

**SUMMERSET CITY COMMISSION  
REGULAR MEETING AND PUBLIC HEARING  
SUMMERSET MUNICIPAL BUILDING  
7055 LEISURE LANE  
THURSDAY FEBRUARY 1, 2018 7:00 P.M.**

Mayor Mandas called the Regular Meeting to order at 7:00 p.m. Commissioners Lutz, McCoy and Butler were present. Commissioner Kitzmiller was absent. Also present was the City Attorney, City Administrator and City Finance Officer.

Mayor Mandas led the Pledge of Allegiance.

**Motion** by Lutz, second by Butler to approve the agenda for February 1, 2018. Motion carried

**Motion** by Butler, second by McCoy to approve the January 18, 2018 Minutes as presented. Motion carried.

**APPROVAL OF CLAIMS**

**Motion** by Butler, second by Lutz to approve the claims, hand checks and payroll checks in the amount of \$92,568.25, from January 19, 2018 through February 1, 2018 as amended. Motion carried.

ALLEN, DON	Cell Phone	50.00
AMBROSE, JONATHAN	Cell Phone	50.00
BLACK HAWK WATER USERS	Meter Deposits	850.00
BLACK HAWK WATER USERS	Professional Services	100.00
BLACK HILLS ENERGY	Govt Utilities	5,116.71
BUTLER, DAVE	Cell Phone	50.00
FIRST INTERSTATE BANK	LE Auto Expense	855.74
GOLDEN WEST TECHNOLOGIES	Professional Services	607.42
HARMON, LONNIE	Cell Phone	50.00
HDR ENGINEERING, INC	Professional Services	14,574.16
HEALTH POOL OF SD	Insurance Expense	6,469.44
KITZMILLER, MICHAEL	Cell Phone	50.00
LUTZ, BRYCE	Cell Phone	50.00
MANDAS, GEORGE	Cell Phone	50.00
MBFS, USA LLC	Plow Debit Service	3,068.32
MEADE COUNTY REG OF DEEDS	Jenter/Polaris Vacation	120.00
MEADE COUNTY TREASURER	2018 Freightliner Title	20.00
OFFICE DEPOT CREDIT PLAN	Govt Supplies	37.73
PALMER, BRANDY	Cell Phone	50.00
PENNINGTON CO. HIGHWAY DEPT	Street Supplies	352.50
PROJECT SOLUTIONS	Professional Services	4,995.68
RAPID CITY JOURNAL	Publishing Expense	607.34
SD PUBLIC ASSURANCE ALLIANCE	Insurance Expense	24,420.62
SDRS-SUPPLEMENTAL	Retirement Expense	250.00
STEPHANIE MCCOY	Cell Phone	50.00
SAM'S CLUB	Govt Supplies	437.73
TANNER FENENGA	Cell Phone	50.00
TAYLOR, JUSTIN	Cell Phone	50.00
VAST	Govt Utilities	610.98
VERIZON WIRELESS	WWTP UTILITIES	200.06
Payroll:		
LE		13,867.77
FINANCE OFFICE		8,323.19
WWTP		5,363.45
COMMISSION		3,000.00
PUBLIC WORKS		4712.03

**PUBLIC HEARING**

**Motion** by Kitzmiller, second by McCoy to enter public hearing. Motion carried

Public input was heard regarding a Vacation of Utility Easement: Rice Mall Drive Family Properties -A portion of the 8’ wide Utility Easement located on Lot 234 Block 1 of Summerset USA. Located in S 1/2 NE ¼ NW ¼ and N ½ SE ¼ NW ¼ of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

Public input was heard regarding a Sign Variance Application: Rice Mall Drive Family Properties, applicant for a Variance for property located at Lot 234 Block 1 of Summerset USA. Located in S 1/2 NE ¼ NW ¼ and N ½ SE ¼ NW ¼ of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

Public input was heard regarding a Vacation of Access Easement: A portion of the 30’ wide Access and Utility Easement as Recorded in Plat Book 19 at Page 2. The Access Portion Only of the Easement across Lots SC5 and SC6 of Siouxland Estates and Tract 2 of Stage Stop Subdivision as shown in Plat Book 26 at Page 16 to the west property line of Lot 3 of Stage Stop Subdivision. Located in SE ¼ of the SE ¼ of Section 23, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

**Motion** by Lutz, second by Butler to close the public hearing. Motion carried.

**RESOLUTION 2018-05**

**CITY OF SUMMERSET  
RESOLUTION 2018-05**

**WHEREAS**, the City of Summerset, Meade County, a South Dakota municipal corporation having the authority to enforce all statutes and ordinances within its corporate boundaries, and to pass resolutions regarding properties within its corporate boundaries; and

