

**SUMMERSET CITY COMMISSION  
REGULAR MEETING  
SUMMERSET MUNICIPAL BUILDING  
7055 LEISURE LANE  
THURSDAY SEPTEMBER 03, 2020 6:00 P.M.**

**AGENDA**

**1) ROLL CALL**

Kitzmiller, McCoy, Butler, Lutz, Hirsch

**2) PLEDGE OF ALLEGIANCE**

**3) CALL FOR CHANGES**

Approval of the Agenda of the Regular Meeting of the Summerset City Commission for September 03, 2020 as presented or amended.

**4) CONSENT CALENDAR**

**APPROVAL OF THE MINUTES**

- 4A)** Approval of the minutes of the Regular Meeting August 20, 2020 as presented or amended.

**APPROVAL OF THE CLAIMS**

- 4B)** Approval of claims, hand checks in the amount of \$185,356.97 from August 21, 2020 to September 02, 2020 as presented or amended.

**5) PUBLIC HEARING**

**5A)** Motion to open public hearing on the following:

Request for rezoning from R3 to GC for: New Leaf LLC Plat of Tract 1 of Pine Hills Subdivision (Formerly the remainder of Lot B of the NE ¼ of the SE ¼ of Section 36, Less Sturgis Road & Emerald Heights Road ROW) Located Section 36, T3N, R6E, BHM, Summerset, Meade County, South Dakota

**5B)** Action item – Vote on proposed public hearing item

Request for rezoning from R3 to GC for: New Leaf LLC Plat of Tract 1 of Pine Hills Subdivision (Formerly the remainder of Lot B of the NE ¼ of the SE ¼ of Section 36, Less Sturgis Road & Emerald Heights Road ROW) Located Section 36, T3N, R6E, BHM, Summerset, Meade County, South Dakota

- 6) **ORDINANCE TSO 2020-02**  
First reading of Ordinance TSO 2020-02 and Ordinance to rezone New Leaf LLC Plat of Tract 1 of Pine Hills Subdivision (Formerly the remainder of Lot B of the NE ¼ of the SE ¼ of Section 36, Less Sturgis Road & Emerald Heights Road ROW) Located Section 36, T3N, R6E, BHM, Summerset, Meade County, South Dakota
- 7) **BUDGET ORDINANCE TSO 2021-01**  
First reading of Budget Ordinance TSO 2021-01
- 7) **UTILITY BILLING ADJUSTMENTS**  
Approval of utility billing adjustments of \$685.36 for the period of August 1, 2020 to August 31, 2020
- 8) **ORDINANCE TSO 2020-01**  
Second reading of Ordinance TSO 2020-01 An Ordinance to zone Powles Land Development, LLC- Lots 17 thru 19, Block 1; Lots 5 thru 8, Block 2; and Lots 1 thru 12, Block 5; and Dedicated Public Right-of-Way for Glenwood Drive and Arapahoe Street of Sun Valley Estates. Formerly a Portion of the Un-platted Portion of the SE ¼ of Section 14 Township 4 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota
- 9) **CITIZENS INPUT**
- 10) **ITEMS FROM CITY ATTORNEY**  
Executive Session per SDCL 1-25-2 for discussing legal, economic development, and personnel issues.
- 11) **ADJOURNMENT**

***Information regarding accessibility for the disabled may be obtained by calling the Summerset City Finance Officer at 605-718-9858. Individuals needing special accommodations are asked to call at least 48 hours prior to the meeting.***

***ALL MEETINGS OF THE SUMMERSET CITY COMMISSION ARE OPEN TO THE PUBLIC***

**SUMMERSET CITY COMMISSION  
REGULAR MEETING  
SUMMERSET MUNICIPAL BUILDING  
7055 LEISURE LANE  
THURSDAY August 20, 2020 6:00 P.M.**

Commissioner Kitzmiller called the Regular Meeting to order at 6:00 p.m. Commissioners McCoy, Butler and Hirsch were present. The City Attorney and Mayor Lutz was absent. City Administrator was present.

Commissioner Kitzmiller led the Pledge of Allegiance.

