

REGULAR WHITEWOOD COUNCIL MEETING

February 20, 2024

The Whitewood City Council met in regular session on Tuesday the 20th of February 2024 at City Hall. Mayor Mitch Harmon called the meeting to order at 5:30 pm, with Council members Roxie Cooper, Jerry Davidson, Monica Burke, Michael Weyrich, Bruce White, and Randy Wiege present. Police Chief Bach, Building Official Smit, Public Works Werlinger and Finance Officer Heckenlaible were also present.

Action 2024-021

Motion by White, seconded by Cooper, to approve the minutes from the regular meeting on February 5, 2024. All members present voting yes, motion carried.

Action 2024-022

Motion by Wiege, seconded by Burke, to approve the claims as presented. Roll call, all members with the exception of White who voted nay, present voting yes, motion carried.

CLAIMS- February 20, 2024

GENERAL LEDGER

DELTA DENTAL- Employee Dental Insurance	685.40
HEALTH POOL OF SD- Employee Health Insurance	7,955.16
UNITED HEALTH CARE- Employee Life Insurance	66.15
CITY OF WHITEWOOD- Take Deposit for Bill- Knodel	68.93
RON KNODEL- Refund Deposit	31.07
GLENN MAYNARD- Refund Deposit	100.00
TOTAL	\$8,640.56

GENERAL FUND

A&B BUSINESS SOLUTIONS- Police	214.98
BH PIONEER- Legal Publications	142.19
BH ENERGY- Hale Hall 371.95, Xmas 19.61, City Hall 110.50, Shop 236.84, Police 153.68, Parks 123.54, Lights 1155.69	2,171.81
BLUEPEAK- Shop 45.38	45.38
BUTLER MACHINERY- Road Grader Repair	1,977.46
BUTTE ELECTRIC- Exit Lights	531.28
MENARDS- Hale Hall 712.91, City Hall 175.18	888.09
MONTANA DAKOTA- Hale Hall 191.10, City Hall 144.47, Shop 239.38, Police 220.18	795.13
RANDY & SONS WELDING- Snow Blower Repair	404.48
RASMUSSEN MECHANICAL- Hale Hall	172.78
REPUBLIC NATIONAL- February Liquor	2,823.42
SERVALL- PW Uniforms	154.45
SONSET STATION- Police Fuel 185.21, PW Fuel 201.10	386.31
SOUTHERN GLAZERS- February Liquor	196.10
SPEARFISH AUTO	23.98
SUMMIT SIGNS- Streets	260.00
WESTERN HILLS HUMANE SOCIETY- 2024 Services	500.00
MATT LADNER- Refund Overpayment of Special Assess	258.95
AMERICAN LEGAL PUBLISHING- Internet Renewal	500.00
STURGIS TIRE PROS- Police	244.50

STURGIS RESPONDER SUPPLY - Police	164.99
ADVANCED ENGINEERING- General Engineering	456.00
ALL NET CONNECTIONS- Server	75.00
TOTAL	\$13,387.28

LIBRARY

A&B BUSINESS SOLUTIONS	86.39
MONTANA DAKOTA	38.02
WESTERN STATIONERS	103.91
BH ENERGY	127.54
ALL NET CONNECTIONS	168.00
TOTAL	\$523.86

WATER/SEWER FUNDS

BUTTE ELECTRIC- Treatment Plant 1839.37, Booster Pump 670.56	2,509.93
RUNNINGS SUPPLY	79.99
DAKOTA PUMP- Blower Repair	468.43
DAN'S DUMPSTERS	100.00
MIDCONTINENT TESTING LABS	44.50
MONTANA DAKOTA	52.22
RITeway BUSINESS FORMS- Water Bills	451.82
SONSET STATION- PW Fuel	201.10
USA BLUE BOOK	54.05
BH ENERGY	1,886.03
SD ONE CALL	12.60
ADVANCED ENGINEERING- Treatment Plant Upgrade 29017.90, PRV 2371.75	31,389.65
TOTAL	\$37,250.32

AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Storm Sewer	1,226.50
USDA RURAL DEVELOPMENT- Laurel Stret Project	3,254.00
EFTPS- Payroll Taxes 02/09/2024	4,627.90
TOTAL	\$9,108.40

Action 2024-023

Motion by Davidson, seconded by Wiege, to allow the Perkins family the use of Memorial Park on June 8, 2024, for Pioneer's Day and the use of Hale Hall on June 7, 2024. All members present voting yes, motion carried.

Action 2024-024

Motion by Wiege, seconded by Davidson, to approve the second amendment to the Spearfish Mountain Ranch Water Agreement, adding an additional 50 homes to the agreement. Roll call, all members present voting yes, motion carried.

Action 2024-025

Motion by Wiege, seconded by Burke, to start the bid process for a new road grader. All members present voting yes, motion carried.

