

Summerset City Commission
Regular Meeting
Summerset Municipal Building
7055 Leisure Lane
Thursday, February 5th, 2026, 6:00 P.M.

Mayor Kitzmiller called the regular meeting to order at 6:00 p.m. Commissioners Hirsch, Markham, Osten, and Pulscher was present. The City Administrator, City Finance Officer and City Attorney were also present.

Mayor Kitzmiller led in the Pledge of Allegiance.

Commissioner Osten gave the invocation.

Call for Changes

There were no declarations of conflict of interest.

Motion by Osten, second by Pulscher to approve the agenda of the regular meeting of the Summerset City Commission for February 5th, 2026, as presented. Motion carried.

Citizen Input

There was no citizen input.

Consent Calendar

Approval of the Minutes

Motion by Osten, second by Markham to approve the minutes of the regular meeting held on January 22nd, 2026, as presented or amended. Motion carried.

Approval of Claims

Motion by Hirsch, second by Pulscher to approve the claims in the amount of \$170,697.86 from January 22nd, 2026, to February 4th, 2026. Motion carried.

3rd Eye \$3,042.00; A & B Business \$530.81; Ambrose, Jon \$50.00; Anglin, Mitch \$50.00; Asphalt Kingdom \$10,993.00; Birgen, Nicholin \$50.00; BH Energy \$7,420.53; Black River \$27,202.50; Block, Brenna \$1,482.50; Calvin Courtney \$15.07; Cardmember Services \$3,931.79; Doty, Jason \$50.00; Fischer, Lisa \$70.00; Greenapsis \$350.00; Hamm's Welding \$1,600.00; Hermanson Egge \$600.00; Hills Septic Service \$3,045.00; Hirsch, Clyde \$50.00; Jaeson Garcia \$50.00; Kayl, Anthony \$50.00; Kitzmiller, Michael \$50.00; Markham, Gwenn \$50.00; Mid-American Research \$728.40; Midcontinent Testing \$176.75; MWM Acquisition \$414.18; On-Site First Aid \$31.90; Osten, Michael \$50.00; Print Mark-et \$368.00; Pulscher, Jordan \$50.00; Rapid City Fire Dept. \$32,981.00; Rapid Equipment \$15,000.00; Richter's Tire \$139.87; Schieffer, Lisa \$348.60; SD State Treasurer \$30.00; Servall \$235.18; Summit Signs \$443.00; USGS \$4,880.00; Delta Dental \$901.50; Health Pool \$17,271.31; SDRS \$12,527.96; SDRS Supplemental \$590.00; US Treasury \$22,797.01

***Noted For the Record – Commission Reports are in the packet for viewing.**

Black Hawk Water Agreement with the City of Summerset

Motion by Pulscher, second by Markham to open discussion. Motion carried.

A representative from Black Hawk Water was to be in attendance. The Commission had questions and decided to go to the next agenda item until said representative was present.

Motion by Hirsch, second by Markham, (after Executive Session) to close discussion. Motion carried.

Motion by Osten, second by Markham to table this item until the Feb. 19th, 2026, meeting. Motion carried.

Shift Differential – Effective Date

Recap *Board approved the Shift Differential Pay Policy of \$2.00 per hour night shift and \$2.00 [er hour weekend shift at their January 22, 2026, Commission Meeting. Board will need to make a motion on the effective date of the differential pay starting on 01/26/2026.

Motion by Markham, second by Osten to approve the Shift Differential Pay Policy with an Effective Date of 01/26/2026. Motion carried.

Grade/Scale Police Department Payroll Change – Effective Date

Recap *Board approved the Updated Grade/Steps presented at their January 22, 2026, Commission Meeting. Board will need to make a motion on effective date of the pay starting on 01/26/206.

Motion by Osten, second by Hirsch to approve the new Grades/Steps for the Police Department, items A through G, with an effective date of 01/26/2026.

- a) Tess Regan = Grade 19, Step I - \$33.50
- b) Colton Juso = Grade 18, Step K - \$32.68
- c) Kyle McSherry = Grade 18, Step B - \$28.88
- d) Scott Johnson = Grade 18, Step C - \$29.61
- e) Rich Nasser = Grade 22, Step D – No Change in Pay
- f) Matt Macrander = Grade 20, Step H – No Change in Pay
- g) Lieutenant Position (Vacant) Grade 21, Step E - \$36.97.

Motion carried.

Bridge Reinspection Program Resolution 2026-02

Motion by Osten, second by Pulscher to open discussion. Motion carried. The Public Works Superintendent, Anthony Kayl, explained that this is the same program as before with SD DOT.

Motion by Pulscher, second by Markham to close discussion. Motion carried.

Motion by Osten, second by Markham to approve Resolution 2026-02. Motion carried.

Upcoming Events

Offices will be closed on Monday, February 16, 2026, for President’s Day.

Executive Session

Motion by Osten, second by Markham to enter executive session at 6:08 p.m. per SDCL 1-25-2 for discussing legal issues. Also requested to be present were Lisa Schieffer, City Attorney Wheeler and Chief of Police Rich Nasser.

Motion carried.

Motion by Osten, second by Pulscher to exit executive session and return to regular session at 6:37 p.m. Motion carried.

The Board then went back to discuss the Black Hawk Agreement. Since the representative didn’t show, the matter will be tabled until the next meeting.

Adjournment

Motion by Hirsch, second by Osten to adjourn at 6:39 p.m. Motion carried.

(SEAL)



| Payable # | Payable Type | Post Date | Payable Date | Due Date | Discount Date | Amount | Tax | Shipping | Discount | Total |
|---------------------|--------------|-----------|--------------|----------|---------------|--------|-----|----------|----------|-------|
| Payable Description | Bank Code | | | | On Hold | | | | | |

Vendor: [2118 - Beck Motors, Inc.](#) Vendor Total: 40,950.00

| | | | | | | | | | | |
|---------------------------------|-------------------|-----------|-----------|-----------|-----------|-----------|------|------|------|-----------|
| CITY260212 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 40,950.00 | 0.00 | 0.00 | 0.00 | 40,950.00 |
| Purchase '26 Chevy Silverado-WW | BANKW - BANK WEST | | | | No | | | | | |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|---------------------------------|-----------|-------|-------|-----------|------|----------|----------|-----------|
| Purchase '26 Chevy Silverado-WW | NA | 0.00 | 0.00 | 40,950.00 | 0.00 | 0.00 | 0.00 | 40,950.00 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|---------------|---------------------|-----------|---------|
| 604-4000-43400 | Equip Expense | | 40,950.00 | 100.00% |

Vendor: [0021 - Black Hawk Water Users District](#) Vendor Total: 43.00

| | | | | | | | | | | |
|-------------------------------|-------------------|-----------|-----------|-----------|-----------|-------|------|------|------|-------|
| 2.3.26 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 43.00 | 0.00 | 0.00 | 0.00 | 43.00 |
| Monthly Usage- City Park-1476 | BANKW - BANK WEST | | | | No | | | | | |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|-------------------------------|-----------|-------|-------|--------|------|----------|----------|-------|
| Monthly Usage- City Park-1476 | NA | 0.00 | 0.00 | 2.50 | 0.00 | 0.00 | 0.00 | 2.50 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|-----------------|---------------------|--------|---------|
| 101-4520-42800 | Utility Expense | | 2.50 | 100.00% |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|---------------------------------------|-----------|-------|-------|--------|------|----------|----------|-------|
| Monthly Usage- Castlewood City Park-1 | NA | 0.00 | 0.00 | 2.50 | 0.00 | 0.00 | 0.00 | 2.50 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|-----------------|---------------------|--------|---------|
| 101-4192-42800 | Utility Expense | | 2.50 | 100.00% |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|-------------------------------|-----------|-------|-------|--------|------|----------|----------|-------|
| Monthly Usage- City Hall -960 | NA | 0.00 | 0.00 | 38.00 | 0.00 | 0.00 | 0.00 | 38.00 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|-----------------|---------------------|--------|---------|
| 101-4192-42800 | Utility Expense | | 38.00 | 100.00% |

Vendor: [1504 - CBH CO-OP](#) Vendor Total: 4,408.56

| | | | | | | | | | | |
|--------------------------------|-------------------|-----------|-----------|-----------|-----------|----------|------|------|------|----------|
| 1.31.26-200372 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 4,408.56 | 0.00 | 0.00 | 0.00 | 4,408.56 |
| Government Fuel | BANKW - BANK WEST | | | | No | | | | | |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|------------------|-----------|-------|-------|----------|------|----------|----------|----------|
| Government Fuel | NA | 0.00 | 0.00 | 1,656.45 | 0.00 | 0.00 | 0.00 | 1,656.45 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|--------------|---------------------|----------|---------|
| 101-4210-42611 | Fuel Expense | | 1,656.45 | 100.00% |

Items

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total |
|------------------|-----------|-------|-------|----------|------|----------|----------|----------|
| Government Fuel | NA | 0.00 | 0.00 | 2,752.11 | 0.00 | 0.00 | 0.00 | 2,752.11 |

Distributions

| Account Number | Account Name | Project Account Key | Amount | Percent |
|--------------------------------|--------------|---------------------|----------|---------|
| 101-4310-42611 | Fuel Expense | | 2,752.11 | 100.00% |

Vendor: [0036 - City of Rapid City](#) Vendor Total: 5,226.31

| | | | | | | | | | | |
|-------------------------|-------------------|-----------|-----------|-----------|-----------|----------|------|------|------|----------|
| 2602005 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 5,226.31 | 0.00 | 0.00 | 0.00 | 5,226.31 |
| Solid Waste Disposal | BANKW - BANK WEST | | | | No | | | | | |

Payable Register

| Payable # | Payable Type | Post Date | Payable Date | Due Date | Discount Date | Amount | Tax | Shipping | Discount | Total |
|--------------------------------|------------------------|---------------------|--------------|----------|---------------|----------|----------|----------|----------|-------|
| Payable Description | Bank Code | | | | On Hold | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
| Solid Waste Disposal | NA | 0.00 | 0.00 | 5,226.31 | 0.00 | 0.00 | 0.00 | 5,226.31 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 101-4320-43230 | Solid Waste Collection | | 5,226.31 | 100.00% | | | | | | |

| | | | | | | | | | | | |
|--|-------------------|-----------|-----------|-----------|-----------|--------|------|------|------|----------------------|---------------|
| Vendor: 1093 - Dakota Pump, Inc | | | | | | | | | | Vendor Total: | 696.25 |
| 12692 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 696.25 | 0.00 | 0.00 | 0.00 | 696.25 | |
| WWTP Repair on the SCADA system | BANKW - BANK WEST | | | | No | | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|---------------------------------|----------------------|---------------------|--------|---------|------|----------|----------|--------|--|--|
| WWTP Repair on the SCADA system | NA | 0.00 | 0.00 | 696.25 | 0.00 | 0.00 | 0.00 | 696.25 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 604-4000-42500 | Repair/Maint Expense | | 696.25 | 100.00% | | | | | | |

| | | | | | | | | | | | |
|---|-------------------|-----------|-----------|-----------|-----------|----------|------|------|------|----------------------|-----------------|
| Vendor: 0765 - Demersseman Jensen Tellinghuisen & Huffman, LLP | | | | | | | | | | Vendor Total: | 2,612.50 |
| 40572 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2,612.50 | 0.00 | 0.00 | 0.00 | 2,612.50 | |
| Legal Fees | BANKW - BANK WEST | | | | No | | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|-------------------|---------------------|----------|----------|------|----------|----------|----------|--|--|
| Legal Fees | NA | 0.00 | 0.00 | 2,612.50 | 0.00 | 0.00 | 0.00 | 2,612.50 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 101-4141-42200 | Prof Fees Expense | | 2,612.50 | 100.00% | | | | | | |

| | | | | | | | | | | | |
|---|-------------------------|-----------|-----------|-----------|-----------|-------------------------|------|------|------|------------------------|------------------|
| Vendor: 1125 - First National Trust & Investment Management Services | | | | | | | | | | Vendor Total: | 24,975.77 |
| 2026.02E | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 24,975.77 | 0.00 | 0.00 | 0.00 | 24,975.77 | |
| SWR SRF-Principle & Interest | BANKEFT - BANK WEST EFT | | | | No | Payment Date: 2/15/2026 | | | | Bank Draft: DFT0000455 | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|-------------------|---------------------|-----------|-----------|------|----------|----------|-----------|--|--|
| SWR SRF-Principle & Interest | NA | 0.00 | 0.00 | 20,676.25 | 0.00 | 0.00 | 0.00 | 20,676.25 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 604-4700-47100 | Swr SRF Principal | | 20,676.25 | 100.00% | | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|------------------|---------------------|----------|----------|------|----------|----------|----------|--|--|
| SWR SRF-Principle & Interest | NA | 0.00 | 0.00 | 4,299.52 | 0.00 | 0.00 | 0.00 | 4,299.52 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 604-4700-47120 | Swr SRF Interest | | 4,299.52 | 100.00% | | | | | | |

| | | | | | | | | | | | |
|--|-------------------|-----------|-----------|-----------|-----------|----------|------|------|------|----------------------|-----------------|
| Vendor: 0246 - Golden West Technologies | | | | | | | | | | Vendor Total: | 4,328.93 |
| 40002164 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 4,328.93 | 0.00 | 0.00 | 0.00 | 4,328.93 | |
| Comprehensive services | BANKW - BANK WEST | | | | No | | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|--------------------|---------------------|----------|----------|------|----------|----------|----------|--|--|
| Comprehensive services | NA | 0.00 | 0.00 | 4,328.93 | 0.00 | 0.00 | 0.00 | 4,328.93 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | Amount | Percent | | | | | | |
| 101-4192-42201 | Dues/Subscriptions | | 4,328.93 | 100.00% | | | | | | |

| | | | | | | | | | | | |
|--|-------------------|-----------|-----------|-----------|-----------|----------|------|------|------|----------------------|-----------------|
| Vendor: 1133 - HDR Engineering, Inc | | | | | | | | | | Vendor Total: | 7,949.90 |
| 1200796786 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 1,357.65 | 0.00 | 0.00 | 0.00 | 1,357.65 | |
| 2025 Norman Ranch Subdivision CA | BANKW - BANK WEST | | | | No | | | | | | |

Payable Register

| Payable # | Payable Type | Post Date | Payable Date | Due Date | Discount Date | Amount | Tax | Shipping | Discount | Total |
|--|-------------------|---------------------|--------------|-----------|---------------|----------|----------|----------|----------|----------|
| Payable Description | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| 2025 Norman Ranch Subdivision CA | NA | | 0.00 | 0.00 | 1,357.65 | 0.00 | 0.00 | 0.00 | 1,357.65 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4196-42200 | Prof Fees Expense | | | | 1,357.65 | 100.00% | | | | |
| 1200796874 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 3,177.50 | 0.00 | 0.00 | 0.00 | 3,177.50 |
| Summerset 2026 General Engineering Ser... BANKW - BANK WEST No | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| Summerset 2026 General Engineering S | NA | | 0.00 | 0.00 | 3,177.50 | 0.00 | 0.00 | 0.00 | 3,177.50 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4196-42200 | Prof Fees Expense | | | | 3,177.50 | 100.00% | | | | |
| 1200797624 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 3,414.75 | 0.00 | 0.00 | 0.00 | 3,414.75 |
| WWTP Reed Bed Expansion BANKW - BANK WEST No | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| WWTP Reed Bed Expansion | NA | | 0.00 | 0.00 | 3,414.75 | 0.00 | 0.00 | 0.00 | 3,414.75 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 604-4000-42200 | Prof Fees Expense | | | | 3,414.75 | 100.00% | | | | |

Vendor: [1287 - Hills Septic Service Go Pro](#) Vendor Total: 6,044.50

| | | | | | | | | | | |
|---|----------------|---------------------|-----------|-----------|-----------|----------|----------|----------|----------|----------|
| 114923 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 3,297.00 | 0.00 | 0.00 | 0.00 | 3,297.00 |
| Pumped 6 loads from WWTP BANKW - BANK WEST No | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| Pumped 6 loads from WWTP | NA | | 0.00 | 0.00 | 3,297.00 | 0.00 | 0.00 | 0.00 | 3,297.00 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 604-4000-42650 | Sludge Hauling | | | | 3,297.00 | 100.00% | | | | |
| 20569 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2,747.50 | 0.00 | 0.00 | 0.00 | 2,747.50 |
| Pumped 5 loads from WWTP BANKW - BANK WEST No | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| Pumped 5 loads from WWTP | NA | | 0.00 | 0.00 | 2,747.50 | 0.00 | 0.00 | 0.00 | 2,747.50 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 604-4000-42650 | Sludge Hauling | | | | 2,747.50 | 100.00% | | | | |

