

Special Meeting Minutes of the Plankinton City Council

December 29th, 2025, Meeting Minutes of the Plankinton City Council

The Plankinton City Council met on December 29th, 2025, for a special meeting. Members present included Mayor Carl Bode, Council members Jim Nielsen, DeEtte Bohr, Magdalena Popek-Hurst, Amber Green, Terry Schuldt, and Nathan DeGeest. Finance Officer Cindy Geiman was also present.

Visitors were JP Studeny, representing the South Dakota Mail; Brad Green; Jeff Briggs; and Clint Bultsma, arriving at 6:35

Mayor Bode called the meeting to order at 6:30 p.m.

The Pledge of Allegiance was recited.

Mayor Bode asked Finance Officer Cindy Geiman to summarize the roll call. Cindy stated that "All council members and the mayor were present. We have a quorum."

AGENDA APPROVAL

Nielsen would like to add Linda Heath Vehicle to the agenda. Mayor Bode suggested we add that under old business, under 2nd reading of the Mobile Vending Ordinance. Popek-Hurst motioned to approve the agenda with that addition, and Schuldt seconded. All voted Aye, motion passed.

BILLS TO PAY

There were a couple of bills that needed review: three from Scott Construction and one from Big Timber Construction. A couple of the invoices were from around 2.5 years ago, and the last bill was for the Corn Crib. A discussion was held regarding these three invoices. And it was determined that Mayor Bode would reach out to TJ Scott to see if he could invoice these around the time they were done instead of putting a December 2025 date on them. It was also mentioned that the Finance Officer or Deputy Finance Officer could review the minutes to see if it was approved earlier. This will be tabled until the January 5th meeting. Mayor Bode addressed the Big Timber Construction bill, asking Nielsen if the council had approved this. Nielsen thought they did. This was also tabled until the January 5th Meeting, so Cindy or Morgen can go back in the minutes.

Popek-Hurst made a motion to approve paying of the bills except for the four bills tabled. Green seconded the motion. All voted aye, the motion passed. Bills are as follows.

A&B BUSINESS IT- IT SUPPORT BUNDLE- \$774.54; A&B BUSINESS SOLUTIONS – IPADS AND LAPTOPS-\$254.34; AFLAC- VOL. INSURANCE-\$181.55; AVERA HEALTH- DECEMBER-\$5,881.45; AVERA HEALTH- JANUARY 2026-\$5,881.45; BARNES AND NOBLE- BOOKS PURCHASED-\$58.21; BARRY GEIMAN- CELL PHONE STIPEND-\$150.00; BELL BANK-MINI EXCAVATOR- \$919.42; BORDER STATES- FIRESTATION REPAIRS- \$3,615.28; BORDER STATES- ELECTRICAL SUPPLIES- \$3,557.73; BRIGGS PROPERTIES- TIF 2023-2025- 6,691.14; CARL BODE- CELL PHONE STIPEND- \$150.00; CENTRAL ELECTRIC; WHEELING FEES- \$1,986.22; CHANCE BOYD- CELL PHONE STIPEND- \$150.00; CINDY GEIMAN- CELL PHONE STIPEND-\$150.00; CNH CAPITAL-SKID LOADER PAYMENT- \$959.11; CORE AND MAIN- FIRE HYDRANTS- \$8,491.94; DAN GEIMAN- CELL PHONE STIPEND- \$112.50; DANR- MEMBER FEES- \$750.00; DARIN CRANNY- CELL PHONE STIPEND AND BREAKFAST- \$160.48- DAVISON COUNTY SHERIFF-SMALL CLAIMS ANTONEETE HERTZ-\$50.00; DELTA DENTAL- DENTAL INSURANCE- \$328.00; DEPARTMENT OF ENERGY- POWER PURCHASE- \$17,805.55; DEPARTEMENT OF REVENUE-SALES TAX-\$4,685.53; DGR ASSOCIATES- PROFESSIONAL SERVICES-\$560.00; DOLLAR GENERAL-SUPPLIES- \$21.45; EAST RIVER ELECTRIC-

