

**SUMMERSET CITY COMMISSION
REGULAR MEETING
SUMMERSET MUNICIPAL BUILDING
7055 LEISURE LANE
THURSDAY, November 17th, 2022 6:00 P.M.**

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

Mayor Torno led in the Pledge of Allegiance.

Commissioner Butler gave the invocation.

Motion by Hirsh, second by Nasser to approve the agenda for the regular meeting of the Summerset City Commission for November 17th, 2022. Motion carried.

CONSENT CALENDAR

Motion by Butler, second by Nasser to approve the minutes of the Regular meeting of November 3rd, 2022 as presented or amended. Motion carried.

APPROVAL OF CLAIMS

Motion by Hirsch, second by Nasser to approve the claims and hand checks in the amount of \$55,009.08 from November 3rd, 2022 through November 16th, 2022 as presented or amended. Motion carried.

AFLAC REMITTANCE PROCESSING	Accident Insurance	94.25
AT&T MOBILITY	FirstNet Summerset PD	346.73
BLACK HAWK WATER USERS DISTRICT	Monthly Usage	57.50
BLACK HILLS ENERGY	Utilities	5,959.40
BLACK HILLS GOLF CARTS	Erosion Control	1,000.00
CBH CO-OP	Solid Waste Disposal	4,344.61
CITY OF RAPID CITY	Solid Waste Disposal	3,691.72
DAKOTA PUMP, INC	Replace VFD	5,163.99
DEMERSSEMAN JENSEN	Legal Fees	2,087.50
EXCEL TRUCK	Truck Repairs	2,179.24
GOLDEN WEST TECHNOLOGIES	Managed Services	3,592.00
HEALTH POOL OF SD	Employee Health Insurance	16,146.82
KIEFFER SANITATION	Temp Portable Toilets	300.00
Kayl, Anthony	Per Diem	60.00
LEGENDARY ELECTRIC	S.V. Lift Upgrade	834.19
MEADE COUNTY AUDITOR	Dspatch September	2,338.57
MIDCONTINENT COMMUNICATIONS	WWTP Telephone	210.00
MIDCONTINENT TESTING LABS	WWTP Testing	163.50
NORTHERN TRUCK EQUIPMENT CO		1,644.81
ON-SITE FIRST AID & SAFETY	First Aid Supplies	121.35
REDWOOD TOXICOLOGY LABORATORY	Testing	75.00
SD ONE CALL	September Notifications	23.10

SOUTH DAKOTA STATE TREASURER	Sales Tax- October	983.64
STURDEVANT'S AUTO PARTS	Floordry	321.16
TALLGRASS LANDSCAPE ARCH	Schematic Design	1,470.00
TEXTMYGOV	Text My Gov	1,800.00

DEPARTMENT HEAD REPORTS

Department Heads gave a summary of their departments for the month of October 2022.

PROCLAMATION – NOVEMBER NATIONAL ADOPTION MONTH

Mayor Torno read the Proclamation.

SET FIRST READING FOR ORDINANCE 2022-15 SUPPLEMENTAL

Motion by Butler, second by Nasser to set first reading for Ordinance #2022-15 -End of year supplementing for December 1st, 2022. Motion carried.

RESOLUTION 2022-18 CAPITAL OUTLAY – DISCUSSION/ACTION

Motion by Butler, second by Hirsch to open discussion. Motion carried.

Motion by Butler, second by Hirsch to close discussion. Motion carried.

Motion by Butler, second by Nasser to revert the \$350,000 that was in the capital outlay by Resolution 2022-18 and return it to the General Fund. Motion carried.

DISCUSSION/ACTION FUTURE PARK BOARD FUNDING – RESOLUTION 2022-20

Motion by Hirsch, second by Nasser to open discussion. Motion carried.

Motion by Nasser, second by Butler to close discussion. Motion carried.

Motion by Butler, second by to table the funding until the January 19th 2023 regular meeting of the Board of Commissioners. Motion carried.

ADDENDUM TO SEWER SERVICES CONTRACT BETWEEN THE CITY OF SUMMERSET AND BREZEL RANCH FOR THE PINE HILLS MOBILE HOME PARK

Motion by Butler, second by Hirsch, to approve the addendum. Motion carried.

SET FIRST READING FOR ORDINANCE 2022-16 AMENDING SUPPLEMENTAL ITEMS AND LICENSING FEE.

Motion by Nasser, second by Hirsch to set the first reading for December 15th, 2022. Motion carried.

SET FIRST READING FOR ORDINANCE 2022-17 AMENDING PERMANENT LICENSES.

Motion by Hirsch, second by Butler to set the first reading for December 15th, 2022. Motion carried.

RECOGNITION OF VOLUNTEER

Mayor Torno announced that she would be abstaining from the discussion/vote.

Motion by Butler, second by Hirsch to approve Gerard Torno as a volunteer in the Public Works Department to remove snow. Motion carried.

APPOINTMENT OF THREE APPRAISERS – DISCUSSION/ACTION

Motion by Butler, second by Nasser, to open discussion. Motion carried.

Motion by Hirsch, second by Nasser, to close discussion. Motion carried.

Motion by Nasser, second by Butler to approve appointing David Brenneman, Brittini Bjorem and Sid Reade as appraisers. Motion carried.

FINAL DRAFT QUESTIONS FOR PERSONNEL HANDBOOK

City Administrator Lisa Schieffer reviewed the questions that the Board needed to make decisions on and will

present the final copy to the Board in December.

