SUMMERSET CITY COMMISSION REGULAR MEETING/ZOOM SUMMERSET MUNICIPAL BUILDING 7055 LEISURE LANE THURSDAY, October 21, 2021 6:00 P.M.

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

Mayor Torno led the Pledge of Allegiance.

Invocation led by Mayor Torno.

Motion by Kitzmiller, second by Thurman, to approve the agenda for the Regular Meeting of the Summerset City Commission for October 21st, 2021. Motion carried.

APPROVAL OF THE MINUTES

Motion by Thurman, second by Kitzmiller, to approve the minutes of the Regular Meeting of October 7th, 2021. Motion carried.

APPROVAL OF CLAIMS

Motion by Kitzmiller, second by Thurman, to approve the claims and hand checks in the amount of \$27,831.05 from October 7th, 2021 through October 20th, 2021 as presented or amended. Motion carried.

BLACK HAWK WATER USERS DISTRIC	MOnthly Usage	32.00
CANDACE SEALEY	Conference Travel	96.01
СВН СО-ОР	Govt Fuel	2,154.06
CITY OF RAPID CITY	Vehicle Disposal Fee License	20.00
DELTA DENTAL	Employee Dental Insurance	791.20
DEMERSSEMAN JENSEN	Legal Services	1,860.00
DIAMOND D WATER	Monthly Usage	180.65
GOLDEN WEST TECHNOLOGIES	Professional Fees	1,972.50
HAWKINS INC.	Defoamer Supplies	2,792.35
HDR ENGINEERING, INC	Task Order 2021-03	10,905.00
IBM	Cloud Marketplace	24.00
KIEFFER SANITATION	Portable Toilets	456.75
KIWANIS OF THE FOOTHILLS	Annual Dues	102.00
MDU	Monthly Utilities	170.57
MEADE COUNTY AUDITOR	Dispatch September Fees	1,902.34
MIDCONTINENT COMMUNICATIONS	WWTP Telephone	198.58
MIDCONTINENT TESTING LABS	Testing	275.00
QUILL	Supplies	257.28
RAPID CITY JOURNAL	Publications	565.29
SCHIEFFER, LISA	Conference Travel	188.16

SD ONE CALL	Sept Notifications	18.90
SD PUBLIC ASSURANCE ALLIANCE	Auto Llability	541.31
SDRS-SUPPLEMENTAL	Extra Contributions	75.00
SERVALL UNIFORM & LINEN SUPPLY	Monthly Fees	143.10
USA BLUEBOOK	WWTP Supplies	713.61
Verizon Wireless	LE Voice & Mobility	311.77
WESTERN COMMUNICATIONS INC.	Ignition Switch	121.16

SET FIRST READING FOR ORDINANCE TSO-2021-01

Motion by Kitzmiller, second by Thurman to set first reading for November 4th @ 6:00 p.m. An Ordinance Amending the Zoning Ordinance and Map Incorporated at Title 155, Chapter021. Summerset Sub. Lots 25-31, Section 31, Township 3 North, Range 7 East, Black Hills Meridian, City of Summerset – from Planned Development (PD) to Single Family Residential (R1). Motion carried.

NATURAL HAZARD MITIGATION PLAN

Motion by Thurman, second by Kitzmiller to adopt Resolution 2021-10 Plan Adoption City of Summerset SD. Motion carried.

WORLD HABITAT DAY

Executive Proclamation from the City of Summerset, Office of the Mayor.

AMKO ADVISOR -Harold Lance

Mr. Lance spoke about interest savings on Summerset USDA Loans.

SECOND READING FOR REVISED ORDINANCE 53.084 - BILLING

Motion by Thurman, second by Kitzmiller to vote on Approval of Second Reading of Ordinance 53.084. Motion carried.

Motion by Kitzmiller, second by Thurman to vote on Adoption of Ordinance 53.084. Set for January 1, 2022. Roll call. All ayes. Motion carried.

FIRST READING FOR ORDINANCE 2021-07 (TITLE 131.14) NOISE REGULATION AND LIMITATION

Motion by Kitzmiller, second by Thurman to vote on Approval of First Reading for Ordinance 2021-07 with amendment to B subpart 1 in paragraph 2. Motion carried.

Motion by Thurman, second by Kitzmiller to set second reading for November 4th, 2021 with changes. Motion carried.

APPROVAL OF PUBLIC WORKS/CITY MAINTENANCE WORKER HOURLY WAGE

Motion by Thurman, second by Kitzmiller to approve Drew Hunt @ \$19.00/hr. Motion carried.

APPROVAL OF WASTEWATER/OPERATOR HOURLY WAGE

Motion by Kitzmiller, second by Thurman to approve Taylor Opstedahl @ 18.00/hr. Motion carried.

CITY ADMINISTRATOR REPORT

DISCUSSION ON PAYING OFF DEBT

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

Motion by Thurman, second by Kitzmiller to pay off the debt submitted by the Finance Officer by November 4th, 2021. Motion carried.

UPCOMING EVENTS:

City Office will be closed November 11th for Veteran's Day.

CITIZENS INPUT

None

ITEMS FROM CITY ATTORNEY

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

Motion by Thurman, second by Kitzmiller to enter Executive Session at 6:32 p.m. Motion carried.

Motion by Kitzmiller, second by Thurman to exit Executive Session at 7:15 p.m. Motion Carried.

ADJOURNMENT

Motion by Kitzmiller, second by Thurman for adjournment at 7:16 p.m. Motion carried.