Vendor: [0937 - MDU](#) Vendor Total: 1,990.92

| | | | | | | | | | | |
|---|-----------------|---------------------|-----------|-----------|-----------|---------|----------|----------|--------|--------|
| 2.2.26-44803668274 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 480.05 | 0.00 | 0.00 | 0.00 | 480.05 |
| City Hall BANKEFT - BANK WEST EFT No Payment Date: 3/2/2026 Bank Draft: DFT0000449 | | | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | | Units | Price | Amount | Tax | Shipping | Discount | Total | |
| City Hall | NA | | 0.00 | 0.00 | 480.05 | 0.00 | 0.00 | 0.00 | 480.05 | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4192-42800 | Utility Expense | | | | 480.05 | 100.00% | | | | |
| 2.6.26-14393310009 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 52.82 | 0.00 | 0.00 | 0.00 | 52.82 |
| Recreational Dr. BANKEFT - BANK WEST EFT No Payment Date: 3/2/2026 Bank Draft: DFT0000452 | | | | | | | | | | |

Payable Register

| Payable # | Payable Type | Post Date | Payable Date | Due Date | Discount Date | Amount | Tax | Shipping | Discount | Total |
|---|--------------|-----------|--------------|----------|---------------|--------|-----|----------|----------|-------|
| Payable Description Recreational Dr. | | | | | | | | | | |
| Items Item Description: Recreational Dr. Commodity: NA Units: 0.00 Price: 0.00 Amount: 52.82 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 52.82 | | | | | | | | | | |
| Distributions Account Number: 604-4000-42800 Account Name: Utility Expense Project Account Key: Amount: 52.82 Percent: 100.00% | | | | | | | | | | |
| <hr/> 2.6.26-19146935150 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 148.48 0.00 0.00 0.00 148.48 PW Bldg. BANKEFT - BANK WEST EFT No Payment Date: 3/2/2026 Bank Draft: DFT0000451 | | | | | | | | | | |
| Items Item Description: PW Bldg. Commodity: NA Units: 0.00 Price: 0.00 Amount: 148.48 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 148.48 | | | | | | | | | | |
| Distributions Account Number: 101-4310-42800 Account Name: Utility Expense Project Account Key: Amount: 148.48 Percent: 100.00% | | | | | | | | | | |
| <hr/> 2.6.26-33374310002 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 58.02 0.00 0.00 0.00 58.02 Sewer Lift Station BANKEFT - BANK WEST EFT No Payment Date: 3/2/2026 Bank Draft: DFT0000450 | | | | | | | | | | |
| Items Item Description: Sewer Lift Station Commodity: NA Units: 0.00 Price: 0.00 Amount: 58.02 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 58.02 | | | | | | | | | | |
| Distributions Account Number: 604-4000-42800 Account Name: Utility Expense Project Account Key: Amount: 58.02 Percent: 100.00% | | | | | | | | | | |
| <hr/> 2.6.26-70173310007 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 1,251.55 0.00 0.00 0.00 1,251.55 Farm Tap BANKEFT - BANK WEST EFT No Payment Date: 3/2/2026 Bank Draft: DFT0000448 | | | | | | | | | | |
| Items Item Description: Farm Tap Commodity: NA Units: 0.00 Price: 0.00 Amount: 1,251.55 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 1,251.55 | | | | | | | | | | |
| Distributions Account Number: 604-4000-42800 Account Name: Utility Expense Project Account Key: Amount: 1,251.55 Percent: 100.00% | | | | | | | | | | |

Vendor: [1101 - Meade County Auditor](#) Vendor Total: 1,722.55

| | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|
| <hr/> Jan. 26 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 1,722.55 0.00 0.00 0.00 1,722.55 Jan. 26 Dispatch Expense BANKW - BANK WEST No | | | | | | | | | | |
| Items Item Description: Jan. 26 Dispatch Expense Commodity: NA Units: 0.00 Price: 0.00 Amount: 1,722.55 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 1,722.55 | | | | | | | | | | |
| Distributions Account Number: 101-4210-42820 Account Name: Dispatch Expense Project Account Key: Amount: 1,722.55 Percent: 100.00% | | | | | | | | | | |

Vendor: [1069 - MUTH ELECTRIC INC](#) Vendor Total: 256.58

| | | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|--|
| <hr/> 807666 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 256.58 0.00 0.00 0.00 256.58 WWTP-OHM Phase connections BANKW - BANK WEST No | | | | | | | | | | |
| Items Item Description: WWTP-OHM Phase connections Commodity: NA Units: 0.00 Price: 0.00 Amount: 256.58 Tax: 0.00 Shipping: 0.00 Discount: 0.00 Total: 256.58 | | | | | | | | | | |
| Distributions Account Number: 604-4000-42500 Account Name: Repair/Maint Expense Project Account Key: Amount: 256.58 Percent: 100.00% | | | | | | | | | | |

Vendor: [0007 - Print Market](#) Vendor Total: 58.00

| | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|
| <hr/> N494640 Invoice 2/19/2026 2/19/2026 2/19/2026 2/19/2026 58.00 0.00 0.00 0.00 58.00 Business Cards-Lisa F. BANKW - BANK WEST No | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|

Payable Register

| Payable # | Payable Type | Post Date | Payable Date | Due Date | Discount Date | Amount | Tax | Shipping | Discount | Total |
|--------------------------------|---------------------|---------------------|--------------|----------|---------------|----------|----------|----------|----------|-------|
| Payable Description | Bank Code | On Hold | | | | | | | | |
| Items | | | | | | | | | | |
| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
| Business Cards-Lisa F. | NA | 0.00 | 0.00 | 58.00 | 0.00 | 0.00 | 0.00 | 58.00 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4140-42600 | Supply/Material Exp | | | | 58.00 | 100.00% | | | | |

Vendor: [0167 - SD Department of Revenue](#) Vendor Total: 1,155.76

| | | | | | | | | | | |
|--------------------------------|---------|-------------------|-----------|-----------|-----------|-------------------------|------|-------------|------------|----------|
| Jan. Sales Tax | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 1,155.76 | 0.00 | 0.00 | 0.00 | 1,155.76 |
| Jan. 2026 Sales Tax Return | | BANKW - BANK WEST | | | No | Payment Date: 2/25/2026 | | Bank Draft: | DFT0000453 | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|-------------------|---------------------|-------|----------|----------|----------|----------|----------|--|--|
| Jan. 2026 Sales Tax Return | NA | 0.00 | 0.00 | 1,155.76 | 0.00 | 0.00 | 0.00 | 1,155.76 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-0000-21700 | Sales Tax Payable | | | | 1,155.76 | 100.00% | | | | |

Vendor: [0018 - SD One Call](#) Vendor Total: 6.30

| | | | | | | | | | | |
|----------------------------|---------|-------------------|-----------|-----------|-----------|------|------|------|------|------|
| SD26-00194 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 6.30 | 0.00 | 0.00 | 0.00 | 6.30 |
| Message Fees for Jan. 26 | | BANKW - BANK WEST | | | No | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|---------------|---------------------|-------|--------|--------|----------|----------|-------|--|--|
| Message Fees for Jan. 26 | NA | 0.00 | 0.00 | 6.30 | 0.00 | 0.00 | 0.00 | 6.30 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4232-42900 | Other Expense | | | | 6.30 | 100.00% | | | | |

Vendor: [2105 - Superior Custom Homes, LLC](#) Vendor Total: 1,000.00

| | | | | | | | | | | |
|--|---------|-------------------|-----------|-----------|-----------|----------|------|------|------|----------|
| 2024-10 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 1,000.00 | 0.00 | 0.00 | 0.00 | 1,000.00 |
| Erosion Deposit Refund-6500 Anderson Ro... | | BANKW - BANK WEST | | | No | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------------|-----------------------------|---------------------|-------|----------|----------|----------|----------|----------|--|--|
| Erosion Deposit Refund-6500 Anderson | NA | 0.00 | 0.00 | 1,000.00 | 0.00 | 0.00 | 0.00 | 1,000.00 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-0000-32060 | Erosion Control Deposit Fee | | | | 1,000.00 | 100.00% | | | | |

Vendor: [1988 - USBank](#) Vendor Total: 121,528.82

| | | | | | | | | | | |
|------------------------------------|---------|-------------------------|-----------|-----------|-----------|-------------------------|------|-------------|------------|------------|
| 2026.02.15E | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 121,528.82 | 0.00 | 0.00 | 0.00 | 121,528.82 |
| CW SRF Loan 01 Quarterly Repayment | | BANKEFT - BANK WEST EFT | | | No | Payment Date: 2/15/2026 | | Bank Draft: | DFT0000454 | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|------------------------------------|----------------------|---------------------|-------|------------|------------|----------|----------|------------|--|--|
| CW SRF Loan 01 Quarterly Repayment | NA | 0.00 | 0.00 | 121,528.82 | 0.00 | 0.00 | 0.00 | 121,528.82 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 305-4700-44200 | Debt Service Expense | | | | 121,528.82 | 100.00% | | | | |

Vendor: [0503 - Western Stationers](#) Vendor Total: 28.93

| | | | | | | | | | | |
|--------------------------|---------|-------------------|-----------|-----------|-----------|-------|------|------|------|-------|
| 852101-0 | Invoice | 2/19/2026 | 2/19/2026 | 2/19/2026 | 2/19/2026 | 28.93 | 0.00 | 0.00 | 0.00 | 28.93 |
| Cork Board-Lisa F | | BANKW - BANK WEST | | | No | | | | | |

| Item Description | Commodity | Units | Price | Amount | Tax | Shipping | Discount | Total | | |
|--------------------------------|---------------------|---------------------|-------|--------|--------|----------|----------|-------|--|--|
| Cork Board-Lisa F | NA | 0.00 | 0.00 | 28.93 | 0.00 | 0.00 | 0.00 | 28.93 | | |
| Distributions | | | | | | | | | | |
| Account Number | Account Name | Project Account Key | | | Amount | Percent | | | | |
| 101-4140-42600 | Supply/Material Exp | | | | 28.93 | 100.00% | | | | |

Payable Summary

| Type | Count | Gross | Tax | Shipping | Discount | Total | Manual Payment | Balance |
|---------------------|-------|-------------------|-------------|-------------|-------------|-------------------|-------------------|------------------|
| Invoice | 26 | 224,983.58 | 0.00 | 0.00 | 0.00 | 224,983.58 | 149,651.27 | 75,332.31 |
| Grand Total: | | 224,983.58 | 0.00 | 0.00 | 0.00 | 224,983.58 | 149,651.27 | 75,332.31 |

Account Summary

| Account | Name | Amount |
|--------------------------------|-----------------------------|------------------|
| 101-0000-21700 | Sales Tax Payable | 1,155.76 |
| 101-0000-32060 | Erosion Control Deposit Fee | 1,000.00 |
| 101-4140-42600 | Supply/Material Exp | 86.93 |
| 101-4141-42200 | Prof Fees Expense | 2,612.50 |
| 101-4192-42201 | Dues/Subscriptions | 4,328.93 |
| 101-4192-42800 | Utility Expense | 520.55 |
| 101-4196-42200 | Prof Fees Expense | 4,535.15 |
| 101-4210-42611 | Fuel Expense | 1,656.45 |
| 101-4210-42820 | Dispatch Expense | 1,722.55 |
| 101-4232-42900 | Other Expense | 6.30 |
| 101-4310-42611 | Fuel Expense | 2,752.11 |
| 101-4310-42800 | Utility Expense | 148.48 |
| 101-4320-43230 | Solid Waste Collection | 5,226.31 |
| 101-4520-42800 | Utility Expense | 2.50 |
| Total: | | 25,754.52 |

| Account | Name | Amount |
|--------------------------------|----------------------|-------------------|
| 305-4700-44200 | Debt Service Expense | 121,528.82 |
| Total: | | 121,528.82 |

| Account | Name | Amount |
|--------------------------------|----------------------|------------------|
| 604-4000-42200 | Prof Fees Expense | 3,414.75 |
| 604-4000-42500 | Repair/Maint Expense | 952.83 |
| 604-4000-42650 | Sludge Hauling | 6,044.50 |
| 604-4000-42800 | Utility Expense | 1,362.39 |
| 604-4000-43400 | Equip Expense | 40,950.00 |
| 604-4700-47100 | Swr SRF Principal | 20,676.25 |
| 604-4700-47120 | Swr SRF Interest | 4,299.52 |
| Total: | | 77,700.24 |



SUMMERSET POLICE DEPARTMENT

Monthly Report-January 2026

Calls for service

- 342

Court appearances

- Inv Regan
- Officer Hamelin
- Officer McSherry
- Officer Johnson

Training

- Nasser-Law Enforcement Alerts Certification

Grants

Special Events

Daily

- Regular meetings with Commissioner Markham
- Covering patrol shifts and responding to calls for service
- Evidence.com management
- Citizen meetings
- Employee evaluation
- Payroll
- Personnel matters
- Update forms
- Update hiring process
- Sonim radio troubleshooting
- ACO contract
- Fusion Center portal audit
- Radio maintenance-WestComm
- Police Chief's Legislative meeting
- Employee offboarding
- Post opening
- ATT meeting
- SD Fusion Threat Assessment
- SD Preparedness Coalition
- Updated inventory

- New cellphones
- Critical Connect radio issues
- Applicant tracking system
- Update job descriptions
- Commission meeting
- LPR repositioning
- Remove vehicle striping
- Vehicle upfitting meeting
- Consult with attorney
- Salamander troubleshooting



SUMMERSET POLICE DEPARTMENT

7055 Leisure Lane
Summerset, SD 57718
Phone: 605-721-6806
Fax: 605-721-6381
Chief of Police, Rich Nasser

Summerset Police Department High Impact Award – 2025

The Summerset Police Department has selected Officer Scott Johnson as the recipient of the 2025 High Impact Award.

This award recognizes proactive police work that makes a real difference. Officer Johnson earned this recognition through consistent initiative, proactive policing, and a focus on addressing criminal activity.

His work reflects a highly proactive approach to policing and has had a direct impact on public safety.

The department congratulates Officer Johnson on this well-earned recognition.



JANUARY 2026 City Administrator Report

ECONOMIC DEVELOPMENT

- Visited with B. Block in getting data for the Summerset Marketing Flyer.
- Meeting with J. Hale, B. Block, M. Kitzmiller on a commercial project for the city.
- Meeting P. Olsen and B. Block on Economic Development within the city.

GRANTS

- Follow up on Haz. Mitigation Grant for the two lift stations.

PLANNING & ZONING

- Zoom meeting on Developer's Agreement – Norman Ranch
- Visited with B. Stevenson regarding building permit for basement.
- Visited with A. Rydquest/Cleary Buildings on update for building plans from B. Hagg.
- Reviewed updated plat of D. Rath/sent back to Baseline to fix.
- Contacted B. Hagg waiting on mechanical, electrical and fire suppression plans.
- Zoom meeting – Norman Ranch bi-weekly.
- Visited with L. Shagla on update regarding Norman Ranch.
- Followed up on status of D. Rath plat with Baseline.
- Visited with M. Leon regarding building permit for Lot 6 Heather Lane.
- Followed up with B. Hagg on grading permit and stormwater permit with the State.
- Issued a stop work order on Lots 4 and 5 off of Norman Ave.
- Visited with M. Reeves realtor on bare land and ordinances for truck parking at the sites.
- Visited with P. Olsen and M. Leon regarding requests for parking sites.
- Information given to T. Ward regarding Planning and Zoning meetings.
- Reviewed building plans of SoDak Shops – sent to engineers.
- Visited with K. Lebon from Black Hawk Water on sites and agreement.
- Received update from Public Works and Engineering on property located near Norman Ranch and is part of the SDDOT disposal.
- Discussion with B. Hagg about hauling dirt off without having a grading permit.
- Drafted letter to Cleary Buildings regarding building plans of B. Hagg.
- Received building plans from R. Rohl.
- DSG regarding fire hydrants.

*See next page

MISC.

- Sat Departments up with their affiliated groups through SDML
- Verified FY2026 Budget and sent it out to all the Departments
- Met with A. Kayl to go over the job description for a seasonal or part-time employee. Drafted job description.
- Drafted certified letter to be sent out to individual with a code enforcement violation.
- Updated GOSCOMA registration.
- Completed the SD Municipal League Wage Survey for 2026.
- Worked on financials and cleaning up interest for four months that needed to be entered.
- Followed up with C. Bilbrey regarding a code violation in the neighborhood.
- Prepared two agendas/attended two commission meetings.
- Received calls from citizens in Trailswest regarding blown over fence – sent the complaints to Public Works.
- Met with A. Kayl to discuss items regarding Sturgis Road.
- Contacted BankWest to start paperwork on credit card for Finance Officer.
- Visited with G. Markham on agenda items.
- Visited with M. Wheeler regarding appeal decision and Animal Shelter Agreement.
- Meeting with SDDOT regarding Joint Agreement, Disposal Property and Road Swap.
- Cleaned up journal entries and spreadsheets in General Ledger.
- Reviewed Summary of Benefits draft.
- Visited with M. Osten on agenda for meeting.
- Met with G. Markham to go over the scale/grade shift differential policy.
- Visited with Finance Officer on getting set up for elections and checking petition names with the Sec. of State's Office.
- Met with T. Morris on TIFs and follow up on the Developer's Agreement with Norman Ranch.
- Worked on courtesy notice to get quotes for a door hanger.
- Sent out for quotes on a trash can notice.
- Worked on benefits summary
- Reviewed minutes
- Sent invitation out for crackerbarrels in the area.
- Drafted policy on small check refund.
- Reviewed SDPAA Annual Insurance policy for the City.
- Placed notices on all media devices of the city for seasonal public works opening.
- Zoom – annual report training workshop
- Got W'2s balanced and sent out,
- Got 1099 NEC balance and sent out.