**WHEREAS**, it is the City of Summerset’s duty to protect the health, safety, and general welfare of its citizens; and

**WHEREAS**, there has been presented to the Council of Commissioners, of the City of Summerset, South Dakota, a Utility Easement from Rice Mall Drive Family Properties, LLC, of 301 Cambell Street, Rapid City, South Dakota 57701 to grant a vacation of utility easement for the legally described property as follows:

Rice Mall Drive Family Properties -A portion of the 8’ wide Utility Easement located on Lot 234 Block 1 of Summerset USA. Located in S 1/2 NE ¼ NW ¼ and N ½ SE ¼ NW ¼ of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

**THEREFORE, BE IT RESOLVED**, that said the Utility Easement with the Meade County Recorder is hereby accepted in all respects.

Dated this \_\_\_\_\_ day of February 2018.

ATTEST:  
(SEAL)

\_\_\_\_\_  
Debbie Muzio  
Finance Officer

\_\_\_\_\_  
George Mandas  
Mayor

**Motion** by Lutz, second by McCoy to approve Resolution 2018-05. Resolution approving Vacation of Utility Easement: Rice Mall Drive Family Properties -A portion of the 8’ wide Utility Easement located on Lot 234 Block 1 of Summerset USA. Located in S 1/2 NE ¼ NW ¼ and N ½ SE ¼ NW ¼ of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota. Roll call vote, all ayes. Motion carried.

**Motion** by Butler, second by Lutz to approve Sign Variance Application: Rice Mall Drive Family Properties, applicant for a Variance for property located at Lot 234 Block 1 of Summerset USA. Located in S 1/2 NE 1/4 NW 1/4 and N 1/2 SE 1/4 NW 1/4 of Section 25, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota. Roll call vote, all ayes. Motion carried.

**RESOLUTION 2018-06**

**CITY OF SUMMERSET  
RESOLUTION 2018-06**

**WHEREAS**, the City of Summerset, Meade County, a South Dakota municipal corporation having the authority to enforce all statutes and ordinances within its corporate boundaries, and to pass resolutions regarding properties within its corporate boundaries; and

**WHEREAS**, it is the City of Summerset's duty to protect the health, safety, and general welfare of its citizens; and

**WHEREAS**, there has been presented to the Council of Commissioners, of the City of Summerset, South Dakota, a Access and Utility Easement from George Jenter, of 1010 Ball Park Road, Suite 2, Sturgis, SD 57785 to grant a vacation of the access portion only of the easement legally described property as follows:

A portion of the 30' wide Access and Utility Easement as Recorded in Plat Book 19 at Page 2. The Access Portion Only of the Easement across Lots SC5 and SC6 of Siouxland Estates and Tract 2 of Stage Stop Subdivision as shown in Plat Book 26 at Page 16 to the west property line of Lot 3 of Stage Stop Subdivision. Located in SE 1/4 of the SE 1/4 of Section 23, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

Such an easement hereby created is demonstrated, defined, and described in Exhibit "A"

**THEREFORE, BE IT RESOLVED**, that said the Access and Utility Easement is vacated with the Meade County Recorder hereby accepted in all respects.

Dated this \_\_\_\_\_ day of February 2018.

ATTEST:  
(SEAL)

\_\_\_\_\_  
Debbie Muzio  
Finance Officer

\_\_\_\_\_  
George Mandas  
Mayor

**Motion** by Lutz, second by Butler to approve Resolution 2018-06. Resolution approving Vacation of Access Easement: A portion of the 30' wide Access and Utility Easement as Recorded in Plat Book 19 at Page 2. The Access Portion Only of the Easement across Lots SC5 and SC6 of Siouxland Estates and Tract 2 of Stage Stop Subdivision as shown in Plat Book 26 at Page 16 to the west property line of Lot 3 of Stage Stop Subdivision. Located in SE 1/4 of the SE 1/4 of Section 23, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota. Roll call vote, all ayes. Motion carried.

**UTILITY BILLING ADJUSTMENTS**

**Motion** by Lutz, second by McCoy to approve utility billing adjustments of \$71,401.50 for the period of January 1, 2017- January 31, 2017.