Date: Time:

11/02/2021 10:12 am

City of Sun	ity of Summerset BANK: BANKWEST				Page:			
Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Aı
BANKWE	EST Checks							
25017	11/02/2021	Printed			1098	A&B BUSINESS SOLUTIONS	Monthly Contract	3

Number	Date	Status	Date Date	Number	Vendor Name	Check Description	Amount
BANKW	EST Checks	6					
25017	11/02/202	1Printed		1098	A&B BUSINESS SOLUTIONS	Monthly Contract	380.05
25018	11/02/202	1Printed		0322	AFLAC REMITTANCE PROCESSING	Aflac	186.94
25019	11/02/202	1Printed		0962	ALLEN, DON	Phone Stipend	50.00
25020	11/02/202	1Printed		1111	AMBROSE, JONATHAN	Phone Stipend	50.00
25021	11/02/202	1Printed		1697	BUNTAIN, JOSHUA	Phone Stipend	50.00
25022	11/02/202	1Printed		0714	Black Hills Electric	Utilities	6,144.73
25023	11/02/202	1Printed		0095	Butler, Dave	Phone Stipend	50.00
25024	11/02/202	1Printed		1268	CANDACE SEALEY	Phone Stipned	50.00
25025	11/02/202	1Printed		0036	CITY OF RAPID CITY	Solid Waste Disposal	5,001.39
25026	11/02/202	1Printed		1714	DECHENEAUX,HALAYNA	Phone Stipend	50.00
25027	11/02/202	1Printed		1251	FIRST INTERSTATE BANK	7055 Leisure Lane Pay off	14,735.28
25028	11/02/202	1Printed		1120	FORD MOTOR CREDIT COMPANY, LLC	Interceptor Pay off	34,435.58
25029	11/02/202	1Printed		1671	GEORGE MANDAS	Professional Fees	900.00
25030	11/02/202	1Printed		1369	GREENAPSIS	Janitorial Services	475.00
25031	11/02/202	1Printed		1133	HDR ENGINEERING, INC	HDR Engineering	948.75
25033	11/02/202	1Printed		0041	HEALTH POOL OF SD	Employee Medical	25,920.49
25034	11/02/202	1Printed		1506	HERMANSON EGGE ENGINEERING	Residential Inspections	735.00
25035	11/02/202	1Printed		1513	HIRSCH, CLYDE	Phone Stipend	50.00
25036	11/02/202	1Printed		1769	HUNT,DREW	Phone Stipend/CDL	100.00
25037	11/02/202	1Printed		1566	JUSO, COLTON	Phone Stipned	50.00
25038	11/02/202	1Printed		1103	KITZMILLER, MICHAEL	Phone Stipend	50.00
25039	11/02/202	1Printed		0324	Kayl, Anthony	Phone Stipend	50.00
25040	11/02/202	1Printed		1411	MBFS USA LLC	Freightliner Payoff	39,604.39
25041	11/02/202	1Printed		1698	MONTILEAUX, CASEY	Phone Stipend	50.00
25042	11/02/202	1Printed		1730	NASSER,RICH	Phone Stipend	50.00
25043	11/02/202	1Printed		1770	OPSTEDAHL, TAYLER	Phone Stipend	50.00
25044	11/02/202	1Printed		1408	PALMER, BRANDY	Phone Stipend	50.00
25045	11/02/202	1Printed		0007	PRINT MARKET	Business Cards	103.60
25046	11/02/202	1Printed		8000	RAPID CITY JOURNAL	Publications	364.49
25047	11/02/202	1Printed		1732	SCHIEFFER, LISA	Phone Stipend	50.00
25048	11/02/202	1Printed		1746	SCHROCK, BRIELLE	Phone Stipend	50.00
25049	11/02/202	1Printed		0983	TANNER FENENGA	Phone Stipend	50.00
25050	11/02/202	1Printed		1747	THURMAN, KATHLENE	Phone Stipend	50.00
25051	11/02/202	1Printed		1729	TORNO, MELANIE	Phone Stipend	50.00
25052	11/02/202	1Printed		0056	UNITED STATES POSTAL SERVICE	WWTP Postage	1,000.00
25053	11/02/202	1Printed		1024	USA BLUEBOOK	WWTP Supplies	193.92
25054	11/02/202	1Printed		1434	WELLS FARGO FINANCIAL SERVICES	Bobcat Payoff	18,605.37

Total Checks: 37

Checks Total (excluding void checks):

150,784.98

Total Payments: 37

Bank Total (excluding void checks):

150,784.98

Check Register Report

Date:

11/02/2021

Time: 10:12 am BANK: BANKWEST EFT City of Summerset Page: 2 Check Check Status Void/Stop Reconcile Vendor **Check Description** Vendor Name Amount Number Date Date Date Number **BANKWEST EFT Checks** 11/02/2021 Printed 1665 CARDMEMBER SERVICES Monthly Credit Card Charges 3,931.94 54 11/02/2021 Printed 0011 **SDRS** October Retirement 7,843.78 55 11/02/2021 Printed 0128 UNITED STATES TREASURY Payroll Taxes October 12,760.40 Total Checks: 3 Checks Total (excluding void checks): 24,536.12 Total Payments: 3 Bank Total (excluding void checks): 24,536.12 Total Payments: 40 Grand Total (excluding void checks): 175,321.10

Prepared by: City of Summerset 7055 Leisure Lane Summerset SD 57718 605-718-9858

CITY OF SUMMERSET RESOLUTION 2021-11

WHEREAS, there has been presented to the Board of Commissioners, of the City of Summerset, South Dakota a plat of the following described real property:

Plat of Lot 16 Revised and Lot H2 of Sioux Land Estates Subdivision, formerly Lot 16 of Sioux Land Estates Subdivision, located in the W1/2 of the NW1/4 of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, SD.

and it appearing to the Board of Commissioners that said plat conforms to the existing plats of said City of Summerset, that the streets set forth therein conform to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the land have been fully paid, and that said plat and survey thereof have been executed according to law.