**Motion** by Hirsch, second by Butler to approve the Agenda for August 20, 2020. Motion carried

**Motion** by McCoy, second by Butler to approve the August 6, 2020 Minutes as presented. Motion carried.

**APPROVAL OF CLAIMS**

**Motion** by McCoy, second by Hirsch to approve the claims and hand checks in the amount of \$34,091.21, from August 6, 2020 through August 19, 2020 as amended. Motion carried.

A & B Business Solutions	Monthly Invoice	\$374.41
Black Hawk Water User District	Monthly Usage	\$30.00
CBH Co-Op	Governmental Fuel	\$1,231.24
Dakota Pump	Repair Blower Motor	\$819.22
Daniel Reynolds	WWDEP Refund	\$67.73
Dave's Auto & Cycle	Repair 2016 Explorer	\$502.45
Diamond D Water	Monthly Usage Steamboat Park	\$110.95
Eleanor Moriarty	WWDEP Refund	\$100.00
Electrical Engineering	Repair Generator	\$989.73
Foothills Fence	Repair Leisure Lane Gate	\$187.75
Great Western Tire Co.	LE 2016 Explorer Tires	\$653.76
HDR Engineering	WWTP Evaluation & Biomedica Project	\$3,986.34
Hermanson Egge Engineering	Residential Inspections	\$915.00
International Code Council	3 year Membership	\$348.00
Janet Morgenstern	WWDEP Refund	\$55.00
Katie Prall	WWDEP Refund	\$100.00
Kieffer Sanitation	July Solid Waste Hauling	\$16,192.46
MDU	Utilities	\$129.82
Midcontinent Communications	WWTP Phone	\$194.97
Midcontinent Testing Labs	Chem Test	\$247.00
Northern Truck Equipment Co.	F-350 Seat Covers	\$236.86
Rapid City Journal	Proposed Zoning Changes	\$43.41
SD ONE Call	July Notifications	\$37.80
Servall Uniform & Linen Supply	Monthly Fees	\$130.51
Semmler Mfg. Inc.	Garage Panel Replacement	\$1,055.00
TNT Homes & Construction	Erosion Control Deposit	\$2,000.00
US Treasury	Tax Penalty	\$2,176.61
Verizon Wireless	LE Voice & Mobile	\$200.61
SD State Treasurer	Sales Tax	\$974.58

## **USGS GROUNDWATER PRESENTATION**

USGS gave a presentation on the groundwater issue in Sun Valley Estates.

## **AUDIT UPDATE**

Commission was updated on the status of the audit. Audit is not complete.

**Motion** by Butler, second by Hirsch to approve to the utility billing adjustments of \$777.22 for the period of July 1, 2020 to July 31, 2020. Motion carried.

## **PUBLIC HEARING**

**Motion** by McCoy, second by Butler to enter Public Hearing. Motion carried

Public input was heard regarding a Zoning Request by Powles Land Development from AG to Single Family Residential (R1) Powles Land Development, LLC- Lots 17 thru 19, Block 1; Lots 5 thru 8, Block 2; and Lots 1 thru 12, Block 5; and Dedicated Public Right-of-Way for Glenwood Drive and Arapahoe Street of Sun Valley Estates. Formerly a Portion of the Un-platted Portion of the SE ¼ of Section 14 Township 4 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.

**Motion** by Butler, second by McCoy to close public hearing for Summerset Board of Adjustment. Motion carried.

**Motion** by Butler, second by Hirsch to approve the zoning request from AG to Single Family Residential (R1) Powles Land Development, LLC- Lots 17 thru 19, Block 1; Lots 5 thru 8, Block 2; and Lots 1 thru 12, Block 5; and Dedicated Public Right-of-Way for Glenwood Drive and Arapahoe Street of Sun Valley Estates. Formerly a Portion of the Un-platted Portion of the SE ¼ of Section 14 Township 4 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota. Roll call vote, all ayes. Motion Carried.

## **FIRST READING OF ORDINANCE TSO 2020-01**

The first reading of ordinance TSO 2020-01 was completed.

