

AGENDA
CITY OF MILLER
MONDAY, DECEMBER 15, 2014
7:00 P.M.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes *pgs. 1-3*

Approval of Bills

Public Input

Department Heard Reports: *pgs. 4-5*

7:10-7:20 Electric, Police

7:20-7:30 Water/Sewer, Street

7:30-7:35 Finance Office

Public Hearing

8:00 – Special Event Liquor License – Sommer's Bar

Old Business

1. NECOG Agreement – Ted Dickey
2. Seasonal Wages *pg. 6*

New Business

1. Midcontinent Complaints
2. Nehemia Volquardsen – Debris Removal and Disaster Recovery Teams *pgs. 7-9*
3. Midland Contracting – Stockpiling *pg. 10*
4. Airport Engineering Selection
5. Helms & Associates Pay Requests:
 \$9,706.00 Runway Bids *pg. 11*
 \$6,973.26 Construction Administration *pg. 12*
6. House Bill 1198 – Additional Penny Sales Tax for Infrastructure *pgs. 13-16*
7. Dave Blachford – Paint Fire Hall
8. Memorandum for Destruction *pg. 17*

Adjourn

Merry Christmas

**UNAPPROVED
CITY OF MILLER
CITY COUNCIL MEETING
DECEMBER 1, 2014**

The City Council met in regular session at City Hall at 7:00 p.m. on Monday, December 1, 2014.

MEMBERS PRESENT: Mayor Ronald Blachford, Aldermen Gale Auch, Jim Odegaard, Tony Rangel, Tom Winsell, Joe Zeller and Alderwoman Mary Johnson.

CALL TO ORDER: Mayor Blachford called the meeting to order.

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderman Odegaard seconded by Alderman Zeller to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderwoman Johnson, seconded by Alderman Rangel to approve the minutes for the regular meeting held on November 17, 2014. All members voted aye. Motion carried.

APPROVAL OF BILLS: Motion by Alderman Auch, seconded by Alderman Winsell to approve the bills. All members voted aye. Motion carried.

OLD BUSINESS

School Crossing Guard Agreement: Motion by Alderman Zeller, seconded by Alderwoman Johnson to approve the crossing guard agreement. Motion carried.

NEW BUSINESS

Policy Manual Change for Life Insurance: Motion by Alderwoman Johnson, seconded by Alderman Odegaard to approve the changes to the policy manual for life insurance. Motion carried.

Memorandum of Destruction: Motion by Alderman Auch, seconded by Alderman Odegaard to approve the memorandum of destruction for 2004 records. Motion carried.

NECOG Agreement: Motion by Alderman Zeller, seconded by Alderwoman Johnson to table the NECOG Agreement for the next meeting. Motion carried.

DOT Land Appraisal Review: Motion by Alderman Rangel, seconded by Alderwoman Johnson to authorize the Mayor to sign the DOT Land Appraisal Review. Motion carried.

DOT Financial Assistance Agreement: Motion by Alderwoman Johnson, seconded by Alderman Odegaard to authorize the Mayor to sign the DOT Financial Assistance Agreement. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Second Reading of Ordinance #654: Motion by Alderman Auch, seconded by Alderman Winsell to approve the second reading of Ordinance #654 – Electric Rates. Roll call vote:

Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Second Reading of Ordinance #655: Motion by Alderman Zeller, seconded by Alderman Rangel to approve the second reading of Ordinance #655 – Water Rates. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Second Reading of Ordinance #656: Motion by Alderman Odegaard, seconded by Alderwoman Johnson to approve the second reading of Ordinance #656 – Sewer Rates. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Second Reading of Ordinance #657: Motion by Alderwoman Johnson, seconded by Alderman Zeller to approve the second reading of Ordinance #657 – Budget Supplement. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Second Reading of Ordinance #658: Motion by Alderman Rangel, seconded by Alderwoman Johnson to approve the second reading of Ordinance #658 – Snow & Ice Removal. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderman Auch – aye. Motion carried.

Motion by Alderman Zeller, seconded by Alderman Winsell to adjourn the meeting. There being no further business, the meeting was adjourned at 8:25 p.m. All members voted aye. Motion carried.

