

***SUMMERSET CITY COMMISSION REGULAR MEETING  
SUMMERSET MUNICIPAL BUILDING  
7055 LEISURE LANE  
THURSDAY September 16th, 2021, 6:00 P.M.***

Mayor Torno called the Regular Meeting to order at 6:00 p.m. Commissioners Hirsch, Kitzmiller, and Butler were present. The City Attorney, City Administrator, and Finance Officer were also present. Commissioner Thurman was absent.

Mayor Torno led the Pledge of Allegiance.

**Invocation-** Pastor Orin Covington

**Motion** by Hirsch, second by Butler, to approve the agenda for the Regular Meeting of the Summerset City Commission for September 16th, 2021. Motion carried.

**CONSENT CALENDAR**

**Motion** by Butler, second by Kitzmiller, to approve the minutes of the Regular Meeting of September 2nd, 2021. Motion carried.

**APPROVAL OF CLAIMS**

**Motion** by Kitzmiller, second by Hirsch, to approve the claims and hand checks in the amount of \$223,200.99 from September 2nd, 2021 through September 15<sup>th</sup>, 2021 as presented or amended. Motion carried.

AMERICAN LEGAL	Folio	868.20
AQUA AEROBIC SYSTEMS	Mixer	5,295.42
BIELEFELDT, KAREN	WWEP Refund	50.00
BLACK HAWK WATER USERS DISTRICT	Monthly Usage	32.00
BLACK HILLS COMMUNITY ECON DE	2022Dues	500.00
CBH CO-OP	Govt Fuel	3,395.51
CITY OF RAPID CITY	Solid Waste Disposal	3,981.91
DEMERSSEMAN JENSEN	Legal Services	1,875.00
DEZIEL, NATHANIEL	WWDEP Refund	50.00
DIAMOND D WATER	Monthly Usage	158.95
GEORGE MANDAS	Professional Fees	1,200.00
GOLDEN WEST TECHNOLOGIES	Managed Services	1,984.50
GROUND BREAKING CONSTRUCTION	Water Leak @ City Hall	2,900.00
HARDY, BRIAN	WWTPD Refund	50.00
HAWKINS INC.	Defoamer	2,412.00
HDR ENGINEERING, INC	Task Order 2021-03	4,941.25
IBM	IBM Cloud Market Place	24.00
KENNY'S BODY SHOP	Repair 2020 Police Interceptor	24,497.86
MDU	Utilities	213.76
MEADE COUNTY AUDITOR	August Dispatch	2,943.78
MIDCONTINENT COMMUNICATIONS	WWTP Telephone	199.69
RAPID CITY JOURNAL	Publications	1,005.42
SANITATION PRODUCTS	Roll-off truck M-2 Freightline	150,732.00

SERVALL UNIFORM & LINEN SUPPLY	Monthly Fees	143.10
SHANNON,KEVIN	WWDEP Refund	50.00
TYLER TECHNOLOGIES, INC	Maintenance & Annual Fees	262.50
WALTER, DUSTIE	WWDEP Refund	50.00
WALTHER, NATALIE	WWDEP Refund	100.00

**SURPLUS ITEMS – WASTEWATER DEPARTMENT**

**Motion** by Butler, second by Kitzmiller to approve the surplus of a 2500-gallon poly tank, two (2) 40 HP 60Hz Pioneer Pumps with a model GT4095L72-HO Westinghouse Motor. Motion carried.

**DANR STATE WATER PLAN APPLICATION**

**Motion** by Butler, second by Hirsch, to approve the Summerset Wastewater Treatment Facility Expansion Project Application. Motion carried.

**LEISURE LANE TWIN HOMES**

**Motion** by Kitzmiller, second by Butler, to open discussion on the pickup and turn around area location at Leisure Lane Twin homes.

