

**SUMMERSET CITY COMMISSION REGULAR MEETING AND
JOINT PUBLIC HEARING WITH PLANNING AND ZONING
SUMMERSET MUNICIPAL BUILDING
7055 LEISURE LANE
THURSDAY JANUARY 19, 2023 6:00 P.M.**

Mayor Torno called the Regular Meeting to order at 6:00 p.m. Commissioners Hirsch, Kitzmiller and Butler were present. Nasser was present via phone in. Planning & Zoning Commissioners Oldfield, Martin, Hough, and Hirsch were present. The City Attorney, City Administrator, and Finance Officer were also present.

Mayor Torno led the Pledge of Allegiance.

Commissioner Butler gave the invocation.

Motion by Hirsch, second by Butler, to approve the agenda for the Regular Meeting of the Summerset City Commission for January 19th, 2023. Motion carried.

CONSENT CALENDAR

Motion by Kitzmiller, second by Hirsch, to approve the minutes of the Regular Meeting of January 5th, 2023. Motion carried.

APPROVAL OF CLAIMS

Motion by Butler, second by Kitzmiller, to approve the claims and hand checks in the amount of \$117,289.53 from January 5th, 2023 through January 18th, 2023 as presented or amended. Motion carried.

A & B WELDING SUPPLY	Cylinder Rental	24.60
BLACK HAWK WATER USERS DISTRIC	Monthly Usage	35.00
BLACK HILLS COUNCIL OF LOCAL	2023 Assessment Dues	1,550.00
CBH CO-OP	Govt Fuel	4,409.41
CITY OF RAPID CITY	Solid Waste Disposal	4,606.72
DAKOTA PUMP, INC	SV Lift #2 Troubleshoot	963.88
DELTA DENTAL	Employee Dental Insurance	1,165.20
DEMERSSEMAN JENSEN	Legal Fees	1,735.00
GOLDEN WEST TECHNOLOGIES	Genetec	4,043.50
GREENAPSIS	Professional Fees-Janitorial	320.00
Gunderson & Palmer	Legal Fees	2,275.00
HAWKINS INC.	Defoamer	4,934.40
IRON OUTFITTER DBA	On-Site Shredding	21.20
MIDCONTINENT COMMUNICATIONS	WWTP Phone	201.87
MIDCONTINENT TESTING LABS	Midcontinent Testing Lab	327.00
RAPID CITY JOURNAL	Publications	1,768.61
RCS CONSTRUCTION INC	2021-41 Erosion Control	1,000.00
SD DEPARTMENT OF AGRICULTURAL	SD DANR Permit	2,500.00
SD ONE CALL	December Notifications	12.60
SERVALL UNIFORM & LINEN SUPPLY	Monthly Fees	162.89
SIMON CONTRACTORS	Infinity Drive Improvements	77,327.32
TNT CONSTRUCTION	Erosion Control Deposit Refund 2022-08	1,000.00
TYLER TECHNOLOGIES, INC	Incode Annual SaaS Fees	5,522.67
SD DEPARTMENT OF REVENUE	December Sales Tax	982.66

OPEN JOINT HEARING ON AMENDMENT OF TAX INCREMENT DISTRICT TWO

Motion by Butler, second by Hirsch, to open joint public hearing. Motion carried.

Mayor Melanie Torno gave the background of the rewriting of TIF#2. Tobin Morris, Senior VP of Colliers Securities LLC, gave an overview on how the monies collected would go to drive the surcharge down on the SRF loan.

Motion by Butler, second by Kitzmiller, to close joint public hearing. Motion carried.

BOARD OF COMMISSIONERS RECESS

Motion by Kitzmiller, second by Hirsch, to recess as the Board of Commissioners. Motion carried.

SWEARING IN OF PLANNING AND ZONING BOARD MEMBER MICHAEL MARTIN

Chairman Brody Oldfield officiated the oath of Office to Michael Martin.

PLANNING AND ZONING BOARD

Motion by Martin, second by Hough, to approve Resolution 2023-02 Recommending Amendment of the Original Project Plan of Tax Increment Financing District Number 2. Motion carried.

PLANNING AND ZONING ADJOURNMENT

Motion by Hirsch, second by Martin, to adjourn at 6:21 p.m. Motion carried.

BOARD OF COMMISSIONERS TO RECONVENE

Motion by Kitzmiller, second by Hirsch, to reconvene. Motion carried.

AMENDMENT OF TAX INCREMENT DISTRICT NUMBER 2

Motion by Butler, second by Kitzmiller to approve Resolution 2023-03 Approving Amendment of the Original Project Plan of Tax Increment Financing District Number Two. Motion carried.

RESOLUTION 2023-04 A RESOLUTION AUTHORIZING AN INTERFUN LOAN OF UP TO \$11,000,000 FROM THE SRF LOAN PROCEEDS TO THE TAX INCREMENT FUND OF TAX INCREMENT DISTRICT #2 TO PROVIDE INTERIM FINANCING OF CAPITAL EXPENDITURES

Motion by Butler, second by Hirsch, to approve Resolution 2023-04. Motion carried.

COLLIERS SECURITIES CONTRACT

Motion by Butler, second by Kitzmiller, to approve Colliers Securities contract. Motion carried.

DEPARTMENT HEAD REPORTS

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

TEMPORARY – FULL TIME CERTIFIED POLICE OFFICER

Motion by Hirsch, second by Butler, to approve Scott Johnson \$20.00 per/hour. Motion carried.

BOARD OF COMMISSIONERS RECESS

Motion by Butler, second by Hirsch, to recess as the Board of Commissioners and go into the Board of Adjustments. Motion carried.