## **SECOND READING OF ORDINANCE 31.024**

**Motion** by Butler, second by McCoy to approve Ordinance 31.024. Roll call vote, all ayes Motion carried.

## **ITEMS FROM CITY ATTORNEY**

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

## **CITIZENS INPUT**

None

## **ADJOURNMENT**

**Motion** for adjournment at 6:30 p.m. by Hirsch, second by McCoy. Motion carried.

# COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset  
 7055 Leisure Lane, Summerset, SD 57718  
 Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

# APPLICATION FOR DEVELOPMENT REVIEW

**REQUEST** (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
  - Designation
  - Initial Plan  Final Plan
  - Major Amendment
  - Minimal Amendment
- Subdivision
  - Layout Plan
  - Preliminary Plat
  - Final Plat
  - Minor Plat
- Rezoning
- Road Name Change

RECEIVED

AUG 10 2020

BY: .....

- Conditional Use Permit
  - Major Amendment
  - Minimal Amendment
- Vacation
  - Utility / Drainage Easement
  - R.O.W. / Section Line Highway
  - Access / Non-Access
  - Planting Screen Easement
- OTHER (specify) \_\_\_\_\_

**LEGAL DESCRIPTION** (Attach additional sheets as necessary)

<b>EXISTING</b> TRACT 1 AND TRACT 2 of Pine Hills Subdivision. Formerly the Remainder of Lot B of the NE 1/4 of the SE 1/4 of Section 36 less Stursis Rd & Emerald Heights Road Located Section 36 T3N R66 B1W		
<b>PROPOSED</b> SEE ATTACHED		
<b>LOCATION</b> CORNER OF EMERALD HEIGHTS ROAD AND STURSIG ROAD		
Size of Site-Acres 3.10 +/-	Square Footage 138,000 +/-	Proposed Zoning COMMERCIAL
<b>DESCRIPTION OF REQUEST:</b> CHANGE ZONING FROM MULTI-FAMILY RESIDENTIAL TO COMMERCIAL		Utilities: Private / Public
		Water
		Sewer

**APPLICANT**

Name NEW LEAF LLC Phone 605  
 Address 7875 Black Hawk Road P.O. Box 742 E-mail MSLEON67@Hotmail.com  
 City, State, Zip Black Hawk SD. 57718 Signature [Signature] 8/3/20  
 PROJECT PLANNER - AGENT Date

Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
**OWNER OF RECORD** (If different from applicant)

Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

Property Owner Signature <u>[Signature]</u> Date <u>8/4/20</u> Signature _____ Date _____ Print Name: <u>MATTHEW LEON</u> Title*: <u>MEMBER</u>	Property Owner Signature <u>[Signature]</u> Date <u>8-5-20</u> Signature _____ Date _____ Print Name: <u>JON LAFRAMBOISE</u> Title*: <u>MANAGING MEMBER</u>
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\*required for Corporations, Partnerships, etc.

**FOR STAFF USE ONLY**

<b>ZONING</b>	<input type="checkbox"/> Sewer Utility	<input type="checkbox"/> BHP&L	<input type="checkbox"/> Diamond D Water
Current	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Finance Officer	<input type="checkbox"/> Black Hills Water
North	<input type="checkbox"/> Public Works	<input type="checkbox"/> Register of Deeds	<input type="checkbox"/>
South	<input type="checkbox"/> Planning	<input type="checkbox"/> County - Planning	<input type="checkbox"/> Other: _____
East	<input type="checkbox"/> Building Inspector	<input type="checkbox"/> SD DOT	<input type="checkbox"/> Other: _____
West	<input type="checkbox"/> Engineering	<input type="checkbox"/> SD DENR	<input type="checkbox"/> Other: _____
Planner	<input type="checkbox"/> City Code Enforcement	<input type="checkbox"/> Auditor - Annexation	<input type="checkbox"/> Other: _____
File No.	<input type="checkbox"/> Police	<input type="checkbox"/> Drainage	<input type="checkbox"/>
Comp Plan	<input type="checkbox"/> City Attorney	<input type="checkbox"/> Parks & Recreation	
Received By:			

Planning and Zoning Meeting Date: 8-25-20 Covenants filing fee? Yes  No   
 Commission Meeting Date: 9-3-20 Payment Type: Cash  Check  Credit Card   
 Date Paid: 8-10-20 # 2445