**Motion** by Butler, second by Hirsch, to table the matter until October 7th, 2021. Motion carried.

**FINAL PLAT RESOLUTION 2021-09**

**Motion** by Butler, second by Kitzmiller, to approve Final Plat Resolution 2021-09. Motion carried.

Plat of Lot 4 of Block 5 Summerset USA (formerly a portion of Tract 3 of the S1/2 of Section 25, and a portion of Lot B of the E1/2 of the NW1/4 of Section 25, and a portion of the Patriot Drive Right-of-Way) located in the NE1/4 of the SW1/4, and the SE1/4 of the NW1/4, and in the NW1/4 of the SE1/4, Section 25, Township 3 North, Range 6 East, Black Hills Meridian, Summerset, Meade County, South Dakota.

**CITY ADMINISTRATOR REPORT**

City administrator gave an overview of current status.

**SET FIRST READING FOR REVISED ORDINANCE 53.084 – BILLING**

**Motion** by Kitzmiller, second by Hirsch, to a set first reading for October 7th, 2021. Motion carried.

**BUDGET ORDINANCE #2022 – AN ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2022**

**Motion** by Hirsch, second by Butler, to approve the Second Reading of Ordinance 2022. Motion carried.

**Motion** by Butler, second by Kitzmiller, to adopt Ordinance #2022. Roll call vote, all ayes. Motion carried.

**SUPPLEMENTAL BUDGET ORDINANCE 2021.05**

**Motion** by Kitzmiller, second by Hirsch, to approve the First Reading of the Supplemental Budget Ordinance #2021.05.

**Motion** by Butler, second by Hirsch, to set second reading for October 7th, 2021. Motion carried.

**CLOSURE OF PORTION OF ASTORIA LANE/BLOCK PARTY**

**Motion** by Hirsch, second by Butler, to open discussion on the partial closing of Astoria Lane for a Block Party. Motion carried.

**APPROVAL OF ASSISTANT FINANCE OFFICER HOURLY WAGE**

**Motion** by Kitzmiller, second by Hirsch, to approve the wage for Brielle Schrock @ \$16.00/hr. Motion carried.

**UPCOMING EVENTS:**

Workshop – put on by City of Summerset/City of Piedmont. Presenters from the SD Department of Agriculture, Resource Conservation & Forestry Divisions -September 30th, 2021 @ 6:00 p.m. at American Legion.

**CITIZENS INPUT**

No input.

**ITEMS FROM CITY ATTORNEY**

Executive Session per SDCL 1-25-2 for discussing legal, economic development, negotiations, and personnel issues.

**Motion** by Hirsch, second by Kitzmiller, to enter into executive session at 6:26 p.m. Motion carried.

**Motion** by Hirsch, second by Kitzmiller, to exit executive session at 7:10 p.m. Motion carried.

**ADJOURNMENT**

**Motion** for adjournment at 7:10 p.m. by Kitzmiller, second by Hirsch. Motion carried.

(SEAL)

ATTEST:

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Candace Sealey  
Finance Officer

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Melanie Torno  
Mayor

Published **XXXX** at a cost of **XXX**

***SUMMERSET CITY COMMISSION SPECIAL MEETING  
STAGEBARN MIDDLE SCHOOL  
12500 STURGIS ROAD  
WEDNESDAY, September 22nd, 2021, 6:00 P.M.***

Mayor Torno called the Special Meeting to order at 6:00 p.m. Commissioners Hirsch, Kitzmiller, and Butler were present. Commissioner Thurman was absent. Also, present was the City Administrator.

Mayor Torno led the Pledge of Allegiance.

**CALL FOR CHANGES:**

**Motion** by Butler, second by Hirsch, to approve the agenda for the Special Meeting of the Summerset City Commission for September 22nd, 2021. Motion carried.

**STAGEBARN ALUVIAL FAN:**

**Motion** by Kitzmiller, second by Butler, to open discussion on the Stagebarn Alluvial Fan. Motion carried.

Mayor Torno gave an overview on the meeting with FEMA and maps were handed out to the public.