VARIANCE #1 TO ORDINANCE – ANNEXATION

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

Jessica Larson, attorney for the applicant, gave an overview on the hardship for the annexation variance request. Talbot Wieczorek, attorney at law, gave an overview on the statutory requirements regarding the same. Dennis Baxley, resident at 8515 Captain Soelzer Street and Cheryl Embree, resident at 7680 Angus Lane, expressed their questions towards annexation and potential sewer coming to the area.

Leah Berg, P.E. Aces Engineering, summarized what the annexation could potentially do to her client and surrounding area.

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

Motion by Butler, second by Kitzmiller, to deny the Annexation Variance. All nays. Motion carried.

VARIANCE #2 TO SUMMERSET IDCM – CURB/GUTTER; VARIANCE #3 TO SUMMERSET IDCM – RIGHT OF WAY WIDTH; VARIANCE #4 TO ORDINANCE – ONSITE WASTEWATER TREATMENT SYSTEM

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

Leah Berg, P.E. Aces Engineering gave an overview on the remaining variance requests by the applicant. Talbot Wieczorek, attorney at law, spoke to the Planning & Zoning recommendations along with the engineering notes.

Mark Erickson, resident of 7640 Angus Lane, questioned how subdividing effects the same in that area.

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

Motion by Butler, second by Kitzmiller, to approve the sidewalk portion of the variance but to deny the curb and gutter. All ayes. Motion carried.

Motion by Kitzmiller, seconded by Hirsch, to approve the variance reducing the 70' right of way to 66' right of way as requested by the applicant. All ayes. Motion carried.

Motion by Kitzmiller, second by Butler, to approve the variance for the onsite wastewater treatment system. All ayes. Motion carried.

TAB INDUSTRIAL PARK – PRELIMINARY PLAT

Motion by Hirsh, seconded by Butler, to open discussion. Motion carried.

Leah Berg, P.E. Aces Engineering, spoke to the preliminary plat. That the same is a 28.87 acre lot that will be divided into eight separate lots for light industrial type use.

Talbot Wieczorek, attorney at law, spoke to the engineering on the plat and went over the review done by HDR. Anthony Kayl, Public Works Director, informed the Board that he was not in favor of a hammerhead on Lot 4 due to safety concerns.

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

Motion by Kitzmiller, second by Butler, that the preliminary plat go back to Planning & Zoning to get more information on the items of the dedicated right of way hammerhead or turnaround on Lot 4, the notation requested by the engineer in regards to gypsum on the lots and the applicant visit with the city engineer as to whether the detention pond is sufficient and that be noted on the final plat.

BOARD OF COMMISSIONERS TO RECONVENE

Motion by Butler, second by Hirsch, to go out of the Board of Adjustments and reconvene as the Board of Commissioners. Motion carried.

FIRST READING – ORDINANCE 2023-02 COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH

Motion by Kitzmiller, second by Butler to approve first reading of Ordinance 2023-02. Motion carried.

Motion by Kitzmiller, second by Hirsch to set second reading of Ordinance 2022-02 for February 2, 2023. Motion carried.

SECOND READING – ORDINANCE 2023-01 REPEL ORDINANCE 31.024

Motion by Hirsch, second by Butler to approve second reading of Ordinance 2023-01. Motion carried.

Motion by Kitzmiller, second by Hirsch to adopt second reading of Ordinance 2023-01. Motion carried.

ORDINANCE 2022-11 – 31.082 CITY PARKS AND RECREATION BOARD MEMBER APPOINTMENT

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

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

FUTURE PARK BOARD FUNDING

Motion by Kitzmiller, second by Hirsch, to take Motion off the table from November 17, 2022 Commission Meeting regarding future Park Board Funding. Motion carried.

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

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

Motion by Butler, second by Kitzmiller, to table the Park Board funding until Park Board is established. Motion carried.

PIEDMONT VALLEY CHAMBER OF COMMERCE – FOOD TRUCK SCHEDULE

Motion by Butler, second by Hirsch, to approve Food Truck schedule, May 3, 2023; June 7, 2023; June 21, 2023; July 5, 2023; July 19, 2023; August 2, 2023; September 6, 2023; October 4, 2023. Motion carried.

Motion by Kitzmiller, second by Butler, to approve waiving the vendor fee. Motion carried

HERMANSON EGGE ENGINEERING, INC – CONSTRUCTION INSPECTION AND CODE REVIEW OF PLANS SERVICES AGREEMENT

Motion by Hirsch, second by Butler to approve signing the agreement. Motion carried.

RESOLUTION 2023-01 SALARIES

Motion by Hirsch, second by Kitzmiller, to approve Resolution 2023-01 – Salary Schedule 2023. Motion carried.

CAPITAL IMPROVEMENT PLAN – GRANT FUNDING

Motion by Kitzmiller, second by Hirsch, to open discussion. Motion Carried.

Motion by Butler, second by Kitzmiller, to close discussion. Motion Carried.

Motion by Butler, second by Kitzmiller, to approve proceeding with the grant application, letter of monetary support, letter of economic development support and overview of economic development focus for plan. Motion Carried

CITIZENS INPUT N/A

UPCOMING EVENTS: N/A

ITEMS FROM CITY ATTORNEY

Motion by Kitzmiller, second by Hirsch, to enter into Executive Session at 8:09 p.m. per SDCL 1-25-2 for discussing legal, economic development, and personnel issues. Motion carried.

Motion by Kitzmiller, second by Hirsch, to come out of executive session at 8:26 p.m. Motion carried.

ADJOURNMENT

Motion by Kitzmiller, second by Nasser, to adjourn at 8:26 p.m. Motion carried.

(SEAL)

ATTEST:

Candace Sealey

Finance Officer

Published once _____, 2023 at a cost of \$_____.

Melanie Torno

Mayor