-line application. AA/EOE.

PLANNING ADMINISTRATOR: City of Custer City, SD. This position is responsible for overseeing and enforcing City building codes, as well as general ordinances related to housing and property maintenance, administrative and conceptual work in the area of planning and zoning. This is a full-time position with benefits. Bachelor’s Degree or equivalent combination of education and experience. The applicant must be able to obtain IBC Residential Building Inspector and Fire Code Certification within 1 year of date of hire; and Floodplain Administrator Certification within 2 years of date of hire. All applicants must complete the Custer City Municipal application form. To receive an application form, contact the City Finance Office staff at 622 Crook St., Custer, SD, 57730, 605-673-4824 or go to www.custer.govoffice.com. Job description can be viewed online. Position will remain open until filled. Custer City is an Equal Opportunity Employer.

POLICE OFFICER: The Viborg Police Department has an opening for a part-time Police Officer. This position will be under the direct supervision of the Chief of Police. Hours include days, nights, weekends and holidays. A certified officer is preferred but not required. Interested parties may obtain an application by contacting the Police Department or City Hall at 110 North Main Street in Viborg, South Dakota or by calling 605-326-5103 or 605-4824 or go to www.custer.govoffice.com. Job description can be viewed online. Position will remain open until filled. The City of Viborg is an equal opportunity employer.

TREATMENT PLANT OPERATOR: The City of Vermillion is accepting applications for a full-time Treatment Plant Operator with the Water Department. Applicants must possess a Class III Water Treatment Certificate from the State of South Dakota. $22.32 - $24.43 per hour plus benefits. Application and a complete job description are available at City Hall, 25 Center Street, Vermillion, SD 57069, at the SD Dept. of Labor and Regulation, and on the web at www.vermillion.us/careers. This position is open until filled. EOE.

FOR SALE: Notice is hereby given that pursuant to resolution duly adopted by the City Council of the City of Alcester, South Dakota, on the 4th day of January, 2017, the following described personal property, to-wit: 2002 LeeBoy Rosco RA2000 Patcher; All Weather Operation; Serial Number: 200038064; Trailer Number: WMI IR9A A122 21 1317 064; Dimensions: 188 Inches Long x 96 inches Wide x 84 inches tall; Shipping Weight: 5900 lbs; Operating Weight: 8300 lbs, has been declared surplus personal property and will be offered at public sale to the
highest bidder for terms of cash. Sealed written bids shall be accompanied by a check in the amount of ten percent (10%) of the bid submitted. Bids may be presented to the City Finance Officer of the City of Alcester, South Dakota, prior to 4:00 p.m. on the 20th day of March, 2017, in the City Office located in the City Auditorium in the City of Alcester, South Dakota, at which time the Mayor and the City Finance Officer shall open the sealed bids submitted. Bid forms may be obtained from the City Finance Officer at her office in the City Auditorium, City of Alcester. All persons filing sealed bids are requested to be present at the opening of the bids as any person filing a sealed bid may have the opportunity to raise the highest bid submitted in multiples of Twenty-Five Dollars ($25.00). The highest bid will be held and considered by the City Council of the City of Alcester at its special meeting to be held on the 20th day of March, 2017, commencing at 6:30 p.m. in the Council Room in the City Auditorium in the City of Alcester. The City Council reserves the right to reject any and all bids submitted, and upon acceptance of bid and payment of the balance due, will be deliver a Bill of Sale and possession of the property. Personal inspection of the property is requested prior to submitting a bid. Appointments can be made for inspection of the property by calling the City Office at 605-934-2851. More specific information regarding the 2002 LeeBoy Rosco RA2000 Patcher is available from the City Finance Officer at the Alcester City Office.

FOR SALE: The Town of Wakonda is taking sealed bids on the following items: 4 - Barnes Lift Station Pumps/Model No.#P04LB-8D/Impeller Dia. 3.24"; 5 – A.O. Smith 3 Phase electric motors/Part No.# F- 3913763 230/460 Volts 10 HP 1745 RPM; and 1 - WINCO Stationary PTO driven 3 Phase Generator Model – 45PTOC-17/C. Sealed bids may be submitted to the City Finance Office, PO Box 265, Wakonda, SD 57073 no later than March 15, 2017 at 5:00 p.m. The Town reserves the right to refuse all bids. For more information contact Nancy Andresen, Finance Officer, at 605-267-3118 or townofwakonda@gmail.com.

FOR SALE: Snow-Ex sander, Model V-Maxx 8500, poly-vinyl hopper with hydraulic hoses. On steel frame for truck bed mounting. Sold as is. Contact the City of Eureka at 605-284-2441.