The meeting that took place with FEMA on September 14<sup>th</sup> was thought to be discussing the upcoming alluvial fan study that would be starting on September 23<sup>rd</sup>. This study is the first done in the State of South Dakota for an alluvial fan. The study will show how the water is coming through the alluvial fan and spreading within the development of Sun Valley Estates. The Mayor, City Administrator and Flood Plain Administrator were informed that there have been changes in the land/development and where the runoff from Stagebarn Canyon exists.

Mayor Torno gave a brief history on a hydrology study that had been done in Sun Valley due to past flooded homes and discussed the flood risk assessment done in 2018 by the US Army Corp of Engineers which was referred to as the SD Silver Jackets, BH Flood Risk Demonstration Project. From that study maps were created showing the 100 and 500 year flood risks. Officials were informed that FEMA will be creating new maps of the ground water and flood risk assessment which will be completed around the March 2022 timeframe.

What this could potentially mean for homeowners in the area is that some homes may be classified into the 100 year or 500-year flood plain. Some homes may or may not be required to have flood insurance. After the study comes out there are potential resources to assist in revision to the map. Future development may require a flood plain permit, if deemed within a flood plain, following the protocols and procedures guided by FEMA.

In conclusion, all information received by the City of Summerset will be public/transparent to its citizens as the City receives it. City Officials will be collaborating with Piedmont Officials to have a series of community meetings regarding resources and the results of said survey. Community meetings will be set up with FEMA and any other governmental agencies that will have resources available. Contact will be made with the SD Department of Transportation and Meade County regarding a second exit out of Sun Valley. An updated evacuation plan is on file with the Summerset Police Department.

Mayor Torno then opened the floor for the public to give input.

Jenn Kinney stated that the history talks about 2018 but she wanted to make sure that the flooding from 2014 was also noted with FEMA. Kinney went onto state that this had been a nightmare for herself and her neighbors who have lived there and she has spent a lot of time and money having to pump ground water out of her home.

John Viessman expressed his concern regarding the development on Telluride and whether they are going to be required to get flood insurance. Mayor Torno explained they would not know until the study came out.

Cheryl Bachman asked when the results of the study would be done and if it will go out to all the residents. Mayor Torno stated that the study would be completed around March of 2022, and it would be made public.

Darren Walker asked what the process was and why FEMA is versus the Army Corp of Engineers and versus the County? Where is the City in all of this and what are the expectations? What is the City trying to achieve? Mayor Torno informed Mr. Walker that the City is supplying all the information that they currently have. From the City's understanding FEMA used the mapping of the Army Corp of Engineers and has decided to do their own study and mapping of the alluvial fan. The City does not know the exact dates that they will be in the area or how they are doing the mapping. Public meetings will be had in collaboration with the City of Piedmont and governmental agencies. Walker expressed concern about future developing. It was stated to Mr. Walker that the City will be looking at that and there is a process of going through Planning and Zoning along with HDR Engineering looking at the same. It would then have to be recommended by the Planning and Zoning Board to move forward and final approval would be by the Board of Commissioners.

Gary Rehmer stated that there has been a lot of discussion of what has happened in the past with Army Corp of Engineers and FEMA but wants to know what the plan is going forward. Is it to mitigate it the next year or two years or three years from now and whether there is anything be developed by these groups to stop this from happening again? Is there plans to drill wells or divert the channel? Mayor Torno stated all information will come when we get the results of the study in the Spring of 2022.

**CITIZEN INPUT:**

No additional comments.

**ADJOURNMENT**

**Motion** for adjournment at 6:46 p.m. by Kitzmiller, second by Hirsch. Motion carried.

(SEAL)  
ATTEST:

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Candace Sealey  
Finance Officer

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Melanie Torno  
Mayor

Published **September 30, 2021** at a cost of **\$112.53**.

