

OFFICIAL PROCEEDINGS
CITY OF HERREID, SOUTH DAKOTA

August 2, 2021

The Herreid City Council was called to order by Council President Adrienne Dupper on the above date at 7:30pm at City Hall. The following members were present: A. Dupper, K. Rossow, R. Rossow, P. Weisbeck, Lacy Fuehrer, and K. Haar, with Mayor Weismantel absent. Also, present were: M. Neeley, Finance Officer; R. Goehring, Maintenance Supervisor; K. Beck; Pool Manager, and Orland Geigle; Prairie Pioneer.

Moved by K. Rossow, seconded by Fuehrer to approve the agenda. All members present voted aye, motion carried.

Moved by Weisbeck, seconded by Haar to approve the minutes from the July 6, 12, and 14, 2021 All members present voted aye, motion carried.

Fuehrer moved, K. Rossow seconded to approve the following regular and additional claims except for the B&B claim. All members present voted aye, motion carried.

	JULY 2021 CLAIMS	
PAYROLL	FINANCE	\$3,681.13
PAYROLL	STREETS	\$4,225.14
PAYROLL	WATER	\$2,554.94
PAYROLL	SEWER	\$2,554.94
PAYROLL	POOL	\$6,603.60
A&B REPAIR LLC	FOGGER REPAIR	\$132.00
BAUMANN'S SERVICE STATION	FUEL	\$92.11
CAMPBELL COUNTY BANK	ACH FEES	\$30.00
CAMPBELL COUNTY-SHERIFF S DEPT	SERVICES	\$2,062.46
CAROL OTTENBACHER	CLEANING	\$100.00
CHEYENNE WURTZ	TRAINING REIMB	\$50.00
COMMUNITY ACTION GROUP (CAG)	COMM FOUND GRANT PASS THRU GRIDDLES	\$300.00
DANR	DRINKING WATER PERMIT	\$180.00
ELMERS WELDING	FALLEN TREE REMOVAL	\$300.00
FINANCIAL AGENT	PAYROLL TAXES	\$739.56
FRESH START MARKET	SR CTR SUPPLY	\$79.53
HAWKINS, INC.	CHLORINE/CYLINDERS	\$3,150.19
HEARTLAND WASTE MANAGEMENT	GARBAGE COLLECT	\$4,725.00
HERREID LUMBER	SUPPLIES	\$239.41
HERREID SUMMERFEST	COMM FOUND GRANT PASS THRU ROASTER	\$350.00
HUBER & SON	SUPPLIES-PARTS	\$67.50
JENNA JOCHIM	SUIT REIMBURSEMENT	\$75.00
MARGARET NEELEY	SWIMSUIT REIMB	\$75.00
MELINDA NEELEY	TRAINING REIMB-MATT, MASON, MAGGIE	\$485.52

MONTANA DAKOTA UTILITIES	UTILITIES	\$1,767.89
PRAIRIE PIONEER	PUBLISHING-ENVELOPES	\$376.77
PUDWILL & SONS	NEW SVC QUASH 6TH LOT 6	\$4,800.00
RIEKER ELECTRIC	POOL PUMP SERVICE	\$518.90
SD DEPT OF HEALTH	COLIFORM TEST	\$15.00
SD DEPT OF REVENUE	SALES TAX	\$683.18
SD ONE CALL	LOCATES	\$3.36
SD REEMPLOYMENT ASSISTANCE DIV	UI FOR 2ND QTR 2021	\$32.39
SD RETIREMENT	RETIREMENT	\$1,044.08
SERVALL	UNIFORMS	\$116.13
SHARE CORPORATION	SUPPLIES	\$213.52
SLATER OIL & LP	UTILITIES	\$364.00
SLATER OIL & LP	UTILITIES	\$336.70
US BANK TRUST	2014 LOAN WW PROJ-QTR PAY	\$9,079.38
USDA - RURAL DEVELOPMENT	SEWER IMP LOANS	\$7,727.00
VALLEY TELCO	UTILITIES	\$343.52
VISA	SUPPLIES-RED CROSS-STREETS	\$2,274.82
WEB WATER DEVELOPMENT	WATER	\$9,431.73
Additional Claims		
B & B Construction	Pynt #7-Final	\$308,531.90
Helms & Associates	Final Sewer Proj fees	\$21,913.10
Jensen Rock & Sand	Asphalt Patch-replaces June invoice	\$48,253.31

Sheriff's Reports for July 2021 was reviewed.

Problem Resolution Forms-Discussed form received from Dick Werner regarding draining issues at the new HAHD twin home project (203 and 205 Ash St NE). K. Rossow will use Herreid Concrete's equipment to determine the elevations and potential resolutions and share with FO Neeley who will then contact contractors for estimates.

Building Permits

Moved by Fuehrer, seconded K. Rossow, all present voted aye, motion carried to approve a building permit for Bill Fischer to replace the insulation and rubber roof at 104 Main St N.

Public Comments

Heard that Dick Werner has requested the city donate a family pool pass and 10 individual skate passes to be used at the pool fundraising event-Mexican Night Community Dinner and Silent Auction-August 28th 4:30-7:00PM. Moved by R. Rossow, seconded by Haar, all members present voted aye, motion carried to approve the full request.

