

BERESFORD CITY COUNCIL
REGULAR MEETING AGENDA
Tuesday, January 2, 2024, 7:00 P.M.
Beresford City Council Chambers – 103 N. 3rd St.

[1] – Pledge of Allegiance

[2] – Call to Order & Roll Call

[3] – Adopt Agenda

[4] – Approve Minutes – December 18, 2023

[5] – Visitors to be heard.

[6] – Committee/Mayor Report

[7]– Department Head and City Administrator Reports

[8] – Old Business

- IBEW Local 426 2024 union contract agreement

[9] – New Business

- Declare the Alcester-Beresford-Hudson Republic legal newspaper for the City of Beresford
- Declare official depositories for the City of Beresford - First Savings Bank, First Dakota National Bank, First Bank & Trust, SD Public Funds Investment Trust, US Bank
- Set election date of April 9, 2024, and approve joint election with Beresford Schools
- Resolution 2024-01 – A Resolution to Urge the South Dakota Legislature to Approve the Joint Resolution Providing Legislative Approval for a Future Use Water Permit Application by the Lewis and Clark Regional Water System
- Supplemental Appropriation Ordinance 2024-01
- Resolution 2024-02 – Contingency Fund Transfers
- Resolution 2024-03 – Sets 2024 Employee Wages
- 2023-year end transfers to General Fund and South Dakota FIT
- 2024 Animal Control Services and Impoundment Facility Operation Agreement with Sioux Falls Area Humane Society
- Authorize advertising for One-Day Temporary Malt Beverage License for Beresford Volunteer Fire Dept
- Step pay increase for Tanner Knutson
- Short-term loan to Beresford HRC for purchase of property for housing development
- Accept 2024 Beresford Volunteer Fire Department Roster for workers compensation coverage
- Union County Pre-Disaster Mitigation Plan Update
- Sewer rate surcharge effective February 1, 2024

[10] – Discussion & Information Items

- Department Head and City Administrator annual reviews
- Next regular meeting will be Tuesday, January 16, 2024, due to Martin Luther King Holiday

[11] – Approval of Travel Requests

-

[12] – Payment of Bills

[13] – Executive Session – personnel

[14] – Adjournment

Welcome to your City Council Meeting

If you wish to participate in the discussion, the meeting provides several opportunities:

1. After the minutes are approved and public hearings are held, the mayor will ask if any visitors wish to be heard. Any item **NOT** on the agenda may be discussed. Items requiring action will then be placed on the next city council agenda for formal action.
2. During the discussion of agenda topics, anyone may comment if the Council is accepting public testimony. The mayor may recognize you if you raise your hand. Please state your name and address for the city minutes. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote.

If you would like to join the meeting via Zoom, please follow the instructions below.

Topic: Beresford City Council Meeting

Time: January 2, 2024, 7:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5460780834?pwd=bittbHg1QjJ5SDYxaUFOb0VGZ3crQT09>

Meeting ID: 8410157004

Passcode: Beresford

Dial by your location

+1-253-205-0468 US

BERESFORD CITY COUNCIL
Monday, December 18, 2023

The Beresford City Council met in regular session at 7:00 p.m. in City Council Chambers; the Pledge of Allegiance was recited.

Members Present: Mayor Nathan Anderson presiding, Troy Boone, Will Roelke, Larry Rohrer, Art Schott, Eli Seeley, Mike Tiedeman

Also Present: Elaine Johnson, Finance Officer; Jerry Zeimetz, City Administrator; Tom Frieberg, City Attorney; Austin Hansen, BeresfordTel GM; Jeff Heidebrecht, Sewer/Water/Street Dept. Supt.

Adopt Agenda: A motion was made by Tiedeman, second by Seeley, to adopt the agenda as presented. All present Council members voted aye; motion carried.

Approve Minutes: Tiedeman made a motion, second by Boone, to approve the December 4, 2023 meeting minutes. All present Council members voted aye; motion carried.

Visitors: Justin Zuraff of Roo's Sanitation was unable to attend the meeting.

Department Head and City Administrator Reports:

Austin Hansen, BeresfordTel GM: Hansen provided Council with information on potential placement and costs for installing security cameras at the north ballfield addition. Following discussion, Schott made a motion, second by Boone, to purchase security cameras for the ballfield addition with a budget of \$10,000.00. All present Council members voted aye; motion carried.

Elaine Johnson, Finance Officer: Johnson highlighted a few atypical expenditures from the November financial report. Schott made a motion to accept the November 2023 financial report. Roelke seconded the motion, and all present Council members voted aye; motion carried.

Old Business:

Loader Purchase for Street Dept: City Administrator Zeimetz explained that the cost of the loader approved at the previous meeting included trade in of the City's loader, which should not have been included (the loader will be sold on Purple Wave). Schott made a motion, second by Boone, to approve the purchase of a Volvo L70H2 GPE Wheel Loader from Transource Truck & Equipment through the Sourcwell Contract #011723-VCE, with no trade in, for \$214,753. All present Council members voted aye; motion carried.