Visit www.sdmunicipalleague.org for more classifieds.
First meeting in March – The financial officer is required to make an annual report to the governing body. The report must include the receipts, expenses, and financial condition of the municipality, including the amount of funds in the treasury at the time of making the report and where and in what amounts such funds are deposited or invested. The report shall be published within thirty days or upon completion of the annual audit in the official newspaper. Immediately after the report to the governing body, the finance officer shall file a copy of the report with the Department of Legislative Audit. A thirty day extension may be granted with approval. (SDCL 9-22-21; See Hdbk., sec. 12.080)

Not later than the third Monday in March – A copy of the assessment roll must be furnished to each requesting municipality. (SDCL 10-3-28; See Hdbk., sec. 12.105)

Third Monday of March (Equalization meeting) – The governing body and the finance officer together representing the municipality with a member of the school board are required to meet for the purpose of equalizing the assessment of property. The Equalization Board may adjourn from day to day until the process has been completed within five days. (SDCL 10-11-13, 10-11-14; See Hdbk., sec. 12.120)

On or before the fourth Monday of March – After completing the equalization the clerk of the equalization board is required to deliver the assessment roll to the county Director of Equalization. (SDCL 10-11-21; See Hdbk., sec. 12.120)

At least six days prior to the last Tuesday of March – The county director of equalization must publish a list of all tax exempt property in the county. This publication must be in the official newspapers of the county. (SDCL 10-4-15.1; See Hdbk., sec. 12.105)

On or before March 31 – The Urban Renewal Agency is required to file a report of its activities with the governing body. The report must include a complete financial statement for the preceding year. (SDCL 11-8-47) The Urban Renewal Agency must file a similar report with the Auditor-General on or by the same date. (SDCL 11-8-48; See Hdbk., sec. 14.200, The Urban Renewal Agency)

April election – Follow the Municipal Election Calendar for all election deadlines.
April

At least one day before the election – The Finance Officer must deliver the precinct registration lists to the local election officials. (SDCL 12-4-24; See Hdbk., sec. 7.170)

Second Tuesday of April – Annual elections for the officers of a municipality are required to be held. (SDCL 9-13-1; See Hdbk., sec. 7.050) A municipality may combine its election with a school district election and hold this election on the school election date (third Tuesday in June) or on the first Tuesday in June, or in conjunction with the June primary. (SDCL 9-13-1.1; 9-13-37; 9-13-6)

Second Tuesday in April – The consolidated board of equalization meets and completes equalization in no more than three weeks. (SDCL 10-11-66 through 10-11-76; See Hdbk., sec. 12.120)

Within two days after the election is declared – The finance officer must notify all persons elected to office. The officials elected to office then have ten days after the first meeting of the month next succeeding the election to qualify for the office by filing an oath or affirmation of office. (SDCL 9-13-28) If the governing body chooses an election day other than the second Tuesday of April, as provided in SDCL 9-13, that Election Day must be established by January 14 of the election year. (SDCL 9-13-1)

Within seven days following the election – Election returns are to be canvassed. (SDCL 9-13-24; See Hdbk., sec. 7.600)

Three weeks from Election Day – If a municipality has passed an ordinance requiring a secondary election and no candidate in a race involving three or more candidates receives a majority of the votes cast, a secondary election shall be held three weeks from the date of the first election. Provisions for tie votes in the first election are also provided for. The person receiving the highest number of votes at the secondary election is elected. (SDCL 9-13-26.1; See Hdbk., sec. 7.600)

June elections – Follow the Municipal Election Calendar for all election deadlines.

Building a Better World for All of Us®

WITH GROWTH COMES RESPONSIBILITY.

Being part of the South Dakota Business Community means being responsible to you.

Architecture
Aviation
Civil Engineering
Community Development
Construction
Environmental
FundStart™
Planning
Structural Engineering
Surveying
Transportation
Water and Wastewater
Water Resources

Alec Boyce
aboyce@sehinc.com

Al Murra
amurra@sehinc.com

Eric Hanson
ehanson@sehinc.com

sehinc.com
605.330.7000
800.325.2055
South Dakota Public Assurance Alliance

Our Mission:
To provide exceptional coverage and service to our Members, ensuring stable rates and risk reduction for South Dakota’s future.

We offer broad specialized coverage to public entities as follows:

- General Liability
- Automobile Liability
- Automobile Physical Damage
- Public Officials Liability
- Law Enforcement Liability
- Property
- Boiler and Equipment Breakdown
- Enhanced Crime
- Cyber Liability

Sponsored & Endorsed By:

Member-Owned, Protecting Local Government Assets since 1987
For More Information contact the SDPAA at 800-658-3633 Option #2 or at sdpaaconline.org

SDML
Workers • Compensation • Fund

Specializing in Workers’ Compensation for Public Entities

- Stable Rates
- Financial Stability
- Investments in SD Banks
- Free Loss Control

For more information, contact:

800-233-9073
Email: info@sdmlwcfund.com
www.sdmlwcfund.com

Sponsored by

SOUTH DAKOTA MUNICIPAL LEAGUE