Moved by Dupper, seconded by Fuehrer to enter executive session at 7:40pm, all members present voted aye motion carried, Geigle and Beck left the meeting. At 7:46PM moved by Haar, seconded by Fuehrer to exit executive session, all members present voted aye, motion carried. No action was taken, Geigle and Beck re-joined the meeting.

Old Business

Pool Operations-Beck reported: the pool is open, and that the last day for regular hours is scheduled to be Aug 15th with some modified hours thru the 19th; Fund raising T-shirts are available for order at the pool and on the FB page; some interest in private parties has been expressed with recommended cost of \$100 for 2hrs and \$50 for each additional hour; bathrooms are a point of concern as they cannot be kept clean due to the deterioration of the building. Following

discussions: Moved by Fuehrer, seconded by R. Rossow, all members present voted aye, motion carried to allow the fire department to use the pool for a private party at no charge. Maintenance Goehring was directed to close the bathrooms at the outside of pool, near the park.

Land and Water Conservation Agreement-moved by Weisbeck, seconded by Haar, all members present voted aye, motion carried to sign the agreement for the \$230,000 grant for the Pool Improvement Project.

Sewer Project-Certificate of Completion-Discussed letter from Helms & Associates to B&B regarding final punch list items. Issue was tabled, with no motion to approve-as claim for B&B was not approved-until more information is received about B&B's timeline for completing the punch list.

Streets-Bids open at 7:45PM

One bid for the Paving Project-North was received. The bid was submitted by Jensen Rock & Sand: \$5,000 Mobilization, \$12,373.26 Base Work, \$108,428.61 Asphalt Concrete Composite Class E for a total bid of \$125,801.87. Council heard that the Resolution of Necessity was published, but not effective until 20 days after publishing (Aug. 11), as such moved by Fuehrer, seconded by R. Rossow, all members present voted aye, motion passed to accept the bid, contingent upon the project moving forward after Aug. 11, 2021. Further discussion involved consideration that the city limit or offset the number of linear feet charged to some impacted residents. FO Neeley was directed to contact the City Attorney to see if any such changes could be considered based on the language of the Resolution of Necessity, no action was taken by Council.

Drainage-Heard that Roehrich Construction will be in town the week of Aug 2nd to review catch basin work that needs to be completed and will provide estimates at that time.

Emergency Siren-No new information

Code Enforcement-Heard that some complaints have been received regarding the condition of some sheds and flies populating in bedding disposed of in dumpsters. The code enforcement vendor will be asked about the shed, when they return to town, and FO Neeley will contact Heartland Waste to determine if they have any suggestions regarding the fly issue.

Marijuana Ordinance-Following discussion moved by K. Rossow, seconded by R. Rossow, all members present voted aye, motion passed to approve:

ORDINANCE NO. 2021-01

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, the Municipality of Herreid, SD ("Municipality"), makes a preliminary finding that the Municipality's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet

know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the City Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, and the Municipality Charter to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HERREID, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: August 2, 2021

Gary Weismantel, Mayor

ATTEST:

Melinda Neeley, Finance Officer

Web Water Rates-Discussed notice of increased rates from Web Water, to be effective 10-1-2021 and current performance of Water Fund. Moved by K Rossow, seconded by Weisbeck, all members present voted aye, motion passed to increase base charges for city water service by \$1.00 per month.

New Business-Roofing at city shop-reviewed estimates moved by Weisbeck, seconded by K. Rossow to have Tony Zacher patch the shingles that have been damaged/blown off at an anticipated cost of between \$800 and \$900.

Drinking Water Recognition-Heard that both the City of Herreid and Ryan Goehring have received Certificates of Achievements for the Public Water System. Press releases have been shared with the Prairie Pioneer.

County Road Bridge Tax-Heard that the Campbell County Commissioners have shared that the city will receive 25% of the funds collected if the county's new Road and Bridge Tax is implemented.

NECOG Renewal rates-Heard that the cost for NECOG will increase by \$27.47 in 2022 to \$1,692.15 as an annual premium.

Winter snow removal-Heard that Barry Larson has expressed an interest in helping the city with snow removal this winter.

Maintenance Report-Maintenance Goehring reported that he has been focusing on spreading gravel and maintaining the pool. An auger has been donated and installed by David Schumacher to allow water to be distributed from the city well via a top fill system. Lance Vander Vorst has requested the City have the stumps by the fire hall ground, Goehring will ask Elmer Schick to work on the stumps. Goehring will be working on the cemetery in the coming week.

Finance Report-Fund balances, expenditures, revenue accounts, sales tax receipts, and delinquent utility accounts were reviewed. FO Neeley was directed to notify three inactive account holders that failure to pay the outstanding balances will result in the accounts being turned over to collections. Additionally, three active accounts will be notified that they must pay their balance within 15 days or make payment arrangements to avoid service disconnection.

Executive Session-At 10:12PM K Rossow moved, Haar seconded to go into Executive Session pursuant to SDCL 1-25-2 (1) personnel. All members present voted aye; motion carried. At 10:50PM Council President Dupper declared the council out of Executive Session. Goehring was directed to track his time and the water being distributed from the well by customer, F.O. Neeley was directed to bill monthly for bulk water usage.

The next regularly scheduled Council meeting will be Monday, September 6th at 7:30pm.

With no further business, moved by Dupper, seconded by R. Rossow, all members present voted aye, motion passed, meeting was adjourned at 11:05PM.

Gary Weismantel, Mayor

ATTEST: _____
Melinda Neeley, Finance Officer

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