NOW THEREFORE BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 4th day of November 2021.	
ATTEST: (SEAL)	
Candace Sealey Finance Officer	Melanie Torno Mayor
Published: Effective:	
STATE OF SOUTH DAKOTA)	
)ss COUNTY OF MEADE)	
I, Candace Sealey, duly appointed Finance Officer of and for the South Dakota, do hereby certify that the foregoing is a true and Commission of the City of Summerset at the regular meeting h	correct resolution adopted by the City
Published once XXXXX at total approximate cost \$XXX.	Candace Sealey, Finance Officer

CITY OF SUMMERSET

RESOLUTION 2021 - 12

A Resolution Establishing a Lottery for Competing Medical Cannabis Dispensary License Applications

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of medical cannabis dispensary licenses as defined by SDCL 34-20G-1, by the governing bodies of municipalities pursuant to SDCL 34-20G-58; and

WHEREAS, the City of Summerset Board of Commissioners has set the number of medical cannabis dispensary licenses at one (1), and the nonrefundable application fee for such licenses Twenty-Thousand Dollars (\$20,000), with a license fee of One Hundred Thousand Dollars (\$100,000) in the event the license is awarded; and

WHEREAS the City of Summerset Board of Commissioners wishes to make the licenses available to the public in a fair and impartial manner; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Summerset Board of Commissioners makes the following rules applicable to the issuance of the new medical cannabis dispensary license:

- 1. Applicants may apply for the available license in accordance with South Dakota law and Summerset City Ordinance Chapter 119.03, by submitting an application packet to the City of Summerset.

 Such application packet shall include the following:
 - a. **Medical Marijuana Dispensary License Application**. This must be completed fully and according to its instructions and bear the necessary original signatures. Photocopies will not be accepted.
 - b. **Non-Refundable Application Fee**. Certified check, cashier's check, or bank draft in the amount of Twenty Thousand Dollars (\$20,000).
 - c. **Deadline**. All applications for the medical marijuana dispensary license shall be received at the office of the City of Summerset in time to be noticed and heard at the next scheduled date for a regular meeting of the Planning and Zoning Commission.
 - d. **Recommendation by Planning and Zoning:** All applications shall then be considered by the Planning and Zoning Commission, which shall thereafter make a recommendation to the Board of Commissioners.
 - e. **Board of Commissioners:** The Board of Commissioners shall then consider the recommendations from Planning and Zoning. If there is more than one qualified and approved applicant a lottery shall be held as described in his

Resolution.

Candace Sealey, Finance Officer

- f. Lottery. The names of those applicants who have submitted a valid application for the medical marijuana dispensary license and have been approved per the City Ordinance shall be drawn at random in an open meeting of the Board of Commissioners at a time to be set. All applicants' names shall be drawn in order to have a list of alternates.
- 2. In the event the applicant refuses to consummate the purchase of the medical marijuana dispensary license with the payment of the One Hundred Thousand Dollar (\$100,000) license fee, then in that event the license may be awarded to the next alternate applicant.
- 3. If there is not more than one application submitted for the medical marijuana dispensary license, then that license shall become available on a first-come, first served basis, subject to the statutory licensing terms regarding notice, hearing, and all license requirements. For purposes of this resolution, "first-come first-served" shall mean that the first fully and accurately completed application for off-sale license which is submitted to the City of Summerset with the application fee of \$20,000.00 in good funds shall be entitled to have their application noticed and heard in accordance with the medical marijuana dispensary licensing statutes and City Ordinance.

Dated this	day of	, 2021.	
	APPROVED:		
		Melanie Torno, Mayor	
ATTEST:			

CITY OF SUMMERSET APPLICATION FOR A MEDICAL CANNABIS DISPENSARY LICENSE

New License [] Reissuance []

SECTION A: CANNABIS ESTABLISHMENT INFORMATION

Cannabis Establishment (Busi	ness) Name:				
Establishment Address: Physi	ical/Street				
Maili	ng ·				
city,	State, Zip				
Business Telephone Number:					
Business Email Address:					
Legal Description of Premises	5:				
Place of business is located w		[] Yes			
Summerset (Meade County)?)	[] No			
SECTION B: BUSINESS OWNER	SHIP INFORMATION	I			
Name of Corporation, Partne					
Address of office and principa					
of corporation, partnership, I					
State Sales Tax Number (Req					
Does business/corporation or		[] Ov	un		
property where establishmer		[] Le			
Are real property taxes paid t		[] Yes			
, we rear property taxes paid t	io date.	[] No	•		
Name of each owner,	Office/Title	1. 1	Address	Date of B	irth
principal officer and/or			7 10101. 000	Date of B	
board member of the					
establishment.					
			·		
Are all managing officers of t	his establishment,	[] Yes	}		
corporation, partnership, LP,	·	No			
character having not been co	A backg	round check is requir	ed (for each officer)	. Attach an	
in the previous ten (10) years	1	ation form for each			
jurisdiction?					
Where and with whom are a	ll company records				
kept; such as charter, by-law	•				
accounts, accounts payable,					
receivable, etc.?					

SECTION C: APPLICANT & ACKNOWLEGEMENT CERTIFICATION

APPLICANT CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements herein are true and correct; that the said applicant complies with all the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the City of Summerset and/or State of South Dakota access to the licensed premises and records as provided in City Ordinance and State Law and agrees this application shall constitute a contract between the City of Summerset and/or State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of City Ordinance and State of South Dakota Codified Law 34.20G, as amended. The undersigned applicant does also swear under penalty of perjury under the laws of the State of South Dakota that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.