**CITY OF SUMMERSET  
NOTICE OF PUBLIC HEARINGS  
LAND / ZONING DESIGNATION**

You are hereby notified that there will be changes to the Summerset Zoning Ordinance, and the Summerset Zoning Map, considered at public hearings to be held by the Summerset Planning and Zoning Commission and the Summerset Board of Commissioners. The proposed zoning changes will change the zoning district and pertain to the real property currently located in the City of Summerset. A public hearing will be held by the Summerset Planning and Zoning Commission on August 25, 2020 at 6:00 p.m., and by the Summerset Board of Commissioners on September 03, 2020, at 6:00 p.m., both of such public hearings to be held at the Summerset City Administration Building, at 7055 Leisure Lane, Summerset, South Dakota.

This Notice of Public Hearing concerns the zoning designation on the property located in the City of Summerset as per below legal description:

New Leaf LLC Plat of Tract 1 of Pine Hills Subdivision (Formerly the remainder of Lot B of the NE ¼ of the SE ¼ of Section 36, Less Sturgis Road & Emerald Heights Road ROW) Located Section 36, T3N, R6E, BHM, Summerset, Meade County, South Dakota

A map of the subject properties is located at the Summerset City Administration Building, and available for inspection on request.

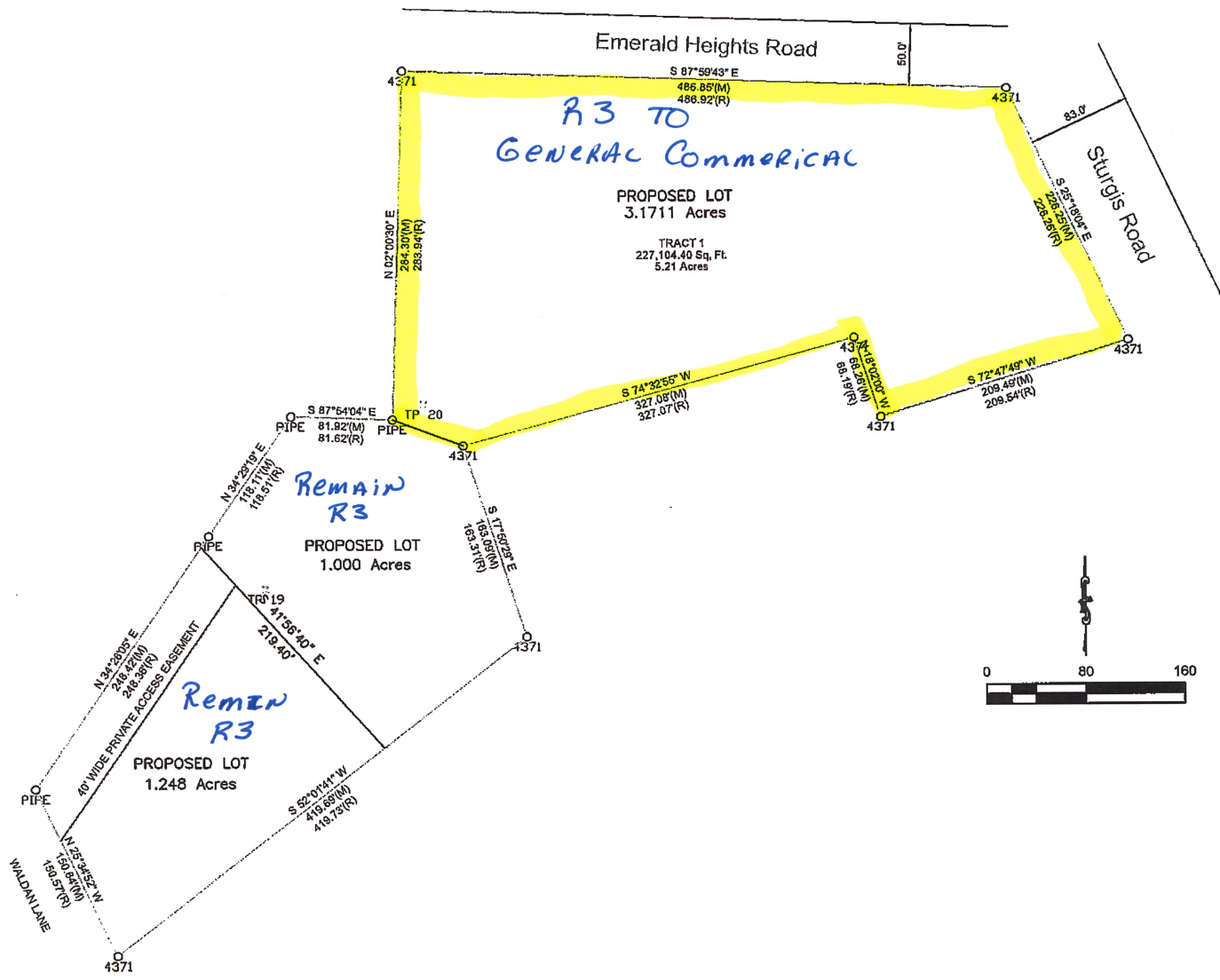
This hearing is open to the public and interested parties are encouraged to attend. Any person having any objections to any proposed zoning designations may appear before the Planning and Zoning Commission and the City Board of Commissioners on the above said dates for the public hearings and show cause why the proposed zoning should not be approved. Written protest against the proposed zoning may be filed with the office of the City of Summerset, at 7055 Leisure Lane, Summerset, South Dakota.

