

**OFFICIAL PROCEEDINGS  
CITY OF HERREID, SOUTH DAKOTA  
Monday, August 5, 2024**

The Herreid City Council was called to order by council Mayor Gary Weismantel on the above date at 7:30pm at City Hall. The following members were present: Brady Vander Vorst; Canaan Winthrop; Adrienne Dupper; and Troy Fuehrer. Absent were Bob Rossow and Kim Rossow. Also present were: Keith Hall, Finance Officer; Brett Van Vugt; Maintenance; and Karen Speidel, Selby Record; Lance Vander Vorst, Herreid School; Kayla Huber, Town & Country Gals & HEDC; Steve Deibert, Citizen.

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

Moved by Winthrop, seconded by Vander Vorst to approve the minutes from the July 8<sup>th</sup> and July 23<sup>rd</sup> meetings. All members present voted aye; motion carried.

Moved by Dupper, seconded by Fuehrer to approve the normal July claims as well as one unusual claim to Sanitation Products for street sweeper parts for a total of \$1,757.94. All members present voted aye; motion carried.

**July 2024 Claims**

|                               |                                      |             |
|-------------------------------|--------------------------------------|-------------|
| 24/7 Gas                      | Fuel                                 | \$144.07    |
| Cahill Bauer & Associates     | 2023 Audit Services                  | \$2,700.00  |
| Campbell County Sheriff       | Services                             | \$3,112.80  |
| Code Enforcement Specialist   | Services                             | \$390.96    |
| Curtis Rud Oil                | LP Fuel                              | \$1,219.75  |
| DANR                          | Certification Exam                   | \$60.00     |
| DANR                          | Annual Permit Fees                   | \$180.00    |
| Devan Brockel                 | Swimwear Reimbursement               | \$57.09     |
| E-lifeguard                   | Pool Equipment                       | \$121.50    |
| Financial Agent               | Payroll Taxes                        | \$3,386.39  |
| Fresh Start Market            | Supplies                             | \$99.31     |
| George Logan LLC              | Pothole Repairs                      | \$6,000.00  |
| Heartland Waste               | Garbage Collection                   | \$5,670.00  |
| Herreid Lumber                | Supplies & Materials                 | \$33.73     |
| Herreid Super Stop            | Fuel                                 | \$292.28    |
| Holiday Inn Convention Center | Room for FO School                   | \$245.97    |
| Huber & Son                   | Supplies & Services                  | \$1,606.92  |
| Janco Specialized Surfaces    | Resurfacing - Pickleball Association | \$10,000.00 |
| Jenna Jochim                  | Swimwear Reimbursement               | \$100.00    |
| Katelyn Engelhart             | Swimwear Reimbursement               | \$98.42     |
| Kathy Bohle                   | Fitness Center Cleaning              | \$100.00    |
| MDU                           | Utilities                            | \$2,054.87  |
| NoDak True Value - Linton     | Supplies for Pool                    | \$219.98    |
| Prairie Pioneer               | Publishing                           | \$215.12    |
| Quill Corp                    | Supplies                             | \$55.07     |
| Rec Supply                    | Pool Supplies                        | \$502.26    |
| Rieker Electric               | Services                             | \$593.39    |
| Runnings                      | Supplies                             | \$25.45     |
| SD Dept of Health             | Sampling Fees                        | \$15.00     |
| SD Dept of Revenue            | Sales Tax                            | \$918.55    |
| SD Municipal League           | Conference Fee                       | \$50.00     |
| SD Retirement                 | Retirement                           | \$1,057.92  |
| SD One Call                   | Locates                              | \$3.36      |

|                 |                                  |             |
|-----------------|----------------------------------|-------------|
| SD Reemployment | Unemployment Insurance           | \$21.54     |
| Servall         | Rugs                             | \$37.21     |
| Tim Pudwill     | Services                         | \$289.00    |
| US Bank & Trust | Qtrly Loan Payment - Sewer Proj  | \$9,079.38  |
| USDA            | Loan Payments for Sewer Projects | \$7,727.00  |
| Valley Telco    | Utilities                        | \$367.48    |
| Visa            | Supplies                         | \$726.11    |
| WEB Water       | Bulk Water                       | \$10,507.30 |