Rachel Heezen, Deputy Finance Officer

Ronald Blachford, Mayor

LEGAL NOTICE OF RECEIPT

Copy of the official proceedings
was received on: _____

Published once at the
approximate cost of: _____

Bills December 2014 (1)

A & B Business Solutions	Paper	\$34.95
AT&T Mobility	Cell Phone	\$91.79
Best Western Ramkota Hotel	Lodging	\$391.96
Border States Electric Supply	Supplies	\$470.28
Cook Implement	Parts	\$466.55
Data Technologies Inc	Annual Fees	\$3,356.11
Cindy Deuter	Meals	\$18.00
DGR Engineering	Cap Imp	\$1,028.50
Dueco Inc	Rope	\$358.05
Gordon Gross	Meals	\$18.00
Hand County Publishing	Proceedings	\$971.49
Ron Hoftiezer	Meals	\$18.00
Kadrmass, Lee & Jackson, Inc	Airport Reconst Review	\$2,000.00
McLeod's Printing & Office	Tickets	\$47.40
MicroFix Inc	Service	\$60.00
Miller Civic & Commerce	Membership	\$400.00
NASASP	Dues	\$39.00
Nature Bound Floral	Flowers	\$48.00
Northwest Lineman College	Classes	\$506.00
Oakley Farm & Ranch Supply	Supplies	\$142.98
Rural Development	Loans	\$4,514.00
SD Dept of Health	Tests	\$80.00
SD Dept of Revenue	Sales Tax	\$7,476.61
SDWWA	Membership Dues	\$20.00
The Lumber Company	Sakrete	\$42.96
United Accounts Inc	Prof Fees	\$33.75
Wells Fargo Bank, N.A.	Bond Pymt	\$3,712.57
Wesco	Supplies	\$188.00
**** Total ****		<u>\$26,534.95</u>

Payroll by Department:		11/19/14 through 12/2/14		
Department		w/o OT	OT	Total
41110 COUNCIL		0.00	0.00	0.00
FINANCE				
41410 OFFICE		3,546.92	0.00	3,546.92
41910 BUILDING		0.00	0.00	0.00
42110 POLICE		10,020.89	89.51	10,110.40
43110 STREET		4,186.87	0.00	4,186.87
43210 SEWER		3,566.27	45.43	3,611.70
43310 WATER		3,566.20	45.42	3,611.62
43410 ELECTRIC		8,914.60	177.59	9,092.19
43510 AIRPORT		98.54	0.00	98.54
45110 BALL PARK		0.00	0.00	0.00
45210 PARK		65.67	0.00	65.67
		<u>\$33,965.96</u>	<u>\$357.95</u>	<u>\$34,323.91</u>

TOTAL: \$60,858.86

**City Council Meeting
Department Head Reports
December 15, 2014**

Electric Department Report

1. Retiring old system.
2. Midco has their cable off our poles.
3. Inventory.
4. Labeling all switches and transformers.

Police Department Report

1. On 12-10-2014, the officers attended a three hour class on search warrants. Special Assistant to the Attorney General, Paul Bucand of Pierre, gave the presentation. 30 Law Enforcement officers from around the state attended the training.
2. I have ordered a vehicle off of state bid. I would like to have permission to start ordering equipment for the vehicle.
3. The department is participating in the December Mobilization "Driver Sober or get Pulled over" campaign. The campaign lasts from December 10, 2014 to December 31, 2014. During this time an extra officer will be out enforcing the traffic safety laws. The Officer's time is reimbursed from the state.

Water Department Report

1. The Airport committee met on 12/11/2014 to review the two Engineering proposals that were submitted. Helm's & Associates & Brosz Engineering submitted qualifications for our review. We have to pick an Engineering firm for the next 5 years for the Airport.
2. I have been in contact with SPN about the sewer project. They are still trying to get the quantities finalized. I have expressed concern of the amount of time this is taking. This project needs to be closed out.
3. Ron Blachford & I met with the City's Attorney on 12/05/2014 to discuss the Airport project. Sheila, Ron, Tony, Jim, Gale & I went to Aberdeen on 12/08/2014 to meet with Dave Anderson with the FAA about the use of the Airport during the construction. Jerry Wattier also attended. Others in attendance were Colton Stahl & Jon Becker from the SDDOT. Brooke Edgar, Mike Schmidt, Corey Helm's & Terry Helm are from Helm's & Associates. Jim Schick, Jerald Zerfoss & two Attorneys representing Jim Schick were also there.