- Visited with KELO Employment, sent the information to R. Nasser.
- Got petitions and packets ready for the February
- Zoom – Golden West Meeting quarterly
- Followed up on complaint over on Castlewood Dr.
- Visited with B. Eleeson from SDPAA on 2016 patrol vehicle with a total loss.
- Reviewed legislation bills that directly impact municipalities & elections.
- Meeting with N. Birgen, L. Fischer and G. Markham regarding the website.
- Weekly calls with the Mayor on updates.
- Visited with W. Strigel regarding lamp post/concrete – sent it to Public Works.
- Visited with M. Wheeler regarding draft on disposal property.
- Attended City Manager’s group meeting in Belle Fourche.
- Data Storage Shortage. Contacted by Golden West. Converted items to flash drive and Evergreen moved Fund Balance software to external storage.
- Worked on Annexation Study.
- Closed out FY2025, Ran Payroll History and installed the FY2026 Budget.
- Visited with Hose Clamp Customs on special event licensing.
- Met with T. Kayl to go over parks and trees – waiting on Parks and Rec Board to have a meeting.
- Worked on uniform allowance and new figures for taxation.
- Visited with the SD Department of Revenue on special event licensing.
- Zoom- web training for SDRS Authorized Agents.
- Visited with D. McComb on cyber security classes and if he could do one for the community.

January

Sanitation

Hauled Solid Waste, Recycling, Cardboard and yard waste. Delivered cans to residents as needed. Performed maintenance on solid waste equipment. Washed trash cans as needed. Removed yard waste cans from Christmas and wind storm cleanup.

Public works

Performed maintenance on public works equipment. Had numerous conversations with the Public Works Commissioner, City Staff and Mayor. Spoke with HDR about various issues. Attended Norman Ranch Meeting. Spoke with Developer concerning turnaround update. Cleaned snow from sidewalks and salted intersections. Received crack seal equipment.

Code enforcement

Investigated continuing violation.

Parks

Removed snow from sidewalk

Miscellaneous

Cleaned snow from City Hall. Attended council meeting

January 2026 Finance Department

Meetings Attended

- ❖ Check in with Commissioner Pulscher
- ❖ Communication with Nicky
- ❖ Communication with Lisa
- ❖ Attended two Commission meetings

Utility Billing

- ❖ ACH draft report
- ❖ Returned payment processing
- ❖ Utility billing adjustments
- ❖ Working with Nicky on how to answer questions on utility bills

Financial

- ❖ Sales tax payable
- ❖ Bank recon
- ❖ Payroll process with payables and reporting
- ❖ Invoice review and claims prepared
- ❖ Credit card reconciliation
- ❖ Menards rebate processing
- ❖ SRO Invoicing
- ❖ Updated 1099 & W2's packet, sent W2's electronically
- ❖ Filed the Quarterly Unemployment Report

Staff

- ❖ Assisted staff with HR and benefit topics-in training
- ❖ New employee onboarding-in training
- ❖ Payroll, reporting, and incurred payables
- ❖ Contact list updating
- ❖ Interviews with Tony, Mike O., Jason & Mitch for Seasonal Position

Budget

- ❖ Will be training with Lisa

Miscellaneous

- ❖ Preparing information for Commission meeting agenda items
- ❖ Commission meeting minutes prepared and submitted for publication
- ❖ Continued work on FO operations manual
- ❖ Social media and LED post creation-in training
- ❖ Working with Commissioner Markham on returned mail
- ❖ Zoom conference for Annual Reports

There are still several areas and different processes that I am still learning.

January 2026 Wastewater Department report

Daily Operations

1-2 RCS worked on temp repairs to greenhouse #1.
1-6 Submitted DMR report to DANR.
1-7 Annual evaluation of Wastewater Superintendent by commissioner Hirsch.
1-8 Attended City Commission meeting.
1-9 Cleaned Filter building filters.
1-14 Dakota Pump pulled Sun Valley Lift pump #1 found rag in pump causing over amping of the pump.
1-15 Meeting with Claims Associates and RCS to assess damage to Greenhouse #1.
1-15 Phone conference with City Attorney Wheeler to discuss Niche Sanitary District.
1-21 DPI installed new SCADA computer.
1-21 Phone conference with Commissioner Hirsch.
1/27-29 Jaeson attended Basic Water Treatment class.
1-28 Phone conference with commissioner Hirsch.
1-28 Reed bed construction meeting.
Responded to 3 requests for utility location
Treated 5.1 million gallons of wastewater with a daily average of 170 thousand gallons of wastewater

Special Projects

Misc



WORKFORCE 6 COUNTY AVERAGE

(Summerset is located within Meade County)

APPROXIMATELY 60.7%

Civilian (16+)

Non-Institutionalized Population **162,752**

Not in Labor Force (16+) **58,507**

Labor Force **104,245**
Employed **102,580**
Unemployed **1,665**

Under 16, Military, and Institutionalized Population **42,414**

Jobs grew by **7,032** over the last 5 years and are projected to grow by **5,568** over the next 5 years.



LOCAL INCENTIVE

- Pro-Business Commission, Economic Developer on city staff
- Meade County Property Tax Abatement
- City Owned Property Incentives



LOCAL BUSINESS PROCESS

- Business Licensing is easy and affordable
- Building process is streamlined and collaborative
- Minimal government red tape



SUMMERSET KEY INDUSTRIES

- Manufacturing
- Healthcare Services
- Retail & Restaurants
- Research & Development
- Trades



CITY OF SUMMERSET DEMOGRAPHICS

Average Household Income **\$92K**
 Average Age **33**
 Bachelor Degree or Higher **24%**



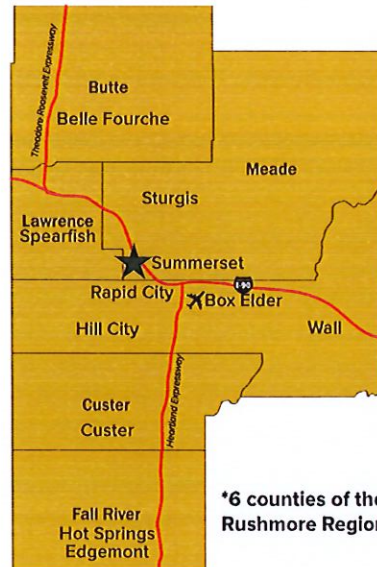
UTILITY PARTNER / ACCESS

- Black Hills Energy
- Black Hawk Water
- Diamond Water Utilities
- Montana-Dakota Utilities



CITY OF SUMMERSET TRANSPORTATION ACCESS

- Located on I-90 corridor with multiple exits for access
- 25 minutes from the Rapid City Regional Airport
- 20 minute access to current Class B rail systems and operators
- 8 minutes from the Rapid City hub



*6 counties of the Rushmore Region

WHY SUMMERSET?

- Strategic location on the I-90 corridor with quick access to major markets
- Thriving school districts with strong reputations for academic excellence
- Skilled workforce supported by top-tier universities and technical schools
- Business-friendly climate with no state income tax and access to elected leaders at the local, state, and federal levels

Summerset is a thriving community in the heart of the Black Hills, where opportunity meets quality of life. Convenient access to scenic trailheads, and just minutes away from the region's metro hub makes Summerset the best of both worlds. The area's school districts offer abundant athletic, academic, and fine-art opportunities and maintain passionate educators who support advancement in world class science.

With local leadership fostering a business-friendly environment, we're eager to partner with you and are dedicated to making the process of bringing your business to Summerset seamless, supportive, and successful.

2,972
POPULATION

Included in the 6 county Rushmore Region population of **207,879**

Summerset population projected to grow by

7%
over the next 5 years

Updated January 2026

PROPERTY SEARCH



1) Grade/Scale Police Department Payroll Change– Effective Date

Recap *Board approved the Updated Grade/Steps presented at their January 22, 2026, Commission Meeting. Board will need to make a motion on effective date of the pay starting on 01/26/2026.

- a) Tess Regan = Grade 19, Step I - \$33.50
- b) Colton Juso = Grade 18, Step K - \$32.68
- c) Kyle McSherry = Grade 18, Step B - \$28.88
- d) Scott Johnson = Grade 18, Step C - \$29.61
- e) Rich Nasser = Grade 22, Step D – No Change in Pay
- f) Matt Macrander = Grade 20, Step H – No Change in Pay
- g) **Lieutenant Position (Vacant) Grade 21, Step E - \$36.97.**



We have prepared a quote for you

2026 Copier Update

QUOTE #001059 V1

PREPARED FOR
City of Summerset

PREPARED BY
Andrew Newhouse

MZ4001ci Copier

| Description | Price | Qty | Ext. Price |
|---|-------|-----|------------|
| <p style="text-align: center;"><u>What makes us different?</u></p> <p>Experienced Technical Support</p> <p>Evergreen has the most experience staff in Western South Dakota to support Kyocera Products with over 75 years of technical experience to support your office. Evergreen provides same day or next day response to keep your units operating with maximum uptime. Evergreen provides superior service with regular cleaning visits and maintenance updates without waiting for a service call from our customers. This has allowed Evergreen the ability to virtually eliminate emergency calls for down machines.</p> <p>Kyocera Fleet Services (KFS)</p> <p>Kyocera Fleet Services (KFS) is a comprehensive remote monitoring solution that saves both time and money. Evergreen can monitor devices in real- time, anticipate issues, even update firmware remotely during off-peak hours.</p> <p>KFS also provides usage data: Which devices get used the most? Is there too much color printing? Or not enough? Over time, the entire document infrastructure can be optimized to best meet the unique and evolving needs of any organization.</p> <p>Superior Image Quality</p> <p>The TASKalfa Series provides you with the type of image quality that makes a solid impression. Through a combination of Kyocera developed Micro-Particle Toner and 8-bit Color Technology, colors are true, gradations are smooth, and shading is accurate, providing vivid Color and crisp Black and White documents. Due in part to the use of newly developed, consistently sized, and shaped toner particles; you can expect consistent image quality from the first page to the last. When it comes to continuous printing, the calibration on these devices is truly intelligent.</p> <p>Ultra – Reliability</p> <p>Other manufacturers talk about reliability, but Kyocera has always delivered. The TASKalfa Series upholds the tradition of proven ultra-reliability by combining Best-in-Class engine technology (including many new improvements), Kyocera’s unique Amorphous Silicon (a-Si) Drums and industry-leading preventive maintenance schedules.</p> <p>Pinpoint Scan</p> <p>The ability to scan and deliver documents quickly is essential for any fast-paced business. Kyocera’s proprietary Pinpoint scan software allows the end user to utilize a highly secure scanning environment in a user-friendly format that everyone will enjoy.</p> | | | |

MZ4001ci Copier

| Description | | Price | Qty | Ext. Price |
|------------------|---|------------|-----------|-------------------|
| MZ4001ci | TASKalfa MZ4001ci | \$4,905.00 | 1 | \$4,905.00 |
| DP-7160 | 320 Sheet DSDP with Multi-Feed sensor | \$1,169.00 | 1 | \$1,169.00 |
| JS-7110 | Inner Shift Tray | \$224.00 | 1 | \$224.00 |
| Cabinet | Metal Cabinet | \$179.00 | 1 | \$179.00 |
| EOS-Copier Surge | Copier Surge Protector Copier Surge Protector | \$127.00 | 1 | \$127.00 |
| | | | Subtotal: | \$6,604.00 |

MZ4001ci Maintenance

| Description | | Recurring | Qty | Ext. Recurring |
|---|--|-----------|-----------|-----------------|
| <h2><u>Service and Toner Pricing for TASKalfa</u></h2> <p>Evergreen Office Solutions is committed to your service and support. To provide you with a complete Kyocera solution we will provide labor, parts, fuser rollers, toner, developer, and drum. We will provide anything and everything to keep your Kyocera printing. All you provide is paper and staples.</p> | | | | |
| Copier Maintenance | Monthly Copier Maintenance Includes 3,500 B&W prints. All excess copies will be billed at \$0.007 per print. Includes 500 Full Color prints. Includes 3,500 Spot Color prints. Spot Color copies will be billed at \$0.025 per print. Full Color copies will be billed at \$0.07 per print. | \$150.00 | 1 | \$150.00 |
| | | | Subtotal: | \$150.00 |

308ci Copier Used

* Optional

| Description | Price | Qty | Ext. Price |
|--|------------|-----|-------------------|
| TASKalfa 308ci TASKalfa 308ci - This machine is a used machine out of our rental fleet. - TASKalfa 308ci - Dual 500 Sheet paper tray - 500 Sheet internal finisher - Fax board - 32GB Memory Device | \$2,400.00 | 1 | \$2,400.00 |
| * Optional Subtotal: | | | \$2,400.00 |

308ci Copier New

| Description | Price | Qty | Ext. Price |
|--|------------|-----|-------------------|
| TASKalfa 308ci | \$1,821.00 | 1 | \$1,821.00 |
| JS-5100 | \$123.00 | 1 | \$123.00 |
| PF-5120 | \$268.00 | 1 | \$268.00 |
| Stand | \$200.00 | 1 | \$200.00 |
| Fax System 11 | \$178.00 | 1 | \$178.00 |
| SDHC Card-32G | \$102.00 | 1 | \$102.00 |
| EOS-Copier Surge Copier Surge Protector | \$127.00 | 1 | \$127.00 |
| Subtotal: | | | \$2,819.00 |

308ci Maintenance

| Description | | Recurring | Qty | Ext. Recurring |
|--|--|-----------|-----|----------------|
| <h2>Service and Toner Pricing for TASKalfa</h2> <p>Evergreen Office Solutions is committed to your service and support. To provide you with a complete Kyocera solution we will provide labor, parts, fuser rollers, toner, developer, and drum. We will provide anything and everything to keep your Kyocera printing. All you provide is paper and staples.</p> | | | | |
| Copier Maintenance | <p>Monthly Copier Maintenance</p> <p>Includes 500 B&W prints. All excess copies will be billed at \$0.012 per print.</p> <p>Includes 100 Full Color prints. Includes 400 Spot Color prints. Spot Color copies will be billed at \$0.03 per print. Full Color copies will be billed at \$0.09 per print.</p> | \$50.00 | 1 | \$50.00 |
| Subtotal: | | | | \$50.00 |

Software and Install

| Description | | Price | Qty | Ext. Price |
|---------------|-----------------------------------|----------|-----|-----------------|
| PinPoint Scan | Advanced Scanning Software | \$199.99 | 2 | \$399.98 |
| EOS-Projects | Delivery and Installation | \$300.00 | 1 | \$300.00 |
| Subtotal: | | | | \$699.98 |

2026 Copier Update

Prepared by:

Evergreen Office Solutions
Andrew Newhouse
Fax (605) 348-9688
Evergreenandrew@ttcrc.com

Prepared for:

City of Summerset
7055 Leisure Lane
Summerset, SD 57718
Lisa Schieffer
(605) 718-9858
lschieffer@summerset.us

Quote Information:

Quote #: 001059
Version: 1
Delivery Date: 02/06/2026
Expiration Date: 03/01/2026

Quote Summary

| Description | Amount |
|----------------------|--------------------|
| MZ4001ci Copier | \$6,604.00 |
| 308ci Copier New | \$2,819.00 |
| Software and Install | \$699.98 |
| Total: | \$10,122.98 |

Expenses Summary

| Description | Amount |
|----------------------|-----------------|
| MZ4001ci Maintenance | \$150.00 |
| 308ci Maintenance | \$50.00 |
| Total: | \$200.00 |

*Optional Expenses

| Description | One-Time |
|--------------------|-------------------|
| 308ci Copier Used | \$2,400.00 |
| Optional Subtotal: | \$2,400.00 |

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Main: (605) 343-8265
Email: Evergreenandrew@tcrc.com
Web: www.evergreenofficesolutions.com



Evergreen Office Solutions

City of Summerset

Signature: Andrew Newhouse

Name: Andrew Newhouse

Title: Technology Manager / Owner

Date: 02/06/2026

Signature: _____

Name: Lisa Schieffer

Date: _____

10-4-40. Partial exemption--Owner-occupied dwellings of certain disabled veterans.