New Business

• **Equipment Purchase:**

- Schott made a motion to approve purchase of a John Deere 3046R Compact Utility Tractor for the Parks Dept. and Golf Course from Grossenburg Implement through Sourcwell Contract #031121-DAC for \$56,635. The motion was seconded by Boone, and all present Council members voted aye; motion carried.
- A motion was made by Schott, second by Boone, to approve the purchase of a New Holland L328 skid steer for BeresfordTel and the Electric Dept. from Titan Machinery through Sourcwell Contract #032119-CHN-2 for \$56,450. All present Council members voted aye; motion carried.
- **SDHDA Conditional Commitment Agreement:** In order to receive funding from SDHDA for infrastructure for the Bak Property Housing Development project, City Administrator Zeimetz informed Council that a Conditional Commitment Agreement needs to be approved. Schott made a motion, second by Roelke, to authorize Mayor Anderson to sign the SDHDA Conditional Commitment (General Grant) Agreement in the amount of \$1,023,833. All present Council members voted aye; motion carried.
- **Design Services Agreement:** Boone made a motion, second by Roelke, to approve the \$24,500 Services Agreement for Design Services with RSA Architecture for patio improvements at the Bridges Clubhouse and Event Center. All present Council members voted aye; motion carried.

- **Surplus Equipment:** A motion was made by Schott, second by Tiedeman, to declare the following equipment from the Beresford Police Department as surplus for disposal: Pro-Vision Body Camera, Serial #2012B400424; Pyramid Extenders, Serial #554123, #559550, and #550955; Tufloc gun lock; Levono Desktop, Serial #ESO7336790. All present Council members voted aye; motion carried. Other equipment (portable and digital radios) will be offered to other City Departments.
- **Request to Waive Landfill Fee:** Schott made a motion to waive landfill fees for Beresford HRC for a potential project. The motion was seconded by Rohrer and all present Council members voted aye; motion carried.
- **Subsidy Drawdown Requests:**
 - A motion was made by Boone, second by Seeley, to approve the budgeted 2023 subsidy draw-down request of \$1500 from the Beresford Cemetery Association. All present Council members voted aye; motion carried.
 - Boone made a motion, second by Roelke, to approve the budgeted 2023 subsidy drawdown request of \$5000 from the Beresford Community Bus. All present Council members voted aye; motion carried.

Teamsters Local 120 Agreement: City Attorney Frieberg informed Council that the Teamsters Local 120 Union has accepted the City's proposal for 2024 Police Department wages.

Special Meeting: If needed, a special meeting will be held on December 27 at 5:30 p.m.

Discussion & Information Items:

- A letter was received from Beresford Area Radio Flyers thanking the City and Parks Department personnel for work done on the field used by them for their events.
- The next regular meeting will be on Tuesday, January 2, 2024.

Approval of Travel Requests: A motion was made by Seeley, second by Roelke, to approve the following travel requests. All present Council members voted aye; motion carried.

- Joint Utility Training School, Sioux Falls, Jan. 16-18, Antonson, Knutson

Payment of Bills: A motion to pay the following bills was made by Boone, second by Roelke. All present Council members voted aye; motion carried.

Aaron's Pro Window Cleaning, service, \$70.00; Astech Corp, chip seal project, \$97,018.70; Azar Comp Software Serv, digital service center, \$250.00; B&T's BBQ, Christmas luncheon, \$721.00; Bally Sports North, affiliate fees, \$2738.40; Beresford Cemetery, 2023 subsidy, \$1500.00; Beresford Com Bus, 2023 subsidy, \$5000.00; Big 10, affiliate fees, \$132.62; Book Systems, imager, \$715.00; Border States Elec, supplies, \$4702.60; BW Ramkota, lodging, \$320.97; Capital One Trade Cr, supplies, \$851.20; Cengage Learning, books, \$126.36; CenturyLink, 911 circuit, \$115.05; CHS, fuel, \$2427.42;

City of SF Public Works, tipping fees, \$5682.59; Core & Main, meter covers, \$30,001.29; Dad's Auto, repairs, \$1078.26; Dakota Beverage, beer, \$198.00; Eastway Auto, repair, \$144.79; EFTPS, Federal excise tax, \$461.38; Electric Pump, lift station, \$13,184.55; Erickson Htg & AC, repair, \$96.94; Express Comm., CBOL settlement, \$1108.69; FARR Tech., battery, \$1417.50; Flowers by Bob, planters, \$625.00; Frantzen Reporting, fee, \$86.50; Frieberg, Nelson & Ask, city attorney, \$3482.50; Galls, clothing, \$54.45; Renee Goltz, clothing, \$148.54; Graybar Electric, tower lights, \$9987.84; Grossenburg Imp, rental, \$3981.53; Heartland Pymt Systems, CC fees, \$334.46; High Plains Tech, software, \$209.95;

iconective, STI agreement, \$500.00; Interstate TRS, TRS fund, \$342.75; Johnson Bros Famous Brands, liquor, \$215.40; K&M Tire, tires, \$1284.58; KCL Group Benefits, insurance, \$131.60; Keith Kropuenske, clothing, \$394.82; Lands' End, clothing, \$255.60; Tony Laurvick, conference, \$15.00; Meredith Books, book, \$43.45; Michael Todd, supplies, \$345.94; Mid America Comp Corp, billing fees, \$2288.31; MidAmerican Energy, natural gas, \$1244.84; Midwest Alarm, monitoring, \$228.58; Midwest Tape, books, \$213.68; Missouri River Energy Services, supplemental power, \$159,776.39;