CITIZENS INPUT

Jon Steiner discussed cleaning up ordinances and his concerns for clarity.
James Guthrie spoke to High Meadows Road and what the next steps would be.

UPCOMING EVENTS:

City Offices will be closed Thursday, November 24th, and Friday, November 25th for Thanksgiving.

ITEMS FROM CITY ATTORNEY

No executive session.

ADJOURNMENT

Motion by Nasser, second by Hirsch, to adjourn at 7:22 p.m. Motion carried.

(SEAL)

ATTEST:

Candace Sealey
Finance Officer

Melanie Torno
Mayor

Published once _____ at a cost of \$ _____.

Check Register Report

Date: 11/29/2022
 Time: 11:10 am
 Page: 2

City of Summerset

BANK: BANKWEST EFT

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
BANKWEST EFT Checks								
136	11/29/22	Printed			1125	FIRST NATIONAL TRUST AND	ACH Payments P&I	24,975.77
137	11/29/22	Printed			0011	SDRS	November Retirement	9,895.52
					Total Checks: 2		Checks Total (excluding void checks):	34,871.29
					Total Payments: 2		Bank Total (excluding void checks):	34,871.29
					Total Payments: 37		Grand Total (excluding void checks):	60,437.80

November 2022 MAYOR REPORT

COMMISSION MEETINGS

- * Attended (2) Commission Meetings
- * Attended Coffee with the Commission

CITY DEVELOPMENT AND PLANNING

- * Discussions (ongoing) with City Administrator regarding current developments, including zoning, platting, and future growth
- * Meeting with LSchieffer and Dpartment of Transportation regarding growth, future road maintenance, and changes in highway systems.
- * Met with AAnglin (SEDC) and business owners regarding commercial opportunity, toured current business facility, and discussed future growth
- * Met with AKayl, LSchieffer, and LShagla to discuss the current street projects and needs
- * Follow up conversations with a local business regarding commercial opportunity and growth in the Summerset area
- * Discussed future connector streets and waste water lift stations with LShagla from HDR, AKayl, and LSchieffer with follow up meeting to be scheduled
- * Discussed platting application (off of Sturgis Rd) with LSchieffer
- * Discussed legal matters regarding TIF and waste water expansion project with MWheeler, as well as updates on lawsuit with Water Warriors
- * Discussed ordinances regarding parks with LSchieffer and MWheeler, as well as review a proposed amended ordinance
- * Follow up discussions with AKayl, LSchieffer, and MWheeler regarding High Meadows Rd.
- * Ongoing discussions regarding updating fees for the city (tap fee formula)
- * Follow up discussions with AKayl regarding Infinity Dr project with Simon
- * Meeting with HDR (LShagla and CRobinson), LSchieffer, AKayl, and JAmbrose regarding sewer capabilities regarding growth and development
- * Discussed timeline of waste water expansion project with LSchieffer as related to growth and development
- * Discussed ongoing commercial and business opportunities with LSchieffer
- * Reviewed Planning & Zoning meeting
- * Attended pre-bid meeting for waste water expansion project
- * Attended bid opening for waste water expansion project with follow up conversations with LSchieffer and HDR
- * Discussed realtors and potential individuals for land appraisal
- * Attended post bid meeting
- * Discussed annexation of land with LSchieffer

- * Email discussion with LSchieffer and MWheeler regarding High Meadows Rd and proposed costs from HDR

DEPARTMENT AND PERSONNEL INTERACTION

- * Discussed bidding process for city owned land with MWheeler and LSchieffer
- * Discussed personnel matters with DAllen that may or will impact the police department, including hiring of new officers
- * Participated in interviews for Assistant Finance Officer position with follow up discussion with CSealey
- * Discussion with AKayl (in person and email/text follow up) regarding ordinance codes
- * Discussions with LSchieffer, Department of Social Services, and South Dakota Kids Belong regarding proclamation
- * Follow up conversations regarding lighting options, lighting study, and pricing from GenPro
- * Discussed personnel matters with Chief Allen
- * Discussed personnel matters with BOgrady
- * Approved and signed leave slips
- * Discussed purchases and budget items with AKayl for Public Works
- * Met with Superintendent Wormstadt and LSchieffer
- * Discussion with AKayl regarding plan for street maintenance, repairs, and future planning
- * Discussed with AKayl regarding Siouxland Rd
- * Met with DAllen and follow up call with Commissioner Hirsch
- * Phone call with Commissioner Hirsch
- * Phone call with Commissioner Butler
- * Phone call with Commissioner Nasser
- * Email correspondance with LSchieffer and MWheeler regarding workman's comp, citizen letter and request, and complaints against a business
- * Reviewed personnel handbooks for employees and commission
- * Reviewed critical incident reports from Police Department with follow up conversation with Sgt Nasser and email to DUEbel
- * Discussed personnel matters with Chief Allen
- * Discussion regarding Incode 10 with LSchieffer and reviewed follow up emails
- * Discussion with MWheeler and LSchieffer regarding resolutions and ordinances with follow up emails and phone calls
- * Reviewed and approved commission meeting agendas and minutes
- * Review email from Commissioner Kitzmiller
- * Text and email correspondance with Commissioner Butler
- * Follow up discussion with LSchieffer, AKayl, LShagla from HDR regarding 2nd exit for Sun Valley Estates, waiting for grant resource guidelines

- * Review email regarding sirens with follow up conversation with AKayl
- * Discussed TIF 2 updates with LSchieffer, MWheeler, and TMorris
- * Discussed personnel matters with CSealey regarding Asst Finance position
- * Discussed personnel matters with MWheeler
- * Discussed security matters with LSchieffer, Chief Allen, and Sgt Nasser

MISC.