Two hundred thousand dollars of the full and true value of the total amount of a dwelling or portion thereof classified as owner-occupied pursuant to §§ 10-13-39 to 10-13-40.4, inclusive, that is owned and occupied by a veteran who is rated as permanently and totally disabled from a service-connected disability is exempt from property taxation. The veteran shall apply for this partial exemption on a form prescribed by the secretary of revenue. Any application or supporting document for this exemption is confidential. Any veteran who would otherwise qualify for this exemption but fails to comply with the application deadline for the owner-occupied classification or the deadline for application for this exemption may petition the board of county commissioners to recalculate the taxes based upon the owner-occupied classification and this exemption and abate or refund the difference in taxes pursuant to chapter 10-18.

If the director of equalization determines that the veteran receives an exemption for the veteran's dwelling pursuant to this section, the veteran retains that exemption until the property ownership is transferred, the veteran does not occupy the dwelling, or the property has a change in use. If the legal description of property is changed or amended and the veteran continues to reside in the dwelling, the veteran retains the exemption provided by this section.

Source: SL 2007, ch 45, § 1; SL 2008, ch 39, § 1, eff. Nov. 1, 2007; SL 2008, ch 40, § 1; SL 2011, ch 1 (Ex. Ord. 11-1), § 161, eff. Apr. 12, 2011; SL 2019, ch 59, § 1; SL 2024, ch 34, § 1.

10-4-41. Partial exemption--Owner-occupied dwellings of surviving spouses of certain veterans.

Two hundred thousand dollars of the full and true value of the total amount of a dwelling, or portion thereof, classified as owner-occupied pursuant to §§ 10-13-39 to 10-13-40.4, inclusive, is exempt from property taxation if owned and occupied by:

- (1) The surviving spouse of a veteran who was rated as permanently and totally disabled from a service-connected disability; or
- (2) The surviving spouse of a veteran, who receives dependency and indemnity compensation from the United States Department of Veterans Affairs as a result of the veteran's service-connected death.

The surviving spouse shall apply for this partial exemption on a form prescribed by the secretary of revenue. **Any application or supporting document for this exemption is confidential.** Any surviving spouse who would otherwise qualify for this exemption but fails to comply with the application deadline for the owner-occupied classification or the deadline for application for this exemption may petition the board of county commissioners to recalculate the taxes based upon the owner-occupied classification and this exemption and abate or refund the difference in taxes pursuant to chapter 10-18.

If the director of equalization determines that the surviving spouse receives an exemption for the dwelling pursuant to this section, the surviving spouse retains that exemption until the property ownership is transferred, the surviving spouse does not occupy the dwelling, the surviving spouse remarries, or the property has a change in use. If the legal description of property is changed or amended and the surviving spouse continues to reside in the dwelling, the surviving spouse retains the exemption provided by this section.

Source: SL 2010, ch 46, § 1; SL 2011, ch 1 (Ex. Ord. 11-1), § 161, eff. Apr. 12, 2011; SL 2019, ch 59, § 2; SL 2022, ch 27, § 1; SL 2024, ch 34, § 2.



What can we do for you today?

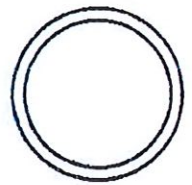
The South Dakota Department of Revenue consistently provides a positive experience by partnering with their customers to understand their needs while guiding them to useful solutions with expertise, easy-to-use online tools and a human touch.

For additional assistance:

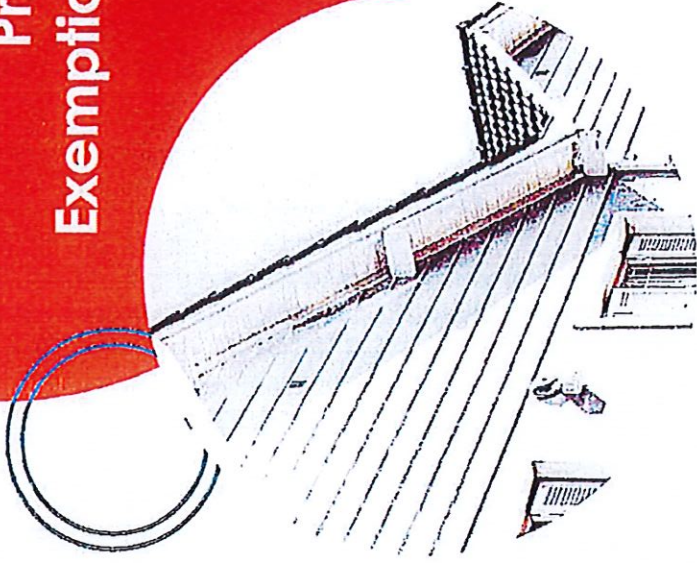
Phone: 1-800-829-9188

Email: proptaxin@state.sd.us

Website: <https://dor.sd.gov>



Disabled Veteran Property Tax Exemption Program



What's inside:

What the Program Does

Eligibility

How to Apply



Contact Us

1-800-829-9188

proptaxin@state.sd.us

<https://dor.sd.gov>



Relief Programs

Assessment Freeze for the Elderly and Disabled

Disabled Veteran Exemption

Homestead Exemption Program

Property Tax Exemption for Paraplegic Veterans

Property Tax Reduction for Paraplegics

Property Tax Reduction from Municipal Taxes for the Elderly and Disabled

Sales or Property Tax Refund for Seniors & Citizens with Disabilities



"The State of South Dakota recognizes and honors our state's veterans for the service they have given to and sacrifices they have made for their country. Some of our South Dakota veterans returned home with disabilities sustained through the course of that military service, and because of those conditions, may have difficulty meeting their property tax obligations. This brochure explains how the Disabled Veteran Property Tax Exemption Program works, what eligibility requirements must be met, and how to apply."

-Secretary Michael Houdyshell

What the Program Does

For those eligible, the program exempts \$200,000 of the full and true value of the dwelling, or portion thereof, from property taxes. Dwelling is defined as the home, garage, and the lot. Once approved for the exemption, no further applications are needed. The property will continue to receive the \$200,000 exemption until the property is sold or there is a change in use.

How to Apply

Application must be submitted to your county director of equalization on or before November 1.

The veteran must be rated as permanently and totally disabled as the result of a service-connected disability.

The property must be owned and occupied by a disabled veteran or unmarried surviving spouse.

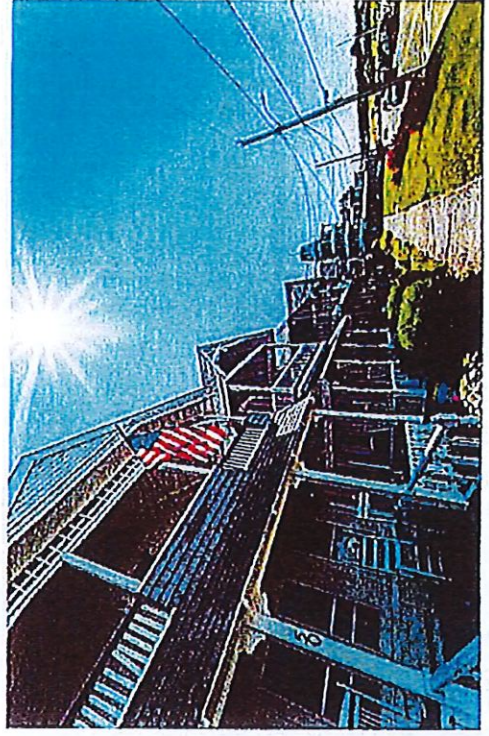
The property must be classified as owner-occupied.

The property must be owned and occupied by an unmarried surviving spouse receiving dependency and indemnity as a result of the veteran's service-connected death.

For the initial application, the applicant must provide proof of their eligibility

Such proof can be obtained by calling the Sioux Falls VA Regional Office at 1-800-827-1000 and requesting that they send you a statement verifying that you are permanently and totally disabled as a result of a service-connected disability(ies). You must take a copy of that statement with you when you apply for the exemption as proof that you meet the eligibility requirements.

Applications are available at your county courthouse or from the Property Tax Division's website at <https://dor.sd.gov/individuals/taxes/property-tax/relief-programs/>



12/1/25

**WATER SERVICES AGREEMENT BETWEEN CITY OF SUMMERSET
AND BLACK HAWK WATER USERS DISTRICT**

This Agreement is made on this ____ day of _____, 2025 by and between the City of Summerset, a South Dakota Municipal Corporation of 7055 Leisure Lane, Summerset, South Dakota 57718 (Summerset or City) and the Black Hawk Water Users District, a South Dakota Water Users District of 5513 Oak Street, Black Hawk, South Dakota 57718 (District), (individually Party and collectively Parties).

RECITALS

WHEREAS Summerset was created as a South Dakota Municipal District in 2005 and encompassed a large area of existing subdivisions and homes and other lands; and

WHEREAS, the District had been duly organized and formed under South Dakota State law SDCL Chapter 46A in 1996 as the successor of Black Hawk Water Company, Inc., a South Dakota nonprofit who had been providing water in the area, which included that area incorporated into Summerset, since 1949; and

WHEREAS, Summerset recognizes the District had existing distribution lines, mainlines and other facilities located in the area that became Summerset and that such infrastructure and facilities existed in public rights of way through permission from Meade County; and

WHEREAS, Summerset has developed and continues to expand its sewer treatment facilities to serve the City of Summerset and areas where Summerset may see growth; and

WHEREAS, the Parties recognize that for the betterment of both organizations and the communities they serve it will be beneficial to have a long term agreement regarding their interrelationships and cooperation.

NOW, therefore, the Parties hereby mutually agree and covenant as follows:

1. **Information Exchange.** Upon request, the District agrees that it will provide information regarding the metered water usage of any household, business or other entity that is or may be connected to the Summerset Sanitary Treatment Plant and Summerset agrees to provide information to the District concerning properties connected to the District water. The Parties mutually agree to provide information to the other needed to properly serve their joint consumers as may be requested. Such information may include but is not limited to whether a property is connected to a service, water usage, billing address and sewer users billing address.

If a party requests information in a format the non-requesting party does not use or keep in the regular course of business and it requires the non-requesting party to incur administrative overhead to prepare information, the requesting party agrees to pay for reasonable administrative overhead for the accumulation of information in the format requested by the requesting party. The City and the District mutually warrant and represent that all information exchanged between the two entities shall be held confidential and used only for City or District purposes.

The Parties recognize that when both are serving the same consumer there can be a need to communicate regarding the service. City may need information from the District regarding water usage or other matters to help with sewer billings and the District may need information from the City to help with water billing service or other matters. Therefore, in addition to either party providing information regarding consumers connected to their respective service upon request, the Parties shall inform the other should a consumer known to be served by the other becomes disconnected from a service or the service is disrupted in such a way that the other party's service may be impacted.

2. **Cooperation on Providing of Services.** The Parties shall reasonably cooperate to facilitate the provisioning of their respective services to individual consumers and in any newly developed areas.

3. **District Working Within City Controlled Right of Ways.** The District has water mains within the City's currently controlled rights of way in various locations throughout the City. In many situations, these water mains pre-existed the creation of the City. The District agrees that for the construction of any water mains, lines or facilities within a City controlled right of way, it will meet the following conditions for work within the right of ways even if the infrastructure existed prior to the establishment of the City.

- a. **Current Water Facilities.** District shall have the right to repair, replace, maintain and do any other work that is reasonably necessary to repair water lines and other water facilities that it currently has within City controlled right of ways. Work within City controlled right of ways will be conducted in a commercially reasonable manner. The City shall receive at least 24 hours' notice before commencement of work except for in cases of an emergency when the notice shall be given as soon as reasonably possible. For larger projects, such as the replacement of a full main or installation of a new main, the District shall advise the City of its plans prior to advertising any construction project and preferably providing a copy of the proposed engineering plans for this construction prior to advertising for bids unless the City has been involved in the project in other ways prior to submitting the project to bid.
- b. **Construction in City Right of Ways or in Areas not yet Served by the District.** To construct in the City right of ways where the District has no existing facilities or water lines, the District shall follow the City's method for approval for utilities installation within right of ways. The City agrees that it will not treat the District any differently than other utilities in requirements for the use of the City controlled right of ways.
- c. **Road Closures.** The Parties acknowledge that at times District work may require the closure of part or all of a right of way. If the District determines that to properly maintain or install a water line or water facilities, the closure of a road in part or in whole will be necessary, the District will coordinate with the City's

public works department to minimize the disruption of traffic and citizens and complete the construction in a commercially reasonable manner.

- d. Obligation to Restore Surfaces. Within City property or rights of way, the District shall be solely responsible for the installation, maintenance and repair of its water mains and other associated infrastructure that is on City property or within Summerset's rights of way. In the event that such installation, maintenance or repair of water infrastructure requires excavation or other disturbance of the surface above and around the location, the District agrees that it shall replace and restore any disturbed surface, including streets, sidewalks, driveways, concrete, asphalt, sod, sprinkler systems, to the same or superior condition. Restoration of fencing, trees, shrubs and other landscaping in the right of way are not required. This provision does not apply to any water service lines to homes or businesses from and including the corporation cock or any other component of a water service that is the responsibility of a particular user and does not prevent the District from pursuing payment from any party that may be liable for damage to the District's facilities.
- e. Construction Within Right of Ways not Controlled by the City. For right of ways controlled by other governmental entities, such as the South Dakota Department of Transportation or Meade County, that happen to lie within the exterior boundaries of the City, the District shall coordinate with the appropriate governmental entity but provide City Hall with notice of the project before actual construction begins.
- f. Private Easements. For work not located in a public right of way and not on City property, if the District has an easement with the landowner the terms of the easement shall apply as to the District's obligations versus the landowner's for restoration of surfaces. For cases where the District's work damages a public sidewalk even though the sidewalk is on private property, the District shall restore the sidewalk at completion of the project if the property owner refuses to do so. This provision will not apply to interior sidewalks of property owners that are not open to the public under State or municipal law.
- g. Future Development Without a Right of Way. The City agrees that should it allow development to occur where no public easement or utility right of way exists causing water mains to be installed under pavement or other surfacing or under City landscaping, and should a main line break occur under these surfaces, that surface restorations for these areas will be the responsibility of the City or landowner.

4. Future Growth Within Area. The Parties recognize that continued development pressure is anticipated within the existing Parties respective boundaries and areas surrounding these boundaries. The Parties further recognize that working together and keeping both sides advised of possible development projects involving the other may lead to more efficient service in the future and better development within the area benefitting both the Parties and their

consumers. Therefore, the Parties where possible will cooperate and advise the other of ongoing development projects as set forth below.

- a. Development Within Existing City Boundaries. When developing within the City boundaries, the City shall look to the District for providing water to the development unless another public water system as defined under SDCL 34A-3A-2(8) is already serving the area. The City shall make the District aware of any area being developed where water lines do not exist to ensure the District has capacity within the area and can plan for a service of the area. If the design of additional water mains and sewer lines are necessary for development, the Parties' engineers will coordinate with the developer's engineers to ensure proper avenues are available for installation of both services without interference between the services and, when appropriate, developer payment for the improvements.

As part of the platting process, the City shall undertake requiring in development of new areas an obligation of the developer to ensure the utility corridors are sufficient to serve the area being developed and any area that may lay adjacent or behind the area being developed have future access to utilities by providing throughways for utilities to service undeveloped land.

- b. Areas Outside Existing City Boundaries. The District shall keep the City advised of areas where the District is approached by developers for the purposes of providing water for the development of the land. In situations where that development is within the extraterritorial jurisdiction (ETJ) exercised by the City for platting, the District shall coordinate with the City by providing information regarding the proposed project to ensure proper water service within the development area. In engineering and providing water delivery for the area, District shall consider the possibilities of the development eventually becoming part of the City and how the development of the property may in the future integrate with City infrastructure.

5. District Rates. District shall charge its end user customers located within the boundaries of the City at a rate no higher than similarly situated District customers located outside of the City. Rates for the purposes of this section includes any surcharges placed on customers unless the surcharge is a specific surcharge placed on a defined set of customers or area and are set to recover expenses related to the expansion or buildout of new facilities to serve those customers or area. Rates do not include any connection fees, installation costs or taxes that might result on a customer as a result of that customer being located within a municipal boundary. Charges for water provided to bulk water users or resellers of water shall be set by the District on a case by case basis.

6. Condition of Expanded Water Service.

The District shall continue to provide end use water service to its current customers within the boundaries of the City. The District shall also provide future retail water service to additional users of water in the City whenever the following conditions are met:

- (a) There is sufficient capacity within the main and the District's system to serve the end user, or, to the extent a water user is located in an area where there is not an existing main, the water user or the developer of any new development area agrees to incur the costs of constructing a main and other facilities sufficient in the District's opinion to service that customer; and,
- (b) Extension of the service to the customer will not jeopardize the District's ability to provide service to any of its current existing users.