WHEELING FEES-\$6,300.58-FARMER AND MERCHANTS- PAYROLL FEES-\$15.15; GOLDEN WEST- UTILITIES-\$494.79; GUARDIAN- LIFE, STD, LTD-\$347.35; H&W CONTRACTING- SEWER PROJECT- \$71,953.07; HEARTLAND-POWER PURCHASE- \$37,711.70; HEARTLAND- LOANS - \$2,483.36; J.P. COOKE- DOG TAGS FOR 2026- \$88.95; JAMES TAYLOR- ATTORNEY FEES- \$8,800.55; JIM NIELSEN- CELL PHONE STIPEND- \$75.00; L&L SANITATION- NOV AND DECEMBER- \$120.00; MENARDS- STREET AND SHOP SUPPLIES AND OUTLET- \$679.86; MORGEN MAHRT- CELL PHONE STIPEND- \$150.00; OVERWEG AUTO- BUCKET TRUCK-\$1,252.72; PHEASANT LAND- STREET SIGNS- \$149.05; PLANKINTON FIRE DEPARTMENT- DONATION- \$5,000.00; PLANKINTON LUMBER- SUPPLIES- \$746.92; PREMIER PEST CONTROL- ANTS SPRAY-\$150.00; RAMAKER AND ASSOCIATES- CEMETERY DUES- \$1,176.00; ROADSIDE- FUEL STREETS- \$26.97- RON'S- SUPPLIES- \$70.98; RUNNINGS- SUPPLIES STREETS- \$68.37; SD DEPARTMENT OF HEALTH- WATER TESTING FEES- \$20.00; SD DEPARTMENT OF TRANSPORTATION- FUEL AND BLADES- \$4034.36; SD MUNICIPAL LEAGUE- BUILDING INSPECTOR AND F.O. DUES- \$105.00; SD STATE UNEMPLOYMENT- UNEMPLOYMENT TAX- \$19.59; SDMEA- ANNUAL DUES- \$815.00; SD 811- MESSAGE FEES- \$6.30; SPN ENGINEERING FEES-\$4,465.66; TOSHIBA- COPIER CONTRACT-\$185.26 TITAN MACHINERY-SEALS AND OIL-\$425.75, USPS- PO OFFICE BOX-\$280.00; VERIZON WIRELESS- HOT SPOT/SURFACE-\$131.80; VESTIS- RUG CONTRACT-\$37.41; VISA- SUPPLIES- \$1,598.15; AND VISION SERVICE PLAN- VISION INSURANCE- \$134.63.

APPROVAL OF MINUTES

Without any additions or corrections. The minutes were approved as published.

PUBLIC COMMENTS

N/A

OLD BUSINESS

IPADS FOR COUNCIL

Finance Officer Cindy Geiman presented the quote she received from Apple to the council. The quote was \$2,645.04 without the case. Finance Officer Cindy Geiman informed the council that as of this afternoon, Amazon had the same iPad, and we could get a cover for 2463.92. Popek-Hurst brought up insurance. Green pointed out that with Apple through Amazon, you can get insurance; however, the insurance from Amazon doesn't cover damage if a person gets the iPad wet. The Apple quote didn't include insurance. Nielsen asked who oversees maintenance. Green replied that updates come through periodically, but as for maintenance, aside from turning it in to Apple, it is not maintenance-friendly. DeGeest asked the council who would be willing to use the iPad; out of all council members, two were unsure but willing to learn. DeGeest made a motion to let Cindy get the best deal with a cap of \$3,200.00. Green seconded the motion. All voted aye. Motion passed.

2nd Reading of Mobile Vending Ordinance

Mayor Bode read the Mobile Vending Ordinance, which is as follows.

1st Reading: 12-1-2025

2nd Reading: 12-

29-2025

Date Adopted: 12-

29-2025

Date Published: 1-

8-2026

Effective Date: 1-

29-2026

ORDINANCE NO. 2025-12-1_____

**AN ORDINANCE REGULATING THE OPERATION MOBILE VENDORS WITHIN THE CITY OF
PLANKINTON, AURORA COUNTY, SOUTH DAKOTA**

WHEREAS, mobile vending is a popular and diverse part of local economies across the United States; and

WHEREAS, SDCL 9-30-4 provides that every municipality shall have power to regulate traffic and sales upon the streets and sidewalks and in public places; and

WHEREAS, the City of Plankinton now finds it necessary and expedient to formally regulate the operation of mobile vendors upon the streets and sidewalks and in public places within the city; and

WHEREAS, the City of Plankinton seeks to protect public health and safety by ensuring mobile vendors follow clear regulations which address public health and safety risks;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Plankinton, Aurora County, South Dakota, the following:

A. A new **Chapter 116: Mobile Vendors** is added to **Title XI: Business Regulations**, of the City Code of the City of Plankinton.