- * Reviewed security footage of November 3rd commission meeting
- * Created and posted FAQ's Friday (1) on City of Summerset FB page
- * Updated spreadsheet for tracking current projects
- * Reviewed complaints regarding lighting of businesses
- * Reviewed citizen complaints through cityinfo and forwarded to proper departments (public works and police department)
- * Emails discussion with citizen regarding city business
- * Discussion with Golden West regarding technical issues

November 2022 Waste Water Commissioner Report

Meetings and Business

Attend 2 Commission Meetings

Attend 2 Special Meetings

Calls/Visits

2 phone calls to Waste Water Superintendent

1 phone call from Mayor

1 visits to the Treatment Plant

2 visits to City Administrator

Emails

1 email from the Mayor

0 email from the Chief of Police

2 emails from Waste Water Superintendent

0 email from Street Superintendent

7 emails City Administrator

1 emails from Finance Officer

0 email from Assistant Finance Officer

1 email from Chris at HDR

2 emails from other commissioners

Waste Water Treatment

- Plant is running good this month.
- Called and drove out to the sewer plant and talked to Jon and Owen
- Still working the purchase of land around plant (current water well and pond)
- FNSI report published over 30 Days ago, good.
- New sewer plant bid opening on 28 Nov, 1 bid.
- Possible 1st of year to start constructions on new plant.
- Finished access road to the plant area, but still need power to gate & more fence.
- Repair of greenhouse, parts are here, starts repair next month
- Making some progress on the trailer park sewer lines maintenance agreement, given yo trailer park and they are looking it over before signature
- Law Suite with Water Warriors still ongoing
- Looking at joining a PFAS law suite for cost recovery action. SD Ruel-Water association.
- Lift Station repair, electrical and computer issue, but repaired now

MISC

- Pick up new forklift for plant, used multi times and working great.
- Owen school in December 6-8, beginner class, this will help on getting class 1 license
-

Clyde

2022 Commissioner (C. Hirsch) Report

MEETING ATTENDED

- * Attended ____ (2) Commission Meetings
- * Attended ____ (__) Special Meeting

Liaison – Police Department

Meeting with ~~Don~~ Don about new car
Attendee P+Z meeting on 11-22
Monthly Meeting with Don & Rich

[Empty box for additional notes]

Finance Commissioner Report

Alexis Nasser

Meetings Attended

Attended ____2____ Commission Meeting(s)

Attended ____0____ Special Meeting(s)

- Attended Coffee with the Finance Commissioner
- Signed up for Summerset's Shop with a Cop

City of Summerset, South Dakota
Cyber Incident Response Plan

Effective December 1, 2022

Plan Purpose:

The City of Summerset, South Dakota (City) serves approximately 2100 residents. Its departments include Finance, Public Works, Police, City Commission, Planning and Zoning, Code Enforcement, Government and Administration, Wastewater Treatment Plant. The City recognizes ~~its responsibility~~ that it is important to implement reasonable measures to protect against theft of employee and resident data and malware threats to its information systems, such as viruses and spyware applications, for any city operations. The City also recognizes its responsibility to ensure its continued operations to the maximum extent possible in the event of a cybersecurity incident. The City Council hereby adopts this Cyber Incident Response Plan (Plan) to further define the methods for identifying, tracking, and responding to technology-based security incidents.

This Plan is not to be considered comprehensive as every situation cannot be addressed in one plan. Rapid developments in technology and the advent of new methods for cyberattacks make the ability to provide an all-encompassing Plan impossible. The City expects City team members to use sound judgment and to act in ways that protect the City's information, assets, and communication systems.

Failure to act in ways that protect City information, assets, and communication systems, or failure to cooperate with inquiries or investigations, can result in corrective action, which may include termination of employment or cancellation of a vendor services agreement with the City.

This Plan is established to assist in protecting the integrity, availability, and confidentiality of technology and assist in complying with statutory, regulatory, and contractual obligations. Responding quickly and effectively to an incident is critical to minimizing the spread of the incident and/or the business, financial, legal, and/or reputational impact. Incident Response includes the following phases:

1. Detection, reporting, and analysis.
2. Legal.
3. Forensics.

4. Containment, Eradication, and Recovery.
5. Other Responses (i.e., Public Relations).
6. Post-Incident Review.

Scope

This Plan governs incidents that have a significant negative impact on information technology systems and/or sensitive information (hereinafter, "incidents.") Incidents can include denial of service, malware, ransomware, and/or phishing attacks that can significantly impact operations and/or result in the unintended disclosure of sensitive data (e.g. Member data, Personally Identifiable Information, credit card data, and law enforcement records).

Minor events (e.g., routine detection and remediation of a virus, a minor infraction of a security policy, or other similar issues that have little impact on day-to-day business operations) are not considered an incident under this Plan.

Incident Identification

A security incident is an event that is a cybersecurity breach, or a cyber extortion threat, or a data breach.

1. Cybersecurity breach

A cybersecurity breach is any unauthorized access to, use, or misuse of, modification to the network, and/or denial of network resources by attacks perpetuated through malware, viruses, worms, Trojan horses, spyware, adware, zero-day attack, hacker attack, or denial of service attack.