Motion by White, seconded by Davidson, to approve the following resolution. All members present voting yes, motion carried,

RESOLUTION 2024-01
BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Whitewood is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Brosz Engineering for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Dated this 20th day of February 2024, at Whitewood, South Dakota.

Mayor

ATTEST:

City Auditor/Clerk

Motion by Wiege, seconded by Weyrich, to approve the following resolution with the surcharge being increased as following, \$10 increase March 1, 2024, \$10 increase June 1, 2024, and a \$10 increase October 1, 2024. Roll call, all members present voting yes, motion carried.

RESOLUTION NO 2024-02

RESOLUTION AMENDING THE CITY'S RATE STRUCTURE, PROVIDING FOR A SURCHARGE FOR IMPROVEMENTS TO THE SEWER SYSTEM, FOR PAYMENT OF A REVENUE BORROWER BOND AND YEARLY REVIEW OF RATE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITEWOOD AS FOLLOWS:

1. Surcharge for Borrower Bond. There shall be charged a monthly surcharge for the services provided by the improvement financed by the CW-03 Conservancy District Loan. The surcharge for each loan shall be segregated from other revenues of the City and shall be used for the payment of the Borrower Bond CW-03 (the "Borrower Bond"). Provided that such surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements, and operation, sufficient to fund interest, reserve and debt service fund annual requirements.

2. Rates and collection. The City does hereby establish a special charge or surcharge payable by each customer of its system who receives or benefits from the services of the project financed with the Borrower Bond. Such charge or surcharge shall be set at a level which, assuming a 10% delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the Borrower Bond and the administrative expense surcharge and all other payments as may be required under the loan agreement and Borrower Bond.

3. Borrower Bond Surcharge. The following clean water debt service surcharge shall be applicable to all customers served:

Borrower Bond CW-03 Surcharge: \$30.00 per user per month.

This surcharge shall remain in effect until such time as the revenue bond is paid in full. The initial surcharge shall be collected at the same time as other charges of the system. The surcharge is found to be equitable for the services provided by the improvements.

4. Segregation. The debt service surcharge shall be segregated from other income of the system in a separate book-keeping account and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the Borrower Bond.

5. Yearly review. The amount of the surcharge shall be reviewed from year to year and may be modified in order to provide such funds as are set forth herein. The charges shall be reviewed yearly by City and administratively adjusted, upwards or downwards, to such amounts as may be necessary to pay principal, interest, administrative surcharge, and other charges as may become due and owing under the loan agreement or Borrower Bond.

6. Billing and Accounting. The surcharges shall be included in the monthly user bill. Nothing contained herein requires the surcharge be indicated on the billing, however, the surcharge segregation shall be indicated on the books of the City.

7. Automatic Repeal. The surcharge for the Borrower Bond shall be automatically repealed when the Borrower Bond is paid in full.

8. Partial Invalidity. If any one or more of the provisions of the shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

(SEAL)

Mayor

ATTEST:

Finance Officer

Action 2024-028

Motion by White, seconded by Burke, to approve the following resolution. Roll call, all members present voting yes, motion carried.

RESOLUTION 2024-03

RESOLUTION OF THE CTIY OF WHITEWOOD, SOUTH DAKOTA ADOPTING PROCEDURES FOR CONSTRUCTION MANAGER AT RISK

WHEREAS, The City of Whitewood desires required to develop a procedure for Construction Managers at Risk as an option for building improvement; and,

WHEREAS, the City Council finds adoption of a procedure to be in the interest of the City and adopt said procedure;

NOW THEREFORE, BE IT RESOLVED, that the following procedure for Construction Managers at Risk be hereby adopted by the City:

Section 1. Purpose

Certain projects the City of Whitewood determines to undertake may benefit in using a construction manager at risk. In order to comply with SDCL 5-18B-40 and 5-18B-44, the City shall select construction management firms to provide construction management at risk services in accordance with the following procedures.

Section 2. Definitions

For the purposes of this procedure, the following definitions shall apply.

"City" means the City of Whitewood and its governing Council.

"Firm" means any individual, firm partnership, corporation, association, joint venture, or other legal entity permitted by law to practice architecture, engineering, or construction contracting in the State of South Dakota

"Project" means a project described in a public announcement made pursuant to these rules.

Any term not defined in this Resolution shall use the definitions found in SDCL Chapters 5-18A through 5-18D.

Section 3. Minimum Qualification Requirements for Firms Providing Construction Management At Risk Services.

Construction Managers shall be registered with the Secretary of State as a domestic or foreign corporation, partnership, or joint venture. Construction Managers shall be registered with the Department of Revenue for tax purposes. The City may adopt qualification requirements for firms specific to any project in addition to the minimum qualifications by adopting specific qualifications for a project by resolution of the Council.

Section 4. Public Announcement Procedures

Except in emergencies, the City shall publish an announcement in accordance with SDCL 5-18A and 5-18B. The announcement shall set forth a general description of the project requiring construction management at risk services. The announcement shall define the procedures for interested firms to apply for consideration, any specific qualifications, and set forth the deadline for submitting applications.