Street Department Report

1. We helped the Electric Department put up the Christmas Decorations.
2. We helped the Electric Department cut trees over by the 69,000 volt lines east of Lenny Fischer.
3. We fixed the reversible plow that goes on the loader.
4. I used the sander to put a layer of gravel in nearly every alley to help cut the ice.
5. We have been cutting tree limbs that were hanging over the streets they hit vehicles and snow plows.
6. We have been working in the shop doing (small fixes) to different vehicles.
7. We had to pull a fuel tank off of the #1 truck it was leaking.

Finance Office Report

1. Sales Tax Report – see attachment
2. Annual Report Workshop is being held January 14, 2014, in Huron. Cindy and I will attend. I would like to attempt the annual reports, but I am not sure how much time we will have with the sewer project funding and the possibility of an election. I have asked Emily to provide a quote for the cost of the annual report.
3. The general fund looks good for the year. We should not have to transfer anything from the electric fund.

Sales Tax Comparison			
	2014	2013	
January	\$24,103.39	\$41,715.91	
	\$41,170.82	\$26,960.14	\$55,712.13
Feburary	\$34,100.68	\$20,850.27	
	\$32,665.66	\$28,990.38	
March	\$20,128.84	\$26,867.27	
	\$39,046.04	\$36,946.03	
April	\$20,417.77	\$22,193.42	
	\$40,911.98	\$35,118.20	
May	\$16,219.26	\$23,189.58	
	\$46,712.60	\$31,597.69	
June	\$15,415.23	\$32,507.58	
	\$25,760.27	\$41,325.59	
July	\$32,383.63	\$24,433.24	
	\$49,766.25	\$39,042.13	
August	\$21,430.30	\$21,806.35	
	\$47,912.61	\$32,235.67	
September	\$20,268.84	\$30,662.52	
	\$49,824.73	\$38,955.08	
October	\$16,472.92	\$21,629.85	
	\$43,061.81	\$41,925.37	
November	\$18,417.41	\$17,865.55	
	\$44,615.59	\$34,750.36	
December			
Total	\$700,806.63	\$685,564.40	2.22%
		up/down from last year	\$15,242.23

Note: The first payment in January 2013 is actually the last payment in December 2012

It is not calculated in the "Total" line item on this sheet.

(It wasn't in the bank until January 2013.)

	Current	Current CDL/WSI		New Minimum wage	10% CDL WSI		New Minimum wage	10% CDL WSI		New Minimum wage	10% CDL WSI
Base Pay	\$7.25	\$7.98		\$8.50	\$9.35		\$8.50	\$9.35		\$8.50	\$9.35
Returning with 1 year experience	\$7.54	\$8.29	4%	\$8.84	\$9.72	2%	\$8.67	\$9.54	3%	\$8.76	\$9.63
Returning with 2 year experience	\$7.83	\$8.61	8%	\$9.18	\$10.10	4%	\$8.84	\$9.72	6%	\$9.01	\$9.91
Returning with 3 year experience	\$8.12	\$8.93	12%	\$9.52	\$10.47	6%	\$9.01	\$9.91	9%	\$9.27	\$10.19
Returning with 4 year experience	\$8.41	\$9.25	16%	\$9.86	\$10.85	8%	\$9.18	\$10.10	12%	\$9.52	\$10.47
Returning with 5 year experience	\$8.70	\$9.57	20%	\$10.20	\$11.22	10%	\$9.35	\$10.29	15%	\$9.78	\$10.75

	Current	New
Snow Removal Ron H. Recommendation	\$10.00	\$12.00

6

Sheila Coss

From: Hand County Emergency Manager <handcounty.em@live.com>
Sent: Wednesday, December 03, 2014 5:36 PM
To: auditor.handcoem@midconetwork.com; Sheila Coss; St. Lawrence City; Renae Phinney
Subject: RE: storm debris removal contracting

Public Safety Partners,

I am e-mailing you back to find out if any of you have had this discussion with your boards or councils to gauge any level interest. I encourage you to take a look at this with your boards/councils if you have not already.