2. Cyber extortion threat

A cyber extortion threat is a threat against the network to:

- a. Disrupt operations.
- b. Alter, damage, or destroy data stored on the network.
- c. Use the network to generate and transmit malware to third parties.
- d. Deface the Member's website.

- e. Access personally identifiable information, protected health information, or confidential business information stored on the network, made by a person or group whether acting alone or in collusion with others, demanding payment, or a series of payments in consideration for the elimination, mitigation, or removal of the threat.

3. Data Breach

A data breach is the actual or reasonably suspected theft, loss, or unauthorized acquisition of data that has or may compromise the security, confidentiality and/or integrity of personally identifiable information, protected health information, or confidential business information.

4. Other Cybersecurity incidents

Other cybersecurity incidents include:

- a. Attempts from unauthorized sources to access systems of data.
- b. Unplanned disruption to a service or denial of a service.
- c. Unauthorized processing or storage of data.
- d. Unauthorized changes to system hardware, access rights, firmware, or software.
- e. Presence of a malicious application, such as ransomware, or a virus.
- f. Presence of unexpected/unusual programs.

Designation of an Incident Response Manager

The City hereby designates Golden West Technologies (GWT), it's Technology Managed Service Provider as its Incident Response Manager, who shall be readily available to employees in the case of a cybersecurity event the terms of which are to be agreed upon by the parties in a separate Emergency Recovery Services Agreement. Responsibilities of the Incident Response Manager include:

1. Determining whether an event, or a series of security events, is declared an incident.
2. Ensuring this Plan is followed.
3. Establishing an Incident Response team as needed to support the execution of this Plan.
4. The Manager and/or team will execute this Plan in accordance with and at the direction of the Manager.

The City Administrator will ensure end-users have sufficient knowledge to recognize a potential security incident and report it in accordance with this Plan. Employees ~~are responsible to~~ shall report potential security incidents in a timely manner and shall provide any requested support during Plan execution.

Incident Response Team

The Incident Response Team ~~will be able to~~ shall quickly respond to cybersecurity incidents and shall gather the needed resources and make the appropriate decisions to resolve the incident. The Incident Response team shall consist of the following:

Golden West Technologies (GWT)

The City of Summerset, City Administrator

The City of Summerset, City Attorney

The City Administrator will notify the City Council of any cybersecurity incident within a reasonable time as practical under the circumstances. The City will ~~be responsible to~~ ensure proper notifications required by law. This includes notifying the SPDAA and the cyber insurance carrier.

Incident Response Phases

1. Detection, Reporting and Analysis

- a. If a user, employee, contractor, or vendor observes a potential security event ~~they should~~ that individual shall notify the City Administrator immediately.

- b. The City Administrator will immediately report it to GWT. The City Administrator is responsible for communicating the incident, its severity, and developing the action plan with consultation from GWT.
- c. If GWT or City Administrator are not available, a user should isolate the affected devices from the network or internet by removing the network cable from the device. If operating via wireless, the user should turn off the wireless connection. If isolating the machine from the network is not possible, then the user should unplug the machine from its power source.
- d. If GWT or the City Administrator determine or suspect a cybersecurity breach, cyber extortion threat, or a data breach as defined in this Plan.
- e. For an actual or suspected security breach, GWT will be contacted immediately. If no answer, the team will leave a message with their contact information. When GWT responds, the team shall follow their directions.
- f. If the incident is determined not to be a security threat, then GWT will assess the incident, develop a plan to contain the incident, and ensure the action plan is communicated and approved to all users.
- g. GWT will ensure that all actions are documented as they are taken and the City Administrator, Incident Response team, and outside support are regularly updated.

2. Containment, Eradication, and Recovery

a. Containment

Containment is the act of limiting the scope and magnitude of the attack as quickly as possible. Containment has two goals: preventing data of note from being exfiltrated and preventing the attacker from causing further damage. The steps for immediate triage:

1. Immediately contact the City Administrator to report the event and follow their instructions. The City Administrator will notify GWT of the incident and execute the security incident response plan. If GWT is the first to discover the incident, it will notify the City Administrator.
2. If GWT is not available, a user shall isolate the affected devices from the network or internet by removing the network cable from the device. If operating via wireless, turn off the wireless connection. A User will not turn off the device or remove the power source unless instructed by the GWT.
3. GWT assembles and assesses if the incident is a cyber security breach, cyber extortion threat, or data breach. If it is, or if there is any question, GWT will work with the other partners to help resolve the incident.
4. Document all actions as they are taken.

b. Eradication

Eradication is the removal of malicious code, accounts, or inappropriate access. Eradication also includes repairing vulnerabilities that may have been the root cause of the compromise. A complete reinstallation of the OS and applications is preferred.

c. Recovery

Recovery allows business processes affected by the Incident to recover and resume operations. It generally includes:

1. Reinstall and patch the OS and applications.
2. Change all user and system credentials.
3. Restore data to the system.
4. Return affected systems to an operationally ready state.
5. Confirm that the affected systems are functioning normally.

Forensics

Security incidents of a significant magnitude may require that a forensics investigation take place.

Once that need has been established all additional investigation/containment activities need to be directed and/or performed by a forensics specialist to ensure that the evidence and chain of custody is maintained. The City Administrator in consultation with GWT will advise if engaging a forensics firm is required. This decision may also be dictated by the cyber insurance policy or provider.