Check Register Report

Date: 10/05/2021

Time: 10:14 am

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City of Summerset

BANK: BANKWEST

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>BANKWEST Checks</b>								
24933	10/05/2021	Printed			1415	A TO Z SHREDDING	Document Shredding	23.20
24934	10/05/2021	Printed			1098	A&B BUSINESS SOLUTIONS	Monthly Contract	325.60
24935	10/05/2021	Printed			0322	AFLAC REMITTANCE PROCESSING	Septemeber	373.88
24936	10/05/2021	Printed			0962	ALLEN, DON	Phone Stipend	50.00
24937	10/05/2021	Printed			1111	AMBROSE, JONATHAN	Phone Stipend	50.00
24938	10/05/2021	Printed			0808	BLACK HILLS ENERGY	Utilities	6,622.79
24939	10/05/2021	Printed			1697	BUNTAIN, JOSHUA	Phone Stipend	50.00
24940	10/05/2021	Printed			0095	Butler, Dave	Phone Stipend	50.00
24941	10/05/2021	Printed			1268	CANDACE SEALEY	Phone Stipend	50.00
24942	10/05/2021	Printed			1765	COLE, LANCE	wwdeP rEFUND	100.00
24943	10/05/2021	Printed			1714	DECHENEAU, HALAYNA	Phone Stipend	50.00
24944	10/05/2021	Printed			1762	DEGROOT, DONALD	wwdep	50.00
24946	10/05/2021	Printed			0468	DELTA DENTAL	Employee Dentla Insurance	1,413.40
24947	10/05/2021	Printed			1452	FIRE PRO	Annual Fire Ext Maint	339.90
24948	10/05/2021	Printed			1251	FIRST INTERSTATE BANK	Leisure Lane Payment	4,911.76
24949	10/05/2021	Printed			1671	GEORGE MANDAS	Professional Fees	975.00
24950	10/05/2021	Printed			0246	GOLDEN WEST TECHNOLOGIES	Managed Services	607.50
24951	10/05/2021	Printed			1369	GREENAPIS	Janitorial	320.00
24952	10/05/2021	Printed			1761	HAMILTON, DONNA	WWDEP Refund	50.00
24953	10/05/2021	Printed			1323	HARVEY'S LOCK & SECURITY	Replace Locks	10.00
24954	10/05/2021	Printed			1506	HERMANSON EGGE ENGINEERING	Engineering	1,470.00
24955	10/05/2021	Printed			1760	HIATT, TYTHEN	WWDEp Refund	50.00
24956	10/05/2021	Printed			1513	HIRSCH, CLYDE	Phone Stipend	50.00
24957	10/05/2021	Printed			1767	HURDEL, LEANNE	WWDEP Refund	50.00
24958	10/05/2021	Printed			1566	JUSO, COLTON	Phone Stipend	50.00
24959	10/05/2021	Printed			1103	KITZMILLER, MICHAEL	Phone Stipend	50.00
24960	10/05/2021	Printed			1759	KUNTZ, SARAH	WWDEP Refund	50.00
24961	10/05/2021	Printed			0324	Kayl, Anthony	Phone Stipend	50.00
24962	10/05/2021	Printed			1764	LYON, KRISTI	WWDEp Refund	50.00
24963	10/05/2021	Printed			1756	MCKEAGE, ANETTE	WWDEp Reund	100.00
24964	10/05/2021	Printed			0664	MEADE COUNTY REG OF DEEDS	Plat Fees	90.00
24965	10/05/2021	Printed			1157	MIDCONTINENT TESTING LABS	SWWTP Testing	275.00
24966	10/05/2021	Printed			1757	MINOR, GREGORY	WWDEP Refund	50.00
24967	10/05/2021	Printed			1766	MOENTER, CANDACE	WWDEp Refund	50.00
24968	10/05/2021	Printed			1698	MONTILEAUX, CASEY	Phone Stipend	50.00
24969	10/05/2021	Printed			1730	NASSER, RICH	Phone Stipend	50.00
24970	10/05/2021	Printed			1408	PALMER, BRANDY	Phone Stipend	50.00
24971	10/05/2021	Printed			1708	PRESSURE SERVICES, INC.	Pressure Washer chemicals	900.00
24972	10/05/2021	Printed			0007	PRINT MARKET	Business Cards	302.00
24973	10/05/2021	Printed			1339	REDWOOD TOXICOLOGY LABORATORY	I Cup	139.50
24974	10/05/2021	Printed			1476	SAFETY BENEFITS, INC	SD Joint Risk Conference	65.00
24975	10/05/2021	Printed			1732	SCHIEFFER, LISA	Phone Stipend	50.00
24976	10/05/2021	Printed			1746	SCHROCK, BRIELLE	Phones Stipend	50.00
24977	10/05/2021	Printed			1763	SCOTT, SETH	WWDEP Refund	50.00
24978	10/05/2021	Printed			0018	SD ONE CALL	August Notifications	21.00
24979	10/05/2021	Printed			0072	SD PUBLIC ASSURANCE ALLIANCE	Auto Liability Insurance	560.74
24980	10/05/2021	Printed			1022	SDRS-SUPPLEMENTAL	Supplemental	460.00
24981	10/05/2021	Printed			0983	TANNER FENENGA	Phone Stipend	50.00
24982	10/05/2021	Printed			1747	THURMAN, KATHLENE	Phone Stipend	50.00
24983	10/05/2021	Printed			1432	TNT CONSTRUCTION	Erosion Control Deposit	1,000.00
24984	10/05/2021	Printed			1729	TORNO, MELANIE	Phone Stipend	50.00
24985	10/05/2021	Printed			1024	USA BLUEBOOK	Supplies	234.02
24986	10/05/2021	Printed			1189	VAST BROADBAND	Fax/phone/internet	1,049.21