Thanks

Nehemia Volquardsen
Hand County Sheriff's Office
Emergency Management Director
415 West 1st Avenue, Suite 102
Miller, South Dakota 57362-1371
605-853-2408 (Dispatch)
605-853-2362 (Fax)
handcounty.em@live.com
www.hand.sdcounties.org/emergency-management/
Community Alerts via www.nixle.com

From: handcounty.em@live.com
To: auditor.handcoem@midconetwork.com; finance.office@cityofmiller.com; stlawcity@hotmail.com; randdgonefishin@gmail.com
CC: handcounty.em@live.com
Subject: FW: storm debris removal contracting
Date: Mon, 3 Nov 2014 14:44:49 -0600

Public Safety Partners,

I received this e-mail from the South Dakota Office of Emergency Management (SDOEM) and you should consider this as whenever we have disasters that involve debris and debris removal it is vital to track all of that information. This aids in the recovery process as well as in the reimbursement cycle for the communities effected both at the county and municipal level. I encourage you to make this an agenda item at your next meeting and discuss this and I can follow up with you at a subsequent meeting.

This has become an issue because you cannot pile debris of different types together such as home debris, tree

debris, metal debris, etc. all must be divided out and compiled separately for FEMA and reimbursement.

Thank You

Nehemia Volquardsen
Hand County Sheriff's Office
Emergency Management Director
415 West 1st Avenue, Suite 102
Miller, South Dakota 57362-1371
605-853-2408 (Dispatch)
605-853-2362 (Fax)
handcounty.em@live.com
www.hand.sdcounties.org/emergency-management/
Community Alerts via www.nixle.com

Date: Mon, 3 Nov 2014 14:56:27 +0000
From: Jason.Bauder@STATE.SD.US
Subject: storm debris removal contracting
To: SDOEMCO@LISTSERV.STATE.SD.US

County EM's,

The Office of Emergency Management is encouraging all counties and or cities to develop a contract for debris removal and debris removal monitoring to ensure an expedient clean-up of disaster debris following a severe storm.

As has been seen over and over through the years, disasters such as tornadoes and ice storms cause a massive amount of debris to manage and remove. While doing the removal, it is important to document the debris removal for later reimbursement from FEMA if the state receives a major disaster declaration from the President. Attached you will find guidance from FEMA on debris removal contracts and debris removal monitoring contracts. I encourage you to review these documents and then put out a request for proposal to seek a qualified contractor for both debris removal and debris removal monitoring.

Without such contracts in place prior to a large scale debris disaster, it can really slow down the recovery process because you have to either conduct the debris removal operations with your own labor forces (which many times is not feasible just due to the amount of work that labor force is doing on other disaster related activities) or you need to quickly put a proposal out for contractors to bid on and many times the cost is much higher due to the short notice of the proposal and quick turn-around time needed on the bid. Additionally, it is easy to miss out on FEMA funding later because the debris removed was not documented in a manner that was needed for FEMA reimbursement. For these three reasons, it is much better to be prepared during times

of no disaster and work towards having these two types of contracts in place to aid in debris removal operations and the FEMA reimbursement process.

If you have questions about debris removal type contracts and the attached guidance, please feel free to contact me as I would be more than happy to visit with you about the best way to go about developing such contracts.

Jason Bauder
SD Dept. of Public Safety | Office of Emergency Management
118 West Capitol Ave.
Pierre, SD 57501
605.773.3231 | oem.sd.gov



Confidentiality Note: The information contained in this document is confidential or privileged material and is intended only for use by the individual or entity to whom they are addressed. Use or distribution of information contained in this document by any other individual or entity not intended to receive this is strictly prohibited.