The District shall have no obligation to provide water service to a territory outside of the District area or to any area within the District wherein the determination is made that the providing of water would be detrimental to the District's existing customers or economically prohibitive.

7. **Potability and Pressure Standards.** The District shall provide water to the users within the City that meets all applicable regulations for safe drinking water, shall be of the same purity and quality as water provided to customers outside of the City and with sufficient pressure to meet all requirements of the South Dakota Department of Agriculture and Natural Resources.

8. **Mutual Cooperation.** The Parties shall reasonably cooperate to facilitate the provision of water service by the District and sewer service by the City to the Parties' respective existing customers and potential future customers located within the City boundaries or the District boundaries.

9. **Development Agreements.** In situations where the City is allowing development to take place outside its boundaries pursuant to its extraterritorial jurisdiction and the District will be providing water to that developer, the District will enter into a developer agreement with the developer for any required service or required water system build out that allows both the City and the District to enforce the obligations of the developer.

10. **Term/ Termination.** This is an Agreement for the provision of a public utility and may only be terminated by mutual consent of the Parties. This Agreement shall remain in full force and effect for a period of forty (40) years from the date of execution.

11. **Implementation.** Each of the Parties shall promptly take such actions as may be necessary or desirable to effectuate and implement this Agreement. This shall include the adoption of regulations, rules or ordinances if determined necessary to fulfill a Party's obligation under this Agreement.

12. **Notices.**

- a. **Written Notices.** Each notice required by or relating to this Agreement shall be in writing and specifically refer to this Agreement and to the issue the notice relates. Any such notice shall be delivered to each notice addressee of the Party receiving the notice by personal delivery (or alternatively, if the address specified for such

notice addressee is an office address, by personal delivery during normal business hours to the person apparently in charge of such addressee's office), or shall be mailed to such addressee by certified mail-return receipt requested or by first class mail, or shall be transmitted to such addressee by email (provided that the notice is mailed the same day by first class mail), at the address stated below. Nothing in this Section shall be deemed to require delivery of a notice to by any particular means, provided that the means used is approved by this Agreement or is approved in writing by the recipient Party.

- b. Changing Notice Address. Each Party may, from time to time and as appropriate, change its notice addresses or add additional addresses for notice by electronic mail or other communications media by providing written notice to the other Party pursuant to this Section setting forth the changes being made.
- c. Effective Date of Notice. Each notice shall be effective upon delivery in person, or two days after mailing by certified mail-return receipt requested or first class mail, or upon email transmission with receipt confirmed, or upon actual receipt without regard to the method of delivery or transmission, whichever occurs first. Any time period specified by this Agreement in connection with a notice requirement shall be determined with respect to the effective date of the notice unless a different intent is clearly stated.
- d. Emergency Notice. The Parties may reasonably shorten the time for any notice required by this Agreement when necessary to deal with a serious emergency situation; provided, however, that an emergency resulting from a failure of such Party to act promptly in response to circumstances clearly requiring attention shall not qualify as an emergency.
- e. Waiver of Notice. The governing body of any Party shall have authority to waive, in writing, any notice that it is entitled to receive under this Agreement.
- f. Notice Addressees and Addresses. The notice addressee(s) for each of the Parties, and their respective addresses for purpose of giving notice pursuant to or in connection with this Agreement, shall be as follows:

City of Summerset:
City Administrator
7055 Leisure Lane
Summerset, SD 57718

Black Hawk Water User District:
Manager Black Hawk Water District
5513 Oak Street
PO Box 476
Black Hawk, SD 57718

13. **Waiver.** Except as otherwise specifically provided in this Agreement, any right of a Party pursuant to this Agreement can only be waived in writing. A waiver on one occasion, or in one set of circumstances, shall not be deemed to be a waiver of such right on any other occasion or in any other circumstances.

14. **Mutual Indemnification.** The District shall hold harmless, indemnify and defend the City and its officers, employees and agents from and against any and all claims, causes of action, liability, damages, expenses and costs (including reasonable attorneys' fees) for or in connection with personal injury, death or property damage resulting from or arising out of acts or omissions of the District, its officers, employees, agents, consultants or contractors, or their subcontractors, when such acts or omissions relate to the District's obligations pursuant to this Agreement. The City shall hold harmless, indemnify and defend the District, its officers, employees and agents from and against any and all claims, causes of action, liability, damages, expenses and costs (including reasonable attorneys' fees) for or in connection with personal injury, death or property damage resulting from or arising out of acts or omissions of the City, its officers, employees, agents, consultants or contractors, or their subcontractors, when such acts or omissions relate to the obligations of the City, pursuant to this Agreement.

15. **Severability.** In the event that any provision of this Agreement, or any part thereof, is held or determined by a court or agency of competent jurisdiction to be invalid or unenforceable, the balance of this Agreement shall be deemed to be severable and shall survive.

16. **Interpretation.** This Agreement shall not be deemed to have been drafted by any particular Party so as to be interpreted strictly against such Party. As used in this Agreement, "shall" and "must" are mandatory, "may" and "should" are discretionary. As used in this Agreement, "person" means individual, corporation, partnership or any other recognized entity.

17. **Section and Subsection Titles.** Section and subsection titles in this Agreement are provided for convenience only and shall not be used in interpreting this Agreement.

18. **Successors and Assigns.** This Agreement shall benefit and be binding upon the Parties and their successors and assigns. This Agreement shall not be assigned by any Party without the written consent of the other Party.

19. **Complete Agreement.** This Agreement represents the complete agreement of the Parties and supersedes all agreements, warranties, representations and promises, either written or oral, made during the course of negotiations leading up to this Agreement.

20. **Good Faith and Fair Dealing.** The Parties hereby acknowledge and agree that this Agreement imposes on each of them a duty of good faith and fair dealing.

21. **Enforcement/Remedies.**

- a. **Remedies.** Each Party shall have the right and standing to seek a declaratory judgment in court regarding the proper interpretation of this Agreement or of the rights or obligations of the Parties under the provisions of this Agreement as

stated. Each Party shall have the right and standing to seek any available equitable or legal remedy in court to enforce this Agreement, and/or to seek damages for the breach of this Agreement. No Party, however, shall have the right or standing to use such an action to challenge the validity or enforceability of this Agreement or any of its provisions.

- b. Notice of Breach or Dispute. If a Party believes that any other Party is in breach of this Agreement, or that a dispute exists about the meaning of the Agreement, the aggrieved Party shall promptly give written notice of the breach or dispute to the other Parties, specifying the provision(s) of this Agreement that are involved and the action, inaction, dispute or interpretation that gives rise to the notice. Representatives of the Parties shall meet as promptly as practicable thereafter, and in any event within 30 days after the effective date of the notice, and shall endeavor in good faith to resolve any dispute or other matter amicably. If the initial meeting fails to resolve the dispute or other matter, the Parties shall meet again within 30 days after the first meeting, unless the Parties agree in writing at the first meeting that there is no possibility a second meeting will help resolve the dispute or other matter. After the second meeting or after any agreement not to hold a second meeting, the Parties may pursue remedies in the South Dakota State Circuit Court located in Meade County for breaches of this Agreement provided, however, that the Party allegedly in breach shall not be in breach if such Party cures the alleged breach within 30 days after such notice or commences steps that should reasonably cure the alleged breach within a period of time that is reasonable under the circumstances and diligently pursues such steps to completion, and the completion of such steps does cure the alleged breach.
- c. Commencement of Civil Actions or Other Proceedings. A Party shall not commence a civil action until after the meeting(s) required by Subsection (b) above except that a Party may commence an action seeking specific performance or injunctive relief prior to that time if, in that Party's good faith judgment, urgent action is necessary to protect the public health, safety or welfare from serious harm.

22. Amendment. This Agreement may be amended or terminated by written agreement duly approved by the governing bodies of the Parties and signed by appropriate and duly authorized officers of such Parties.

23. No Third-Party Beneficiaries and no Wavier of Claims Against Third Parties. This Agreement is intended to benefit only the Parties and their successors and assigns, and nothing in this Agreement shall be interpreted as giving to any person which is not a Party any legal or equitable rights whatsoever. Nothing in this Agreement shall constitute a waiver of either Party of claims that have or may in the future accrue against unrelated third parties.

24. Effective Date. This Agreement shall take effect upon being duly approved and signed by each of the Parties, whichever occurs last.

25. **Approval/Authority.** Each of the Parties hereby represents that this Agreement was duly approved by its governing body on the date stated below in accordance with all applicable state and local laws, and that its governing body has caused its duly authorized officers to execute this Agreement on its behalf on the date stated after each signature below.

Dated this _____ day of _____, 2025.

CITY OF SUMMERSET
A South Dakota Municipal Corporation

BLACK HAWK WATER USERS
DISTRICT

BY: _____
Its: Mayor

BY: _____
Its: _____

§ 155.005 REGULATIONS.

The following general regulations shall apply to all zoning districts.

(A) Except as otherwise provided in this chapter, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used, except:

(1) For a purpose permitted in the district in which the structure or land is located;

(2) In conformance with the height and minimum lot requirements, and the parking, loading, stacking, and sign regulations, and any other applicable requirements of the district in which the structure or land is located; and

(3) In conformance with any federal, state, or municipal codes as may be applicable. Where this chapter and another chapter conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(B) The density and yard regulations of this chapter are minimum regulations for each and every building existing at the effective date of the ordinance codified herein or for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.

(C) Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as otherwise provided in this chapter.

(D) Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations. All requirements shall be observed as though the property were under single ownership.

The following general regulations shall apply to all zoning districts as it pertains to mining.

(A) There shall be no mining operation activities permitted within the City of Summerset, nor within one (1) mile of its corporate boundaries. This prohibition is established to protect the health, safety, and welfare of our citizens, to preserve the integrity of our environment and infrastructure, and to ensure the continued quality of life within our community in accordance with this provision,

§ 155.009 DEFINITIONS.

*Add the following to the list of definitions under 155.009

MINING OPERATIONS. "Mining operation," the development or extraction of a mineral from its natural occurrence on affected land. The term includes surface mining and surface operation, in situ mining, the reprocessing of tailings piles, the disposal of refuse from underground mining, milling and processing located on the land described in the application for a mining permit, and stand-alone milling and processing facilities utilizing chemical or biological leaching agents and the extraction of any material by use of explosives. The term does not include exploration activities, bulk sampling, the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe, borrow excavation for embankments, or the extraction of geothermal resources;

9-29-1. Territorial jurisdiction of municipalities.

Every municipality shall have power to exercise jurisdiction for all authorized purposes over all territory within the corporate limits and over any public ground or park belonging to the municipality, whether within or without the corporate limits, and in and over all places, except within the corporate limits of another municipality, within one mile of the corporate limits or of any public ground or park belonging to the municipality outside the corporate limits, for the purpose of promoting the health, safety, morals, and general welfare of the community, and of enforcing its ordinances and resolutions relating thereto.

Source: PolC 1877, ch 24, § 23; CL 1887, § 1044; SL 1890, ch 37, art IV, § 15; RPolC 1903, §§ 1212, 1439; SL 1913, ch 119, § 30; RC 1919, § 6187; SL 1931, ch 193; SDC 1939, § 45.0201 (24).

Scheduled for hearing 2/17/26

26.967.11 101st Legislative Session 1288



2026 South Dakota Legislature
House Bill 1288

Introduced by: **Representative Jorgenson**

An Act to modify the authority of a political subdivision to adopt mining ordinances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 45-6-65 be AMENDED:

45-6-65. An operator shall obtain a license to mine:

- (1) Sand;
- (2) Gravel;
- (3) Rock to be crushed and used in construction;
- (4) Pegmatite minerals;
- (5) Limestone; and
- (6) Iron ore, gypsum, shale, pozzolan, and other materials used in the process of making cement or lime.

The operator shall comply with the requirements of §§ 45-6-68, 45-6-69, 45-6-71, ~~and 45-6-72~~, and section 2 of this Act, for each site to be mined. Failure to comply with these requirements for each site mined constitutes mining without a license.

The fee for the license is one hundred dollars annually, for each mine site authorized under the license. The department shall forward any fees collected under this section to the state treasurer for deposit in the environment and natural resources fee fund established in § 1-41-23.

Section 2. That a NEW SECTION be added to chapter 45-6:

Any county or first or second class municipality, which has adopted a comprehensive plan, may adopt ordinances or requirements that govern sand,

gravel, and aggregate mining operations and are not inconsistent or in conflict with applicable state laws or administrative rules.

A county or first or second class municipality may not require additional bonds or sureties, if the same are required by state law or administrative rule. The Board of Minerals and Environment may not grant a permit for a mining operation unless the applicant has complied with all county or city ordinances and requirements and obtained necessary county or city permits.

If the applicant has substantially complied with the procedure for obtaining any necessary county or city permits but has not obtained permits due to administrative delay, the Board of Minerals and Environment may grant a mining permit that is conditioned upon the issuance of all necessary county or city permits within sixty days of the date of the board's issuance of the conditioned mining permit.

If a county or municipality has adopted an ordinance governing mining operations, any proceedings of and any action taken by the county or municipality with regard to the proposed mining operation may be considered by the Board of Minerals and Environment before the issuance or denial of a permit pursuant to this chapter, including a permit conditioned upon the issuance of all necessary county or city permits.

No mining operations may be commenced under a permit conditioned upon the issuance of all necessary county or city permits until the Board of Minerals and Environment is notified by the applicant in writing that the required county or city permits have been obtained by the applicant.

Section 3. That § 45-6B-4 be AMENDED:

45-6B-4. Any county or first or second class municipality which has adopted a comprehensive plan ~~and zoning ordinances~~ may adopt ordinances or requirements governing mining operations which are not inconsistent or in conflict with applicable state laws or administrative rules. However, ~~such~~ a county or municipality may not require additional bonds or sureties if the same are required by state law or administrative rule. The Board of Minerals and Environment may not grant a permit for a mining operation unless the applicant has complied with all county or city ordinances and requirements and obtained necessary county or city permits. However, if the applicant has substantially complied with the procedure for obtaining any necessary county or city permits but has not obtained ~~such~~ permits due to administrative delay, the Board of Minerals and Environment may grant a mining permit which is conditioned upon the issuance of all necessary county or city permits within sixty days of the date of the board's issuance of the conditioned mining permit. If a county or

municipality has adopted an ordinance governing mining operations, any proceedings of and any action taken by the county or municipality with regard to the proposed mining operation may be considered by the Board of Minerals and Environment before the issuance or denial of a permit pursuant to this chapter, including a permit conditioned upon the issuance of all necessary county or city permits.

No mining operations may be commenced under a permit conditioned upon the issuance of all necessary county or city permits until the Board of Minerals and Environment is notified by the applicant in writing that the required county or city permits have been obtained by the applicant.

Underscores indicate new language.

Overstrikes indicate deleted language.

2/12/26 Passed out of Committee 7 yeas 3 nays

26.466.12 101st Legislative Session 1287



2026 South Dakota Legislature

House Bill 1287

Introduced by: **Representative Jorgenson**

An Act to require an alternate approval process for an operation that extracts materials by the use of explosives.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 45-6-65 be AMENDED:

45-6-65. An operator shall obtain a license to mine any of the following materials, provided they are extracted by means that do not include the use of explosives:

- (1) Sand;
- (2) Gravel;
- (3) Rock to be crushed and used in construction;
- (4) Pegmatite minerals;
- (5) Limestone; and
- (6) Iron ore, gypsum, shale, pozzolan, and other materials used in the process of making cement or lime.

The operator shall comply with the requirements of §§ 45-6-68, 45-6-69, 45-6-71, and 45-6-72, for each site to be mined. Failure to comply with these requirements for each site mined constitutes mining without a license.

The fee for the license is one hundred dollars annually, for each mine site authorized under the license. The department shall forward any fees collected under this section to the state treasurer for deposit in the environment and natural resources fee fund established in § 1-41-23.

Section 2. That a NEW SECTION be added to chapter 45-6:

Any operator that uses explosives in its mining operation must report its use of explosives to the department within ninety days of the date this Act becomes effective.

Use of explosives by any contractor, subcontractor, or agent of the operator is considered use by the operator for purposes of this section.

In order to mine any of the materials listed in this section with the use of explosives, on or after July 1, 2026, the operator of any new or expanding mining operation shall obtain a permit under chapter 45-6B. Any operator that fails to obtain the required permit is subject to the penalties provided in chapter 45-6B.

If, for good cause, an operator is unable to obtain a permit by July 1, 2026, the operator may request that the department grant a six-month extension of the license while the operator is applying for a permit.

Operators who mine with the use of explosives under permits granted under chapter 45-6 must obtain permits under chapter 45-6B. The department shall implement a schedule for operators to transition to permits under chapter 45-6B starting July 1, 2026. The schedule may allow twenty percent of the operators in each of the consecutive five years from the date this Act becomes effective to transition to the new permits.