B. Such new **Chapter 116: Mobile Vendors**, states and provides the following:

SECTION 1. DEFINITIONS.

The following words and phrases in this section shall have the meanings given, except where the context clearly indicates a different meaning:

A. Applicant: A person applying to operate as a mobile vendor.

B. Customer: Any person with whom a mobile vendor conducts business, or any person who stops to contemplate conducting business with a mobile vendor.

C. Vending Vehicle: Any motorized vehicle; trailer; push cart; kiosk; tent; collapsible shelter, gazebo, pergola, or similar temporary structure; table; tray; or similar device used to sell any type of merchandise by a mobile vendor.

D. Mobile Vendor: Any person who sells any type of merchandise, including but not limited to food or beverages, from a vending vehicle.

- E. Private Property: All property that is not public property.
- F. Public Property: Any property owned and operated by the city. Public property includes all rights-of-way except public sidewalks and rights-of-way in city-owned parks.
- G. Sell: To transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have in one's possession or control for the purpose of selling.
- H. Person: Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity and includes the individual or entity's employees or agents.

SECTION 2. MOBILE VENDING BUSINESS PERMITTED.

- A. No person may operate as a mobile vendor within the city without obtaining a mobile vending license under this chapter and any other licenses or permits that may be required by South Dakota law or any Aurora County ordinance.
- B. A separate mobile vending license shall be required for each vending vehicle operated by a mobile vendor.
- C. A violation of this Chapter may result in the suspension or revocation of a mobile vending license and criminal penalties under City Code **Title I, General Provisions, Chapter 10: General Provisions, §10.99 General Penalty.**

SECTION 3. LICENSE APPLICATION AND GENERAL STANDARDS.

- A. Application requirements. An applicant must submit a written application for a mobile vending license to the City Finance Officer on a form provided by the city Finance Office. The application must contain the following information:
 - 1) The applicant's name, address, telephone number, and email address;
 - 2) The business name, address, telephone number, and email address of owner and operator of the mobile vending vehicle if different from section 1), above;
 - 3) The type of mobile vending vehicle;
 - 4) The expected starting and ending dates of sales including the hours of operation, days of operation, and street address of operation;
 - 5) The nature of the food or beverages, or other merchandise, the applicant will sell; and
 - 6) The applicant must submit with the application a copy of applicant's South Dakota Retail Sales Tax License; a copy of applicant's food service license issued by the South Dakota Department of Health if the applicant is selling foods prepared in the mobile vending vehicle; and a copy of the applicant's Motor Vehicle Operator's License.

- B. Requirements for vending vehicle drivers. Any person who drives a vending vehicle must hold a current state issued Motor Vehicle Operator's License.
- C. Requests for information. The applicant must complete the application and submit additional information requested by the City Finance Officer.
- D. Issuance of License. The City Finance Officer will issue a mobile vending license to the applicant upon receipt of a complete application and the associated fee. Licenses are valid for one (1) year.
- E. Fees. The fee for a mobile vending license is Seventy Five Dollars (\$75.00) which fee must be submitted with the application.
- F. Renewal. Licenses must be renewed annually.

SECTION 4. MOBILE VENDING REGULATIONS.

A. Rulemaking authority.

- 1) The City Council may by resolution promulgate rules regulating mobile vendors and mobile vending vehicles to implement this Chapter.
- 2) Rules adopted pursuant to this section may regulate, but are not limited to, regulation of:
 - (i) Allowed hours of operation;
 - (ii) Noise and decibel limits;
 - (iii) Use of municipal electric service rather than generators, if such service is available;
 - (iv) Allowed locations for mobile vending operations on public property;
 - (v) Litter and trash disposal;
 - (vi) Removal of mobile vending equipment from public property upon the close of business;
 - (vii) Alcohol sales;
 - (viii) Signage;
 - (ix) Health standards for mobile vendors selling food products for immediate consumption or for consumption at locations removed from public property;
 - (x) Insurance;
 - (xi) Parking of mobile vending vehicles;
 - (xii) Revocation of mobile vending licenses; and
 - (xiii) Any other matters deemed necessary and proper by the City Council in order to protect and preserve public health and safety as related to mobile vending.