Post-Incident Review

To improve the Incident Response processes and identify recurring issues each Incident should be reviewed and formally reported on. The report should include:

- a. Information about the Incident type.
- b. A description of how the Incident was discovered.
- c. Information about the systems that were affected.
- d. Information about who was responsible for the system and its data.
- e. A description of what caused the Incident.
- f. A description of the response to the Incident and whether it was effective.
- g. A timeline of events, from detection to Incident closure
- h. Recommendations to prevent future Incidents.
- i. A discussion of lessons learned that will improve future responses.

Periodic Review

This Plan and associated subordinate procedures will be reviewed at least annually by the City Administrator and GWT to adjust processes considering new risks and security best practices. Any changes in this Plan shall be approved by GWT and the ~~City Council~~ Board of Commissioners.

Special Situations/Exceptions

Any personally owned devices, such as PDAs, phones, wireless devices, or other electronic devices which have been used to access organizational data and are determined to be relevant to an incident, may be subject to retention until the Incident has been eradicated.

Adopted by the City of Summerset, South Dakota, this _____ day of December, 2022.

Melanie Torno, Mayor

ATTEST:

Candance Sealey, Finance Officer

ORDINANCE 2022-10

**AN ORDINANCE AMENDING ORDINANCE TITLE XI BUSINESS REGULATIONS,
CHAPTER 111- LICENSING REGULATIONS, SUBSECTION 111.42 -FEE**

§ 111.42 FEE.

~~The initial business license fee for new businesses operating within the city is \$100. A subsequent fee of \$25 is due annually for all businesses in the city limits. Renewal of the annual license with fee is due on the first day of each year. Applications and payments made after January 1 are subject to a \$50 late fee.~~

(Ord. 5.01G, passed 3-3-2011)

AMENDED 111.42 FEE

All business licensing for businesses operating within the city limits of Summerset will pay a fee for initial licensing, and annual renewal licensing due on the first day of the year. Applications and payments made after January 1st are subject to a late fee. Refer to fee schedule adopted by resolution. The Board of Commissioners may revise the fees as set forth herein from time to time by resolution.

Passed and adopted this _____ day of _____ 2022.

Melanie Torno, Mayor

ATTEST:

Candace Sealey, Finance Officer

VOTE:

Torno:

Kitzmilller:

Butler:

Hirsch:

Nasser:

First Reading:

Second Reading:

Adoption:

Publication:

Effective:

Published once _____ at the total approximate cost of \$ _____.

Ordinance 2022-11

AN ORDINANCE AMENDING ORDINANCE TITLE II, CHAPTER 30- OFFICIALS AND ORGANIZATION, SUBSECTION 31.080 - CITY PARKS AND RECREATION BOARD ESTABLISHED; 31.082 - CITY PARKS AND RECREATION BOARD MEMBER APPOINTMENT; 31.083 - CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND 31.085 - POWERS & DUTIES;

PARKS AND RECREATION

§ 31.080 CITY PARKS AND RECREATION BOARD ESTABLISHED.

There is hereby created for the City of Summerset a City Parks and Recreation Board consisting of five members from the City of Summerset located within Meade County, South Dakota. The Board of Commissioners may by resolution increase the size of the City Park and Recreation Board to seven members by resolution if the Board of Commissioners determines that ~~given the duties of the Parks and Recreation Board a seven-member board membership would be~~ is appropriate.

(Ord. passed 7-31-2019)

§ 31.081 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Any automobile, motor truck, motorcycle, house trailer, trailer, moped, ATV, UTV and any vehicle propelled by the power other than muscular.

PARK TREES. Any trees, shrubs, bushes and all other woody vegetation in any public park or in any area owned by the city, subject to the sight distance requirements herein after set forth.

PEST. Any organism, insect, rodent, fungus, virus, bacteria, or other agent that causes damage, abnormal growth, or mortality of any shrub, bush or other woody vegetation.

PROPERTY LINE. The property as platted.

PUBLIC RIGHT-OF-WAY. The entire area between property boundaries which is owned by a government, dedicated to public use, or designated as and publicly maintained, in whole or in part, for such use. **RIGHT-OF-WAY** includes without limitation the public street, shoulder, gutter, curb, sidewalk, sidewalk area, parking or parking strip, and any other public way.

TOPPING. The severe cutting back of limbs to stubs larger than six inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(Ord. passed 7-31-2019)

§ 31.082 CITY PARKS AND RECREATION BOARD MEMBER APPOINTMENT.

All members of the Summerset Parks and Recreation Board shall be volunteers ~~confirmed~~ appointed by the City of Summerset Board of Commissioners upon the submission of applications in proper form approved by the Board of Commissioners. The terms of the members shall be three years. If a member resigns or is removed prior to the end of a term, the Board of Commissioners

may appoint a replacement member to fulfill the remainder of that term. Terms shall begin on July 1 and terminate three years later on June 30. A person may be reappointed to multiple terms. The City Parks and Recreation Board members shall serve without compensation. In addition to the members of the City Parks and Recreation Board, one member of the Board of Commissioners will be appointed by the Board of Commissioners as liaison to the City Parks and Recreation Board. The appointed Commissioner shall have the right to participate in all discussions but shall only have the right to vote on actions to break a tie.

(Ord. passed 7-31-2019)

§ 31.083 CHAIRPERSON, VICE CHAIRPERSON, SECRETARY.

(A) The City Parks and Recreation Board shall elect from its number a Chairperson and Vice Chairperson to serve for a term of two years or until a successor is elected and qualified, except and unless the said officer so elected is removed from the City Parks and Recreation Board before the end of his or her term. The City Park Board shall also designate a Secretary. The Vice Chairperson shall act in the absence or disability of the Chairperson. In the event of death, retirement or removal of an officer from the City Parks and Recreation Board, a successor shall be elected ~~immediately,~~ promptly.