Check Register Report

Date: 10/05/2021

Time: 10:14 am

Page: 2

City of Summerset

BANK: BANKWEST

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>BANKWEST Checks</b>								
24987	10/05/2021	Printed			0203	Verizon Wireless	LE Voice & Mobile	173.39
24988	10/05/2021	Printed			1758	WATKIN, HOLLI	WWDEP Refund	100.00
24989	10/05/2021	Printed			1434	WELLS FARGO FINANCIAL SERVICES	Bobcat Payment	1,079.30
					<b>Total Checks: 56</b>	<b>Checks Total (excluding void checks):</b>		<b>25,392.19</b>
					<b>Total Payments: 56</b>	<b>Bank Total (excluding void checks):</b>		<b>25,392.19</b>

Check Register Report

Date: 10/05/2021

Time: 10:14 am

Page: 3

City of Summerset

BANK: BANKWEST EFT

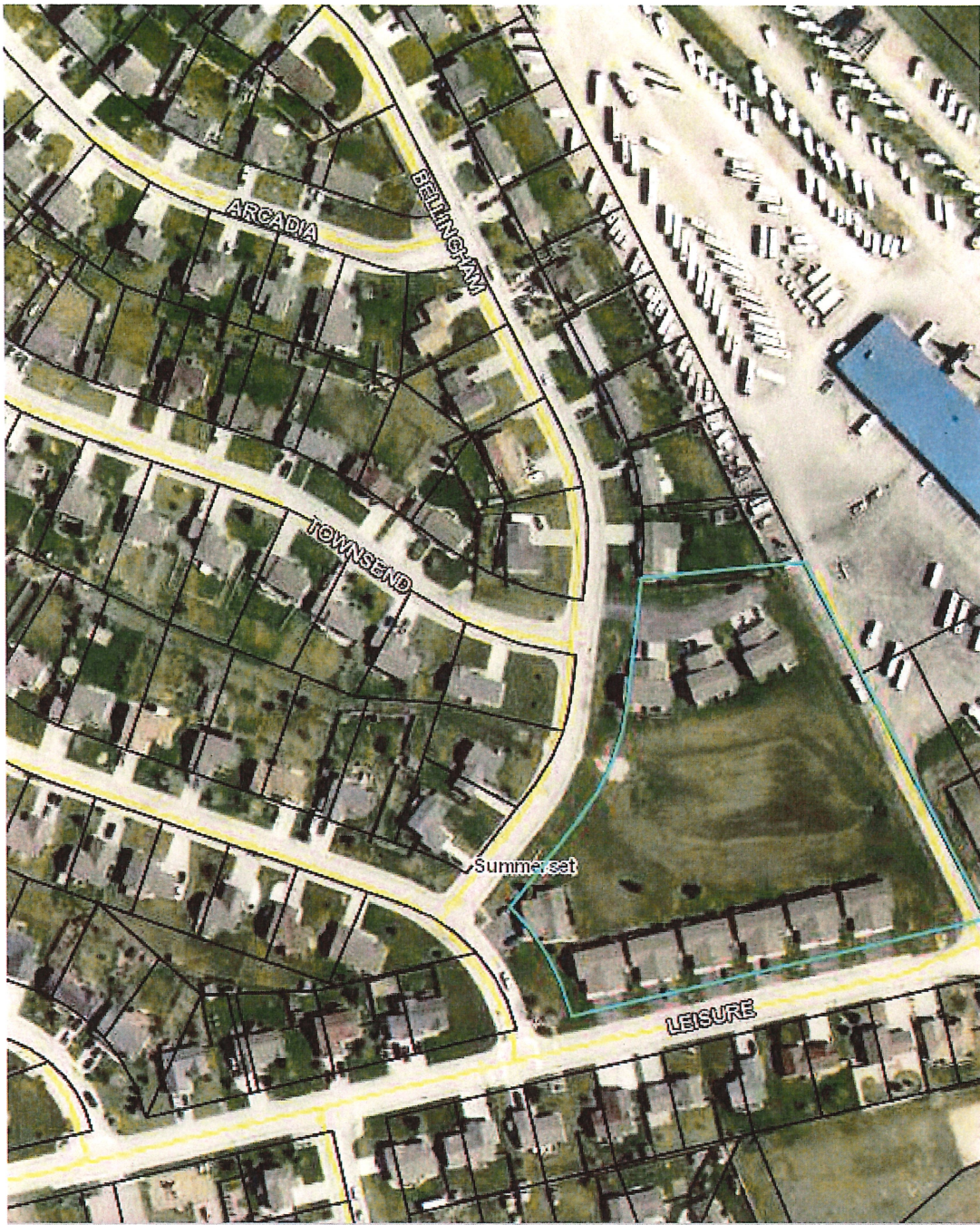
Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
<b>BANKWEST EFT Checks</b>								
48	10/05/2021	Printed			1665	CARDMEMBER SERVICES	August Charges	2,348.82
49	10/05/2021	Printed			0011	SDRS	Employee Contribution	8,774.34
50	10/05/2021	Printed			0128	UNITED STATES TREASURY	Payroll Taxes Sept.	15,724.03

**Total Checks: 3** **Checks Total (excluding void checks): 26,847.19**

**Total Payments: 3** **Bank Total (excluding void checks): 26,847.19**

**Total Payments: 59** **Grand Total (excluding void checks): 52,239.38**





Bellingham Drive / Leisure Lane  
two in homes

**RAPID CITY OFFICE**  
3975 Sturgis Rd  
Rapid City, SD 57702  
TEL 605/394/3300  
FAX 605/348/5613



September 21, 2021

Lindsay Shagla, EIT

HDR

703 Main St, STE 200

Rapid City, Sd

RE: 2021 Street Maintenance City of Summerset Project No. 2021-02

Due to quantity over-runs on other projects, delays in material delivery on other projects and staffing issues at Simon Contractors we will not be able to meet the September 30,2021 completion date on the above referenced project.