SECTION 5. LICENSE DENIAL, SUSPENSION, REVOCATION AND APPEALS

- A. The City Council may deny, suspend or revoke a license issued under this Chapter. A license may be denied, suspended or revoked only for the following reasons:

- 1) Fraud, misrepresentation or a false statement contained in the application for a license.
 - 2) Any facts or conditions that would justify the denial of the original application.
 - 3) Three (3) or more violations of this chapter over a period of twelve (12) months.
- B. Any person who has been notified regarding the denial of their mobile vending application or the possible suspension or revocation of their mobile vending license may appeal to the City Council at the next regularly scheduled meeting thereof following the license denial, possible suspension, or revocation. Other than as described in subdivision C of this section, no license will be suspended or revoked prior to a hearing if a mobile vendor requests a hearing within the indicated time. Upon hearing the City Council will promptly issue findings of fact, conclusions of law and a decision.
- C. When circumstances demonstrate that continued operation by a mobile vendor poses an imminent threat to the public's health and safety, the Mayor or the Mayor's designee may immediately suspend or revoke a mobile vending license. The mobile vendor may request a hearing before the City Council regarding the suspension or revocation within fourteen (14) calendar days of receiving notice of the suspension or revocation. Any hearing regarding the summary suspension or revocation of a license shall be given priority over all potential license denial, suspension or revocation proceedings and shall be held within seven (7) calendar days from the date the City Finance Officer receives a mobile vendor's request for a hearing. The City Council will, upon hearing, promptly shall issue findings of fact, conclusions of law and a decision.
- D. It is unlawful for a mobile vendor whose license has been suspended or revoked to operate. Upon suspension or revocation the mobile vendor must immediately cease all vending operations.
- E. A mobile vendor aggrieved by an order issued by the City Council may appeal the order to the Circuit Court under the appropriate appeal provisions of the South Dakota Code.

SECTION 6. PENALTIES.

Violations of this ordinance shall be subject to the penalty provisions §10.99 of the City Code of the City of Plankinton, being a penalty for each violation of this ordinance of a fine not to exceed \$500.00 or by imprisonment not exceeding 30 days or by both such fine and imprisonment.

SECTION 7. EFFECTIVE DATE.

Subject to the provisions of the referendum, this Ordinance shall be in force effective twenty one (21) days following publication.

SECTION 8. REPEALER.

All Ordinances or parts of Ordinances, whether standing alone or codified to the Plankinton City Code, which are in conflict herewith are hereby repealed.

Adopted this day, December 29, 2025.

Mayor

ATTEST:

City Finance Officer

With that being read, Green made a motion to approve the Mobile Vending Ordinance 2025-12-1 with noted minor spelling and grammar corrections. Nielsen seconded the motion, all voted aye, the motion carried.

LINDA HEATH'S VEHICLE

Linda has moved one van; however, the white van has not moved. Nielsen requested permission to issue a notice of violation and give her 15 days to move it. If Linda doesn't move it within those 15 days, we would have the right to tow it. Popek-Hurst asked Nielsen whether this is separate from the property or part of the property's condemnation. Nielsen said he has been in contact with Mr. Taylor, the City Attorney, who said it is a separate matter. DeGeest moved to proceed with the notice of violation, provided we comply with all our ordinances. Schuldt seconded the motion. All voted aye. Motion passed.

NEW BUSINESS

FIRE DEPARTMENT DONATION

Clint Bultsma and Jeff Briggs presented the council with a letter requesting the city's annual \$5,000.00 donation. They also presented an annual report on the number of emergency calls and the roster of all firefighters. Discussion followed regarding the 65 emergency calls and the equipment, both truck and firefighter equipment. A motion was made by Popek-Hurst to approve the annual donation of \$5,000.00 and to thank the Fire Department for all they do. Nielsen seconded the motion. All voted aye. Motion carried.

Mayor Bode adjourned the meeting at 7:42 p.m.

Carl Bode,
Mayor

ATTEST

Cindy Geiman
Finance Officer