#### **Payroll**

|                 |            |
|-----------------|------------|
| Finance Dept    | \$2,599.39 |
| Streets Dept    | \$2,802.31 |
| Water Dept      | \$1,295.47 |
| Sewer Dept      | \$1,295.47 |
| Cemetery Dept   | \$495.23   |
| Parks Dept      | \$830.17   |
| Pool            | \$4,696.80 |
| Council & Mayor | \$2,470.36 |

**Public Comments:** Heard one matter of concern related to Code Enforcement from citizen Steve Deibert.

#### **Old Business:**

- **Pool** – Item moved to Executive Session pursuant to SDCL 1-25-2 (4) legal
- **Water/Wastewater Certification** – Heard that Van Vugt is scheduled to retake the Water Distribution Certification exam on Wednesday, August 8<sup>th</sup> in Mitchell, SD. The council will revisit the possibility of contracting with another city based on results from Van Vugt's exam results.
- **Water Tower Change Order #1** – Heard that the change order for the overflow pipe replacement totals \$19,930. FO Hall received an itemized cost list for the replacement from Maguire Iron and that list was discussed in detail. Following discussion, motion was made by Dupper, seconded by Vander Vorst to approve payment of the change order. All members present voted aye; motion carried.

#### **New Business:**

- **Special Alcoholic Beverage License Hearing – Town & Country Gals** – Hearing was held for a request and application for a Special Alcoholic Beverage License from Town & Country Gals for the End of Summer Bash. Following discussion, motion was made by Dupper, seconded by Winthrop to approve the application. All members present voted aye; motion carried.
- **Town & Country Gals End of Summer Bash** – Heard from K. Huber that the Town and Country Gals are requesting approval for several street closures during the End of Summer Bash. Following discussion, the general agreement of the council was to allow the requested closures.
- **HEDC Community Collaboration** – Heard from K. Huber representing HEDC on a project that the Eureka EDC had presented to her. The project would involve collaboration of multiple communities in the area. Learned that it's design and purpose is to help our communities work together to promote local events and businesses across the region. Huber will continue to gather more information and give updates as available. No action was taken.
- **Herreid School, North Sidewalk** – Heard from L. Vander Vorst of Herreid School that according to the contractors, the cost estimates have come back much higher than original estimates for north side paving of the school addition project. At a previous meeting, the city had voted to commit up to \$6,000 toward the cost of replacing the sidewalk on the north side of the school. That also involved filling in the old drainage system under that sidewalk. Vander Vorst explained that the new estimates came back at about \$63,000 which included the sidewalk replacement and the paving of the new parking pad that is to be added. He said that about \$22,000 of that cost will be for the asphalt paving part and about 55% of the remaining \$43,000 would be for the sidewalk replacement, not including filling in the old drainage system. Vander Vorst approached the city to see if they would be able to help cover more than the \$6,000 previously committed. After further discussion Brady Vander Vorst motioned, Fuehrer seconded to approve an additional \$12,000 totaling up to \$18,000. All members present voted aye; motion carried. It was noted that the total of up to \$18,000 would help cover about half of the cost to replace the sidewalk and fill in the old drainage system.
- **Correction of June 10<sup>th</sup> minutes** – Motion was made by Fuehrer, seconded by Dupper to approve a correction of the June 10, 2024 meeting minutes. In the claims list of the original minutes, it was stated that the city paid Fresh Start Market \$2,057.24 for Supplies in May 2024. The correction was that the city

paid Financial Agent the \$2,057.24 for payroll taxes in May not Fresh Start Market. All members present voted aye; motion carried.

-- **SDML Annual Conference** – Heard from Hall that the 2024 SDML Annual Conference was set for October 8<sup>th</sup> – 11<sup>th</sup> in Sioux Falls. Motion was made by Dupper, seconded by Winthrop to approve payment of the registration cost and travel cost for any member or city employee attending the conference. All members present voted aye; motion carried.

-- **Fitness Center TV** – Discussion was held on what action could be taken to possibly replace cable service at the Fitness Center once Valley cable services are no longer available. No definitive decision was reached, but the council directed Hall to reach out to Valley and others on possible solutions and report any updates.

-- **Lead Free SD Project** – Learned that the only update available was that things will be kicking off soon.