	Dated this	_day of	20_		
Printed Name	•	Signat	ure		
ACKNOWLEDGEMENT CE undersigned notary publi	c, personally appeare	d			, who
proved to me through sat applicant and acknowled	•	·	•		d above as the
		Signature of N My Commission	otary Public on Expires:		
SECTION D: ISSUANCE O	F LICENSE				
Date Application Receive					
Amount of fee collected v	vith application: \$		Amount of fee retaine	d: <u>\$</u>	
PUBLIC HEARING: Notice	of hearing was publi	shed	and		
Public hearing on the appublication.	lication was held		, not less that se	even (7) days	after the official
Renewal – no public hear	ing held []				
GOVERNING BOARD ACT	ION TAKEN: Date				
[] Approval. The gover that the requirements as requirements of local and	to location and suital				
PERMIT YEAR:					
Denied. The govern	ning body by majority	vote denies the	license for the following	g reason:	
					•
	Dated this	_day of	, 20_		
			Melanie Torno I		

Melanie Torno, Mayor City of Summerset Board of Commissioners Prepared by: City of Summerset 7055 Leisure Lane Summerset SD 57718 605-718-9858

CITY OF SUMMERSET RESOLUTION 2021-13

WHEREAS, there has been presented to the Board of Commissioners, of the City of Summerset, South Dakota a plat of the following described real property:

Plat of Lot 5, Lot 6, & Drainage Lot 1 in Block 1 of Summerset USA. Formerly a portion of Lot B of the E1/2 NW1/4, and a portion of Lot A of the NE1/4. All located in the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

and it appearing to the Board of Commissioners that said plat conforms to the existing plats of said City of Summerset, that the streets set forth therein conform to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the land have been fully paid, and that said plat and survey thereof have been executed according to law.

NOW THEREFORE BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 4th day of November 2021.	
ATTEST: (SEAL)	
Candace Sealey Finance Officer	Melanie Torno Mayor
Published: Effective:	
STATE OF SOUTH DAKOTA)	
COUNTY OF MEADE)	
I, Candace Sealey, duly appointed Finance Officer of and for the South Dakota, do hereby certify that the foregoing is a true and commission of the City of Summerset at the regular meeting he	correct resolution adopted by the City
Published once XXXXXX at total approximate cost \$XXXX.	Candace Sealey, Finance Officer

CONDITIONAL USE PERMIT CITY OF SUMMERSET BOARD OF COMMISSION

The following petitioner has applied to the City of Summerset under the provisions of the City of Summerset Zoning Ordinance #2 as follows:

Spring Valley Entertainment, LLC – Conditional Use Permit located at: The portion of Lot B of the East ½ of the NW1/4 of Section 25, Township 3 North, Range 6 East of the Black Hills Meridian, City of Summerset, Meade County, SD as shown on the plat filed in Plat Book 5 on Page 15, lying southerly and westerly of Out Lot 1, lying northerly and easterly of the Constitution Street right-or -way, lying southerly and easterly of Lot 4R in Block 1 of Summerset USA, and lying northerly and westerly of the northerly Independence Loop right-of-way, as shown on the plats filed in Plat Book 21 on Pages 290-291 and Plat Book 21 on Page 1 (referred to on said plats as "Remainder of Block 1").

The applicant has requested a permitted conditional use for the following:

Property is currently zoned C-1 General Commercial:

The following uses shall be permitted in the C-1 General Commercial District:

(A) Retail establishments, including incidental manufacturing of goods for sale at wholesale or retail on the premises, provided there are three or less employees engaged in the manufacture of the product.

Petitioner is asking for conditional use permit under 155.117 (E) – more than three employees engaged in the manufacture of the product.

(BB) Open storage uses which shall comply with the following requirements:

(1) All open storage and display of merchandise, material, and equipment shall be screened by a solid fence seven feet high at the side and rear of the lot which abuts any residential district.

Petitioner is asking for conditional use permit under 155.117 (E) – that the product, including but not limited to granite and stone not be contained by a fence or similar structure but to be on display for customers to view. Scrap or waste or refuse generated by business may be required by the City to be kept behind a screened fence.

Said application was duly noticed in the legal newspaper, certified letters were sent to all property owners within two hundred and fifty feet (250") and a sign noting that a conditional use permit request was posted on site ten (10) days in advance of the hearing. The City of Summerset Planning and Zoning Commission reviewed the application on the 26th day of October 2021 and it was recommended for approval to the Summerset Board of Commissioners.

Dated this 4th day of November 2021.	
ATTEST: (SEAL)	
Candace Sealey, Finance Officer	Melanie Torno, Mayor

TSO 2021-01 CITY OF SUMMERSET ZONING ORDINANCE AMENDMENT

AN ORDINANCE AMENDING ZONING ORDINANCE AND MAP INCORPORATED AT TITLE 155, CHAPTER 021

BE IT ORDAINED BY THE CITY BOARD OF COMMISSIONERS OF THE CITY OF SUMMERSET, Meade County, South Dakota that the following changes and amendments be made to the City of Summerset Zoning Ordinance, Title 155, Chapter 021.

BE IT ORDAINED that the zoning map referenced at Title 155, Chapter 155.021, and incorporated herein by this reference, shall be amended as it pertains to the following property:

Summerset Sub, Lots 25 through 31, Section 31, Township 3 North, Range 7 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota

which property shall be re-zoned from PD (Planned Development) to R-1 (Single Family Residential) and that the zoning map shall be amended accordingly, which amendments are incorporated herein.

Dated	: November 18, 2021			
ATTI	EST:	CITY OF SUMMERSET		
Canda	ace Sealey, Finance Officer	Melanie Torno, Mayor		
(Seal)				
Vote:	Torno: Kitzmiller: Butler: Hirsch: Thurman:	First Reading: November 4, 2021 Second Reading: November 18, 2021 Publication:		

Published once XXXXX at approximate cost of \$XXXXX.

