

City Board Proceedings  
January 6, 2025  
7:30 P.M.

The Roscoe City Trustee Board met in regular session in the City Office with Vice President Lehr presiding. Members present were M. Bauman and President Treichel via phone. Others present: Nathan Miller and Scott Sikkink.

M. Bauman moved and Lehr seconded to approve the agenda. All aye. Motion carried.

There were no new conflicts of interest to declare for year 2025.

M. Bauman moved and Treichel seconded to approve the minutes of the December 2, 2024, meeting. All aye. Motion carried.

Lehr moved and M. Bauman seconded to approve the December Financial Statement and bank reconciliations. All aye. Motion carried.

Treichel moved and M. Bauman seconded to approve the payment of the following bills, including pay request #3 from Sentry. All aye. Motion carried.

**December 16, 2024, payroll:** FO – \$1072.83; Hwy & Streets – \$1805.21; Water Dept.- \$225.63; Sewer Dept - \$225.67;

**December 16, 2024, bills:**

AP Express – supplies - \$291.67; City of Roscoe – utilities - \$1026.70; EFTPS –WHT, SS, & Med. Tax - \$2203.49; FEM Electric – utilities - \$423.14; First State Bank of Roscoe – fees - \$10.00; Francotyp-Postalia, Inc –rent - \$81.18; Hawkins – supplies - \$10.00; Petty Cash – postage - \$7.14; Roscoe Trustworthy Hardware – supplies - \$266.02; SD Retirement System – December retirement - \$986.22; SDRS-SRP – retirement - \$250.00; Verizon Wireless – utilities - \$42.73; Visa – supplies - \$310.26; WEB Water – water - \$4430.50; Wiedrich Construction – fees - \$10,333.69;

**January 2, 2025, payroll:** Trustees –\$884.65; FO – \$1249.03; Hwy & Streets – \$2171.19; Water Dept.- \$271.38; Sewer Dept - \$271.42;

**January 6, 2025, bills:**

Adee Honey Farms – rent - \$5.00; American Solutions for Business – supplies \$256.63; AP Express – supplies - \$77.00; Bantz, Gosh & Cremer – legal services - \$364.00; City of Roscoe – utilities - \$672.20; Dahme Construction – fees - \$4903.44; DANR – Fees - \$250.00; Dept of Health – fees - \$30.00; FEM Electric – utilities - \$150.00; Fischer Repair – supplies - \$57.50; Gibson Publishing – publishing - \$83.08; Hawkins – supplies - \$10.00; Health Pool of SD – health insurance - \$2720.01; HKG Architects – building - \$2000.00; Knight Truck Sales – fees - \$10,500.00; Matt’s Tree Service – fees – \$4,375.00; Montana Dakota Utilities – utilities - \$1400.85; Meyers Tractor Salvage – supplies - \$267.40; Roscoe Trustworthy Hardware – supplies - \$152.24; SD State Treasurer – sales tax - \$11.56; SDML Workers Compensation Fund – worker compensation - \$3355.00; SDRS-SRP – retirement - \$250.00; SDS RELP – rent - \$70.00; Sentry – building - \$114,344.95; Share Corporation – supplies - \$2185.57; Venture Communications – utilities - \$276.35; Verizon Wireless – utilities - \$42.73.

There were no public comments.

This being the time for a Hearing for the applied Special 1-day event liquor license by the Roscoe Volunteer Fire Department for their Firemen’s Ball on January 18, 2025. No one appeared to protest the license. Lehr moved and Treichel seconded to approve the Special Event License for

the hours starting 12:01 pm January 18, 2025, to 2:00 am, January 19, 2025. All aye. Motion carried.

A petition was filed to vacate multiple alleyways and streets by R & M Commercial Properties, LLC. M. Bauman moved and Lehr seconded to approve Resolution 2025-1 to vacate these alleys and streets. Roll call: Treichel - aye, Lehr - aye, M. Bauman - aye, absent Hettick and D. Bauman. Motion carried

Lehr moved and M. Bauman seconded to approve Resolution 2025-2: Resolution Establishing Contract for Legal Services. Roll call: Treichel - aye, Lehr - aye, M. Bauman - aye, absent Hettick and D. Bauman. Motion carried.

## **RESOLUTION 2025-2**

### **RESOLUTION ESTABLISHING CONTRACT FOR LEGAL SERVICES**

**WHEREAS**, the City of Roscoe by and through its duly elected trustees hereinafter referred to as "City of Roscoe" deems it necessary to contract with a licensed attorney and/or law firm to provide legal services to the City of Roscoe.