Muller Auto Parts, repair, \$598.89; New Century Press, publishing, \$255.96; NY Life, insurance, \$108.00; Nexstar Broadcasting, affiliate fees, \$2780.02; Olson's Pest Tech, service, \$230.00; Performance Foodservice, food, \$905.80; Printing Plus, library cards, \$40.36; Quadiant Finance, postage meter, \$609.06; Gary Roan, bldg inspection, \$1222.57; Roo's Sanitation, disposal service, \$5292.00; Rovi Guides, guides, \$1488.64; SDN Comm, internet access, \$2781.42; Sew Storm Quilt Shop, clothing, \$526.61; Showtime Network, affiliate fees, \$31.24; Sioux Corp, supplies, \$75.93;

Southeastern Electric, electricity, \$378.87; The Country Club, range balls, \$1725.00; USAC, schools & libraries, \$1965.50; Utilismart, contract, \$1531.75; Rob VanBallegooyen, conference, \$15.00; Vantage Point, CALEA, \$160.00; Verizon, cell

phones, \$867.46; Cameron Voegeli, clothing, \$293.18; Washington Nat'l Ins, insurance, \$84.30; Wellmark BC/BS, insurance, \$37,772.23; Wells Fargo, CC charges, \$4613.76; Wheelco Truck & Trailer, parts, \$1443.46.

Adjournment: Having no further business, Mayor Anderson adjourned the meeting at 7:42 p.m.

Elaine Johnson, Finance Officer
Recorded by Kathy Stuessi

Jerry Zeimetz

From: Thomas Frieberg <tfrieberg@frieberglaw.com>
Sent: Friday, December 22, 2023 11:51 AM
To: Dylan Meyer-426 Business Manager
Cc: Jerry Zeimetz; Curt Nelson-426 Business Rep
Subject: [*EXT*]RE: Declaration of Impasse

CAUTION: This email originated from outside of the City of Beresford. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Dylan. Have a good holiday.

Thomas H. Frieberg
Frieberg, Nelson & Ask, L.L.P.
115 N. Third, P.O. Box 511
Beresford, SD 57004-0511
Phone: (605) 763-2107
Fax: (605) 763-2106
E-mail: tfrieberg@frieberglaw.com

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From: Dylan Meyer-426 Business Manager <businessmanager@ibew426.com>
Sent: Friday, December 22, 2023 11:40 AM
To: Thomas Frieberg <tfrieberg@frieberglaw.com>
Cc: Jerry Zeimetz <jerry@beresfordsd.com>; Curt Nelson-426 Business Rep <curt@ibew426.com>
Subject: RE: Declaration of Impasse

Tom,

After talking to the bargaining unit, we will accept the City's wage increase offer of 3.2% as well as the other items that tentatively agreed to at our last negotiating session. We will get the redlined contract sent over next week. I will inform the DLR that we are withdrawing our conciliation request.

Thanks,

Dylan Meyer
IBEW Local 426
Business Manager/Financial Sec.
3725 N 4th Ave
Sioux Falls, SD 57104
C: 605-360-9605
O: 605-336-0370

From: Dylan Meyer-426 Business Manager

Sent: Friday, December 1, 2023 3:13 PM

To: Thomas Frieberg <tfrieberg@frieberglaw.com>

Cc: Jerry Zeimetz <jerry@beresfordsd.com>; Curt Nelson-426 Business Rep <curt@ibew426.com>

Subject: Declaration of Impasse

Tom,

Please see attached.

Sincerely,

Dylan Meyer

IBEW Local 426

Business Manager/Financial Sec.

3725 N 4th Ave

Sioux Falls, SD 57104

C: 605-360-9605

O: 605-336-0370

RESOLUTION 2024-01

RESOLUTION TO URGE THE SOUTH DAKOTA LEGISLATURE TO APPROVE THE

JOINT RESOLUTION PROVIDING LEGISLATIVE APPROVAL FOR A FUTURE USE WATER PERMIT APPLICATION BY THE LEWIS & CLARK REGIONAL WATER SYSTEM

WHEREAS, the Lewis & Clark Regional Water System (L&C) currently has a total of 47.7 million gallons a day (MGD) of ground water rights from the Missouri-Elk Point Aquifer (53,442 acre feet/year), and

WHEREAS, in 2022 L&C started construction to expand the System from 44.19 MGD to 60 MGD, which is expected to be completed in 2031, and