Section 3. That § 45-6B-3 be AMENDED:

45-6B-3. Terms used in this chapter mean:

- (1) "Abandoned mined lands," lands that were mined for noncoal minerals and materials and for which there is no continuing reclamation responsibility or responsibility for other remedial action under state or federal laws;
- (2) "Affected land," land from which overburden is to be or has been removed and land upon which overburden, waste rock, mine spoil, or mill tailings is to be or has been deposited; land which is disturbed by the building of access roads, railroad loops, warehouses, storage areas, or other support facilities for the purpose of mining or milling; and land affected by surface subsidence, unstable slopes, and other surface effects caused by underground mine workings;
- (3) "Aquifer," a water-bearing bed or stratum of permeable rock, sand, or gravel capable of yielding usable quantities of water to wells or springs;
- (4) "Black Hills," Lawrence County south of Interstate Highway 90, Meade County west and south of Interstate Highway 90 and Pennington and Custer Counties west of South Dakota Highway 79;
- (5) "Board," the Board of Minerals and Environment;

- (6) "Department," the Department of ~~Environment~~ Agriculture and Natural Resources;
- (7) "Development," the work performed in relation to a deposit, following the exploration required to prove minerals are in existence in commercial quantities but before production activities, aimed at preparing the site for mining, defining further the ore deposit by drilling or other means, conducting pilot plant operations, constructing roads or ancillary facilities;
- (8) "Life of the mine permit," a permit to conduct a mining operation which is in effect if:
- (a) An operator continues to engage in the extraction of minerals and complies with the provisions of this chapter;
 - (b) Mineral reserves are shown by the operator to remain in the mining operation and the operator plans to, or does, temporarily cease production for one hundred eighty days or more if the operator files a notice thereof with the board stating the reasons for nonproduction, a plan for ceasing production for one hundred eighty days or more if the operator files a notice thereof with the board stating the reasons for nonproduction, a plan for the resumption of production, and the measures taken to comply with reclamation and other necessary activities as established by the board to maintain the mine in a nonproducing state. The requirement of a notice of temporary cessation does not apply to operators who resume operating within one year and have included, in their permit applications, a statement following the exploration required to prove minerals are in existence in that the affected lands are to be used for less than one hundred eighty days per year;
 - (c) Production is resumed within five years of the date production ended, or the operator files a report requesting an extension of the period of temporary cessation of production with the board stating the reasons for the continuation of nonproduction and those factors necessary to, and the operator's plans for, resumption of production. A temporary cessation of production may not be continued for more than ten years without terminating the operation and fully complying with the reclamation requirements of this chapter.

A life of the mine permit includes that period of time after cessation of production necessary to complete reclamation of affected lands, until the board releases, in writing, the operator from further reclamation obligations regarding the affected land, declares the mining operation terminated, and releases the surety thereon;

- (9) "Milling," the beneficiation of a mined material from its natural occurrence in ore;
- (10) "Mineral," a substance with economic value, whether organic or inorganic, that can be extracted from the earth, ~~other than the following: water, oil, gas, sand, gravel, or rock to be crushed and used in construction; pegmatite minerals, or limestone,~~ but excluding the following materials if extracted by methods that do not include the use of explosives:
- (a) Water;
 - (b) Oil;
 - (c) Gas;
 - (d) Sand;
 - (e) Gravel;
 - (f) Rock to be crushed and used in construction;
 - (g) Pegmatite minerals; and
 - (h) Limestone, sand, gypsum, shale, or iron ore used in the process of making cement;
- (11) "Mining operation," the development or extraction of a mineral from its natural occurrence on affected land. The term includes surface mining and surface operation, in situ mining, the reprocessing of tailings piles, the disposal of refuse from underground mining, milling and processing located on the land described in the application for a mining permit, and stand-alone milling and processing facilities utilizing chemical or biological leaching agents, and the extraction of any material by the use of explosives. The term does not include ~~extraction of sand, gravel, or rock to be crushed and used in construction,~~ exploration activities, bulk sampling, the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe, borrow excavation for embankments, or the extraction of geothermal resources;
- (12) "Operator," any person, firm, partnership, limited liability company, association, or corporation or any department, division or agency of federal, state, county, or municipal government engaged in or controlling a mining operation;
- (13) "Overburden," all of the earth and other materials which are disturbed or removed, in the original state, or as it exists after removal from its natural state in the process of surface mining;
- (14) "Reclamation," the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the rehabilitation of affected land through the rehabilitation of plant cover, soil stability,

water resources, or other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands;

- (15) "Surface mining," the mining of minerals by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes mining directly from such deposits where there is no overburden and such practices as open cut mining, open pit mining, strip mining, placer mining, quarrying, and dredging;
- (16) "Surface mining disturbed land," land from which overburden has been removed, land upon which overburden, waste rock, mine spoil, or mill tailings have been deposited, land mined which has no overburden, heap leach pads, and process ponds;
- (17) "Tailings," the discharged valueless product of a beneficiation process.

Underscores indicate new language.

Overstrikes indicate deleted language.

2/12/24 Deferred to 4/1st day

2026 South Dakota Legislature

House Bill 1273

AMENDMENT 1273A FOR THE INTRODUCED BILL

1 An Act to revise certain mining statutes.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 45-6B-3 be AMENDED:

4 45-6B-3. Terms used in this chapter mean:

5 (1) "Abandoned mined lands," ~~lands that were mined for noncoal minerals and~~
6 ~~materials and for which there is no continuing reclamation responsibility or~~
7 ~~responsibility for other remedial action under state or federal laws;~~

8 (2) "Affected land," ~~land from:~~

9 (a) From ~~which overburden is to be or has been removed and land upon;~~

10 (b) Upon ~~which overburden, waste rock, mine spoil, or mill tailings is to be or~~
11 ~~has been deposited; land which;~~

12 (c) Which ~~is disturbed by the building of access roads, railroad loops,~~
13 ~~warehouses, storage areas, or other support facilities for the purpose of~~
14 ~~mining or milling; and land affected and~~

15 (d) Which is affected ~~by surface subsidence, unstable slopes, and other surface~~
16 ~~effects caused by underground mine workings;~~

17 (3)(2) "Aquifer," a water-bearing bed or stratum of permeable rock, sand, or gravel
18 capable of yielding usable quantities of water to wells or springs;

19 (4)(3) "Black Hills," Lawrence County south of Interstate Highway 90, Meade County west
20 and south of Interstate Highway 90, and Pennington and Custer Counties west of
21 South Dakota Highway 79, and Fall River County north of United States Highway
22 18 from the Wyoming border to Edgemont, then north of the Cheyenne River from
23 Edgemont to state Highway 79;

24 (5)(4) "Board," the Board of Minerals and Environment;

25 (6)(5) "Department," the Department of ~~Environment~~ Agriculture and Natural Resources;

- 1 ~~(7)~~(6) "Development," the work performed in relation to a deposit, following the
2 exploration required to prove minerals are in existence in commercial quantities
3 but before production activities, aimed at preparing the site for mining, defining
4 further the ore deposit by drilling or other means, conducting pilot plant operations,
5 and constructing roads or ancillary facilities;
- 6 ~~(8)~~ "Life of the mine permit," a permit to conduct a mining operation which is in effect
7 if: (a) ~~— An operator continues to engage in the extraction of minerals and~~
8 ~~complies with the provisions of this chapter;~~
- 9 ~~(b) — Mineral reserves are shown by the operator to remain in the mining~~
10 ~~operation and the operator plans to, or does, temporarily cease production~~
11 ~~for one hundred eighty days or more if the operator files a notice thereof~~
12 ~~with the board stating the reasons for nonproduction, a plan for ceasing~~
13 ~~production for one hundred eighty days or more if the operator files a notice~~
14 ~~thereof with the board stating the reasons for nonproduction, a plan for the~~
15 ~~resumption of production, and the measures taken to comply with~~
16 ~~reclamation and other necessary activities as established by the board to~~
17 ~~maintain the mine in a nonproducing state. The requirement of a notice of~~
18 ~~temporary cessation does not apply to operators who resume operating~~
19 ~~within one year and have included, in their permit applications, a statement~~
20 ~~following the exploration required to prove minerals are in existence in that~~
21 ~~the affected lands are to be used for less than one hundred eighty days per~~
22 ~~year;~~
- 23 ~~(c) — Production is resumed within five years of the date production ended, or~~
24 ~~the operator files a report requesting an extension of the period of~~
25 ~~temporary cessation of production with the board stating the reasons for~~
26 ~~the continuation of nonproduction and those factors necessary to, and the~~
27 ~~operator's plans for, resumption of production. A temporary cessation of~~
28 ~~production may not be continued for more than ten years without~~
29 ~~terminating the operation and fully complying with the reclamation~~
30 ~~requirements of this chapter.~~
- 31 ~~A life of the mine permit includes that period of time after cessation of production~~
32 ~~necessary to complete reclamation of affected lands, until the board~~
33 ~~releases, in writing, the operator from further reclamation obligations~~
34 ~~regarding the affected land, declares the mining operation terminated, and~~
35 ~~releases the surety thereon~~

- 1 (7) "Large-scale mine," a mine permitted under this chapter that is:
2 (a) An in situ mining operation;
3 (b) A mining operation that employs a cyanide leaching or other chemical or
4 biological leaching process to extract minerals from ore;
5 (c) An operation that affects more than ten acres, excluding access roads; or
6 (d) An operation that extracts more than twenty-five thousand tons of ore or
7 overburden per calendar year;
- 8 (8) "Life of the mine," a period of time:
9 (a) In which the operator extracts minerals;
10 (b) Which includes any temporary cessation of production, as described in
11 sections ~~6 7~~ and ~~7 8~~ of this Act; and
12 (c) Which includes reclamation after production ceases;
- 13 (9) "Milling," the beneficiation of a mined material from its natural occurrence in ore;
14 (10) "Mineral," a substance with economic value, whether organic or inorganic, ~~that~~
15 which can be extracted from the earth, other than ~~the following:~~ water, oil, or gas,
16 ~~sand, gravel, or rock to be crushed and used in construction, pegmatite minerals,~~
17 ~~or limestone, sand, gypsum, shale, or iron ore used in the process of making~~
18 ~~ement;~~
- 19 (11) "Mining operation," the development or extraction of a mineral from its natural
20 occurrence on affected land. The term includes surface mining and surface
21 operation, in situ mining, the reprocessing of tailings piles, the disposal of refuse
22 from underground mining, milling and processing located on the land described in
23 the application for a mining permit, and stand-alone milling and processing facilities
24 utilizing chemical or biological leaching agents. The term does not include
25 ~~extraction of sand, gravel, or rock to be crushed and used in construction,~~
26 ~~exploration activities, bulk sampling, the exploration and extraction of natural~~
27 ~~petroleum in a liquid or gaseous state by means of wells or pipe, borrow excavation~~
28 ~~for embankments, or the extraction of geothermal resources;~~
- 29 (12) "Operator," any person, firm, partnership, limited liability company, association, or
30 corporation or any department, division, or agency of federal, state, county, or
31 municipal government engaged in or controlling a mining operation;
- 32 (13) "Overburden," all of the earth and other materials ~~which~~ that are disturbed or
33 removed, in the original state, or as it exists after removal from its natural state
34 in the process of surface mining;

- 1 (14) "Reclamation," the employment during and after a mining operation of procedures
 2 reasonably designed to minimize as much as practicable the disruption from the
 3 mining operation and to provide for the rehabilitation of affected land through the
 4 rehabilitation of plant cover, soil stability, water resources, or other measures
 5 appropriate to the subsequent beneficial use of ~~such~~ the mined and reclaimed
 6 lands;
- 7 (15) "Surface mining," the mining of minerals by removing the overburden lying above
 8 ~~such~~ the mineral deposits and mining directly from the deposits thereby exposed.
 9 The term includes mining directly from ~~such~~ the deposits where there is no
 10 overburden and ~~such practices as~~ practices including open cut mining, open pit
 11 mining, strip mining, placer mining, quarrying, and dredging;
- 12 (16) "Surface mining disturbed" land, "land from ground:"
 13 (a) From which overburden has been removed, ~~land upon~~;
 14 (b) Upon which overburden, waste rock, mine spoil, or mill tailings ~~have~~ has
 15 been deposited, ~~land mined which~~;
 16 (c) That is mined and has no overburden, ~~heap leach pads, and~~;
 17 (d) On which a heap leach pad is located ~~process ponds~~; and
 18 (e) On which a process pond is located; and
- 19 (17) "Tailings," the discharged valueless product of a beneficiation process.

20 **Section 2. That § 45-6B-14 be AMENDED:**

21 **45-6B-14.** ~~The~~ An application fee of one thousand dollars ~~shall~~ must accompany
 22 the application. ~~However, the application fee shall be fifty thousand dollars for a new large~~
 23 ~~scale precious metal, coal, or uranium mine permit~~ If the application is for a new large-
 24 scale mine permit, the fee is fifty thousand dollars. The application fee for an amendment
 25 to an existing ~~large-scale precious metal, coal, or uranium~~ large-scale mine permit ~~shall~~
 26 be is five thousand dollars.

27 **Section 3. That § 45-6B-18 be AMENDED:**

28 **45-6B-18.** At the request of the operator, the ~~Board of Minerals and Environment~~
 29 board may issue an amendment to the original permit covering additional contiguous land,
 30 not to exceed fifteen additional acres, or making minor modifications of the terms and
 31 conditions of the operating or reclamation plans. An application to amend a ~~large-scale~~
 32 large-scale permit ~~shall~~ must include the application fee provided by § 45-6B-14. An

1 application to amend a ~~small-scale~~ small-scale permit ~~shall~~ must include the application
2 fee provided by § 45-6B-55.

3 For purposes of this section, "contiguous land" means land under the same
4 ownership that is directly adjoining or touching the permitted area.

5 **Section 4. That a NEW SECTION be added to chapter 45-6B:**

6 No fee or surety under this chapter may be required of any unit of state
7 government or any political subdivision of this state.

8 **Section 5. That § 45-6B-53 be AMENDED:**

9 **45-6B-53.** Any mining operation, other than an in situ mining operation or a
10 mining operation that employs a cyanide leaching or other chemical or biological leaching
11 process to extract minerals from ore, which affects less than ten acres, excluding access
12 roads, and extracts less than twenty-five thousand tons of ore or overburden per calendar
13 year ~~shall be~~ is subject to the provisions of §§ 45-6B-54 to 45-6B-63, inclusive, and ~~are~~
14 is not required to comply with the provisions of §§ 45-6B-5 to 45-6B-7, inclusive, 45-6B-
15 10, ~~45-6B-14,~~ or 45-6B-36.

16 **Section 6. That § 45-6B-56 be AMENDED:**

17 **45-6B-56.** Except as provided in ~~subsection 45-6B-3(6)(b)~~ sections ~~6 7~~ and ~~7 8~~
18 of this Act, the operator shall annually file on the anniversary date of the permit a notice
19 of intent to continue mining operations. The notice of intent ~~shall~~ must contain an annual
20 fee of fifty dollars and comply with the reporting requirements of § 45-6B-36.

21 **Section 7. That a NEW SECTION be added to chapter 45-6B:**

22 An operator of a mine permitted under this chapter may temporarily cease
23 production for one hundred eighty days or more provided the operator:

24 (1) Files a request with the board pursuant to section ~~7 8~~ of this Act to cease production
25 for one hundred eighty days or more, stating:

26 (a) The reasons for nonproduction; and

27 (b) Any proposed time to resume production;

28 (2) Takes measures to comply with reclamation and other necessary activities, as
29 established by the board, to maintain the mine in a nonproducing state; and

30 (3) Resumes production within five years of the date production temporarily ceased.

1 An operator is not required to file a request for temporary cessation if the operator
2 resumes mining within one year and has included, in the operator's permit application, a
3 statement that the affected lands are to be used for less than one hundred eighty days
4 per year.

5 The operator may file with the board a request for an extension of the period of
6 temporary cessation of production. The operator must state the reasons for the
7 continuation of nonproduction, and any proposed plan for resuming production.

8 An operator may not continue a temporary cessation of production longer than ~~ten~~
9 ~~five~~ years. If production ceases for longer than ~~ten~~ ~~five~~ years, the operator must terminate
10 the operation and comply with the reclamation requirements of this chapter.

11 **Section 8. That a NEW SECTION be added to chapter 45-6B:**

12 A request to cease mining temporarily must contain the following information:

- 13 (1) The operator's name and permit number;
14 (2) The date of cessation of mining at each permitted site;
15 (3) Reasons for the cessation of mining activities; and
16 (4) A statement on the existing condition of the affected land, including a description
17 of reclamation activities that have been completed for each permitted site.