Dated: July 29, 2020

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Candace Sealey  
Finance Officer

REBAR



FORM PIN

**TSO 2020-02**  
**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 021, and incorporated herein by this reference, shall be amended as it pertains to the following property:

**New Leaf LLC Plat of Tract 1 of Pine Hills Subdivision (Formerly the remainder of Lot B of the NE ¼ of the SE ¼ of Section 36, Less Sturgis Road & Emerald Heights Road ROW) Located Section 36, T3N, R6E, BHM, Summerset, Meade County, South Dakota**

which property shall be re-zoned from R3 (Multi-Family Residential) to GC (General Commercial) and that the zoning map shall be amended accordingly, which amendments are incorporated herein.

Dated:

**ATTEST:**

**CITY OF SUMMERSET**

\_\_\_\_\_  
Candace Sealey, Finance Officer

\_\_\_\_\_  
Bryce Lutz, Mayor

(Seal)

Vote: Lutz:  
Kitzmilller:  
Butler :  
Hirsch :  
McCoy :

First Reading:  
Second Reading:  
Publication :

Published once at approximate cost of \$XXX.XX

CITY OF SUMMERSET

TSO ORDINANCE 2021-01

AN ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2021

SECTION ONE

Be it ordained by the City of Summerset that the following sums are appropriated to meet the fiscal needs of the municipality for the fiscal year 2021.

<u>EXPENDITURES</u>		General Fund (Fund 101)	BBB Fund (Fund 211)	TIF # 1 Fund (Fund 302)
A	410 <u>GENERAL GOVERNMENT</u>			
	411 Legislative	\$ 35,842		
	411.5 Contingency	\$ 89,650		
B	412 Executive	\$ 14,845		
C	413 Election	\$ 800		
D	414 Financial & Administration	\$ 199,684		
E	419 Government Bldg & Engineering	\$ 79,004.92		
F	Total General Government	\$ 419,825		
G	420 <u>PUBLIC SAFETY</u>			
	421 Police	\$ 638,310		
	422 Fire	\$ 31,257		
I	423 Inspection	\$ 15,500		
	Total Public Safety	\$ 685,067		
K	430 <u>PUBLIC WORKS</u>			
	431 Streets & Drainage	\$ 491,897		
L	432 Sanitation	\$ 199,844		
	Total Public Works	\$ 691,741		
M	440 <u>HEALTH &amp; WELFARE</u>			
	441 Animal Control	\$ 250		
	Total Health & Welfare	\$ 250		
O	450 <u>CULTURE &amp; RECREATION</u>			
	452 Parks	\$ 11,900		
	Total Culture & Recreation	\$ 11,900		
P	460 <u>CONSERVATION &amp; DEVELOPMENT</u>			
	465 Economic Development		\$ 25,863	
Q	465.2 Planning & Zoning	\$ 14,889		
	Total Consv & Development	\$ 14,889	\$ 25,863	
R	470 <u>DEBT SERVICE</u>			
	470 Debt Service	\$ 58,950		\$ 296,800
	Total Debt Service	\$ 58,950		\$ 296,800
	490 <u>MISCELLANEOUS OTHER</u>			
	492 Other: Refund Surtey	\$ 24,500		
	499 Liquor	\$ 750		
	Total Miscellaneous	\$ 25,250		
T	510 <u>OTHER FINANCE USES</u>			
	510 Transfer Out	\$ -	\$ -	\$ -
	<b>TOTAL 2021 APPROPRIATIONS</b>	<b>\$ 1,907,873</b>	<b>\$ 25,863</b>	<b>\$ 296,800</b>