Sheila,

I received a request from Midland Contracting to pay for Stockpiled Aggregate Base Course in their Pit for the Runway 15/33 Reconstruction Project. In order to meet the specifications, they had to blend some manufactured sand in with their crushed material and would like to be paid for the "Material" as it is stockpiled in their pit. Typically, as discussed at the Pre-Construction Conference, Stockpiled Materials are stockpiled on the Owner's property in the event that the Contractor goes out of business or leaves the project, the Owner has possession of the materials they paid for. There have been instances in past projects where it has been allowed for the Contractor to receive payment for stockpiled materials that are stored at the Contractor's shop/yard/pit. Could you visit with the Mayor and Council informally to see if they will be ok with this. As far as my recommendation, I am comfortable with it so long as Midland produces photos of the Material showing the pile is separated and designated for the project and provides proof of insurance for the material. Let me know if you have any questions. Thank You!

Michael A. Schmit, P.E.

Sheila,

For the council's reference, see Sections 60-06 and 90-07 of the General Provisions (Pages 91 and 110 in the Spec Book) as these lay out the provisions for Stockpiled Materials. You can see that stockpiling off of Airport Property is allowed provided that the Contractor provides the City the required documentation. My recommendation still stands that the City should allow this provided they receive all of the necessary documentation. Let me know what the council's decision is. Thank You!

60-06 STORAGE OF MATERIALS. Materials shall be so stored as to assure the preservation of their quality and fitness for the work. Stored materials, even though approved before storage, may again be inspected prior to their use in the work. Stored materials shall be located so as to facilitate their prompt inspection. The Contractor shall coordinate the storage of all materials with the Engineer. Materials to be stored on airport property shall not create an obstruction to air navigation nor shall they interfere with the free and unobstructed movement of aircraft. Unless otherwise shown on the plans, the storage of materials and the location of the Contractor's plant and parked equipment or vehicles shall be as directed by the Engineer. Private property shall not be used for storage purposes without written permission of the owner or lessee of such property. The Contractor shall make all arrangements and bear all expenses for the storage of materials on private property. Upon request, the Contractor shall furnish the Engineer a copy of the property owner's permission.

All storage sites on private or airport property shall be restored to their original condition by the Contractor at his/her entire expense, except as otherwise agreed to (in writing) by the owner or lessee of the property.

90-07 PAYMENT FOR MATERIALS ON HAND. Partial payments may be made to the extent of the delivered cost of materials to be incorporated in the work, provided that such materials meet the requirements of the contract, plans, and specifications and are delivered to acceptable sites on the airport property or at other sites in the vicinity that are acceptable to the Owner. Such delivered costs of stored or stockpiled materials may be included in the next partial payment after the following conditions are met:

- a. The material has been stored or stockpiled in a manner acceptable to the Engineer at or on an approved site.
- b. The Contractor has furnished the Engineer with acceptable evidence of the quantity and quality of such stored or stockpiled materials.
- c. The Contractor has furnished the Engineer with satisfactory evidence that the material and transportation costs have been paid.
- d. The Contractor has furnished the Owner legal title (free of liens or encumbrances of any kind) to the material so stored or stockpiled.
- e. The Contractor has furnished the Owner evidence that the material so stored or stockpiled is insured against loss by damage to or disappearance of such materials at any time prior to use in the work.

It is understood and agreed that the transfer of title and the Owner's payment for such stored or stockpiled materials shall in no way relieve the Contractor of his/her responsibility for furnishing and placing such materials in accordance with the requirements of the contract, plans, and specifications.

In no case will the amount of partial payments for materials on hand exceed the contract price for such materials or the contract price for the contract item in which the material is intended to be used.

No partial payment will be made for stored or stockpiled living or perishable plant materials.

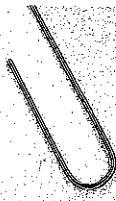
The Contractor shall bear all costs associated with the partial payment of stored or stockpiled materials in accordance with the provisions of this subsection.

Michael A. Schmit, P.E.