18 **Section 9. That § 45-6B-60 be AMENDED:**

19 **45-6B-60.** Any operator conducting an operation under a permit issued under
20 § 45-6B-59, who has held the permit for two consecutive years or more, and who
21 subsequently desires to expand it to a size in excess of the limitation set forth in § 45-6B-
22 53, may request the conversion of ~~his~~ the permit by filing an application for a permit
23 pursuant to §§ 45-6B-5 to 45-6B-10, inclusive. ~~However the~~ The applicant need not supply
24 information, materials, and other data and undertakings previously supplied, including
25 any additional applicable materials provided to the ~~Board of Minerals and Environment~~
26 board during the course of ~~his~~ the current operation, or resulting from the board's
27 inspections thereof. An application for conversion under this section must also comply with
28 the notice requirements of §§ 45-6B-16, 45-6B-17, and 45-6B-34, and must comply with
29 the surety and hearing requirements and the special, exception, critical, or unique land
30 provisions of §§ 45-6B-20 to 45-6B-33.8, inclusive.

31 **Section 10. That § 45-6B-81 be AMENDED:**

- 1 **45-6B-81.** The board may promulgate rules, pursuant to chapter 1-26, to:
- 2 (1) Establish the procedure for filing and departmental review of mining permit
- 3 applications;
- 4 (2) Establish the procedure for amending mining permits;
- 5 (3) Establish the procedure for transfer of permits;
- 6 (4) Provide for the reclamation of mills proposed to be operated in conjunction with a
- 7 mining operation;
- 8 (5) Establish the prehearing procedure for determining the type of reclamation to be
- 9 performed on affected land;
- 10 (6) Establish the minimum requirements for each type of reclamation;
- 11 (7) Establish the reclamation activities required to be performed concurrent with
- 12 mining activity;
- 13 (8) Establish the procedure to address reclamation before or during a temporary
- 14 cessation of mining activity, pursuant to ~~subdivision 45-6B-3(6)~~ sections 6 7 and
- 15 7 8 of this Act;
- 16 (9) Establish the procedure for determining special, exceptional, critical, or unique
- 17 land, in accordance with § 45-6B-33;
- 18 (10) Establish the requirements for construction, operation, monitoring, and closure of
- 19 uranium and other mineral mines using in situ leach processes; and
- 20 (11) Establish the procedure for posting and monitoring financial assurance.

21 **Section 11. That § 45-6B-87 be AMENDED:**

22 **45-6B-87.** Nothing in this chapter relieves the holder of any large-scale ~~gold or~~

23 ~~silver surface~~ mining permit from any of the requirements of the Clean Air Act of 1955, as

24 amended to January 1, 2011, the Clean Water Act of 1977, as amended to January 1,

25 2011, the South Dakota Air Quality Act (chapter 34A-1), the Federal Water Pollution

26 Control Act of 1972, as amended to January 1, 2011, the Safe Drinking Water Act (P.L.

27 93-523), as amended to January 1, 2011, the Mine Safety and Health Administration

28 regulations (30 C.F.R. Part 3830), as amended to January 1, 2011, United States Forest

29 Service surface mining and exploration reclamation requirements (43 C.F.R., page 228),

30 as amended to January 1, 2011, Bureau of Land Management mining and exploration

31 requirements (43 C.F.R. Part 3800), as amended to January 1, 2011, the Mined Land

32 Reclamation Act (this chapter), the regulated substance discharges statutes in chapter

33 34A-12, the Resource Conservation and Recovery Act of 1976, as amended to January 1,

34 2011, the Comprehensive Environmental Response, Compensation and Liability Act of

1 1980 (P.L. 95-510), as amended to January 1, 2011, the Toxic Substance Control Act of
2 1976 (P.L. 94-469), as amended to January 1, 2011, Lawrence County extractive
3 industries ordinances, as amended to January 1, 2011, and all rules and regulations
4 promulgated to implement existing statutes, including rules dealing with air pollution,
5 control of visible emissions, open burning, control of particulate emissions, control of sulfur
6 compound emissions, new source performance standards, standards of performance for
7 storage vessels of petroleum liquids, air standards, spill control plans, buried tanks, water
8 pollution, public water systems, and dredge and fill permit requirements.

9 **Section 12. That § 45-6B-93 be AMENDED:**

10 **45-6B-93.** Any operator of a large-scale ~~gold or silver~~ surface mining operation
11 shall submit an annual report by January first of each year including and shall make an
12 oral presentation to the ~~Board of Minerals and Environment~~ board explaining the
13 information in the written annual report. The annual report ~~shall~~ must include the following
14 information:

- 15 (1) The total and previous year's amount of affected land;
- 16 (2) The total and previous year's amount of surface mining disturbed land;
- 17 (3) The total and previous year's amount of land that has undergone interim
18 reclamation;
- 19 (4) The total and previous year's amount of land that has undergone final reclamation
20 and which meets the required post-mining land use;
- 21 (5) The total and previous year's amount of land that has undergone final reclamation
22 but which does not meet the required post-mining land use;
- 23 (6) The ~~total~~ amount of groundwater withdrawn during the previous year;
- 24 (7) The ~~total~~ amount of surface water withdrawn during the previous year;
- 25 (8) The ~~total~~ amount of ore mined during the previous year;
- 26 (9) The ~~total~~ amount of ore processed during the previous year;
- 27 (10) The ~~total~~ amount of waste rock mined during the previous year;
- 28 (11) The ~~total~~ amount of ~~gold and silver~~ minerals produced during the previous year;
- 29 (12) The ~~total~~ amount of cyanide used during the previous year; and
- 30 (13) A brief discussion of the coming year's operational plans including any anticipated
31 revisions that might require department or board approval.

32 **Section 13. That § 45-6B-94 be AMENDED:**

1 **45-6B-94.** The Legislature of South Dakota finds that protection of the
2 environment requires regulation of the total amount of land that can be disturbed by
3 surface mining by large-scale ~~gold or silver~~ surface mining operations at any given time.

4 **Section 14. That § 45-6B-95 be AMENDED:**

5 **45-6B-95.** The board may not issue a permit for a new large-scale ~~gold or silver~~
6 surface mining operation if the proposed surface mining disturbed lands under that permit
7 ~~shall exceed~~ exceeds three hundred twenty acres. Nor may the board issue new permits
8 or amendments to existing permits for new large-scale ~~gold or silver~~ surface mining
9 operations for expanded acres of surface mining disturbed lands until reclamation has
10 been performed in accord with § 45-6B-97.

11 **Section 15. That § 45-6B-97 be AMENDED:**

12 **45-6B-97.** New permits or amendments to existing permits for expanded acres of
13 surface mining disturbed land for operations referred to in ~~§§ 45-6B-95 and 45-6B-96~~
14 § 45-6B-95 may be issued only if the applicant has performed reclamation on an equal
15 number of acres of permitted affected land, or has agreed not to disturb an equal acreage
16 of permitted affected land, or, with consent of the board, has performed or agrees to
17 perform reclamation concurrently with disturbance of an equal number of acres of
18 previously mined land inside or outside a permit area boundary. For ~~purpose~~ purposes of
19 §§ 45-6B-94 to 45-6B-99, inclusive only, reclamation is performed when the operator
20 completes required grading, topsoil replacement, erosion, and drainage control and any
21 required planting and seeding that the department finds meets the requirements of the
22 approved reclamation plan. To qualify for reclamation credit, reclamation activities ~~shall~~
23 must have been conducted after the operator was granted the original large-scale ~~gold or~~
24 ~~silver~~ surface mining permit and surety for the reclaimed acres of affected land ~~shall~~ must
25 not have been released prior to November 19, 1992. With consent of the board, a
26 large-scale ~~gold or silver~~ surface mining operator may assign reclamation credit acreage
27 to another large-scale ~~gold or silver~~ surface mining operator.

28 **Section 16. That § 45-6C-3 be AMENDED:**

29 **45-6C-3.** Terms used in this chapter mean:

- 30 (1) "Affected land," the surface area, surface water, and groundwater disturbed by
31 reason of the building of access roads or trails, leveling drill sites, storage areas,

- 1 containment ponds, or other support facilities for the purpose of exploration,
2 including the land affected by surface subsidence;
- 3 (2) "Aquifer," a water bearing bed or stratum of permeable rock, sand, or gravel
4 capable of yielding usable quantities of water to wells or springs;
- 5 (3) "Board," the Board of Minerals and Environment;
- 6 (4) "Bulk samples," the removal of not more than five thousand tons of mineralized
7 material by means of a shaft, adit, or test open pit to determine the economic
8 feasibility of conducting a mining operation;
- 9 (5) "Department," the Department of Agriculture and Natural Resources;
- 10 (6) "Exploration operation," the act of searching for or investigating a mineral deposit,
11 ~~including by sinking shafts, tunneling, drilling test holes, digging pits or cuts, or~~
12 ~~other works for the purpose of extracting samples, including bulk samples, prior to~~
13 ~~commencement of development or extraction operations, and test facilities and~~
14 ~~testing~~ to prove the commercial grade of a mineralized deposit. The term does not
15 include those activities ~~which~~ that cause very little or no surface disturbance, such
16 as ~~exploration by auger or drill of test holes of less than fifty feet in depth and less~~
17 ~~than seven inches in diameter for sand, limestone, gypsum, shale, or iron ore for~~
18 ~~use in the process of making cement or nonexplosive seismic energy sources,~~
19 ~~airborne surveys and photographs, augered bentonite or augered construction~~
20 ~~aggregate test holes of less than fifty feet in depth when accomplished in~~
21 ~~conformance with §§ 45-6C-28 and 45-6C-32, use of instruments or devices which~~
22 ~~are hand carried or otherwise transported over the surface to make magnetic,~~
23 ~~radioactive, or other tests and measurements, boundary or claim surveying,~~
24 ~~location work, annual assessment work required to maintain the validity of a~~
25 ~~mineral claim or any other work which causes no greater land disturbance than is~~
26 ~~caused by ordinary lawful use of the land by persons not exploring for mineral~~
27 ~~deposits;~~
- 28 (7) "Mineral," any substance with economic value, whether organic or inorganic, that
29 can be extracted from the earth, ~~including oil and gas, but excluding uranium and~~
30 ~~water~~ other than water, oil, or gas;
- 31 (8) "Operator," any person, firm, partnership, limited liability company, association or
32 corporation, or any department, division, or agency of federal, state, county, or
33 municipal government engaged in or controlling a mineral exploration operation;
- 34 (9) "Reclamation," the employment during and after an exploration operation of
35 procedures reasonably designed to minimize the disruption from the exploration

1 operation and to provide for the rehabilitation of plant cover, soil stability, water
2 resources, or other measures appropriate to the subsequent beneficial use of ~~such~~
3 the explored land; and

4 (10) "Test hole," a well, core hole, core test, observation well, or other well drilled from
5 the surface to determine the presence of mineral, mineral resource, ore, coal, or
6 rock unit, or to obtain geological or geophysical information or other subsurface
7 data, including holes drilled for purposes of seismic survey, but excluding drilling
8 in conjunction with mining or quarry operations and structural foundations and oil
9 and gas wells regulated pursuant to chapter 45-9.

10 **Section 17. That chapter 45-6 be REPEALED.**

11 **Section 18. That § 45-6B-96 be REPEALED.**

12 ~~The board may not issue new permits to or amendments to existing permits for~~
13 ~~presently operating large-scale gold or silver surface mining operations for expanded acres~~
14 ~~of surface mining disturbed lands until reclamation has been performed in accord with~~
15 ~~§ 45-6B-97, except that presently operating large-scale gold or silver surface mining~~
16 ~~operations are not subject to this provision until the permitted acres of surface mining~~
17 ~~disturbed lands total two hundred acres more per each individual permit than its permitted~~
18 ~~surface mining disturbed land total acreage as of January 1, 1992.~~

2/12/24 ^{188A} Deferred to the 41st day
101st Legislative Session

2026 South Dakota Legislature

Senate Bill 188

**AMENDMENT 188A
FOR THE INTRODUCED BILL**

1 **An Act to revise public notice requirements for new sand, gravel, and construction**
2 **aggregate mines.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 45-6-68 be AMENDED:**

5 **45-6-68.** The operator ~~shall~~ must publish notice of each ~~mine~~ mining operation
6 once in a newspaper of general circulation in the locality of the operation, at least fourteen
7 days before the commencement of mining, if the operation will affect an area of ten acres
8 or less, or will annually extract less than twenty-five thousand tons of material.

9 If the operation will affect an area greater than ten acres, or annually extract at
10 least twenty-five thousand tons of material, the operator must publish notice of each mine
11 operation at least three times in a newspaper of general circulation in the locality of the
12 operation. The first notice must be published no sooner than one hundred eighty days
13 before the commencement of the mining operation. The second notice must be published
14 at least ninety days before the commencement of the mining operation. The third notice
15 must be published at least thirty days before the commencement of the mining operation.

16 The notice ~~shall contain the~~ must:

- 17 (1) State the identity and address of the operator and resident agent, ~~the;~~
18 (2) State the location of the mining operation, ~~whether;~~
19 (3) State whether the mineral to be mined is sand, gravel, or rock to be crushed and
20 used in construction, ~~the;~~
21 (4) State whether the mining operation is to involve the use of explosives;
22 (5) Include any plans to mitigate dust, stormwater runoff, and noise from the
23 operation;
24 (6) State the dates of commencement and completion of the operation, ~~the;~~
25 (7) Describe any proposed future use of the affected land, ~~and the location~~
26 (8) Indicate where additional information about the operation may be obtained.

1 **Section 2. That § 45-6-69 be AMENDED:**

2 **45-6-69.** The operator of a mining operation that affects an area of ten acres or
3 less, or extracts less than twenty-five thousand tons of material, shall submit notification,
4 consisting of forward all information required in § 45-6-68, together with a map of the
5 affected area and the information required in the newspaper notice to the South Dakota,
6 to the persons listed in this section at least fourteen days before the commencement of
7 mining.

8 The operator of a mining operation that affects an area greater than ten acres, or
9 annually extracts at least twenty-five thousand tons of material, shall forward all
10 information required in § 45-6-68, together with a map of the affected area, to the persons
11 listed in this section at least ~~ninety one hundred eighty~~ days before the commencement
12 of mining. The information must be forwarded to:

13 (1) The Department of Agriculture and Natural Resources, the South Dakota;

14 (2) The Department of Game, Fish and Parks, the South Dakota;

15 (3) The Department of Education, and the local conservation district, of the operator's
16 intent to commence mining at a new mine site at least thirty days before beginning
17 mining operations;

18 (4) The conservation district within which the mining site is located;

19 (5) Any individual who lives within a two-mile radius of the center of the mine site and
20 who can be reached by direct mail;

21 (6) The board of commissioners for the county in which the proposed mining operation
22 is located;

23 (7) The governing board of any municipality located within ten miles of the site of the
24 proposed mining operation;

25 (8) Any broadcast media located in the county where the proposed mining operation
26 is located; and

27 (9) Any statewide public notice website maintained by a media organization in this
28 state.

29 **Section 3. That § 45-6-70 be AMENDED:**

30 **45-6-70.** When an emergency situation exists and when in the public interest, the
31 secretary of agriculture and natural resources may waive the minimum ~~fourteen-day~~
32 advertising requirements and ~~thirty-day~~ notice requirement of ~~§§~~ time period applicable

1 to the publication of notices under § 45-6-68 and the dissemination of information under
2 § 45-6-69.

AMENDED



TO: SDML Capitol Connection Subscribers

FROM: Sara Rankin, Executive Director
email: sara@sdmunicipalleague.org(best way to reach her)
Office Phone: 605-224-8654 (leave a message with the SDML team)

DATE: February 13, 2026

GOOD NEWS for the week: HB 1245 passed out of the House and is headed to a not yet assigned Senate committee. This is a HUGE win for municipalities, and we are excited to see where it goes! It is never too early to start having conversations with your Senator about the good that this legislation would do for your community. THANK YOU you to Representative Mortenson for changing his vote to ensure passage!

HB 1161, the League's bill cleaning up unintended consequences that were part of last year's [HB 1259](#), has been removed from the 41st day and will be heard again in committee. An amendment was agreed upon and we are hoping for a favorable outcome.

HB 1198, requiring a "High Energy Use Facility" (20 Megawatts) to get a conditional use permit (CUP) from adjacent county or city if the proposed "Facility is within 1 mile of adjoining county or city, was killed on the House floor.

BAD NEWS for the week: SB 3, removing the requirement of building permits for certain home renovations, passed out of House Local Government, but was amended to be slightly more palatable..

CALL TO ACTION: SB 97, originally increasing the cap on growth from 3% to 5%, has been amended and would now allow municipalities the option to collect up to 3% growth as well as 60% of any growth above the 3%. There are multiple amendments on this bill, but we are asking for support on SB 97G. Please reach out to your Senator over the weekend and encourage them to vote **GREEN** on SB 97G - for growth – on Tuesday!

TIF Update: Coalition members who have been actively engaged in developing proactive TIF legislation have recently reached a compromise with Senators Howard and Karr. This agreement establishes reasonable guardrails within the TIF process while preserving flexibility and ensuring the tool remains practical and effective for communities.