WHEREAS, in April 2023 L&C submitted an application to the South Dakota Department of Agriculture & Natural Resources (DANR) for an additional 17.07 MGD (19,121 acre feet/year), which accounting for treatment and line losses is the amount of additional capacity needed in order to deliver 60 MGD of firm capacity, and

WHEREAS, DANR and the South Dakota Geological Survey conducted their analysis, which led to an approval recommendation of L&C's application based on three factors: 1.) there is enough capacity in the Missouri – Elk Point Aquifer, 2.) there is a demonstrated need for the capacity and the need would be a beneficial use of the water, and 3.) existing water rights will not be impaired, and

WHEREAS, there was a public comment period on L&C's application and no comments were submitted, and

WHEREAS, State statute requires legislative approval for any water right application that exceeds 10,000 acre feet before the South Dakota Water Management Board can take final action, which last occurred in 1994 and coincidentally was for L&C, and

WHEREAS, the South Dakota Water Management Board at their July 12, 2023 hearing voted unanimously to present L&C's application to the Legislature with an approval recommendation.

THEREFORE BE IT RESOLVED, the City of Beresford respectfully urges the South Dakota Legislature during the 2024 session to approve the Joint Resolution in support of L&C's future use water permit.

Adopted this 2nd day of January, 2024

Nathan Anderson, Mayor

ATTEST:

Elaine Johnson, Finance Officer

Published: January 11, 2024

Jerry Zeimetz

From: Troy Larson <tlarson@lcrws.org>
Sent: Tuesday, December 12, 2023 9:31 AM
To: Adam Jans; Brad Preheim; Jeff Heidebrecht; Nate Vander Plaats; Nolan Meyer; Ralph Hammer; Robin Dykstra; Ryan Hegg; Ryan Johnson; Scott Buss; Sid Munson (sjmunson50@gmail.com)
Cc: 'Murray Hulstein (murrayh@siouxcenter.org)'; Scott Hain; Jim Auen; Clinton Koehn; Lori Seten; Leslie Murphy; Kristin Bisgard; Kristin Hazen; Jerry Zeimetz (jerry@bmtc.net); Andrew Pietrus; Tom Rausch (tom@slrws.com); Andrew Krege; Jameson Berreth; 'Rick Nighbert'; 'Nick Borns'; 'Chris Myers'; 'Ryan Allen'; City Admin; 'Dawn Murphy'
Subject: [*EXT*]Draft water rights resolution
Attachments: Resolution of Support for Joint Resolution 12-23.docx

CAUTION:This email originated from outside of the City of Beresford. Do not click links or open attachments unless you recognize the sender and know the content is safe.

SD Directors,

Attached is the draft resolution for your consideration. **It is important that your governing body approve it prior to the start of the legislative session on Jan. 9.**

I forwarded a copy of the draft to Director Ryan Johnson last week and the City's legal team is still working through some form, style and word changes. While it was a good goal to have the resolutions be identical, Ryan readily agrees with me that in hindsight this was not realistic given our time constraints. As long the main point gets across that your governing body urges the Legislature to approve the Joint Resolution, it doesn't matter whether the form, style and words are the same. Feel free to make whatever changes you deem appropriate. **To be clear though, your governing body is NOT approving the Joint Resolution that I previously forwarded to you. You are only urging the SD Legislature to approve it.** That is the purpose of the attached resolution of support. **After your governing body has approved the resolution of support, please send me the signed copy.**

Below are the "elevator speech" talking points Ryan asked for that I sent him yesterday. **With regard to the bullet point I've highlighted below, see Exhibit D in your Expansion Commitment Agreement for the capacity numbers for your respective utility.** Please let me know if you have any questions. Much appreciated!

*Troy Larson
Executive Director
Lewis & Clark Regional Water System
605-368-2400 office
605-310-0560 cell*

- L&C has ground water rights to allow it to provide the 20 members with its combined reserved capacities of 44.19 MGD.

- The 20 members are covering 100% of the cost to expand the System to 60 MGD (minus funding received from SD, IA and MN)
- Construction started in 2022 to expand the System to 60 MGD and it is expected to be completed in 2031.
- L&C currently has ZERO ground water rights for the expansion to 60 MGD.
- L&C is requesting additional ground water rights so it can provide the members with their combined reserved capacities of 60 MGD when the expansion is complete.
- SF currently has 28 MGD of reserved capacity and the expansion will add 6.4 MGD (23% increase).
- There is zero opposition to L&C's request for additional water rights.
- The Joint Resolution has the full support of the Administration, DANR, SD Geological Survey, Board of Water Management, SD Association of Rural Water Systems and the SF Chamber of Commerce.

If someone asks why we started construction on the expansion before securing the water rights, the answer is two-fold:

- 1.) Because of the drought and growth the members need additional capacity sooner rather than later.
- 2.) L&C has unused surface water rights, but using them as a Plan B would cost SIGNIFICANTLY more. Instead of a total cost for the expansion of roughly \$150M, we'd likely be looking at a remaining cost share of at least \$300M if we were forced to use surface water. Could be more.