ORDINANCE 2021-07

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 B (Subsection 1), 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 this day of, 2021.	
ATTEST:	CITY OF SUMMERSET
Candace Sealey, Finance Officer	Melanie Torno, Mayor
(Seal)	

Vote: Torno:

First Reading: October 21, 2021

Kitzmiller:

Second Reading:

Butler: Hirsch: Adoption:

Thurman:

Publication:

Published once at approximate cost of \$_____

DEMERSSEMAN JENSEN TELLINGHUISEN & HUFFMAN, LLP

wheeled

LAWYERS

P.O. BOX 1820, RAPID CITY SD 57709-1820 516 FIFTH STREET, RAPID CITY SD 57701-2703 TELEPHONE 605-342-2814 FAX 605-342-0732

MICHAEL B. DEMERSSEMAN Curtis S, Jensen Roger A. Tellinghuisen RICHARD E. HUFFMAN

October 30, 2019

MICHAEL V. WHEELER GREGORY G. STROMMEN NATHAN R. CHICOINE

Stagebarn Sanitary District PO Box 703 Black Hawk SD 57718-0703

Sewer rate adjustment

Dear Stagebarn District:

Please be advised that the City of Summerset is adjusting the sewer rates, and will be considering said adjustment at the next regular meeting of the Board of Commissioners to be held on Thursday, November 7, 2019. At that time, the City Commission will consider raising the rates applicable to the Stagebarn District by 8% per residence as allowed by Summerset Ordinances, to include the rate adjustment and surcharge. This rate change will be effective January 1, 2020.

Stagebarn District is not located within the City limits, and entered into a contract with Summerset on or about September 23, 2010, which allows for annual sewer rate adjustments. Please note that there has been no rate change since October of 2017.

The City is forwarding this notice to you so that you can advise your residents accordingly. Thank you for your attention to this matter.

Sincerely,

Michael V. Wheeler (mvw@demjen.com)

DEMERSSEMAN JENSEN

TELLINGHUISEN & HUFFMAN, LLP

MVW:ag Client

Date Received	License No. PL-4993
Date Issued	erage License Application
A. Owner Name and Mailing Address	B. Business Name and Address
TFH INC 8031 STAGESTOP ROAD SUMMERSET, SD 57718	Lic # PL-4993 HAGGARS GROCERY 8031 STAGESTOP RD SUMMERSET, SD 57718
Owner's Telephone#: (605) 787-6545	Business Telephone #: 605-787-6545
C. Indicate the class of license being applied for (submit separate application for each class of license). Retail (on-sale) Liquor Retail (on-sale) Liquor - Restaurant Convention Center (on-sale) Liquor	Place of business is located in a municipality? MYes []No County: MEADE Do you own [] or lease [] this property? (Check one)
X Package (off-sale) Liquor Retail (on-off sale) Wine and Cider	Are real property taxes paid to date? []Yes []No D. Legal description of licensed premise: Lot ark Slowkiano ESTATES
Retail (on-off sale) Malt Beverage & SD Farm Wine Package Delivery Hunting Preserve Other	LOT 2R2 OF TRACT IR, as-3-6
Is this License in active use? [XYes [] No	Have you ever been convicted of a felony? [Yes No
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [] Yes [\(\frac{1}{N} \) No If Yes, please list on the back page	E. State Sales Tax Number: 1017-0500-ST F. New license?Transfer? (\$150) Re-issuance?
that the said applicant complies with all of the statutory requir agrees to permit agents of the Department of Revenue access t and agrees this application shall constitute a contract between peace officers to inspect the premises, books and records at an as amended.	the penalties of perjury that all statements herein are true and correct; ements for the class of license being applied for and in addition to the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any say time for the purpose of enforcing the provisions of Title 35 SDCL,
Date 10.6.21 Print Name LINDA K. HA	CLAR Signature Janda K. Haggar
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of I	
vote recommends the approval and granting of this license an and applicant have been reviewed and conform to the require	d certifies that requirements as to location and suitability of premises ments of local and South Dakota law.
Renewal - no public hearing held Amount of fee collected with application Amount of fee retained \$ Forwarded with application \$	

For Local Government Use

Transferred (State Use)

(Seal) From ______ Sales tax approval _____ Date _____

If disapproved, endorse reason thereon and return to applicant STATE LIQUOR AUTHORITY: APPROVAL

DEVIEW

Date Received	
Date Issued	

License	No.	RL-5278
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Uniform Alcoholic Bev	erage License Application
A. Owner Name and Mailing Address	B. Business Name and Address
M.G. OIL COMPANY 8074-STAGESTOP-RD- PO Box 1006 SUMMERSET, SD 57718-Rapid City, SD 57709	Lic # RL-5278 HAPPY JACKS - SUMMERSET 2 8074 STAGESTOP RD SUMMERSET, SD 57718
Owner's Telephone#: 605-342-0527	Business Telephone #: 605-718-9639
C. Indicate the class of license being applied for (submit separate application for each class of license).	Place of business is located in a municipality? [X] Yes [] No
X Retail (on-sale) Liquor	County: Meade
Retail (on-sale) Liquor - Restaurant Convention Center (on-sale) Liquor	Do you own [] or lease [x] this property? (Check one)
Package (off-sale) Liquor	Are real property taxes paid to date? [x] Yes [] No
Retail (on-off sale) Wine and Cider	D. Legal description of licensed premise:
Retail (on-off sale) Malt Beverage & SD Farm Wine	23-3-6 Siouxland Estate Lot SC4-SC5,
Package Delivery	Sec 23, T3N, R6E, BHM, Summerset, Meade County, SD
Hunting Preserve	
Other	
Is this License in active use? [X] Yes [] No	Have you ever been convicted of a felony 7] Yes [x] No
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [X] Yes [] No If Yes, please list on the back page	E. State Sales Tax Number: 1032-4289-STC F. New license? Transfer? (\$150) Re-issuance?X
that the said applicant complies with all of the statutory requir- agrees to permit agents of the Department of Revenue access t and agrees this application shall constitute a contract between	ne penalties of perjury that all statements herein are true and correct; ements for the class of license being applied for and in addition to the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any time for the purpose of enforcing the provisions of Title 35 SDCL,
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of happlication was held, not less than SEVEN	earing was published Public hearing on the [7] days after official publication. The governing body by majority
vote recommends the approval and granting of this license an and applicant have been reviewed and conform to the require	d certifies that requirements as to location and suitability of premises ments of local and South Dakota law.
Renewal - no public hearing held Amount of fee collected with application \$ Amount of fee retained \$ Forwarded with application \$	
For Local Government Use	Transferred (State Use)
	From
(Seal) Mayor or Chairman	Sales tax approval Date
	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