As a result of this compromise, SB 109 and the standalone TIF-related bills will be withdrawn. A new bill reflecting the agreed-upon approach is currently being drafted, and we will share the bill number as soon as it becomes available.

Representative Weisgram and Senator Crabtree continue to support our efforts as we work toward the most balanced and responsible path forward and we appreciate them greatly.

Your thoughts on bills are valuable to us. Please contact me by email or at the above phone numbers if you would like to give your opinion, ask any questions, or if you have information from your legislators on any issues.

The site for the 2026 legislative session is: <https://sdlegislature.gov/>

Excellent information and links are also on the League website:
www.sdmunicipalleague.org/advocacy.

MUNICIPAL LEAGUE BILLS

HB 1161 - amend provisions related to changing rooms, sleeping quarters, and restrooms

Representatives Kull and Roe and Senators Vilhauer and Reed

This bill amends current language and exempts city owned fire stations and performing arts centers from to designate, as being for the exclusive use of females or males, any multi-occupancy changing room, restroom, or sleeping quarters.

STATUS: Pulled from the 41st day and will be heard again in committee

SB 129 - update references in certain statutes to the 2024 standard building codes

Representative Roby and Senator Reed

Updates the edition of the ICC Building Codes from the 2021 to the 2024 edition. As a reminder, municipalities are not required to adopt the ICC Building Codes, but should they choose to do so, they can amend them to fit the needs of their municipality.

STATUS: Passed House Local Government

SB 165 - revise certain provisions pertaining to municipal government

Senator Reed and Representative Roby

This year's clean up encompasses chapters 14, 18 and 19.

STATUS: Came through the Senate with a 33-0 vote

BILLS INTRODUCED AND OF INTEREST

MUNICIPAL LEAGUE POSITION: Watch

HB 1088 – remove the requirement that counties remit to municipalities the amount equal to the road levy for calendar years 1984, 1985 and 1986.

Representatives Moore (prime), Novstrup, and Walburg and Senator Perry

If any municipalities were still receiving money under these old formulas, that funding stream will end and those municipalities will see a reduction in revenue related to the repealed formulas.

STATUS: Awaiting Governor's Signature

MUNICIPAL LEAGUE POSITION: Watch

HB 1245 - authorize municipalities to establish a local funding mechanism for capital improvement projects

Representative Jamison and Senator Reed

Allows for the enactment of a temporary (up to) one-cent sales tax that is spent solely on projects approved by 60% of the voters in the municipality. *(additional information in the attached document)*

STATUS: Passed through House 36-29 and referred to Senate Local Government

MUNICIPAL LEAGUE POSITION: Support

HB 1285 - amend provisions pertaining to the timing of municipal and school district elections

Representatives Baxter (prime), Goodwin, and Jordan and Senator Perry

Changes municipal petition deadline and terms of elected officials in all forms of government.

STATUS: Scheduled in House State Affairs on 2/18 at 3:00 p.m.

MUNICIPAL LEAUGE POSITION: Oppose

HB 1289 - modify requirements to create a tax increment financing district

Representative Auch

The House version of SB 109

STATUS: Scheduled in House Taxation on 2/17 at 7:30 a.m.

MUNICIPAL LEAUGE POSITION: Oppose

HB 1316 - revise the time for conducting the canvass of an election.

Representatives Kayser (prime), Aylward, and Jordan and Senator Perry

Instead of the current "within six calendar days after any election", sets canvass at 9 a.m. local time on the first Tuesday following the election. Makes same change for Board of State Canvassers.

STATUS: Passed House State Affairs 7-5

MUNICIPAL LEAGUE POSITION: Oppose

HB 1317 - eliminate a limit on the accumulation of the unused index factor for property taxation.

Representative Ismay (prime)

Allows use of unused index factor accumulated since 2024, unlimited.

STATUS: Referred to House Taxation

MUNICIPAL LEAUGE POSITION: Support

HB 1319 - update provisions related to tax increment financing districts.

Representative Weisgram (prime)

SDML TIF bill

STATUS: Scheduled in House Taxation on 2/17 at 7:30 a.m.

MUNICIPAL LEAGUE POSITION: Support

HB 1323 - amend the time required for filing a petition referring an ordinance or resolution of a political subdivision.

Representatives Aylward (prime), Andera, Baxter, Ismay, Jordan, and Rice and Senators Howard (prime), Nelson, Perry, and Pischke

For counties, moves time for referendum to within 45 days of adoption, signed by 5% of registered voters based on last general election. Moves effective date to 45 days after 2nd publication.

Makes same changes to municipal annexations in 9-4-4.5; and more generally to 9-19-13 and 9-20-6 and 9-20-8; school opt outs; special zoning areas in 11-2-47.1; school elections on the of terms of board members; school capital outlay certificates; opening day of classes; school sentinel programs.

Puts in place more deadlines for schools to hold their elections on the various issues.

STATUS: Scheduled in House State Affairs on 2/18 at 3:00 p.m.

MUNICIPAL LEAGUE POSITION: Oppose

HB 1324 - abolish the State Board of Elections.

Representatives Aylward (prime), Baxter, Jensen (Phil), Jordan, and Kayser and Senator Pischke

40 page bill, removes all references to the state board of elections and has the secretary of state perform all the duties. Inserts SD Constitution citations governing valid signatures on statewide initiated measures; moves submission date from 1st Tuesday of February to 1st Tuesday in May; adds a definitions for independent candidate and independent or “no party affiliation” to 12-1-3; adds to definition of petition circulator in 12-1-3; Lowers time to appeal from 90 to 14 days of filing in 12-1-22; makes changes throughout the election code that may or may not include substantive changes. Delayed effective date – January 1, 2027.

STATUS: Referred to House State Affairs

MUNICIPAL LEAGUE POSITION: Oppose

SB 3 – limit the types of residential improvements for which counties, cities, and townships may require a permit.

Senators Rohl (prime), Crabtree, Howard, Jensen (Kevin), Mehlhaff, and Nelson and Representatives Aylward and Baxter

Does not allow municipalities to require a building permit for the repair or substantially similar replacement of any of the following existing exterior parts of an owner-occupied residential structure: door, downspout, fencing panel or post, gutter, roof flashing, shingles, shakes, or tiles, siding; and window; or any interior alteration, improvement, or renovation of an owner-occupied residential structure, which does not affect the structure's: air conditioning, electric, heating, plumbing, or ventilation system in a manner requiring any load-bearing modification; foundation; load-bearing walls; roof frame; or support beams.

STATUS: Passed out of House Local Government as amended 8-3

MUNICIPAL LEAGUE POSITION: Oppose

SB 26 - revise procurement for highway construction contract

The Chair of the Committee on Transportation at the request of the Department of Transportation

Allows for municipalities to follow BID notice requirements required by DOT for BID letting instead of following municipal notice requirements.

STATUS: Referred to House Transportation

MUNICIPAL LEAGUE POSITION: Support

SB 76 - transfer moneys from the housing infrastructure fund to the revolving economic development and initiative fund, and to authorize loans from the REDI fund for airport infrastructure

The Chair of the Committee on Commerce and Energy at the request of the Governor
We oppose moving the funds from HIFP to the REDI fund but support the airports receiving the loans

STATUS: Scheduled in Senate Committee on Appropriations on 2/17 at 10:00 a.m.

MUNICIPAL LEAGUE POSITION: Oppose and Support

SB 89 - require that counties and municipalities provide emergency medical services within their jurisdictions and create a task force to study the funding thereof.

Senators Reed (prime) and Perry and Representatives Emery (prime), Healy, Heermann, Muckey, Walburg, and Wittman

Would require municipalities and counties to provide EMS services.

STATUS: Referred to House Health & Human Services

MUNICIPAL LEAGUE POSITION: Support as amended

SB 94 – revise provisions pertaining to open records

Senators Carley and Pischke and Representatives Baxter, Jensen (Phil), and Jordan
Gives cities broader discretion to close records, which increases the risk of inconsistency, legal challenges, and public perception issues around transparency. It also adds complexity for municipal staff by requiring more judgment calls and legal review when responding to routine open records requests.

STATUS: Deferred to the 41st day

MUNICIPAL LEAGUE POSITION: Oppose

SB 204 – revise certain criteria for loans from the South Dakota housing infrastructure fund

Senator Crabtree and Representative Muckey

Revises the South Dakota Housing Infrastructure Fund by rebalancing funding so that municipalities over 50,000 population and all other areas each receive 50% of available funds, and by increasing the maximum loan amount from one-third to one-half of total project costs.

STATUS: Referred to Senate Commerce & Energy

MUNICIPAL LEAGUE POSITION: Support

SB 211 – to prohibit certain billing practices by ambulance service providers and establish reimbursement standards for out-of-network emergency medical services

Senators Reed (prime) and Deibert and Representatives Emery, Goodwin, Muckey, and Walburg

Municipal EMS providers may not bill patients for out-of-network emergency ambulance transports beyond coinsurance, copayment and deductible. If your EMS service is out-of-network, you cannot pursue the patient for the remaining balance.

STATUS: Scheduled in Senate Health & Human Services on 2/18 at 7:45 a.m.

MUNICIPAL LEAGUE POSITION: Oppose

ELECTION BILLS

We are watching all election bills unless otherwise noted in the bill description.

HB 1030 – amend provisions pertaining to the timing of municipal elections

Representatives Kull, Moore, Mortenson, Muckey, Roby, Roe, Uhre-Balk, Walburg and Wittman and Senators Reed, Larson and Vilhauer

This bill allows municipalities to hold elections on even-years only and was a clean-up bill from the passage of HB 1130 last year.

STATUS: Awaiting the Governor's signature

LEAGUE POSITION: Support

HB 1095 – modify submission of nominating petitions

Representative Reimer and Senator Hulse

This bill essentially standardizes and clarifies the process for submitting petitions specifically for school and municipalities. It spells out clearer deadlines, updates withdrawal procedures, and aligns rules across different types of offices. It moves up municipal petition deadlines by a couple of weeks.

STATUS: Referred to Senate State Affairs

LEAGUE POSITION: Support

SB 34 – amend provisions pertaining to conducting a municipal or school district election.

The Chair of the Committee on State Affairs at the request of the Secretary of State

A clean-up bill in response to the passing of HB 1130 addressing voter residency, election challenges, notice requirements, and the administration of combined elections.

STATUS: Referred to House State Affairs

LEAGUE POSITION: Support

PROPERTY TAX BILLS

SB 20, make an appropriation for tax refunds for elderly persons and persons with a disability, and to declare an emergency.

Appropriates \$425,000 for Department of Revenue to provide property and sales taxes to qualified elderly and disabled persons. Annual bill introduced at request of Governor.

STATUS: Passed Joint Appropriations 14-1

LEAGUE POSITION: Watch

SB 22, clarify when certification of values is transmitted to the county.

Moves it from the fourth Monday of August, instead of the 2nd Monday. Consistent with deadline in §10-11-51.

STATUS: Signed by the Governor

LEAGUE POSITION: Watch

SB 96 - authorize the imposition of a county option gross receipts tax to reduce owner-occupied property taxes

The Committee on Taxation at the request of the Governor

Would allow counties to implement - by public vote - a half cent county sales tax to offset property taxes. This income can only be used for property tax relief.

STATUS: Scheduled in Senate Taxation on 2/18 at 10:00 a.m.

MUNICIPAL LEAGUE POSITION: Watch

SB 97 – adjust the limit on the percentage increase in revenue payable from property taxes

Senator Deibert and Representatives Kull and Roe

STATUS: Scheduled to be heard on the Senate floor on 2/17

LEAGUE POSITION: Support

SB 125 – establish the homeowner property tax reduction fund to provide for a tax rebate for owner-occupied property

Senators Crabtree, Deibert, Hulse, Vilhauer, Davis and Rohl and Representative Goodwin

Creates homeowner tax reduction fund. Maximum rebate is total amount of revenue appropriated to fund -2 x number of property owners)/the # of property tax owners. Dept of Revenue would then mail a check for this amount or the amount of all taxes levied on the O-O single family dwelling in excess of \$250.

STATUS: Passed Senate Tax

MUNICIPAL LEAGUE POSITION: Watch

SB 144 – provide property tax relief to certain owners of owner-occupied single-family dwellings

Senators Voight and Perry and Representatives Aylward and Jensen

Property tax freeze for owner-occupied, single-family home if the person is at least 65 years of age, has owned the dwelling for at least 10 consecutive years; has been a resident of SD for at least 25 years; and has no delinquent property taxes on any property.

STATUS: Scheduled for Senate Taxation on 2/18 at 10:00 a.m.

MUNICIPAL LEAGUE POSITION: Watch

SB 154 – clarify the eligibility of multiple garages or structures to be classified as owner-occupied

Senator Hulse

Includes garages and outbuildings in o-o classification.

STATUS: Referred to House Taxation

LEAGUE POSITION: Watch

SB 178 – lower a maximum limit on the tax increment base value

Senators Voight and Howard

Lowers maximum valuation allowed in a TIF district from 10% to 2-1/2%

STATUS: Withdrawn

SB 191 – remove the authorization to issue grants as part of a tax increment financing district

Senator Howard

Removes ability to give grants as part of a TIF

STATUS: Referred to Senate Taxation

MUNICIPAL LEAGUE POSITION: Oppose

SB 192 – modify the blight requirements for purposes of creating a tax increment financing district

Senator Howard and Representative Aylward

Increases required amount of area within a TIF that is declared blighted from 25% to 50%, and makes it a requirement (not an either/or) that 50% of the area will stimulate and develop the general economic welfare and prosperity. Removes pen

space/obsolete platting/diversity of ownership/deterioration of site improvements from definition of blight.

STATUS: Referred to Senate Taxation

MUNICIPAL LEAGUE POSITION: Oppose

SB 196 – increase the income limits for a property tax assessment freeze

Senator Karr

Assessment freeze for elderly (at least 65) and disabled (eligible to receive social security disability payments) – eligible now if household income is less than \$55,000 for a single member or \$65,000 for a multiple member household; the owner has owned and been a resident of SD for at least 5 years; the owner has resided for at least 200 days of the previous year in the dwelling; and has established a base year. Income limits are adjusted annually by CPI or percent increase in federal social security payments, whichever is greater. Bill moves multiple member household income to \$85,000 and adjusts start time for index increases to January 1, 2027.

STATUS: Referred to Senate Taxation

MUNICIPAL LEAGUE POSITION: Watch

SB 199 – establish a new fund to provide property tax relief

Senators Karr and Perry and Representatives Aylward and Heinemann

The State would transfer 25% of the annual increase in general fund in 2026 over 2025 fiscal year. If there is no increase, there is no transfer. After 2026, the amount is the sum of the amount deposited the previous year plus 25% of the annual increase over the prior fiscal year.

STATUS: Referred to House Taxation

MUNICIPAL LEAGUE POSITION: Watch

SB 203 – require the review of a financing plan to establish a tax increment financing district

Senators Marty and Howard and Representative Aylward

Adds a new requirement that a proposed tax increment financing (TIF) district's project and financing plan be reviewed by an independent third party, including a cost-benefit analysis and estimates of tax, economic, housing, and employment impacts. It also conditions approval of a TIF district on a finding that the projected social or economic benefits outweigh the costs to property owners and affected taxing jurisdictions.

STATUS: Referred to House Taxation

MUNICIPAL LEAGUE POSITION: Oppose

SB 207 – require a vote to approve the creation of certain tax increment financing districts

Senator Voita

Would require any TIF District over \$15 million to be referred to public vote.

STATUS: Referred to Senate Local Government

MUNICIPAL LEAGUE POSITION: Oppose

SB 212 – establish the homeowner tax reduction fund

Senator Deibert

Establishes a homeowner tax reduction fund

STATUS: Referred to Senate Tax

MUNICIPAL LEAGUE POSITION: Watch

SB 228 – modify requirements to create a tax increment financing district

Senator Karr

This bill is being reworked in conjunction with HB 1319

STATUS: Referred to Senate Tax

HB 1312 - limit annual valuation increases on owner-occupied single-family dwellings and provide an exception for mill rate limitations on taxing districts

Representative Rice (prime)

Sets a base amount of value for owner occupied single family at the fair market value on 11/1/2022, increased by no more than CPI for each year after; resets base at fair market value on change of ownership; allows base amount to increase by more than CPI on change of use or classification, and for addition or expansion of the property by no more than 40% of current assessed value.

STATUS: Scheduled in House Taxation on 2/17 at 7:30 a.m.

MUNICIPAL LEAGUE POSITION: Watch

HB 1317 – eliminate a limit on the accumulation of unused index factor for property taxation

Representative Ismay

Removes the three-year accumulation limit on the index factor (3% or inflation, whichever is less) and sets base at 2024. Would let a county or municipality increase revenue from property taxes in any year up to the maximum amount using any accumulated unused index factor.