-- **Ordinance Amendment 2024-04 (2<sup>nd</sup> reading)** – Held the second reading of Ordinance Amendment 2024-04 which will amend city code 6.08.050 to move the stated fee charged for garbage collection to the Appendix A – City Fee Schedule of the code. It will also amend city code 6.08.080 and 6.08.110 to address violations and penalties for abusing the city's rubble site rules. Motion made by Dupper, seconded by Winthrop to approve as read. A roll call vote was held with Dupper voting aye; Vander Vorst voting aye; Winthrop voting aye; Fuehrer voting aye. Motion carried. The ordinance will go into effect August 25, 2024 and can be found on the city website ([www.herreidsd.com](http://www.herreidsd.com)) thereafter.

-- **Ordinance Amendment 2024-05 (2<sup>nd</sup> reading)** - Held the second reading of Ordinance Amendment 2024-05 which will amend city code 3.04.030 to move the stated building department fees schedule to the Appendix A – City Fee Schedule of the code. Motion made by Dupper, seconded by Fuehrer to approve as read. A roll call vote was held with Dupper voting aye; Vander Vorst voting aye; Winthrop voting aye; Fuehrer voting aye. Motion carried. The ordinance will go into effect August 25, 2024 and can be found on the city website ([www.herreidsd.com](http://www.herreidsd.com)) thereafter.

**Maintenance Report:**

Heard maintenance updates from Van Vugt.

**Finance Report:**

Reviewed financial reports and heard an update on delinquent utility accounts from Hall.

At 8:57pm, the motion was made by Winthrop and seconded by Fuehrer to go into Executive Session pursuant to SDCL 1-25-2 (1) personnel. All members present voted aye; motion carried. At 9:30pm, Mayor Weismantel declared the council out of Executive Session. Upon coming out of Executive Session, motion was made by Winthrop, seconded by Vander Vorst to hire Alan Allbee as part-time Deputy Finance Officer at the hourly wage of \$15.00. All members present voted aye; motion carried. At 9:32pm, the motion was made by Fuehrer and seconded by Vander Vorst to go into Executive Session pursuant to SDCL 1-25-2 (4) legal. All members present voted aye; motion carried. At 9:53pm, Mayor Weismantel declared the council out of Executive Session. No action was taken.

The next regularly scheduled Council meeting is scheduled for Wednesday, September 4<sup>th</sup> at 7:30pm.

With no further business, the meeting was adjourned at 9:54pm.

APPROVED: \_\_\_\_\_  
Gary Weismantel, Mayor

ATTEST: \_\_\_\_\_  
Keith Hall, Finance Officer

*This institution is an equal opportunity provider.*

**CITY OF HERREID  
ORDINANCE 2024-04**

**AN ORDINANCE AMENDING SECTIONS 6.08.050, 6.08.080, AND 6.08.110 OF  
THE HERREID MUNICIPAL CODE RELATING TO COSTS, BILLING AND  
COLLECTIONS; MATERIALS ACCEPTABLE FOR DISPOSAL; AND REMOVAL  
OF MATERIAL FROM LANDFILL, AND PROVIDING FOR FINES AND  
PENALTIES FOR VIOLATIONS**

**NOW THEREFORE**, be it ordained by the City Council of the City of Herreid, in the State of South Dakota, as follows:

**SECTION 1:**        **AMENDMENT** “6.08.050 Costs, Billing And Collections” of the Herreid Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

6.08.050 Costs, Billing And Collections

- (a) A fair and reasonable charge for the collection of the contents at each regular collection time from each family domestic unit shall be as set by resolution of the city council. Any exemptions from this charge shall also be determined by resolution of the city council.
- (b) All patrons receiving city garbage collection service shall be charged a monthly fee for garbage collection service, which will be included on the monthly city services bill and shall be collected at the same time as the city services bill is collected. The city will not accept payment for city services without payment of the garbage collection service fee.
- (c) The city finance officer, with the approval of the city council, may from time to time adopt and use, and may also enforce other methods of billing and collecting such charges as may appear efficient, feasible and appropriate to the end that, in every case, each unit shall pay the collection charge provided for in this chapter.
- (d) The city finance officer shall collect a delinquent garbage collection service fee as a condition precedent to the payment of any water, sewer, utility or other charge collected by the city as permitted by SDCL 34A-6-29 or acts amendatory thereto. If the monthly garbage collection service charges are not paid within 30 days of the billing date, they shall be considered delinquent.
- (e) Failure of the occupant of a family domestic unit to pay the collection charges when due will constitute grounds for the terminating of garbage collection, water services, gas service and electric service in any manner authorized by state law.

