

REGULAR WHITEWOOD COUNCIL MEETING**June 5, 2023**

The Whitewood City Council met in regular session on Monday the 5th of June 2023 at City Hall. Mayor Mitch Harmon called the meeting to order at 5:30 pm, with Council members Roxie Cooper, Michael Weyrich, Randy Wiege, Bruce White, Jerry Davidson, and Monica Burke. City Attorney Fitzgerald, Police Chief Witcraft, Police Officer Bach, Building Official Smit, Public Works Werlinger, and Finance Officer Heckenlaible were also present.

Action 2023-082

Motion by White, seconded by Davidson, to approve the minutes from the regular meeting on May 15, 2023. All members present voting yes, motion carried.

Action 2023-083

Motion by Wiege, seconded by White, to approve the claims as presented. Roll call, all members present voting yes, motion carried.

CLAIMS- June 05, 2023**ESTIMATED WAGES – June 2023**

MAYOR	550.00
COUNCIL	2700.00
CITY ATTORNEY	1000.00
BUILDING INSPECTOR	300.00
CHIEF OF POLICE- Paul Witcraft	4320.00
POLICE OFFICER- Josh Bach	3600.00
POLICE OFFICER- Greg Meyer	3360.00
POLICE ASSISTANT- Jim Smit	1500.00
WASTE/WATER OPERATOR- DJ Werlinger	3600.00
WASTE/WATER OPERATOR- Derek Daniels	3520.00
LIBRARIAN – Tarah Mitchell	1792.00
LIBRARY ASST.- Olyn Smith	108.00
FINANCE OFFICER – Cory Heckenlaible	3960.00
PART-TIME FINANCE & PW- Jessica Bestgen	2112.00
TOTAL	\$31,122.00

GENERAL LEDGER

SD DEPT REVENUE & REGULATION- Garbage Tax	302.46
SD RETIREMENT- Employee Retirement May 2023	4517.67
CITY OF WHITEWOOD- Take Deposit for Bill- Phelps & Russie	200.00
TOTAL	\$5,020.23

GENERAL FUND

WASTE CONNECTIONS- Garbage Collection May	4787.34
A&B BUSINESS SOLUTIONS- Police 170.41, City Hall 196.22	366.63
AT&T MOBILITY	367.43
CHAIN SAW CENTER- Brush Kit	2030.00
EARTHWORM CONSTRUCTION- Sprinkler Repair	350.00
KERRY KAMPA- Hale Hall	40.00
PERFORMANCE AUTOMATICS- Battery	220.95
REPUBLIC NATIONAL- May Liquor	2557.58
RICHTERS TIRE- Police	94.50
SOUTHERN GLAZERS- May Liquor	1747.10
STURGIS RESPONDER SUPPLY- Police	83.70
WELLS FARGO VISA- Vision 103.28, Bldg Insp 100.00, City Hall 63.87, Police 102.20	369.35
LIGHTING MAINTENANCE- Exit Lights	58.52
A&J SUPPLY- Police 25.27, Parks 75.30, Shop 28.47, Streets 42.00	171.04
JOHNSON WESTERN- May Liquor	12445.37

FIRST INTERSTATE BANK- Interest on Construction Loan	5482.81
BH ENERGY	32.17
BJ'S COUNTRY STORE- City Hall 68.51, Police Fuel 489.62, PW Fuel 213.38	771.51
WESTERN STATIONERS- City Hall	109.94
ALL NET CONNECTIONS- Backup	186.00
TOTAL	\$32,272.04

LIBRARY

BH LIBRARY CONSORTIUM	11.84
BRUCE WHITE	125.00
DOROTHY MARTIAN	481.25
JOSH BACH	125.00
RUSHMORE OFFICE SUPPLY	36.00
SANDY SMITH	232.37
TARAH MITCHELL	518.11
TOTAL	\$1,529.57

WATER/SEWER FUNDS

AMERICAN ENGINEERING TESTING- Treatment Plant Samples	4576.50
HAWKINS CHEMICAL	734.75
CENTURY LINK	78.21
ROUGH RIDER CONSTRUCTION- Library Leak, Hydrant Removal	3524.07
SD ASSO OF RURAL WATER- Camera	500.00
WELLS FARGO VISA	76.90
A&J SUPPLY	129.93
MILBANK WINWATER- Meters	1535.00
DANR- Drinking & Surface Water Dues	390.00
BJ'S COUNTRY STORE- PW Fuel	213.41
RAPID DELIVERY	15.90
POSTMASTER	240.00
TOTAL	\$12,014.67

AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Water Project Loan	4028.00
USDA RURAL DEVELOPMENT- Trunk Sewer Project	1057.00
EFTPS- Payroll Taxes 06/02/23	4461.58
TOTAL	\$9,546.58

Action 2023-084

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

Prepared by:
John M. Fitzgerald
343 Quincy Street
Rapid City, SD 57701
(605) 716-6272 Office

Resolution 2023-01

**RESOLUTION OF INTENT TO ANNEX OF
INTENT TO ANNEX REAL PROPERTY**

WHEREAS the Whitewood City Council deems it in the best interest of the City that the below described territory be included within the corporate limits of the City and annexed thereto; and

WHEREAS the Whitewood City Council has determined that Hills Products Group Inc., Hills Materials Co, Hills Materials Inc., Hills Materials Company Inc., and Hills Products Group Inc., are the sole owners of the properties sought herein to be annexed;

WHEREAS the real property is contiguous to the existing boundaries of the City of Whitewood;

WHEREAS the Whitewood City Council has determined that the territory described below, and any residents of that territory share a common bond and community of interest with the City of Whitewood and the annexation of that territory constitutes a natural and reasonable inclusion;

WHEREAS this decision is based on an annexation study pursuant to 9-4-4.1;

WHEREAS based on the aforementioned study, ample and suitable resources exist to accommodate the orderly growth or development of the contiguous territory;

WHEREAS the estimated difference in tax assessment rate for the residents in the contiguous territory is an increase in the mill levy of 6.28;

WHEREAS the exclusions and irregularities in boundary lines are not the result of arbitrariness;

WHEREAS there is reasonable present or demonstrable future need for annexing the contiguous territory;

WHEREAS population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries.

NOW, THEREFORE BE IT RESOLVED by the City of Whitewood that the following territory is hereby included within the corporate limits of the City and annexed thereto:

Lot 1R, formerly being a portion of Lot 1 of Tract B and a portion of the second replat of Lot 2 of Tract B, located in Tract B of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and in Tract B of the Southwest Quarter Of the Northeast Quarter (SW1/4NE1/4 Section 21, Township 6 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota, as set out in Plat filed in Document No. 91- 4371

-AND-

Lot 2A of the replat of Lot 2 and Lot 3 of Tract B of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4 and Tract B of the Southwest Quarter of the Northeast Quarter SW1/4NE1/4 except that part included in Lot 1R all located in Section 21, Township 6 North, Range 4 East of the Black Hills Meridian, Lawrence County, South Dakota, according to the plat filed as Document 96-4886.

-AND-

Lot "A" of Tract "A" & 10' of vacated alleyway located in Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Section 21, Township 6 North, Range 4 East, Black Hills Meridian, Lawrence County, South Dakota, as setout in Plat filed in Document No. 91- 4371

-AND-

Lot 3A of the replat of Lot 2 and Lot 3 of Tract B of the Southeast Quarter Of the Northwest Quarter SE1/4NW1/4 and Tract B of the Southwest Quarter of the Northeast Quarter SW1/4NE1/4 except that part included in Lot 1R, all located in Section 21, Township 6 North, Range 4 East of the Black Hills Meridian, Lawrence County, South Dakota, according to the plat filed as Document No. 96-4886

-AND-

Parcel 1 Tract "B", located in the N1/2NW/1/4 of Section 21, Township 6 North, Range 4 East of the Black Hills Meridian, Lawrence County, South Dakota, as shown by the Plat recorded as Document No. 2008-3400

-AND-

Parcel 2
The unplatted remainder of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 21, Township 6 North, Range 4 East, of the Black Hills Meridian, Lawrence County, South Dakota

Said property shall be zoned as commercial/industrial and shall be subject to all conditions and regulations applicable to property in such district.
Said property shall be annexed into the City of Whitewood Original Town.