2024 South Dakota Legislature

Draft 370

Requested by:

1 **A JOINT RESOLUTION, Providing legislative approval for a future use water permit**
2 **application by the Lewis and Clark Regional Water System.**

3 **Section 1.** WHEREAS, pursuant to § 46-5-20.1, any application for an appropriation of water,
4 in excess of ten thousand acre-feet annually, must be presented by the Water Management
5 Board to the Legislature for approval, prior to action by the board; and

6 **Section 2.** WHEREAS, pursuant to § 46-5-20.1, the Lewis and Clark Regional Water System
7 submitted a future use water permit application numbered 8754-3 to the chief engineer of
8 the water rights program within the Department of Agriculture and Natural Resources, seeking
9 to have annually appropriated and reserved nineteen thousand one hundred and twenty-one
10 acre-feet of unappropriated water from the Missouri: Elk Point Aquifer for the purpose of
11 providing future water supplies to the Lewis and Clark Regional Water System, which is
12 located in the South Dakota counties of Clay, Lake, Lincoln, McCook, Minnehaha, Turner, and
13 Union; in the Iowa counties of Lyon, O'Brien, Osceola, and Sioux; and in the Minnesota
14 counties of Nobles and Rock; and

15 **Section 3.** WHEREAS, the chief engineer, pursuant to § 46-2A-2, considered the permit
16 application and recommended approval, with qualifications, because there is a reasonable
17 probability that unappropriated water is available for the proposed use, the quantity of water
18 sought to be reserved will be needed by the Lewis and Clark Regional Water System, the
19 proposed use is a beneficial use, and the proposed use is in the public interest; and

20 **Section 4.** WHEREAS, after a public hearing held on July 12, 2023, in Pierre, South Dakota,
21 the Water Management Board moved to present the application to the Legislature with a
22 recommendation of approval, subject to the following qualifications:

23 (1) That Future Use Water Permit No. 8754-3 annually reserve nineteen thousand one
24 hundred twenty-one acre-feet from the Missouri: Elk Point Aquifer;

25 (2) That Future Use Water Permit No. 8754-3 is approved with the stipulation that it
26 is subject to review, every seven years, by the Water Management Board and
27 subject to cancellation if the board determines, during a seven-year review, that

1 the Lewis and Clark Regional Water System cannot demonstrate a reasonable need
2 for the permit; and
3 (3) That at the time plans are made to construct the works and put the water reserved
4 by Future Use Water Permit No. 8754-3 to beneficial use, an application for all or
5 part of the reserved water must be submitted to the Water Management Board,
6 pursuant to § 46-5-38.1:

7 **Section 5.** NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
8 Ninety-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that
9 the Lewis and Clark Regional Water System's Future Use Water Permit No. 8754-3 is approved
10 and returned to the Water Management Board for final action.

**ORDINANCE #2024-01
Supplemental Appropriations**

SUBJECT: An Ordinance to Supplement FY 2023 Appropriations and Declare an Emergency.
BE IT ORDAINED, by the City of Beresford, SD that the following sums be supplementally appropriated to meet the obligations of the municipality for year-end 2023.

Appropriations:

Police Dept.	Part-Time Salaries	101-4210-41103	\$16,740
	FICA	101-4210-41200	\$ 2,600
	Group Health Insurance	101-4210-41500	\$22,725
	Machinery & Auto	101-4210-43600	<u>\$45,100</u>
		<u>Total Appropriations</u>	\$87,165

Source of Funding:

Unassigned Fund Balance	<u>\$87,165</u>
	<u>Total Means of Finance</u>
	\$87,165

Emergency Clause: The effective date to this Ordinance shall be the date of passage.

Nathan Anderson, Mayor

Attest:

Elaine Johnson, Finance Officer

First Reading: January 2, 2024
Second Reading & Adoption: January 2, 2024
Published: January 11, 2024

RESOLUTION #2024-02

Subject: Contingency Fund Transfers

Be it resolved, that the following transfers are made from the contingency fund for fiscal year 2023.

Transfers to:

General Gov't Bldgs.		
Insurance – Property	101-4190-42103	\$ 925
Buildings & Grounds	101-4190-43200	\$ 6,225
Police Department		
Full-Time Salaries	101-4210-41101	\$10,800
Fire Department		
Tires, Batteries, Accessories	101-4220-42604	\$ 1,700
Swimming Pool		
Part-Time Salaries	101-4530-41103	\$ 5,350
Workers Compensation	101-4530-41400	\$ 1,850
Chemicals	101-4530-42639	\$ 775
Community Subsidies		
Fireworks Display	101-4540-42967	<u>\$ 860</u>
		\$28,485
Transfer from Account:		
Contingency Funds	101-4110-45900	\$28,485

Adopted this 2nd day of January, 2024.