**SECTION TWO**

The following designates the fund or funds to which the money derived from the following sources is applied.

<u>REVENUE</u>	General Fund (Fund 101)	BBB Fund (Fund 211)	TIF # 1 Fund (Fund 302)
<b>300</b> <u>GENERAL GOVERNMENT</u>			
AA                    Undesignated Fund Balance	\$     235,565	\$               9,822	
BB                    310 Taxes	\$    1,226,958	\$           25,683	\$     256,600
CC                    320 Licenses & Permits	\$       30,050		
DD                    330 Intergovernmental Revenue	\$       65,701		
EE                    340 Charges for Goods and Services	180,000		
FF                    350 Fines & Forfeits	\$           -		
360 Miscellaneous Revenue	\$       20,100		\$       200
390 Transfer	\$           -		40,000
	<hr/>	<hr/>	<hr/>
<b>TOTAL MEANS OF FINANCE</b>	<b>\$    1,758,374</b>	<b>\$           35,505</b>	<b>\$     296,800</b>

**ENTERPRISE FUNDS**

<b>604</b> <u>SEWER ENTERPRISE FUND</u>	
GG                    Estimated Revenue	\$     769,685
Total Available	\$     769,685
Less Estimated Appropriations	\$    (729,685)
Estimated Surplus	\$     40,000
Est Surplus to be Transferred to Debt Service Funds	\$     40,000

**SECTION THREE**

That there is hereby levied upon all taxable property within the City of Summerset, for the fiscal year 2021, a tax sufficient to raise the following funds:

For General Purposes	\$     646,858
<b>Total Levy</b>	<b>0.002894491</b>

**SECTION FOUR**

The City Finance Officer is hereby authorized and directed to certify said tax levy to the Meade County Auditor, of Meade County, State of South Dakota, to the end that the same may be spread and assessed as provided by law.

Dated this th of September, 2020

ATTEST:

\_\_\_\_\_  
Candace Sealey, Finance Officer

\_\_\_\_\_  
Bryce Lutz, Mayor

Vote:     Kitzmilller:   Aye  
              Lutz:            Aye  
              Hirsch:         Aye  
              McCoy         Aye  
              Butler         Aye

First Reading:     Thursday, September 3, 2020  
Second Reading:   Thursday, September 17, 2020  
Publication:

**TSO 2020-01**  
**CITY OF SUMMERSET ZONING ORDINANCE**  
**AMENDMENT**

**AN ORDINANCE AMENDING ZONING ORDINANCE**  
**AND MAP INCORPORATED AT TITLE 155, CHAPTER**  
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**BE IT ORDAINED** that the zoning map referenced at Title 155, Chapter 021B, and incorporated herein by this reference, shall be amended as it pertains to the following property:

**Powles Land Development, LLC- Lots 17 thru 19, Block 1; Lots 5 thru 8, Block 2; and Lots 1 thru 12, Block 5; and Dedicated Public Right-of-Way for Glenwood Drive and Arapahoe Street of Sun Valley Estates. Formerly a Portion of the Un-platted Portion of the SE ¼ of Section 14 Township 4 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota**

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

Dated:

**ATTEST:**

**CITY OF SUMMERSET**

\_\_\_\_\_  
Candace Sealey, Finance Officer

\_\_\_\_\_  
Bryce Lutz, Mayor

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