(B) The Secretary of the City Parks and Recreation Board shall keep a record of its proceedings to be made available to any member of the Board of Commissioners for the City of Summerset.

(C) ~~In paying bills and expenses, the City Parks and Recreation Board shall comply with municipal ordinances and state law and coordinate payments through the City Finance Officer. If the City Parks and Recreation Board believes that the budget amounts from the city will be insufficient to meet what it deems is necessary for the duties of the Park Board, it shall be the Chairperson's responsibility to convey the need for supplementation of the budget to the Board of Commissioners. Prior to the City Parks and Recreation Board undertaking projects or expenses that would exceed the budgeted amounts All expenditures for Parks and Recreation Projects remain in the discretion of the Summerset Board of Commissioners.~~

(Ord. passed 7-31-2019)

§ 31.084 MEETINGS.

The City Parks and Recreation Board shall determine the time of its regular meetings and the number, and the City Parks and Recreation Board may hold as many special meetings as it deems proper. At least one-half of the number of Board seats of the City Parks and Recreation Board shall constitute quorum for the transaction of City Parks and Recreation business. An affirmative vote of at least one half of the number of Board positions shall be necessary to authorize any action of the City Parks and Recreation Board. The appointed Board of Commissioners liaison shall not be counted in determining whether a quorum exists. All officers of the City Parks and Recreation Board shall vote on all matters along with other members of the City Parks and Recreation Board. The City Parks and Recreation Board may set the procedures for its meeting and allow park volunteers and others as it sees fit to participate in the meetings. The City Parks and Recreation office shall be located in the Summerset Municipal Building.

(Ord. passed 7-31-2019)

§ 31.085 POWERS AND DUTIES.

The City Parks and Recreation Board shall have all the combined powers and duties that the City Parks and Recreation Board would have separately as provided by the statutes of the State of South Dakota and acts amendatory thereto. The City Parks and Recreation Board shall maintain a five-year plan for possible park projects and improvements to guide the city in development and maintenance of the park properties. The City Parks and Recreation Board may work with nonprofits and other organizations to aid in the improvement to the parks but when doing so will ensure the nonprofit or other entities are not acting on behalf of the city.

~~(A)~~ ~~—(A)—~~ The City Parks and Recreation Board shall be under the control and supervision of the Summerset Board of Commissioners, ~~and any~~ Any city funds to be expended for the management or supervision and improvement of the city parks shall remain under the authority of and in the discretion of the Summerset Board of Commissioners. The City Parks and Recreation Board shall submit ~~be spent only upon the~~ recommendations for ~~projects and expenditures of the City Parks and Recreation Board~~ as set forth in ~~its~~ resolutions or minutes of the City Parks and Recreation Board and ~~for consideration and approval or rejection of the Summerset Board of Commissioners.~~ All vouchers submitted for expenditures by the City Parks and Recreation Board at regular or special meetings and then marked approved by the Secretary of the City Parks and Recreation Board and then submitted to the Board of Commissioners of the City of Summerset for its approval or rejection. The City Parks and Recreation Board shall provide funds for its operation and may seek funds through solicitation of donations, by seeking grants, by holding fundraising events, and by other means approved by the City Parks and Recreation Board.

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~~(B)~~ All projects shall first be submitted to and/or considered by the Parks and Recreation Board for approval or rejection. Any project approved by the Parks and Recreation Board shall then be submitted to the Summerset Board of Commissioners for approval or rejection. Only in the event that there is not a duly constituted and functioning Parks and Recreation Board may a project have its first consideration by the Board of Commissioners.

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~~(B)~~ It shall be the duty of the Chairperson of the City Parks and Recreation Board to preside at all meetings of the City Parks and Recreation Board. It shall be the duty of the City Parks and Recreation Board to report to the City of Summerset Board of Commissioners of all actions taken by the City Park Board. Each year, the City Parks and Recreation Board shall present to the City of Summerset Board of Commissioners a budget for the recommended and estimated expenditures for the operation and improvement of the city parks system for the following calendar year.

~~(D)~~ The City of Summerset Board of Commissioners may, from time to time, prescribe any rules, regulations, and responsibilities of the said City Parks and Recreation Board either by amendment to the title or by resolution and approval of the Board of Commissioners. The City Parks and Recreation Board will not enter into any agreement with another municipal organization without the approval of the City of Summerset Board of Commissioners. All existing bylaws and policies and procedures of the City Parks and Recreation Board shall remain in effect until the appointed City of Summerset Board of Commissioners direct otherwise.

(Ord. passed 7-31-2019)

ORDINANCE NO. 2022-12

AN ORDINANCE AMENDING ORDINANCE TITLE III ADMINISTRATION, CHAPTER 33-FINANCES, SUBSECTION 33.38 -BIDDING CONTRACTS

§ 33.38 BIDDING CONTRACTS.

- (A) The municipality must advertise for bids or proposals for the following:
 - (1) Contracts for any public improvement including the building, altering, repairing, improving, or demolishing of any structure, building, or other improvements of any kind to real property that involves the expenditure of ~~\$50,000~~ \$100,000 or more; and
 - (2) Contracts for the purchase of supplies or services, other than professional services, which involve the expenditure of \$25,000 or more.
- (B) The municipality must advertise for bids in the official newspaper at least twice, with the first publication at least ten days before the opening of bids or the deadline for the submission of proposals.
- (C) The first publication shall be in the official newspaper and the second publication may be in any legal newspaper in the state.
- (D) The advertisement for the bid must state the time and place where the bids will be opened or the deadline for the submission of proposals and that the municipality has the right to reject any or all bids.