Nathan Anderson, Mayor

Attest:

Elaine Johnson, Finance Officer

Adopted: January 2, 2024
Published: January 11, 2024

2023 Year-End Transfers to General Fund

January 2, 2024

Transfer From:

Electric	603-4340-51100	\$450,000
Telephone	611-4380-51100	\$250,000
Solid Waste	612-4320-51100	<u>\$ 40,000</u>
	Total:	\$740,000

Transfer To:

General Fund	101-390-3911	\$740,000
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2023 Year-End Transfer of Reserves to South Dakota FIT

Street Dept.	\$ 20,000	Equipment Replacement
Fire Dept.	\$ 30,000	10% Liquor & 2% Malt Beverage tax for Equipment replacement
(602) Water Dept.	\$ 17,200	Water tower paint
(611) Telephone	\$200,000	New Construction & Equipment Replacement
(603) Electric	<u>\$525,000</u>	New Construction & Equipment Replacement
Total:	\$792,200	

The above transfers will require a separate motion for the General Fund transfers and separate motion for the transfers to SD FIT.

**ANIMAL CONTROL SERVICES
AND IMPOUNDMENT FACILITY OPERATIONS AGREEMENT
For the Year 2024**

THIS AGREEMENT is made and entered into as of the 1st day of January, 2024, by and between the **CITY of BERESFORD, SOUTH DAKOTA**, hereinafter referred to as the “City” and the **SIOUX FALLS AREA HUMANE SOCIETY**, hereinafter referred to as the “Society”.

WHEREAS, the Society has established and is maintaining a shelter and impoundment facility (the “Facility”) where animals which have been picked up pursuant to the City ordinances are cared for or disposed of pursuant to such ordinances; and

WHEREAS, the City believes that the Society is an appropriate party for handling other related animal problems; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1. Animal Control Services. The Society shall be responsible for responding to animal-related calls referred by the City. The Society and the City will be responsible for the enforcement of the animal control laws. The Society shall perform all other animal related services and obligations delegated to the Society by the City, including, but not limited to the following specific duties:

- (a) **Humane Officers.** The Society shall provide trained and commissioned animal control officers (humane officers) for the City. Humane officers shall perform the following services in and for the City:
 - (i) Work with Law Enforcement with sheltering of animals which have been taken into custody by citizens and referred to the City for handling. Records of these actions shall be prepared and maintained and appropriate copies provided to the City.
 - (A) Animals will be returned to their owners or keepers immediately, if possible. If the return of the animal is appropriate, and if a violation has occurred, a summons and complaint may be issued by the Animal Control Officer(s) to the owners or keepers.
 - (B) Animals which cannot be returned to the owners or keepers will be impounded by the officers at the Facility for a period of five (5) days if the animal has identification or for three (3) days if the animal does not have identification.
 - (ii) Attempt to give emergency treatment to all injured animals reported to the Society. Animals that have, in the opinion of a veterinarian or Animal Control Officer, sustained terminal injuries, may be euthanized.
 - (iii) Respond to animal-related problems referred to the Society by the City/Sheriffs Department. Respond to administrative directive of the City’s office relating to animal control. Respond to Citizen complaints or concerns as allowed by the City/Sheriffs Department.
 - (iv) Cooperate with Law Enforcement and the City Attorney’s Office in the prosecution of violations of the various animal control ordinances of the City.
 - (v) Maintain personnel and equipment available for 24-hour emergency animal rescue service, seven days a week.

Section 2. Facility and Services.

- (a) **Facility.**
 - (i) The Society shall provide all physical plant and equipment for the operation of the Facility, which shall be located as 3720 East Benson Road, Sioux Falls, SD 57104.

(b) **Operation of the Facility.**

- (i) The Society staff will not be responsible for determining the validity of stray animals brought to the facility by individuals other than the City's Law Enforcement. Nor will the staff turn away any supposed stray animal brought to the facility by individuals other than Law Enforcement and the City will be charged accordingly.
- (ii) The Society shall keep and maintain a daily register of all animals impounded in and released from the Facility.
- (iii) The Society will not release or otherwise dispose of any animal placed in the Facility, except to the owner or keeper, until all impoundment and applicable state laws have been satisfied. In no case will a healthy domestic animal be disposed of in less than three days unless it is released to the owner or keeper thereof or has sustained life threatening injury or illness warranting humane euthanasia.
- (iv) The Society may charge, collect and retain for its own use as part of the consideration for this contract all costs incurred from all persons who redeem impounded animals. The impound fee, if applicable, shall be returned to the City less a ten (10%) administration fee.
- (v) The Society is authorized to collect from the owner or keeper of the animal all reasonable and necessary costs associated with providing emergency treatment to an impounded animal.

Section 3. Miscellaneous Provisions.

- (a) The Society shall respond to complaints involving nuisance domestic animals only. The Society shall assist in the capture, relocation, impoundment and/or euthanasia of such small animals when the Society determines it is the appropriate approach and application for urban wildlife.
- (b) The Society shall submit an annual summary report at request if desired to the City listing the following information in regard to the contract year:
 - (i) the total number of calls handled by the Society Animal Control Officers within the City and;
 - (ii) the total number of animals impounded.
 - (iii) these numbers are depicted on monthly billing spreadsheets that are attached to billing invoices.

Section 4. Obligations of the City.