Date Received	0/13/21
Date Issued	

License No	DI 1020
License No	. PL-1930.

Uniform Alcoholic Beve	erage License Application
A. Owner Name and Mailing Address	B. Business Name and Address
THE PIT STOP LLC 8034 STAGESTOP ROAD SUMMERSET, SD 57718	Lic # PL-19301 THE PIT STOP LLC 8034 STAGESTOP ROAD SUMMERSET, SD 57718
Owner's Telephone#: (15-787-9755	Business Telephone #: (605) 787-9255
C. Indicate the class of license being applied for (submit separate application for each class of license). Retail (on-sale) Liquor Retail (on-sale) Liquor - Restaurant Convention Center (on-sale) Liquor X Package (off-sale) Liquor Retail (on-off sale) Wine and Cider Retail (on-off sale) Malt Beverage & SD Farm Wine Package Delivery Hunting Preserve	Place of business is located in a municipality? [X] Yes [] No County: MM. Do you own X] or lease [] this property? (Check one) Are real property taxes paid to date? X] Yes [] No D. Legal description of licensed premise: (X, 40,02R Lot 2R 23-3-4
	Have you ever been convicted of a felony? [Yes [No E. State Sales Tax Number: 1022-9364-ST F. New license? Transfer? (\$150) Re-issuance? The penalties of perjury that all statements herein are true and correct; The penalties of the class of license being applied for and in addition
agrees to permit agents of the Department of Revenue access to and agrees this application shall constitute a contract between	o the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any y time for the purpose of enforcing the provisions of Title 35 SDCL,
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of happlication was held, not less than SEVEN	earing was published Public hearing on the [7] (7) days after official publication. The governing body by majority
vote recommends the approval and granting of this license and applicant have been reviewed and conform to the requirer Renewal - no public hearing held Amount of fee collected with application \$400.	d certifies that requirements as to location and suitability of premises ments of local and South Dakota law.
For Local Government Use	Transferred (State Use)
	From Date
If disapproved, endorse reason thereon and return to applicant	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

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Date Issued		

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Uniform Alcoholic Beve	erage License Application
A. Owner Name and Mailing Address	B. Business Name and Address
THE PIT STOP LLC 8034 STAGESTOP ROAD SUMMERSET, SD 57718	Lic # RL-20903 THE PIT STOP LLC 8034 STAGESTOP ROAD SUMMERSET, SD 57718
Owner's Telephone#: <u>(005-787-9)</u>	Business Telephone #: (605) 787-9255
C. Indicate the class of license being applied for (submit separate application for each class of license). X Retail (on-sale) Liquor Retail (on-sale) Liquor - Restaurant Convention Center (on-sale) Liquor Package (off-sale) Liquor Retail (on-off sale) Wine and Cider Retail (on-off sale) Malt Beverage & SD Farm Wine Package Delivery Hunting Preserve Other	Place of business is located in a municipality? [X] Yes [] No County: Mull Do you own [X] or lease [] this property? (Check one) Are real property taxes paid to date? [X] Yes [] No D. Legal description of licensed premise: (X) O JR LOT DR 23-3-4
Is this License in active use? X Yes [] No	Have you ever been convicted of a felony? [] Yes No
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [No If Yes, please list on the back page G. CEPTIFICATE The undersigned applicant certifies under the that the said applicant complies with all of the statutory require	E. State Sales Tax Number: 1022-9364-ST F. New license?Transfer? (\$150) Re-issuance? the penalties of perjury that all statements herein are true and correct; the statements for the class of license being applied for and in addition
agrees to permit agents of the Department of Revenue access to and agrees this application shall constitute a contract between a	the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any time for the purpose of enforcing the provisions of Title 35 SDCL,
vote recommends the approval and granting of this license and	(7) days after official publication. The governing body by majority d certifies that requirements as to location and suitability of premises
and applicant have been reviewed and conform to the requirement of the new and application and the requirement of the collected with application and the requirement of the collected with application and the requirement of the retained application and the requirement of the requi	nents of local and South Dakota law.
For Local Government Use	Transferred (State Use)
F	rom
1 8 2 1 1	ales tax approval Date
If disapproved, endorse reason thereon and return to applicant S	TATE LIOUOR AUTHORITY APPROVAL REVIEW