Passed and adopted this _____ day of _____ 2022.

Melanie Torno, Mayor

ATTEST:

Candace Sealey, Finance Officer

VOTE:

Torno:

Kitzmilller:

Butler:

Hirsch:

Nasser:

First Reading: December 1, 2022

Second Reading: December 15, 2022

Adoption:

Publication:

Effective:

Published once _____ at the total approximate cost of \$ _____.

Ordinance 2022-13

AN ORDINANCE AMENDING ORDINANCE TITLE III ADMINISTRATION,

CHAPTER 33- FINANCES, SUBSECTION 33.40 -EXEMPTIONS FROM BIDDING

§ 33.40 EXEMPTIONS FROM BIDDING.

The municipality is exempt from bidding the following types of contracts:

- ~~—(A) Purchase of utility services such as electric power, lights, water, or gas;~~
- ~~—(B) Any contract for the purchase of supplies from the United States or its agencies or any contract issued by the General Services Administration;~~
- ~~—(C) Equipment repair contracts;~~
- ~~—(D) Purchases of surplus property from another state purchasing agency;~~
- ~~—(E) Purchase of an item contained on the state price list, or from any vendor if less than or equal to the state price list, but must be exact same item;~~
- ~~—(F) Any purchase of supplies or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous 12 months;~~
- ~~—(G) Any amendment or change order to an existing contract for construction, reconstruction, or remodeling of a public improvement in accordance with SDCL § 5-18B-19;~~
- ~~—(H) Auctions;~~
- ~~—(I) If, after advertising for bids, no bids are received;~~
- ~~—(J) Emergency purchases;~~
- ~~—(K) Purchase of fuel; the municipality must obtain three competitive quotations in this instance which shall be placed on the minutes and retained on file by the governing body; and~~
- ~~—(L) Purchases of real property having a particular use or benefit or purchases of supplies or services of a unique nature.~~

~~(Ord. 1.34A, passed 7-18-2014)~~

- 1) Highway construction contracts entered into by the SD Department of Transportation;
- 2) Contracts for the purchase of supplies from the United States or its agencies;
- 3) Any purchase of supplies or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;
- 4) Equipment repair contracts;
- 5) Procurement of electric power, water, or natural gas; chemical and biological products;
- 6) Supplies, services, and professional services required for certain research projects under the control of the Board of Regents;
- 7) Property or liability insurance or performance bonds;
- 8) Supplies needed by the Department of Human Services or Department of Social Services or prison industries for the manufacturing of products;
- 9) Printing involving student activities conducted by student organizations and paid for out of student fees at institutions under control of the Board of Regents;
- 10) Purchase of surplus property from another purchasing agency;
- 11) Animals
- 12) Purchases by a school district of perishable food, raw materials used in construction or manufacture of products for resale, or for transportation of students;
- 13) Certain State Authorities;

- 14) Seeds, fertilizers and other products used in the operation of farms under control of the Board of Regents;
- 15) Supplies for any utility owned or operated by a municipality if the purchase does not exceed the limits found in SDCL 5-18A-14;
- 16) For political subdivisions, any contract for asbestos removal in emergency response actions; 17) Supplies or services from a contract established through a Midwestern Higher Education Compact group by competitive sealed bid or a competitive sealed proposal;
- 18) Any contract concerning the custody, management, purchase, sale and exchange of fund investments research by the State Investment Council or Division of Investment; or
- 19) For political subdivisions, including municipalities, any purchase of equipment involving the expenditure of less than \$50,000. (SDCL 5-18A-22)
- (20) Public sale or auction;
- (21) Water, sanitary sewer, and storm sewer trunk lines or mains, sewer collection systems, streets, and regional storm sewer detention ponds installed at developer's expense;
- (22) Fuel purchased by local government units; The governing board shall contact and attempt to obtain competitive quotations from at least three suppliers. A record of the names of the suppliers, the quotations received and the procurement procedures used in purchasing shall be documented, noted in the minutes, and retained on file by the governing body.
- (23) Purchases from state contract list or below state contract price.

Related provisions, see SDCL 5-18A-22, 5-18C-3, 5-18C-4, 5-18C-6, and 5-18C-8.

A purchasing agency may make or authorize others to make an emergency purchase without advertising if rentals are not practicable and there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons (SDCL 5-18A-8).

Passed and adopted this _____ day of _____ 2022.

 Melanie Torno, Mayor

ATTEST:

 Candace Sealey, Finance Officer

VOTE:

Torno:
 Kitzmiller:
 Butler:
 Hirsch:
 Nasser:

First Reading:
 Second Reading:
 Adoption:
 Publication:
 Effective:

Published once _____ at the total approximate cost of \$ _____.

Ordinance 2022-14

**AN ORDINANCE AMENDING ORDINANCE TITLE XV LAND USAGE,
CHAPTER 153- LICENSING AND CONSTRUCTION REGULATIONS, SUBSECTION
153.079 -CONTRACTOR'S LICENSE FEE**

§ 153.079 CONTRACTOR'S LICENSE FEE.