- (a) Where requested by the City, the Society provides patrolling and apprehending services. The City shall pay to the Society for such services performed during the hours of 8:00 a.m. to 5:00 p.m. the sum of \$48.00 per hour plus the current IRS mileage rate. For said services performed during the hours of 5:00 p.m. and 8:00 a.m. the rate shall be \$61.00 per hour. Rates shall be based upon quarter-hour increments. The City shall pay such sums within 30 days after receipt of an invoice from the Society.
- (b) Where the Society boards an animal at the Shelter under the terms of this Agreement, the City may be responsible for unpaid boarding fees (\$12.50/day per animal) in cases of investigation or prosecution, but is to be determined on a case by case basis.
- (c) Any rescues will be a joint effort between Law Enforcement, the Society, and the City/States Attorney. Seizure of animals will only be done if parties agree, and with written request by the City to the Society. Any and all costs associated with these types of rescues will be billed to the City, and paid to the Sioux Falls Area Humane Society. The City or its legal entities will be responsible to collect its own restitution from the owner of said animals including boarding, medical, legal, and labor costs associated.
- (d) Owners reclaiming their animal will be responsible for all costs incurred by the City.

Section 5. It is further agreed:

- (a) The Society's records with respect to all matters covered by this contract shall be made available for audit and inspection by the City at any time during normal business hours. The City shall give written notice 48 hours before an audit is begun.
- (b) The Society shall protect, indemnify, defend and hold harmless the City, the departments and agencies thereof, its officers, elected and appointed, and its employees, servants and agents from any and every action, cause of action, claim or demand of any person, natural or corporate, who is not subscribing party to this agreement, by, because or through any matter, cause, or thing happening or in any way connected with the Facility or the Society's Animal Control Officers arising from the negligent acts or actions of said Society, its employees or agents. The Society shall not be required to protect, indemnify, defend and hold harmless the City for acts, claims or demands which may arise from the negligent acts of the City, its officers elected or appointed, and the agencies thereof, nor for acts, claims or demands based on the performance of this contract by the Society in compliance with specific instructions or specific orders given to said Society by authorized agents or elected or appointed officers or said City.
- (c) Through the duration of this Agreement the Society shall carry at its own expense a general liability insurance policy for bodily injury and property damage.
- (d) The Society, its members, and employees work for the Society and do not have the status; rights, or benefits afforded to employees of the City. By virtue of this agreement it is expressly understood and agreed that the Society shall perform all undertakings and professional services herein prescribed and contemplated as an independent contractor.
- (e) That no waiver of any breach of any provision of this contract constitutes a waiver of any other or subsequent breach thereof.

Section 6. It is hereby agreed by and between the parties that strict and timely compliance with the pertinent laws of the State of South Dakota, ordinance of the City, administrative directives of the City and the provisions of the Agreement, all as the same relate to the operation of the animal shelter and enforcement and services shall be of the essence hereof, and, that the failure of either of the parties to so conform shall be sufficient cause for the other to terminate this Agreement.

Section 7. The City has the right and option to terminate this Agreement by the City, at a formal meeting, adopting a motion electing so to terminate, and the Society has the right and option to terminate this Agreement by action of its Board of Directors. The effective date of any such termination shall be no less than 30 days from the date of delivery of the notice that such action has been taken, but the agreement ends on December 31, 2024 unless renewed or extended in written agreement of both parties.

Section 8. This agreement shall be binding on and inure to the benefit of the successors and assigns of the parties hereto.


IN WITNESS WHEREOF, the parties hereto have subscribed this Agreement by the duly authorized officers thereof on the day and year first above written.

The City of Beresford, South Dakota

Sioux Falls Area Humane Society

By:

By:


Executive Director - James Oppenheimer

Attest:

**NOTICE OF HEARING
APPLICATION FOR ONE DAY MALT BEVERAGE LICENSE**

CITY OF BERESFORD

Notice is hereby given that the following license application for temporary sale of Malt Beverages for the Beresford Volunteer Fire Department on February 3, 2024 has been filed in the City Finance Office, Beresford, South Dakota.

One Day – Temporary Malt Beverage:

Beresford Volunteer Fire Department
301 North 10th Street
Beresford, SD 57004

A Public Hearing will be held on January 16, 2024 at the Council Chambers, 103 N 3rd St. Beresford, SD in conjunction with the regular City Council meeting, which convenes at 7:00 p.m.

Any person or their representative may appear and be heard for or against approval of said license.

