

REGULAR MEETING OF THE ALCESTER CITY COUNCIL

The Alcester City Council held their regular City Council Meeting on Monday, January 18, 2021. Mayor Haeder called the meeting to order at 6:01 pm with the following Council members present: Melissa Kay, Dave Larsen, Linda Talbott, Darla Reppe, and Marcus Ireland via telephone. Also present during the meeting were Patricia Jurrens, Wanda Halverson, Chief Christie, Austin Schuller, Parker Dooley, Sam Nelson, Gordon Richard, and Vickie Larsen. All stood for the Pledge of Allegiance.

Melissa Kay made a motion to approve the agenda; Darla Reppe seconded it. Roll Call vote, five voted aye.

For Public Input – Vickie Larsen addressed the Council with concerns regarding Pleasant Hill Cemetery Fees, Website, and Worker Compensation issue with Fire Department and EMS. Darla Reppe and Dan Haeder both expressed citizens contacted them regarding Mask Mandates. Mayor Haeder discussed snow removal. This concluded Public Input.

For Alderman Statement – Melissa Kay addressed the Council stating she will not run again; thus, creating a Ward I vacancy. Ms Kay offered mentoring to any future Candidates or Aldermen. Melissa Kay offered a Thank You to the Council & Mayor for the time spent on the City Council. This concluded the Alderman Statement.

For Department Updates – Parker Dooley addressed the Council with additional mower quotes for the cemetery. Dave Larsen made a motion to approve the purchase of a 2021 Hustler X-One Kawasaki 850, 60" Side Discharge with attachments, from J & W Small Engine, Ireton, IA; for \$9,204.50, Pleasant Hill Cemetery Fund. Linda Talbott seconded it. Roll Call vote, five voted aye.

Police Chief Christie presented the Council with an updated Use of Deadly Force Policy for the Police Policy Manual. The update was necessary to qualify for Federal Funding after President Trump issued Executive Order 13929 – Safe Policing for Safe Communities. Marcus Ireland made a motion to approve *Resolution 2021-02, A Resolution of the City of Alcester Updating the City's Use of Deadly Force Policy pursuant to Executive Order 13929* with one typo correction; Linda Talbott seconded it. Roll Call vote, five voted aye.

RESOLUTION NO. 2021-02

A RESOLUTION OF THE CITY OF ALCESTER UPDATING THE CITY'S USE OF DEADLY FORCE POLICY PURSUANT TO EXECUTIVE ORDER 13929

WHEREAS, the President of the United States issued Executive Order 13929, Safe Policing for Safe Communities, on June 16, 2020; and

WHEREAS, the Executive Order directs that Department of Justice discretionary grant funding may be allocated only to those state and local law enforcement agencies that seek appropriate credentialing from a credentialing body approved by the Attorney General of the United States; and

WHEREAS, the approved credentialing body must confirm that the state or local law enforcement agency's use-of-force policies adhere to all applicable federal, state and local laws; and

WHEREAS, the approved credentialing body must confirm that the state or local law enforcement agency's use-of-force policies prohibit the use of chokehold except in those situations where the use of deadly force is allowed by law.

NOW, THEREFORE, BE IT RESOLVED by the City of Alcester that Section 3.6 of the Alcester Police Policy Manual is hereby amended as follows:

3.6 Deadly force

1. The use of deadly force Is objectively reasonable when:
 - a. The officer is faced with an imminent threat of serious bodily harm or death to him/herself, or some other person who is present.
 - b. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape, the subject poses an imminent threat of serious bodily harm or death to another. Serious bodily harm is defined as harm or injury which involves substantial risk of death, protracted and obvious

disfigurement, or protracted loss or impairment of the function of a body member or organ or mental faculty.

2. Actions considered to be the use of deadly force include but are not limited to any discharge of a firearm, choke/neck holds (a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation) and less lethal impact munitions targeted at danger zones. These danger zones include head, spine, neck, groin and kidneys. These force options shall not be used unless the threat to the officer or other person(s) warrants the use of deadly force.
3. Once the subject's active resistance has ceased and control has been gained, an officer is no longer authorized to use force. Officers should immediately provide any necessary medical assistance to the subject to the degree in which they are trained and provide emergency medical response where needed.

Dated this 18th day of January, 2021.

CITY OF ALCESTER

/S/ Daniel Haeder, Mayor

ATTEST:

/S/ Patricia Jurrens, Finance Officer

Date of Adoption: January 18, 2021, Date of Publication: January 28, 2021, Effective: January 28, 2021

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Darla Reppe made a motion to approve the appointment of Kristen Meyer, Library Board Member – City Representative for a 3 year term; Melissa Kay seconded it. Roll Call vote, five voted aye.

The Council took a recess at 6:40 pm. Mayor Haeder called the Council back in session at 6:44 pm.

Next was the discussion of Masks. Marcus Ireland reviewed the points in Ordinance 2021-01 while Dave Larsen reviewed the points in the Mask Recommendation. After much discussion – it was decided that Melissa Kay and Marcus Ireland would combine the two items and present at the February 1 City Council meeting. If the Alcester Community has comments – please contact your Ward Representative before February 1, 2021.

Pat Jurrens gave Ward Vacancies and Election Updates. Petitions can be picked up at City Hall starting January 29, 2021 and must be returned February 26, 2021 by 5 pm.

Dave Larsen made a motion to approve and sign the survey plat maps representing Tract 1, 2 and 3, Block 23, Original Town of Alcester, Union County, South Dakota. Marcus Ireland seconded it. Roll Call vote, five voted aye. The plat maps were signed.

Dave Larsen provided information regarding grill/kitchen equipment available for sale in Canton, South Dakota. Darla Reppe made a motion to approve spending up to \$20,000 for Kitchen Equipment; Linda Talbott seconded it. Roll Call vote, five voted aye.

At 7:30 pm, Melissa Kay made a motion to enter into Executive Session pursuant to SDCL 1-25-2-1 – Personnel; Dave Larsen seconded it. Roll Call vote, five voted aye. Mayor Haeder called the Council out of Executive Session at 8:16 pm.

Marcus Ireland made a motion to adjourn, David Larsen seconded it. Roll Call vote, five voted aye. Meeting adjourned at 8:17 pm.

CITY OF ALCESTER

Daniel Haeder, Mayor

ATTEST:

Patricia Jurrens, Finance Officer