Please complete reverse side

Sate Received	10/29/21
Date Issued	

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L	acense	INO.	RW-24486	

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address	B. Business Name and Address
CITY OF SUMMERSET PO BOX 783 7055 LEISURE LANE SUMMERSET, SD 57718	Lic # RW-24486 DOLLAR GENERAL STORE # 18299 12000 STURGIS RD SUMMERSET, SD 57718
Owner's Telephone#: 1015-855-4000	Business Telephone #: (615) 855-4000 ext. 5086
C. Indicate the class of license being applied for (submit separate application for each class of license). Retail (on-sale) Liquor Retail (on-sale) Liquor - Restaurant Convention Center (on-sale) Liquor Package (off-sale) Liquor X Retail (on-off sale) Wine and Cider Retail (on-off sale) Malt Beverage & SD Farm Wine Package Delivery	Place of business is located in a municipality? [VYes []No County: MUCC Do you own [] or lease [VI this property? (Check one) Are real property taxes paid to date? [VYes []No D. Legal description of licensed premise: WHY CUP TRAIL I Cap Sirvuland ESTARS Subdivision
Hunting Preserve	COTVIES SUIDITATION
Other	/
Is this License in active use? [Yes []No	Have you ever been convicted of a felony? [Yes No
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [] Yes [] No If Yes, please list on the back page	E. State Sales Tax Number: 1032-2660-STC F. New license?Transfer? (\$150) Re-issuance?
that the said applicant complies with all of the statutory require agrees to permit agents of the Department of Revenue access to and agrees this application shall constitute a contract between	the penalties of perjury that all statements herein are true and correct; the class of license being applied for and in addition to the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any by time for the purpose of enforcing the provisions of Title 35 SDCL,
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of h application was held, not less than SEVEN	earing was published Public hearing on the (7) days after official publication. The governing body by majority
vote recommends the approval and granting of this license and applicant have been reviewed and conform to the require	d certifies that requirements as to location and suitability of premises nents of local and South Dakota law.
Renewal - no public hearing held Amount of fee collected with application Amount of fee retained Forwarded with application	
For Local Government Use	Transferred (State Use)
	From
(Seal) Mayor or Chairman	Sales tax approval Date
	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

Uniform Alcoholic Beverage License Application

A. Owner Name and Mailing Address	B. Business Name and Address
ACES LLC 12340 JENTER DR SUMMERSET, SD 57718-8806	Lic # RL-26888 ANGEL'S CATERING AND RECEPTIONS 12340 JENTER DR SUMMERSET, SD 57718-8806
Owner's Telephone#:	Business Telephone #
that the said applicant complies with all of the statutory requir agrees to permit agents of the Department of Revenue access that and agrees this application shall constitute a contract between	Have you ever been convicted of a felony? [] Yes [No E. State Sales Tax Number: 1035-9510-ST F. New license? Transfer? (\$150) Re-issuance? the penalties of perjury that all statements herein are true and correct; ements for the class of license being applied for and in addition to the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any many time for the purpose of enforcing the provisions of Title 35 SDCL,
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of application was held, not less than SEVE	hearing was published Public hearing on the N (7) days after official publication. The governing body by majority ad certifies that requirements as to location and suitability of premises
	From Date
·	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

Date Received	101	29		121	
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Uniform Alcoholic Beverage License Application

omform Attonone Bev	erage Dicense Application
A. Owner Name and Mailing Address	B. Business Name and Address
NEIGHBORS GRUB AND PUB LLC 7280 FREEDOM LN	Lic # RL-24438 NEIGHBORS GRUB AND PUB LLC 7280 FREEDOM LN
SUMMERSET, SD 57718	SUMMERSET, SD 57718
Owner's Telephone#: (605) 186 - 1448	Business Telephone #: (605) 786 - 7688
C. Indicate the class of license being applied for (submit separate application for each class of license).	Place of business is located in a municipality? [Yes []No
X Retail (on-sale) Liquor	County: Mendl
Retail (on-sale) Liquor - Restaurant	Do you own [] or lease [x] this property? (Check one)
Convention Center (on-sale) Liquor	Are real property taxes paid to date? [✔] Yes [] No
Package (off-sale) Liquor	D. Legal description of licensed premise:
Retail (on-off sale) Wine and Cider	
Retail (on-off sale) Malt Beverage & SD Farm Wine Package Delivery	
Hunting Preserve	
Other	
Is this License in active use? [Y] Yes [] No	Have you ever been convicted of a felony?[] Yes [冬] No
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? [] Yes [YNo If Yes, please list on the back page	E. State Sales Tax Number: 1033-3285-ST F. New license?Transfer? (\$150) Re-issuance?
G. CERTIFICATE The undersigned applicant certifies under that the said applicant complies with all of the statutory requiragrees to permit agents of the Department of Revenue access and agrees this application shall constitute a contract between	the penalties of perjury that all statements herein are true and correct; rements for the class of license being applied for and in addition to the licensed premises and records as provided in SDCL 35-2-2.1, applicant and the State of South Dakota entitling the same or any my time for the purpose of enforcing the provisions of Title 35 SDCL,
H. APPROVAL OF LOCAL GOVERNING BODY- Notice of lapplication was held, not less than SEVE	hearing was published Public hearing on the N (7) days after official publication. The governing body by majority
vote recommends the approval and granting of this license and applicant have been reviewed and conform to the require	nd certifies that requirements as to location and suitability of premises ments of local and South Dakota law.
Renewal - no public hearing held Amount of fee collected with application \$ 1,200.0000. Amount of fee retained \$ 1,200.0000000000000000000000000000000000	
For Local Government Use	Transferred (State Use)
	From
(Seal) Mayor or Chairman	Sales tax approval Date
If disapproved, endorse reason thereon and return to applicant	STATE LIQUOD AUTHODITY APPROVAL PROVING