Dated at Beresford, South Dakota this 2nd day of January 2024

Elaine Johnson, Finance Officer

Publish: January 4, 2024

Legal, One Time

Published at an approximate cost of \$_____

Beresford Vol. Fire Dept. Roster Jan. 1, 2024

	NAME	RANK	JOINED
1	Mullinix, Tarzan	Chief (79)	6/1/1975
2	Johnson, Curt	Captain (00)	1/1/1995
3	Henderson, Jamie	Asst. Chief (01/15)	2/1/1998
4	Sveeggen, Mike	Lieu	12/1/1998
5	Mullinix, Aaron	Captain (06)	10/1/1999
6	Zeimetz, Jerry	Treas. (03)	10/1/1999
7	Jensen, Doug	Captain	5/1/2003
8	Hofer, Chris	Captain	12/1/2004
9	Mullinix, Al	Lieu	4/1/2005
10	Borah, Mike	Lieu	6/1/2005
11	Boden, Andrew	Asst. Chief (01/21)	1/1/2006
12	Kjose, Jeremy	Firefighter	5/1/2006
13	Traxler, Erik	Lieu (02/2022)	5/1/2006
14	Livingston, Derrick	Firefighter	11/1/2006
15	Fahlberg, Benjamin	Firefighter	4/1/2008
16	Lind, Michael	Lieu (02/2022)	9/1/2009
17	Boden, Larry	Firefighter	10/1/2011
18	Andal, Eric	Capt (02/2022)	10/14/2013
19	Fahlberg, Brian	Firefighter	11/12/2013
20	Schable, A. J.	Firefighter	8/9/2016
21	Bidne, Mark	Firefighter	9/13/2016
22	Olson, Bruce	Lieu	11/8/2016
23	Peterson, Keaton	Lieu	2/12/2019
24	Nordquist, Kole	Firefighter	2/12/2019
25	Nordquist, Keegan	Firefighter	4/9/2019
26	Duerksen, Cody	Firefighter	10/13/2020
27	Mullinix, Logan	Firefighter	10/13/2020
28	Seeley, Ben	Firefighter	1/12/2021
29	Kleinschmit, Kyle	Firefighter	7/13/2021
30	Carlson, Angela	Firefighter	4/12/2022
31	Johnson, Riley	Firefighter	7/12/2022
32	Andal, Dylan	Firefighter	1/10/2023
33	Osmundson, Jordan	Firefighter	3/14/2023
34	Gravelly, Justin	Firefighter	12/12/2023
35	Norling, Lathen	Firefighter	12/12/2023



December 27, 2023

Union County Pre-Disaster Mitigation Plan Update

The Union County Office of Emergency Management has contracted with the South Eastern Council of Governments (SECOG) to assist with the development of an update to the 2019 Pre-Disaster Mitigation (PDM) Plan. We are writing to invite you, or your designee, to join us on the PDM Planning Team. The only commitment is the time required to participate in the planning process. The cost to update the PDM Plan is covered through a FEMA grant and in-kind contributions.

The Planning Team will meet five times over the next several months. Participation and involvement from committed participating jurisdictions within the county are needed. The Planning Team will identify primary hazards impacting the county and possible hazard mitigation projects that will have a positive impact on our communities, utilities, essential services, and residents. **Your community or organization will need to participate in the planning process in order to qualify for future FEMA hazard mitigation project funding.**

The initial meeting of the PDM Planning Team is scheduled on **Wednesday, January 24, 2024, at 3:00 p.m.**, at the **Union County Courthouse (209 E. Main St., Suite #230, Elk Point, SD 57025) in the Basement Conference room.** This meeting will include a discussion of the PDM planning process, the timeline for completion of the updated Plan, future meeting logistics, and an overview of potential FEMA grants that could be accessed to assist with funding hazard mitigation projects.

Please RSVP your attendance, or the attendance of your designated representative, by contacting Harley Ferguson at harley@secog.org or (605) 681-8135 by **Friday, January 19th**. If you have any questions regarding the PDM Plan or the planning process, do not hesitate to ask.

Jason Wescott, Emergency Management Director
Union County
ucemasd@unioncountysd.org
(605) 670-1548

Harley Ferguson, Planner
South Eastern Council of Governments
harley@secog.org
(605) 681-8135

Jerry Zeimetz

From: Harley Ferguson <harley@secog.org>
Sent: Wednesday, December 27, 2023 10:10 AM
To: Harley Ferguson
Cc: Sophie Johnson; Danielle Franco
Subject: [*EXT*]Union County Pre-Disaster Mitigation Plan Update
Attachments: Union County PDM Invite.pdf

CAUTION: This email originated from outside of the City of Beresford. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

The Union County Office of Emergency Management has contracted with the South Eastern Council of Governments (SECOG) to assist with the development of an updated Pre-Disaster Mitigation (PDM) Plan. We are writing to invite you, or your designee, to join us on the PDM Planning Team. Please see the attached invitation for more information. The current Union County PDM Plan can be found here: [Union County 2019 Final PDM.pdf](#)

Please RSVP your attendance, or the attendance of your designated representative, by contacting Harley Ferguson at harley@secog.org or by calling (605) 681-8135 by **Friday, January 19th**. If you have any questions regarding the Union County PDM Plan or the planning process, please do not hesitate to ask.

Please distribute to appropriate parties, as necessary.

Thank you,

Harley Ferguson
Planner

South Eastern Council of Governments
Direct: (605) 681-8135 | Office: (605) 367-5390 | Fax: (605) 367-5394
500 N. Western Avenue, Suite 100 Sioux Falls SD 57104
www.secog.org