**WHEREAS**, SDCL 9-14-23 provides that, "[t]he governing body of any municipal corporation may contract for legal services or employ an attorney under such terms and conditions as the governing body shall deem proper. Any contract for legal services with an attorney shall be made by ordinance or resolution. Such contract shall set forth the compensation to be paid and the specific services to be rendered."

**WHEREAS**, the City of Roscoe has decided to enter into a contract for a City Attorney for legal services at \$290.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Roscoe hereby contracts with the law firm of Bantz, Gosch & Cremer, L.L.C., to provide legal services to the City of Roscoe from January 1, 2025, to December 31, 2025.

Dated this 6<sup>th</sup> day of January, 2025.

Leland Treichel, President

ATTEST:

Nicole Bauman, Finance Officer

An update on the new city office was provided by Scott Sikkink with HKG. Building is almost complete; questions on concrete outside were brought up, along with floor coloring/polish inside; spring dirt work around building will still need to be done.

FO Bauman presented some items for purchase for new building – chairs for board members, chairs for public, conference phone for meeting table, and bookcases for donated books in office. Board made their choices on items they preferred.

A discussion was held on when to move in to the new office. It was decided to wait to fully move in until everything is completed for the public to come in the front, whenever that may be.

An update on code enforcement was given for previously discussed properties and new properties. Letters for new notices will go out this month.

A discussion was held on shipping containers. No action was taken this time.

Trustee Hettick arrived at the meeting: 8:13 pm.

A discussion was held on 205 E Wisconsin Ave. It had been brought up about possibly buying this property. Owner wants a definite answer on it. Board decided to hold off on buying at this time, and will let owners sell to the public.

A discussion was held on street drainage at the corner of Andrew St and Addison Ave. Work will need to be done come spring time to address the water pooling in that corner.

Nathan Miller reported to the Board:

- Dahme Construction came and fixed the leaking valve at the corner of Broadway and Morgan. Also replaced other valve in that area as well. Still need to come back to work on hydrant in mini park.
- Been a slow month in December with no snow, but are ready.

Hettick moved and 3. Bauman seconded to approve the second reading of Ordinance #391. Roll call: Treichel - aye, Lehr - aye, M. Bauman - aye, absent Hettick and D. Bauman. Motion carried.

**#391**  
**AN ORDINANCE TO AMEND THE**  
**MIDCONTINENT FRANCHISE AGREEMENT**

WHEREAS Midcontinent Communications ("Midco") holds a communications franchise ("Franchise") for the construction and operation of a communications system within the City of Roscoe, South Dakota ("Grantor"); and

WHEREAS, the Franchise expires on or about February 2, 2025; and

WHEREAS, Grantor and Midco have mutually agreed to extend the term of the franchise by adopting this Ordinance Amendment No. 1 ("Amendment") and to make such other changes as are mutually agreed upon herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ROSCOE, SOUTH DAKOTA:

1. The term of the Franchise in Section 2. Grant of Authority and General Provisions, paragraph 4 Franchise Term is hereby amended to add an additional Ten (10) years to the term with a new expiration date of February 2, 2035.
2. The Effective Date of this Amendment shall be February 1, 2025.
3. Section 5. System Provisions and Public Services, paragraphs 2 and 3 shall be deleted in their entirety.

4. Except as expressly modified herein all other terms and conditions of the Franchise shall remain in full force and effect. Neither party waives any rights it may have pursuant to applicable law.

Dated this 6<sup>th</sup> day of January, 2025.

City of Roscoe, South Dakota

By: \_\_\_\_\_

Leland Treichel, President

ATTEST

BY: \_\_\_\_\_

Nicole Bauman, Finance Officer

Midcontinent Communications

By Midcontinent Communications Investor, LLC

Its Managing general partner

By: Patrick McCann

Its: VP of Legal and General Counsel

M. Bauman moved and Hettick seconded to approve an ACH limit increase with First State Bank of Roscoe for water bill and payroll transactions to \$7500.00. All aye. Motion carried.

Hettick moved and M. Bauman seconded to approve the automatic budget supplementation for 2024 with the West Nile Mosquito Grant money totaling \$1828.00 that was received from the State of South Dakota in December. All aye. Motion carried.

Lehr moved and Treichel seconded to approve Finance Officer to pay bills and payroll prior to board approval to avoid service charge, to receive a discount, to purchase necessary items, or in an emergency when the vendor will not charge the City. Motion carried.

The 2025 Municipal Government Day in Pierre is set for Tuesday night/Wednesday morning, February 4 & 5, 2025.