**RESOLUTION 2018-07**

**CITY OF SUMMERSET  
RESOLUTION 2018-7**

**WHEREAS**, the City of Summerset Board of Commissioners, having the authority to enforce all laws, ordinances and statutes in its corporate boundaries and to act in the best interest of its citizens as it concerns health, safety, and welfare; and further

**WHEREAS**, the Summerset City Ordinances authorize the Board of Commissioners to establish, by Resolution, emergency primary snow removal areas designated as "Emergency Snow Routes" pursuant to Summerset Ordinance 18.01.01.

**NOW, THEREFORE, BE IT RESOLVED** that the following streets within the City of Summerset, South Dakota, are designated as Emergency Snow Routes as that term is defined in and understood pursuant to the applicable City Ordinances:

Emerald Heights Road  
Leisure Lane  
Savannah Lane  
West High Meadows to the City limits  
Freedom Lane  
Sun Valley Drive  
Telluride Street  
East and West Mulberry Drive  
Castlewood Drive  
Bellingham Drive  
Glenwood Drive  
Steamboat Road

**IT IS FURTHER RESOLVED**, that pursuant to Summerset Ordinance 18.01.02, the Director of Public works and/or his/her designees are authorized to issue snow removal declarations and that the Public Works Director's designees for this purpose are the Mayor, the Chief of Police and the City Administrator and that these officials are individually authorized to issue snow removal declarations.

Adopted at Summerset, South Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
George Mandas  
Mayor

ATTEST:

\_\_\_\_\_  
Debbie Muzio  
Finance Officer

(Seal)

**Motion** by Lutz, second by Butler to approve Resolution 2018-07. Resolution establishing emergency primary snow removal areas designated as "Emergency Snow Routes" pursuant to Summerset Ordinance 18.01.01. Roll call vote, all ayes. Motion carried.

**APPROVAL PURCHASING MEADE COUNTY LOTS**

**Motion** by Lutz, second by Butler to approve the purchasing of lots from Meade County. Roll call vote, all nays. Motion died from lack of vote.

**RESOLUTION 2018-08**

**CITY OF SUMMERSET  
RESOLUTION 2018-08**

**WHEREAS**, the City of Summerset, a South Dakota municipal corporation, is authorized by South Dakota law to acquire real property by lease, purchase, gift, condemnation or other lawful means within or without its corporate limits for all authorized purposes. SDCL 9-12-1(2); and

**WHEREAS**, there are certain lots located within the City boundaries owned by Meade County and legally described as follows:

Lots 32, 33, 34, 35 and 36, Block Seven, Summerset Subdivision, City of Summerset, Meade County, South Dakota; and

**WHEREAS**, the Summerset Board of Commissioners deems that it is in the City's best interest to attempt to acquire ownership of these lots for purposes relating to public welfare and safety, transportation and orderly planning with the ultimate platting and extension of a public right-of-way over and across portion of these lots to Recreational Drive; and

**WHEREAS**, the City and Meade County have further negotiated the acquisition of these lots and have agreed to the purchase price of \$10,000, along with the City taking ownership and control of the following real property: Drainage Lot, Summerset Subdivision, Block seven, City of Summerset, Meade County; and Outlot 4 of Summerset Subdivision, City of Summerset, Meade County, South Dakota.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners approves the Purchase Agreement negotiated with Meade County for the acquisition of the real property described herein on the terms stated in the Purchase Agreement; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the Purchase Agreement and to deliver the same to Meade County for the purchase and acquisition of the lots mentioned herein with the contingency that Meade County provide clean and marketable title to the above described property, free and clean of any liens or encumbrances, by way of warranty deed.

Dated: \_\_\_\_\_, 2018.

\_\_\_\_\_  
George Mandas  
Mayor

ATTEST:

\_\_\_\_\_  
Debbie Muzio, Finance Officer  
(Seal)

**Motion** by Lutz, second by Butler to approve Resolution 2018-08. Resolution approving the purchase of Lots 32, 33, 34, 35, 36, Drainage Lot, and Outlot 4 of Summerset Subdivision, City of Summerset, Meade County, South Dakota. Roll call vote, all ayes. Motion carried.

#### **APPROVE PLANNING AND ZONING COMMISSION APPOINTMENTS**

**Motion** by Lutz, second by McCoy to approve Don Hantzche for the Planning and Zoning Commission seat, with Brody Oldfield and Lonnie Cospers as alternatives.

#### **CITIZENS INPUT**

None

#### **ADJOURNMENT**

**Motion** for adjournment at 7:31pm pm by Butler, second McCoy. Motion carried.

(SEAL)  
ATTEST:

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Debbie Muzio  
Finance Officer

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George Mandas  
Mayor