Upon making application for a contractor's license, said applicant shall pay a fee. Each year the application will need to be renewed annually and accompanied by the annual renewal fee. ~~of \$125. Upon making application for renewal of a contractor's license, said applicant shall pay a fee of \$100.~~ Refer to fee schedule adopted by resolution. The Board of Commissioners may revise the fees as set forth herein from time to time by resolution.

Passed and adopted this _____ day of _____ 2022.

Melanie Torno, Mayor

ATTEST:

Candance Sealey, Finance Officer

VOTE:

Torno:

Kitzmilller:

Butler:

Hirsch:

Nasser:

First Reading:

Second Reading:

Adoption:

Publication:

Effective:

Published once _____ at the total approximate cost of \$ _____.

CITY OF SUMMERSET
ORDINANCE NO. 2022.18
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
4110 <u>Commission</u>	
Professional Fees	\$15,000
Total Commission	<u>\$ 15,000.00</u>
4141 <u>City Attorney Expense</u>	
	\$ 20,000.00
Total Legal Fees	<u>\$ 20,000.00</u>
4196 <u>City Engineer Expense</u>	
	\$ 40,000.00
	<u>\$ 40,000.00</u>
<u>Total Appropriations</u>	<u>\$ 75,000.00</u>

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>\$75,000</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 75,000.00</u>

ENTERPRISE FUNDS

<u>EXPENDITURES</u>	Sewer Fund
WWTP Improvement	<u>\$ 450,000</u>
<u>SOURCE OF FUNDING</u>	
Unassigned Fund Balance	<u>\$ 450,000</u>

Dated this 15th day of December, 2022.

ATTEST:

Candace Sealey, Finance Officer

Melanie Torno, Mayor

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

First Reading: December 1, 2022
Second Reading: December 15, 2022
Publication:

BID FORM

FOR CONSTRUCTION CONTRACT

The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 1—OWNER AND BIDDER

1.01 This Bid is submitted to:

Candace Sealey
Finance Officer
City of Summerset
7055 Leisure Lane
Summerset, SD 57718

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2—ATTACHMENTS TO THIS BID

2.01 The following documents are submitted with and made a condition of this Bid:

- A. Required Bid security;
- B. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such authority within the time for acceptance of Bids;
- C. Contractor's license number as evidence of Bidder's State Contractor's License or a covenant by Bidder to obtain said license within the time for acceptance of Bids;
- D. DBE Subcontractor Solicitation Information Form;
- E. DBE Sub-contractor Performance Form (6100-3);
- F. DBE Program Subcontractor Utilization Form (6100-4);
- G. Certification Regarding Debarment, Suspension, and Other Responsibility Matters; and
- H. American Iron and Steel Certification.

2.02 The following documents shall be submitted, if requested by the Owner, within 5 days of Bid Opening:

- A. List of Proposed Subcontractors;
- B. List of Proposed Suppliers; and
- C. Bidder Qualification Statement with supporting data.

ARTICLE 3—BASIS OF BID—LUMP SUM BID AND UNIT PRICES

3.01 *Lump Sum Bids*

A. Bidder will complete the Work in accordance with the Contract Documents for the following lump sum (stipulated) price(s):

1. Lump Sum Price (Single Lump Sum)

Lump Sum Bid Price for Wastewater Treatment Plant Expansion	\$ 11,610,000.00
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ARTICLE 4—TIME OF COMPLETION

4.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of days indicated in the Agreement.

4.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 5—BIDDER’S ACKNOWLEDGEMENTS: ACCEPTANCE PERIOD, INSTRUCTIONS, AND RECEIPT OF ADDENDA

5.01 *Bid Acceptance Period*

A. This Bid will remain subject to acceptance for 30 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

5.02 *Instructions to Bidders*

A. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security.

5.03 *Receipt of Addenda*

A. Bidder hereby acknowledges receipt of the following Addenda:

Addendum Number	Addendum Date
#1	11/16/2022
#2	11/23/2022

ARTICLE 6—BIDDER’S REPRESENTATIONS AND CERTIFICATIONS

6.01 *Bidder’s Representations*

A. In submitting this Bid, Bidder represents the following:

1. Bidder has examined and carefully studied the Bidding Documents, including Addenda.

2. Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
3. Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
4. Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.
5. Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.
6. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, if selected as Contractor; and (c) Bidder's (Contractor's) safety precautions and programs.
7. Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
8. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
9. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

6.02 *Bidder's Certifications*

A. The Bidder certifies the following:

1. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.

2. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid.
3. Bidder has not solicited or induced any individual or entity to refrain from bidding.
4. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 8.02.A:
 - a. Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process.
 - b. Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
 - c. Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels.
 - d. Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.


BIDDER hereby submits this Bid as set forth above:

Bidder:

RCS Construction, Inc

(typed or printed name of organization)

By:



(individual's signature)

Name:

Robert C. Scull II (RC)

(typed or printed)

Title:

President

(typed or printed)

Date:

11/28/2022

(typed or printed)

If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.

Attest:



(individual's signature)

Name:

Josiah Scull

(typed or printed)

Title:

Secretary

(typed or printed)

Date:

11/28/2022

(typed or printed)

Bidder's Address for giving notices:

PO Box 9337

Rapid City, SD 57709

Bidder's Contact Person:

Name:

Robert C. Scull II (RC)

(typed or printed)

Title:

President

(typed or printed)

Phone:

605-342-3787

Email:

rc@rcsconst.com

Address:

PO Box 9337

Rapid City, SD 57709

Bidder's Contractor License No.: (if applicable) 1016-1516-ET