Wages for the City Trustees and employees as of January 1, 2025, are as follows:  
President (Leland Treichel) – base pay of \$200 per month; regular, special, and equalization meetings - \$130 each.  
Vice President (Andrew Lehr) - regular, special, and equalization meetings - \$130 each. Vice President will be paid \$10 for holding the meetings in place of the President. \$200.00 base pay during months of acting president.  
Trustees (Dee Bauman, Michael Bauman, & Dale Hettick) - \$130 per meeting for regular, special, and equalization meetings.  
City Maintenance (James Fonder) - \$27.67 per hour, along with full single health insurance.  
City Maintenance (Nathan Miller) - \$23.50 per hour, along with full single health insurance.  
Finance Officer (Nicole Bauman) - \$22.58 per hour, along with full single health insurance.

The next regular meeting is Monday, February 3, 2025, @ 7:30 pm.

Hettick moved and Lehr seconded to adjourn. Motion carried.

Leland Treichel  
President

Attest:  
Nicole Bauman  
Finance Officer

Published once at the total approximate cost of\_\_\_\_\_.

### **RESOLUTION 2025-1**

BE IT RESOLVED that on January 6, 2025, at 7:30 p.m., at the Roscoe City Office, Roscoe, South Dakota, the Board of Trustees of the City of Roscoe approved the Petition to Vacate Streets and alleys which was filed on December 6, 2024, by R & M Commercial Properties, LLC, and which said resolution herein vacates:

1. All portions of Preston Street, which runs North and South adjacent to and between Block A, Engle's Addition to Roscoe lying South of the Railroad Right-of-Way, and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-one (41), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-one (41), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244.
2. All portions of Parker Street, which runs North and South adjacent to and between Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-one (41), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-one (41), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244 and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-two (42), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-two (42), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244.
3. All portions of Booth Street, which runs North and South adjacent to and between and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-two (42), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-two (42), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244 and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-three (43), Engle's Addition to Roscoe.
4. All portions of Engle Street, which runs North and South adjacent to and between and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-three (43), Engle's Addition to Roscoe, and Lots Six (6) through Ten (10) inclusive, in Block Forty-four (44), Engels Addition to Roscoe.

5. All portions of Avon Street, which runs North and South adjacent to and between Lots Eight (8) through Fourteen (14) inclusive, in Block Thirteen (13), Lennox Addition to Roscoe and Lots Thirteen (13) through Eighteen (18) inclusive, in Block Fourteen (14), Lennox Addition to Roscoe.
6. All portions of the alley which runs East and West on the West side of Preston Street, adjacent to and between Block A, Engle's Addition to Roscoe lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.
7. All portions of the alley which runs East and West adjacent to and between and Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-one (41), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-one (41), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.
8. All portions of the alley which runs East and West adjacent to and between Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-two (42), Engle's Addition to Roscoe, and South Half of the North Half of Block Forty-two (42), Engle's Addition to Roscoe, lying South of Spitzer Outlot B, Engle Addition to Roscoe as shown by the Plat recorded in Plat Book 3 on Page 244, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.
9. All portions of the alley which runs East and West adjacent to and between Lots Thirteen (13) through Twenty-four (24) inclusive, in Block Forty-three (43), Engle's Addition to Roscoe, and Spitzer Outlot A as platted in the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, Range Seventy-one (71) West of the 5<sup>th</sup> P.M., as shown by the Plat recorded in Plat Book 3 on Page 44, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.
10. All portions of the alley which runs East and West adjacent to and between Lots Six (6) through Ten (10) inclusive, in Block Forty-four (44), Engels Addition to Roscoe and between Lots Eight (8) through Fourteen (14) inclusive, in Block Thirteen (13), Lennox Addition to Roscoe and Spitzer Outlot A as platted in the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, Range Seventy-one (71) West of the 5<sup>th</sup> P.M., as shown by the Plat recorded in Plat Book 3 on Page 44, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.

11. All portions of the alley which runs East and West adjacent to and between Lots Thirteen (13) through Seventeen (17) inclusive, in Block Fourteen (14), Lennox Addition to Roscoe and Spitzer Outlot A as platted in the Southeast Quarter (SE¼) of Section Twenty-four (24), Township One Hundred Twenty-three (123) North, Range Seventy-one (71) West of the 5<sup>th</sup> P.M., as shown by the Plat recorded in Plat Book 3 on Page 44, subject to the City maintaining a utility easement along with the right of ingress and egress for purposes of maintaining or installing any service on any portion of the vacated alley.

Roscoe Board of Trustees

By: \_\_\_\_\_  
Leland Treichel, Its Board President

ATTEST:

\_\_\_\_\_  
Nicole Bauman, Finance Officer