City

Helms & Associates

PO Box 111
Aberdeen, SD 57402-
Tel: (605) 225-1212 Fax: (605) 225-3189
TERRYH@HELMSENGINEERING.COM



Invoice

CITY OF MILLER
120 West 2nd Street
MILLER, SD 57362

Invoice Date: Nov 24, 2014
Invoice Num: 11841
Billing Through: Nov 22, 2014

MILLER AIRPORT RUNWAY BIDDING (A5638:04) - Managed by (201)
AIP # 3-46-0035-008-2014
PER CONTRACT DATED 11/4/14
BIDDING PHASE

Project ID	Project Name	Contract Amount	% Comp.	Previously Billed	Amount Due
A5638:04	MILLER AIRPORT RUNWAY BIDDING	\$9,706.00	100.00	\$0.00	\$9,706.00

Total Amount Due: \$9,706.00

This invoice is due upon receipt

VERIFICATION OF CLAIM I declare and affirm under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief, is in all things true and correct. Dated this 24th day of Nov 2014.
HELMS AND ASSOCIATES *Allen Th. Bus*

APPROVAL:

BY: _____

TITLE: _____

DATE: _____

Account Summary

Services BTD	Expenses BTD	Billed To Date	Paid To Date	Balance Due
\$ 9,706.00	\$ 0.00	\$ 9,706.00	\$ 0.00	\$ 9,706.00

Helms & Associates

PO Box 111

Aberdeen, SD 57402

Tel: (605) 225-1212 Fax: (605) 225-3189

TERRYH@HELMSENGINEERING.COM

City

CITY OF MILLER
120 West 2nd Street
MILLER, SD 57362

Invoice

Invoice Date: Nov 24, 2014

Invoice Num: 11842

Billing Through: Nov 22, 2014

AIP # 3-46-0035-008-2014

PER CONTRACT DATED 11/4/14

INVOICE TWO

Project Name (ID)

MILLER AIRPORT RUNWAY CONSTRUCTION ADMIN (A5638:05) - Managed by (201)

Amount

\$6,973.26

Amount Due This Invoice: \$6,973.26

This invoice is due upon receipt

VERIFICATION OF CLAIM I declare and affirm under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief, is in all things true and correct. Dated this 24th day of Nov. 2014.
HELMS AND ASSOCIATES *D. M. As*

APPROVAL:

BY: _____

TITLE: _____

DATE: _____

Account Summary

Billed To Date	Paid To Date	Balance Due
\$ 6,973.26	\$ 0.00	\$ 6,973.26

Sheila Coss

From: Yvonne Taylor <yvonne@sdmunicipalleague.org>
Sent: Tuesday, December 02, 2014 2:56 PM
Cc: Yvonne Taylor
Subject: Action Requested - Sales Tax Proposal
Attachments: The Perfect Bill - 2010 HB1198.pdf

Hello – We are asking that you add the following item to your next Meeting Agenda, and to pass a statement of support for the bill outlined below – then let me know that you have done this – Please let me know by January 16.

As you may have heard, the Municipal League will be asking the Legislature to allow you to adopt a “penny for infrastructure.”

If this bill were to pass, you would specify a project, a dollar amount needed, and the years the penny of sales tax would begin and end. You would then be required to submit the plan to your voters. Once the year, or the dollar amount is reached, the tax goes off, and cannot be renewed without another vote of the citizens. It truly allows you to work with your citizens to determine what project, and what revenue source, can be used.

PLEASE CONSIDER ADOPTING THE FOLLOWING STATEMENT OF SUPPORT:

“The (city or town) of _____ supports a local option additional penny of municipal sales tax, with the approval of our voters, for specific infrastructure projects.”

The bill that was introduced in 2010 is attached, and we expect the same language to be brought forward this year.

Thank you for your help, and please contact me if you have any questions or concerns.

Yvonne Taylor
Executive Director
SD Municipal League

yvonne@sdmunicipalleague.org
p 605-224-8654
m 605-280-3633

*Good to use
toward storm
sewer or
street repair*

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

960R0150

HOUSE BILL NO. 1198

Introduced by: Representatives Verchio, Brunner, Conzet, Cronin, Cutler, Feinstein, Hamiel, Hoffman, Hunt, Krebs, Lust, McLaughlin, Moser, Olson (Betty), Peters, Rave, Sly, Solberg, and Turbiville and Senators Brown, Abdallah, Adelstein, Ahlers, Dempster, Jerstad, Knudson, Nelson, and Tieszen

1 FOR AN ACT ENTITLED, An Act to allow municipalities to impose an additional penny sales
2 and use tax for a limited period of time for a specified use.