(Ord. No. 200, § 5, 1-6-1992)

**AFTER AMENDMENT**

#### 6.08.050 Costs, Billing And Collections

- (a) A fair and reasonable charge for the collection of the contents at each regular collection time from each family domestic unit shall be as set by resolution of the city council. Any exemptions from this charge shall also be determined by resolution of the city council.
- (b) All patrons receiving city garbage collection service shall be charged a monthly fee as stated in Appendix A - City Fee Schedule for garbage collection service, which will be included on the monthly city services bill and shall be collected at the same time as the city services bill is collected. The city will not accept payment for city services without payment of the garbage collection service fee.
- (c) The city finance officer, with the approval of the city council, may from time to time adopt and use, and may also enforce other methods of billing and collecting such charges as may appear efficient, feasible and appropriate to the end that, in every case, each unit shall pay the collection charge provided for in this chapter.
- (d) The city finance officer shall collect a delinquent garbage collection service fee as a condition precedent to the payment of any water, sewer, utility or other charge collected by the city as permitted by SDCL 34A-6-29 or acts amendatory thereto. If the monthly garbage collection service charges are not paid within 30 days of the billing date, they shall be considered delinquent.
- (e) Failure of the occupant of a family domestic unit to pay the collection charges when due will constitute grounds for the terminating of garbage collection, water services, gas service and electric service in any manner authorized by state law.

(Ord. No. 200, § 5, 1-6-1992)

**SECTION 2:            AMENDMENT “6.08.080 Materials Acceptable For Disposal”**  
of the Herreid Municipal Code is hereby *amended* as follows:

#### BEFORE AMENDMENT

##### 6.08.080 Materials Acceptable For Disposal

- (a) It is unlawful for any nonresident of the city to use the city rubble site.
- (b) No petroleum fuel tanks shall be disposed of at the city rubble site. Items acceptable for disposal at the city rubble site include:
  - (1) *Construction and demolition debris.* Concrete, asphaltic concrete, brick, stonework, concrete block, asphalt or fiberglass shingles, painted or stained wood, attached insulation and similar wastes.
  - (2) *Trees and burnables.* Scrap lumber, untreated wood, tree and tree branches.
  - (3) *White goods; metals.* Refrigerators (no freon), washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals.
  - (4) *Yard waste.* Leaves, grass clippings and similar vegetation.

- (c) All items not listed in this section as acceptable for disposal are prohibited. Prohibited items include, but are not limited to, waste oil, batteries, tires, treated wood, household garbage, paint, cardboard, plastic (including garbage bags), styrofoam, packaging materials, foam rubber, fuel tanks and other similar items.

(Ord. No. 2018-03, 8-6-2018)

#### AFTER AMENDMENT

##### 6.08.080 Materials Acceptable For Disposal

- (a) It is unlawful for any nonresident of the city to use the city rubble site.
- (b) No petroleum fuel tanks shall be disposed of at the city rubble site. Items acceptable for disposal at the city rubble site include:
- (1) *Construction and demolition debris.* Concrete, asphaltic concrete, brick, stonework, concrete block, asphalt or fiberglass shingles, painted or stained wood, attached insulation and similar wastes.
  - (2) *Trees and burnables.* Scrap lumber, untreated wood, tree and tree branches.
  - (3) *White goods; metals.* Refrigerators (no freon), washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals.
  - (4) *Yard waste.* Leaves, grass clippings and similar vegetation.
- (c) All items not listed in this section as acceptable for disposal are prohibited. Prohibited items include, but are not limited to, waste oil, batteries, tires, treated wood, household garbage, paint, cardboard, plastic (including garbage bags), styrofoam, packaging materials, foam rubber, fuel tanks and other similar items.

(d) Violations and Penalties

- (1) Any person found to be in violation of this ordinance shall be subject to a fine not exceeding \$500 for each offense.
- (2) Non-residents found using the city rubble site will be fined \$150 for the first offense and \$250 for each subsequent offense.
- (3) Disposal of prohibited items will result in a fine of \$100 per item for the first offense and \$200 per item for each subsequent offense.
- (4) Failure to comply with the proper disposal of white goods (e.g., ensuring no freon in refrigerators) shall be subject to a fine of \$150 per item.
- (5) The city reserves the right to revoke rubble site access for repeat offenders after three (3) violations.
- (6) Fines must be paid within thirty (30) days of issuance. Failure to pay such fines may result in further legal action and additional penalties.