Date Recieved 10127121 Date Issued	License No
	Beverage License Application cial Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.
A. Owner Name and Address	B. Business Name and Address
James Schwab 12504 Ruby Road Black Hawk, SD 57718	Neighbor's Grub-n-Pub 7280 Freedom Lane Summerset, SD 57718
Owner's Telephone #: <u>(605) 415-5219</u>	Business Telephone #: <u>(605)</u> 716-7688
C. Indicate the class of license being applied for	D. Legal description of licensed premise:
(submit separate application for each class of license). Retail (on-sale) Liquor Retail (on-sale) Liquor - Restaurant Retail (on-off sale) Vine	Summerse+ USA Lot 24 Block 9
Package (off-sale) Liquor Retail (on-off sale) Malt Beverage Retail (on-off sale) Malt Beverage & SD Farm Wine Package (off sale) Malt Beverage Package (off sale) Malt Beverage & SD Farm Wine Other (please classify)	Have you ever been convicted of a felony? Yes No Do you own or lease this property? (Check one) E. State Sales Tax Number 1037-7003 57
Number of other Package Liquor Licenses held: Number of other On-sale Liquor Licenses held: Is this License in active use? Yes No	F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864. G. New license? Transfer? (\$150) Re-issuance?
that the said applicant complies with all of the statutory requestrated permit agents of the Department of Revenue access to the lie application shall constitute a contract between applicant and the premises, books and records at any time for the purpose Signed this 27th day of 6 ct 5 ct	
or notary public. This applies to ALL applications EXCEPT solicitors, dispensers, carriers, transportation companies, and	the following: distillers, manufacturers, wholesalers, municipalities, airports,
Place of business is located in a municipality? [X] Yes [] N	
This application was subscribed and sworn to before me the	his 2 day of October
Approving Officer's Telephone number (105)718-0	785 Signature: Carlow Slaly
APPROVAL OF LOCAL GOVERNING BODY – Notice of application was held, not less than vote recommends the approval and granting of this license applicant have been reviewed and conform to the requirement.	SEVEN (7) days after official publication. The governing body by majority and certifies that requirements as to location and suitability of premises and
Application approved for Sunday on-sale operation? [] Yes	A 11 (1 11 11 11 1 1 1 1 1 1 1

Are real property taxes paid to date? [] Yes [] No Ineligible for video lottery [] Number of video lottery terminals on licensed premise:	Amount of fee retained \$ Forwarded with application \$
For Local Government Use	Transferred (State Use)
	From:
(Seal)	Sales tax approval Date
Mayor or Chairman If disapproved, endorse reason thereon and return to applicant	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

Company supplement information (For corporate/partnership/LP/LLC applicants)

If supplement unchanged from last year check this box and sign below.

State of South Dakota)		Affidavit
County of Meade	:ss)		
We, the undersigned, being		pply the following information:	
	partnership/LP/LLC Neighb		
· · · · · · · · · · · · · · · · · · ·		corporation/partnership/LP/LLC 7280 Free	dom Lane Summerset, SD 57718
Date of incorporation			
~	ed with Secretary of State	1: KDKYG G 1 1 1 1 2 Voo	
		ship/LP/LLC of good moral character? Yes n/partnership/LP/LLC ever been convicted of a	. £-12 No
have any of the manag	ing officers of this corporation	m/partnership/LP/LLC ever been convicted of a	relony?
Name, title of office, occup	ation and address of each of th	e officers/owners of the corporation, partnership	o, LP or LLC:
Name	Office	Address	Occupation
James Schwab	Owner	12504Ruby Rd. Black Hawk, SD 57718	Manager
Angela Schwab	Owner	12504Ruby Rd. Black Hawk, SD 57718	Assistant Program Director
Name, address and occupat Name	tion of each of the directors of Address	the corporation:	Occupation
TNALLIC	Addicss		Occupation
Name and address of each	of the stockholders and percer	ntage of shares owned or held by each:	
Name	Address		Percentage of Shares
Name of any officers, direc	tors, partners or stockholders	of applicant having a financial interest or capita	I stock in any other retail liquor outlet:
Name	Type of License, Fin-	ancial Interest Held, and Address of Retail Outle	et
Where and with whom are	all company records kept, suc	h as charter, by-laws, minutes, accounts, notes	payable, and notes and accounts
receivable, etc?			
			
With signature the applica	int agrees to the following:		
		visions of ARSD chapter No. 64:75:02 of the De	
		h stock by the Secretary of Revenue and violati undersigned corporation, partnership/LP/LLC of	
		e for revocation or suspension of any license is	
	o renew such license upon exp		purdum to und in remainee on this
We the undersigned of	fficers and directors of the app	licant company acknowledge that the within su	
		arrangement concerning this or any other alcoh	
set form above. If company	y stock is to be transferred we	ask for approval of such voluntary stock transf	
	-metric Table		DAGE L. SE
Signature of Authorized	Officer/Director/Partner _		Z YOUNG TO
Subscribed and sworn to b	pefore me this 27th of	October 2021m	UCC/County, State of Squth Pakota.
			SEAL
My commission expires _	51912033	LawlandSlale	w w
ν		(Notary	Hubirc)
			OF SOUTH OR

AFFIDAVIT

STATE OF SOUTH DAKOTA)
COUNTY OF Meade ☑)
Neighbors Grub and Pub LLC , being first duly sworn on oath deposes and
says: That on the 4 day of October 2021 he was the owner of
the license/business/stock of Retail Liquor License situated on
(legal description) Summerset USA Lot 24 Block 9 in the city/county
of Summerset/Meade South Dakota and that on the said date he made a
transfer/sale of said license operated under an alcoholic beverage
license to James and Angela Schwab of Black Hawk South Dakota.
(signature) (owner) (signature) (owner)
Subscribed and sworn to before me this 4th day of October 2021.
SEAL (Notary Seal) OF SOUTH OF