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

4 Section 1. That chapter 10-52 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to the tax imposed by § 10-52-2, any incorporated municipality may impose an
7 additional non-ad valorem tax in accordance with the provisions of this chapter, except upon
8 fuel used for motor vehicles, by ordinance enacted by its local governing board. However, no
9 tax may be levied on the sale, use, storage and consumption of items taxed under chapters 10-45
10 and 10-46, unless such tax conforms in all respects to the state tax on such items with the
11 exception of the rate, and the rate levied pursuant to this section does not exceed one percent.

12 The governing board shall specify in the ordinance the proposed use for the tax. The use
13 specified in the ordinance shall be for capital expenditures or refunds not provided for under the
14 existing sources of revenue or budget. The term, capital expenditures, includes land acquisition,



1 professional fees, construction costs, and other fixed assets for the project, facility, municipal
2 utilities, streets, or structure. A portion of the tax revenue collected pursuant to this section may
3 be refunded to the citizens of the municipality pursuant to a methodology specified in the
4 ordinance.

5 The governing board shall specify in the ordinance the year or number of years the tax will
6 be applied and the date the tax will end. If sufficient tax revenue is collected or projected to be
7 collected to pay for the capital expenditures prior to the end date specified in the ordinance, the
8 tax shall be repealed at such date in accordance with § 10-52-9. No tax levied pursuant to this
9 section may be extended or renewed, unless the governing body adopts a new ordinance and
10 receives approval from the voters.

11 Any ordinance adopted pursuant to this section shall be referred to a vote of the people for
12 its approval or disapproval.

13 Section 2. That § 10-52-2.10 be amended to read as follows:

14 10-52-2.10. Any incorporated municipality imposing a non-ad valorem tax in accordance
15 with ~~§ 10-52-2~~ this chapter may issue municipal non-ad valorem tax revenue bonds pursuant
16 to this section and chapter 6-8B in anticipation of the collection of the taxes. The bonds shall
17 be payable solely from the collections of the taxes imposed by the municipality under ~~§ 10-52-2~~
18 this chapter, as determined by the governing body. The governing body shall, in the resolution
19 or ordinance authorizing the bonds, agree that it will continue to impose and collect the taxes
20 so long as the bonds are outstanding. The governing body shall also pledge so much of the
21 collections of the taxes as may be necessary to pay the principal premium and interest on the
22 bonds and to maintain any debt service reserve established for the bonds. For bonds issued prior
23 to January 1, 2004, the proceeds of the bonds may be used for land acquisition, the funding of
24 public ambulances and medical emergency response vehicles, public hospitals or nonprofit

1 hospitals with fifty or fewer licensed beds and other public health care facilities or nonprofit
2 health care facilities with fifty or fewer licensed beds, capital asset acquisition and capital
3 improvements, to establish a debt service reserve fund for the bonds and to pay not more than
4 one year's capitalized interest on the bonds.

5 No election is required to authorize the issuance of municipal non-ad valorem tax revenue
6 bonds. The bonds shall be issued and sold as provided in chapter 6-8B.

MEMORANDUM FOR RECORD

December 16th, 2014

SUBJECT: Record Destruction

FROM: Finance Office

1. The following Special Assessments records are to be destroyed:
 - a. 1962 – 1975 Curb & Gutter/Street Improvement
 - b. 1963, '64 Paving
 - c. 1963 – 1973 Sanitary Sewer Construction Districts A, B, & C
 - d. 1967 – 1972 Oiling
2. The following Project files are to be destroyed:
 - a. 1984 Softball Field Improvements
 - b. 1991 – 1992 Swimming Pool Improvements
 - c. 1981 – 1982 Swimming Pool Renovation
 - d. 1989 Fire Hall Bid Specs
3. 1996 – 1997 Fixed Assets Inventory records are to be destroyed.
4. 1995 Miscellaneous Accounts Receivable records are to be destroyed.
5. 1993 FAA Grant Agreement – Municipal Airport Runway Proj.
6. Letters of Credit & Credit Applications older than 2 years as of 2015.
7. Fireworks Permits older than 4 years as of 2015.
8. SDML WC Fund – Open Claims Reports 1998-2011
9. Indemnity Agreements – 1999-2009