Section 5. Review Committee

There shall be a Review Committee (Committee) comprised of at least the Mayor of the City, or the Mayor's designee, the City engineer or designee, and one member of the City Council. The City Council, in its discretion, may appoint up to an additional two individuals if circumstances warrant additional reviewers. The Committee shall have the responsibility for determining the most qualified offerors as provided in Section 6.

Section 6. Selection Criteria

A. The City shall issue a Request for Qualifications (RFQ) by advertisement in accordance with 5-18B-44. The RFQ shall contain the following:

- i) a general description of the project;
- ii) whether the services required will be construction manager "at risk", or "at agency"
- iii) a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capability;

- iv) the basis upon how the most qualified offerors will be determined; the procedures for preparing and submitting proposals;
- v) a description of the qualifications the Construction Manager will be required to have;
- vi) a description of or reference to the proposed contract terms and conditions for the Construction Manager services contract, including a description of services he performs; and
- vii) any other requirements the City deems necessary for the project or required by state law.

B. Firms desiring to submit proposals on the construction management project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.

C. The Committee shall determine the relative ability of each firm to perform the services required for each project. The Committee shall base its determination upon the following:

- i) experience with comparable projects;
- ii) financial and bonding capacity;
- iii) managerial resources;
- iv) the ability of the professional personnel;
- v) past performance;
- vi) capacity to meet time and budget requirements;
- vii) knowledge of local or regional conditions;
- viii) recent and current project workload;
- ix) the ability of the construction manager to complete the work in a timely and satisfactory manner;
- x) legal judgements against the construction manager; and
- xi) references.

Section 7. Negotiations

Negotiations between the City and those submitting proposals prior to the acceptance of a proposal shall be conducted through the Committee. The Committee shall endeavor at all times to maintain the confidentiality of said negotiations.

Section 8. Award

The Committee shall present to the City Council its recommendations regarding the awarding of the contract. The Committee shall recommend the contract that it prefers or recommend that the City should not award a contract. The Committee upon approval of the City Council shall notify the successful construction manager in writing. Simultaneously, the Committee shall notify, in writing, the unsuccessful construction managers that their proposals were not accepted. The City, through the City Council, shall always have the right to reject all proposals and proceed with any other rights it has under South Dakota Law.

Section 9. Compliance with Applicable Law

To the extent the actions of the Committee or the City need to incorporate additional steps under South Dakota state law or present additional information under South Dakota state law, the District and Committee will be authorized to pursue the construction manager at risk project pursuant to state law. To the extent that these procedures conflict with state law, state law shall control.

Section 10. Confidentiality

The City will at all times make every effort to maintain the confidentiality of information provided by construction managers. Construction managers shall submit proposals as outlined in the RFQ to the City Engineer. Construction managers shall identify any proprietary information and submit as a separate document within the same proposal. The City Engineer shall identify and account for each copy of the construction managers’ submittal and conduct an initial review of the submittals for the purpose of determining proprietary information and whether any additional considerations to confidentiality is required. The City Engineer shall share information only with the Committee. Before sharing any information, the City Engineer shall review the procedures and confidentiality requirements with each member of the Committee. Committee members shall return their copy of construction managers’ submittal to the City Engineer for safekeeping upon completion of review.

Dated this 20th day of February 2024, at Whitewood, South Dakota.

BY:

ATTEST:

Mitch Harmon, Mayor

Cory Heckenlaible, Finance Officer

(SEAL)

Action 2024-29

Motion by Wiege, seconded by Weyrich, to accept the resignation of Tarah Mitchell as Library Director. All members present voting yes, motion carried.

Action 2024-30

Motion by White, seconded by Wiege, to approve the City Hall software upgrade to GWorks, this new software upgrade will allow on-line payments and the use of credit and debit cards. Roll call, all members present voting yes, motion carried.

Action 2024-31

Motion by Wiege, seconded by White, to approve the \$3,406.22 quote from MJ Plumbing to install a new mop faucet and sink in Hale Hall. Roll call, all members present voting yes, motion carried.

Action 2024-32

Motion by White, seconded by Wiege, to authorize the Finance Officer to convert the three Rural Development reserve checking accounts to money market accounts with Pioneer Bank & Trust, with the Mayor and Finance Officer as authorized signers but only one signature being required. Roll call, all members present voting yes, motion carried.

Action 2024-33

Motion by Wiege, seconded by Cooper, to authorize the Finance Officer to open an Escrow account with Pioneer Bank & Trust to hold the TIFD funds being collected, with the Mayor and Finance Officer as authorized signers but only one signature being required. Roll call, all members present voting yes, motion carried.

There being no further business, the meeting was adjourned at 6:02 PM.

MITCHELL U. HARMON
Mayor

Attest:

CORY HECKENLAIBLE
Finance Officer