

Minutes

Monday, March 9, 2009



Public Service Committee

5:25 p.m.
Carnegie Town Hall
235 West Tenth Street

Members Present: Vernon Brown, De Knudson and Kermit Staggers
Members Absent: Kenny Anderson Jr.
Staff Present: City Clerk Debra A. Owen and Assistant City Clerk Tamara Jorgensen
Guests: Council Members Greg Jamison and Bob Litz; Planning and Building Services Director Mike Cooper; Lead Internal Auditor Rich Oksol; Public Health Director Judy Buseman; Argus Leader Reporter Jonathan Ellis; and citizens Luciano Marzono, Mark Weber and Jeanne Gerkin.

1. Call To Order

Committee Member Brown called the meeting to order at 5:25 p.m.

2. Review and approval of Minutes dated February 9, 2009

A motion was made by Knudson and seconded by Staggers to approve said minutes.

A motion, to amend the main motion, was made by Knudson and seconded by Staggers to amend the 5th paragraph to read as follows. A voice vote was taken and all members present voted yes. **Motion Passed.**

“Knudson stated that during a recent conversation with Stivers, she asked him if he thought the Board of Ethics Canons (Ord. 34-00) could be incorporated into the Ethics ordinance. Discussion followed. Owen stated the Canons are written in board terms and serve as guidelines to Council which differ from the Standards of Conduct language in the Code of Ethics”.

A voice vote was taken on the main motion, as amended, and all members present voted yes. **Motion Passed.**

Code Enforcement was heard at this time. See item for details.

3. Code of Ethics Ordinance

Owen distributed the Board of Ethic recommendations to the committee. Discussion followed. The Committee proposed and agreed to the following revisions to ordinance, which will need to be added/changed to ordinance at second reading:

Article I

Sec. 12 1/2-11. Records.

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- (a) The board shall keep minutes of its proceedings, showing the vote of each member upon every question, and shall also keep records of its investigations and other official actions.
- (b) Designees, within the city attorney's staff, shall serve as administrative and secretarial staff to the board shall take and preserve minutes of all meetings, including those deemed confidential, and shall produce all reports and written documents. An annual report will be produced on the past costs of such activities and from which estimated cost should be included in the next annual budget as a separate item.

Note: Revision comes at the request of the City Attorney's office and the BOE. In short, it designates that the city attorney's office will take minutes rather than the clerk's office.

Article II (Applies to City Officers and Employees)

Advisory opinion means a written opinion offering the board's advice to the requestor in conjunction with its interpretation of the city charter or ordinances and state law on a matter submitted for that purpose. Advisory opinions may be requested by person(s), subject to Article II, seeking advice about his or her current conduct or an anticipated future behavior or activity.

Sec. 12 1/2-22. Advisory Opinions.

An advisory opinion may be requested from the board of ethics by city officers and employees whether appointed, paid or unpaid, including members of all boards, commissions, and committees of the city who seeks the board of ethics opinion to interpret the law as it applies to himself or herself.

Note: Revision further clarifies the person seeking an advisory opinion must: first, have an obligation to adhere to the law; and two, the advisory opinion must pertain to his or her conduct.

Article III – (Applies to City Officials)

***Official(s)* when referenced in this article means the mayor or any other member of the city council.**

Note: Revision was requested by BOE to further clarify the term "official" by deleting the term "officer."

Sec. 12 1/2-34. Advisory opinions – elected officials and candidates

Advisory opinions may be requested by any city official who seeks the board of ethics to guide the officials own conduct. Only a city official may request an advisory opinion from the board of ethics about his or her conduct or activities, provided that such request is made prior to the filing of a complaint as outlined in section 12 1/2-35. **Declared candidates for a municipal election may seek advisory opinions from the board of ethics about his or her conduct or activities.**

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Note: Revision will allow municipal candidates, who have declared they are running for office, to seek advisory opinions from the board of ethics about his or her conduct or activities.

4. Code Enforcement

Cooper opened the discussion with the three primary steps to Code Enforcement and stated that he was there to listen to suggestions for improvements. Brown stated that the final step, enforcement, was being addressed by the South Dakota legislature via Senate Bill 99 which, if signed by Governor Rounds, would give municipalities the authority to take code enforcement issues to small claims court for collection. If passed, this law would become effective on July 1, 2009.

Knudson asked if the online form was still available for citizens to start the complaint process. Cooper stated that they are working with the IT Department to redesign the format and improve the process.

In 2009, the HELP!Line Center was contracted to assist with code enforcement calls. Brown stated that the current process is for the citizen to call 367-8000 where the call is directed to the HELP!Line Center. Brown recommended that research be done to determine what the cost would be to have a '311' call system set up where the call would go to the 367-8000 number. The staff could serve as a 'clearing house' to determine what the citizen needs and who to contact. Brown cited the need for a system where the citizen could receive the correct information or the correct department by only making one phone call. Brown cited a personal example of trying to get an issue resolved by making one call and also distributed correspondence which illustrated that one citizen had to wait 8 months for one issued to be solved. Brown stated that a large volume of calls that he receives from the public pertain to code enforcement items and many citizens have expressed their frustration at the process involved with solving a code enforcement issue. Brown reminded the committee that code enforcement is one of the challenging issues that all cities face.

Knudson asked if the HELP!Line Center employees have received any training on code enforcement issues and how to find the correct department. Cooper showed a brochure that is being distributed and available on the website for citizens to know who to call.

Knudson stated it may be advantageous to have the code enforcement officer appear at a future Informational Meeting to answer any questions or to provide updates on the process. She asked if we had any other part time officers performing this function. Cooper replied that every department has a part in handling code enforcement items. Monthly meetings are held where the department representatives can continue to work together to track the process on various cases. Cooper stated that the Navaline software is being refined so that each department can track the status on violations.

Buseman stated that the Health Department has one staff member who writes complaint tickets for the inspectors. They have found that 90% - 95% of their complaints are handled via the ticket process and there is a limited need to go to the collection stages.

Brown invited Cooper and Buseman to attend the Public Services Committee Meeting on Monday, April 13th and to have some answers to the following items:

1. How can we redirect the 367-8000 number to a 311 number instead?
2. When can we implement the enhanced call handling done by the HELP!Line operators?
3. What ideas can be implemented to empower employees to improve the code enforcement process?

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4. A request to keep the process 'customer focuses' – think of the end user, their experience, and how to make it easier for them.

Owen stated that at the National League of Cities Conference she Jamison attended a workshop where a '311' system was being used for a metropolitan or regional area. The cost advantage of economies of scale enable cities to pay for the service. Jamison mentioned that this was implemented by a private group who sold it as a service to the city.

Staggers mentioned that he has also received complaints from citizens regarding the process for code and ordinance enforcement. He has received complaints from citizens regarding the tree trimming process. Staggers and Knudson held a dialogue where the discussion of whether or not some ordinances should be maintained on the books; Knudson believes that all ordinances should be enforced if they are still 'on the books' and should be removed if they are no longer needed or used. Knudson would like to hear from the city directors regarding what ordinances are no longer needed.

Staggers also stated that the appeal process should be reviewed – both for code enforcement issues and for other ordinance violations.

5. Open Discussion

There was none.

6. Adjournment

A motion was made by Knudson and seconded by Staggers to adjourn the meeting at 6:37 p.m. Brown called for a voice vote on the motion. All members present voted yes. **Motion Passed.**

Tamara Jorgensen, CMC
Assistant City Clerk