(Ord. No. 2018-03, 8-6-2018)

**SECTION 3:**        **AMENDMENT** “6.08.110 Removal Of Material From Landfill” of the Herreid Municipal Code is hereby *amended* as follows:

## BEFORE AMENDMENT

### 6.08.110 Removal Of Material From Landfill

It is unlawful for any person to pick up, salvage, recycle, rummage through, or take from the city landfill any garbage or refuse of any kind or nature whatsoever, except those items which have been sorted and placed in an area designated by the superintendent of public works, or his designee, for removal during normal landfill hours and after permission is obtained from the landfill caretaker on duty.

## AFTER AMENDMENT

### 6.08.110 Removal Of Material From Landfill

- (a) It is unlawful for any person to pick up, salvage, recycle, rummage through, or take from the city landfill any garbage or refuse of any kind or nature whatsoever, except those items which have been sorted and placed in an area designated by the superintendent of public works, or his designee, for removal during normal landfill hours and after permission is obtained from the landfill caretaker on duty.
- (b) Any person found to be in violation of this ordinance shall be subject to a fine of \$150 for the first offense and \$250 for each subsequent offense.
- (c) The city reserves the right to revoke rubble site access for repeat offenders after three (3) violations.
- (d) Fines must be paid within thirty (30) days of issuance. Failure to pay such fines may result in further legal action and additional penalties.

**CITY OF HERREID  
ORDINANCE 2024-05**

**AN ORDINANCE AMENDING SECTION 3.04.030 OF THE HERREID  
MUNICIPAL CODE RELATING TO FEES FOR BUILDING DEPARTMENT  
SERVICES AND REFERENCING APPENDIX A - CITY FEE SCHEDULE**

**NOW THEREFORE**, be it ordained by the City Council of the City of Herreid, in the State of South Dakota, as follows:

**SECTION 1:**        **AMENDMENT** “3.04.030 Fees For Building Department Services” of the Herreid Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

3.04.030 Fees For Building Department Services

The following fees shall be assessed for activities and services performed by the department in carrying out its responsibilities under this title:

Building Department Fees

| <i>Service</i>             | <i>Amount</i> |
|----------------------------|---------------|
| Labor—per person, per hour | \$35.00       |
| Payloader—per hour         | \$125.00      |
| Skid steer—per hour        | \$100.00      |
| Truck—per hour             | \$100.00      |
| Pickup—per hour            | \$100.00      |
| Blade—per hour             | \$100.00      |
| Tractor—per hour           | \$100.00      |
| Tractor-mower—per hour     | \$100.00      |
| Bat wing mower—per hour    | \$100.00      |
| Riding mower—per hour      | \$75.00       |
| Push mower—per hour        | \$50.00       |
| Weed eater—per hour        | \$50.00       |
| Chain saw—per hour         | \$50.00       |
|                            |               |

|                       |          |
|-----------------------|----------|
| Sewer jetter—per hour | \$100.00 |
|-----------------------|----------|

(Ord. No. 2015-03, § 103.5, 12-7-2015)

## AFTER AMENDMENT

### 3.04.030 Fees For Building Department Services

The following fees, stated in Appendix A - City Fee Schedule, shall be assessed for activities and services performed by the department in carrying out its responsibilities under this title:

#### Building Department Fees

| <i>Service</i>             | <i>Amount</i> |
|----------------------------|---------------|
| Labor—per person, per hour | \$35.00       |
| Payloader—per hour         | \$125.00      |
| Skid steer—per hour        | \$100.00      |
| Truck—per hour             | \$100.00      |
| Pickup—per hour            | \$100.00      |
| Blade—per hour             | \$100.00      |
| Tractor—per hour           | \$100.00      |
| Tractor-mower—per hour     | \$100.00      |
| Bat wing mower—per hour    | \$100.00      |
| Riding mower—per hour      | \$75.00       |
| Push mower—per hour        | \$50.00       |
| Weed eater—per hour        | \$50.00       |
| Chain saw—per hour         | \$50.00       |
| Sewer jetter—per hour      | \$100.00      |

(Ord. No. 2015-03, § 103.5, 12-7-2015)