Simon Contractors is requesting that you consider the current labor shortage an acceptable reason to extend the completion date on this project from September 30,2021 to July 1, 2022.

Thank you for your consideration

Sincerely

Robert Roberts PE

Project Manager

Office 605-394-3300

Mobile 605-430-6162

[rroberts@simonteam.com](mailto:rroberts@simonteam.com)

**§ 53.084 BILLING.**

The sewer use billing shall be monthly and shall be based on the rates determined in § [53.083](#). The city shall assess a \$15 penalty if the payment is not received by the city within 15 days. Each customer shall be notified by mail of the delinquent account along with the attachment of penalty. After notification and if the delinquent account is not paid within ten days, the city shall take all legal remedies to collect the over due bill.

CITY OF SUMMERSET  
ORDINANCE NO. 2021.05  
SUPPLEMENTAL APPROPRIATION ORDINANCE

Be it ordained by the City of Summerset that the following sums are supplementally appropriated to meet obligations of the municipality.

<u>EXPENDITURES</u>	General Fund Fund 101
430 <u>PUBLIC WORKS</u>	
432 Sanitation-Roll-off Truck	\$151,000
Total Public Works	<u>\$ 151,000.00</u>

Total Appropriations =====

SECTION TWO

The following designates the fund or funds to which the money derived from the following source is applied.

<u>REVENUE</u>	General Fund Fund 101
<u>SOURCE OF FUNDING</u>	
Unassigned Fund Balance	<u>\$151,000</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 151,000.00</u>

ENTERPRISE FUNDS

Dated this 14-Sep-21

ATTEST:

\_\_\_\_\_  
Candace Sealey, Finance Officer

\_\_\_\_\_  
Melanie Torno, Mayor

Vote: Kitzmiller:  
Thurman:  
Torno:  
Butler:  
Hirsch:

First Reading: September 16, 2021  
Second Reading: October 7, 2021  
Publication:

Published once at the approximate cost of \$ xxx.

131.14 NOISE REGULATION AND LIMITATION

A. The purpose and intent of this section is to protect, preserve and promote the health, safety, welfare, peace, quiet and tranquility for the citizens and persons or visitors frequenting the city through the reduction, control and prevention of noise which is disruptive and constitutes an annoyance to such citizens and persons.

B. General Restrictions

1. A person or property owner may not:
  - a. Make or permit any disruptive noise or use sound equipment in public or outside between 10pm and 7am;
  - b. Operate construction equipment, tools or conduct construction activities between 7pm and 7am;
  - c. Operate sound equipment in a vehicle causing any disruptive noise or a discernible vibration twenty (20) feet from the vehicle.
  
2. In addition to the specific prohibitions outlined in subsection A, it is unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons or a person by committing any act or acts of disturbance within the City limits.
  
3. Excessive Vehicle Noise and Dynamic Engine Braking:  
It is unlawful for any person within the city limits of the City to make, or cause to be made, loud or disturbing or offensive noise with any mechanical devices operated by compressed air and used for purposes of assisting braking such as Dynamic Engine Braking Devices. (Commonly referred to as “Jake” brake).
  
4. Penalty:  
Any violation of this ordinance will be punishable by a fine of \$100 for each offense, in addition to the payment of any costs and/or restitution authorized by Summerset Ordinances and/or state law.

Dated: June 19, 2020.

**ATTEST:**

**CITY OF SUMMERSET**

\_\_\_\_\_  
Candace Sealey, Finance Officer

\_\_\_\_\_  
Melanie Torno, Mayor

(Seal)

Vote: Torno:  
Kitzmilller:  
Butler:  
Hirsch:  
Thurman:

First Reading: October 21, 2021  
Second Reading:  
Publication:

Published once at approximate cost of \$\_\_\_\_\_