DATED this 5th day of June 2023

CITY OF WHITEWOOD

Mayor

ATTEST:

Finance Officer

Action 2023-085

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

Resolution 2023-02

RESOLUTION TO ABATE NUISANCE AND CONDEMN PROPERTY

WHEREAS on August 8, 2022, a legal action was commenced against Thomas Mraz and real property legally described as

E 90 Feet Of Lots 3, 4, and 5, in Block 16, Town of Whitewood, Lawrence County, South Dakota.

and,

WHEREAS the physical address of the property is 1216 Hooker Street, Whitewood, South Dakota, and,

WHEREAS the action against Thomas Mraz and the real property was commenced to abate the nuisance the real property was creating based on the following facts observed by the City's building inspector:

1. The Bldg. currently does not have any utilities going to the property.
2. The front porch is falling apart and is unsafe.
3. Siding is falling off the home, exposing the underwood causing decay.
4. There is an area leading to the Attic that is open for wildlife and others to gain entry to the home.
5. The foundation to the home has shifted causing the home to be considered unsafe.

6. The entire bldg. and surrounding property is deteriorating at a rapid rate causing the current conditions.
 7. There is a camper on the property with broken windows for wildlife and others to gain entry to the camper.
 8. Throughout the property there are tires that are breeding grounds for mosquitos with stagnant water in the tires.
 9. Grass, Weeds, Overgrown Tree Limbs & Noxious weeds are throughout the property.
 10. Debris throughout the property creating a nuisance on the property.
- and,

WHEREAS on August 15, 2022, a public hearing was held. At this hearing it was determined to give Thomas Mraz 60 days to bring the property into compliance with the Ordinances of the City of Whitewood, and

WHEREAS Thomas Mraz did not bring the real property into compliance with the Ordinances of the City of Whitewood during the 60 days agreed to, and

WHEREAS, As of the date of this resolution, the property continues as a nuisance,

NOW, THEREFORE BE IT RESOLVED the City of Whitewood authorizes its Attorney to proceed and obtain a final Order from the Lawrence County Circuit Court to demolish the property and permanently abate the nuisance.

DATED this 5th day of June, 2023

CITY OF WHITEWOOD

MAYOR

ATTEST:

Finance Officer

Action 2023-086

Motion by White, seconded by Weyrich, to suspend sections 5003.1.1 & 5601.2.2 of the International Fire Code from June 10, 2023, to July 5, 2023, to allow the selling of fireworks in City limits. All members present voting yes, motion carried.

Action 2023-087

Motion by White, second by Burke, to allow fireworks from June 30, 2023, through July 4, 2023, at Memorial Park only, from 5:00 PM to 11:00 PM. It being required that any child 15 years or younger must be accompanied by a parent or legal guardian, and that everyone must help clean up after the ballfield lights are turned on. In case of extreme fire danger, fireworks will be cancelled. All members present voting yes, motion carried.

Action 2023-088

Motion by White, seconded by Weyrich, to approve change order No. 6F for the Laurel Street and Utility Improvements project. All members present voting yes, motion carried.

Action 2023-089

Motion by Burke, seconded by Weyrich, to approve Pay Application No. 13F to Quinn Construction in the amount of \$129,580.52, for the Laurel Street and Utility Improvement Project, contingent upon Rural Developments approval of Change Order 6F. Roll call, all members present voting yes, motion carried.

Action 2023-090

Motion by White, seconded by Weyrich, to approve a 2024 contribution to Lawrence County for the 2024 Pictometry flight in the amount of \$4,500. Roll call, all members present voting yes, motion carried.

Action 2023-091

Motion by Burke, seconded by Wiege, to take Jessica Bestgen off probationary period and raise her hourly wage to \$18.50 per hour, effective immediately. Roll call, all members present voting yes, motion carried.

Action 2023-092

Motion by Wiege, seconded by Davidson, to approve hiring Anthony Spencer as a full-time non-certified police officer at \$19,50 per hour. Roll call, all members present voting yes, motion carried.

Action 2023-093

Motion by White, seconded by Wiege, to approve the purchase of a new roller packer for \$27,087.95. Roll call, all members present voting yes, motion carried.

There being no further business, the meeting was adjourned at 6:14 PM.

MITCH HARMON
Mayor

Attest:

CORY HECKENLAIBLE
Finance Officer