

Town of Keystone
Board of Trustees
March 1, 2023

The Board of Trustees met at 6:00 pm, Wednesday, March 1, 2023, for a regularly scheduled board meeting in the Keystone Community Center meeting room. Present were President Rick Greene, Trustees Bill Babcock, Matthew Fullilove, Casey McNulty, Sandra McLain. Also present was Finance Officer Cassandra Ott, Public Works Jerry Przybylski, City Attorney Mitch Johnson. Town Engineer Zach Grapentine was absent. Other interested citizens in attendance were: Lynette Gohsman Tyon, Kim Merrill, Brian Hagg, Nikki Ball, Chandi Zimmerschied, Mike Mohler, Robin Pladson, Richard and Margret Greene, Leslie Silverman, David Cofoid, Dafna Brown, Rick Brandfas, Mike Delaney, Judy Helmer, Julie Mamrot, Shawn Walker, Leah Serrano, Will Parks, many others from the keystone project.

5:00 pm Meeting called to order by President Greene. Pledge of allegiance was recited.

CALL FOR CHANGES TO THE AGENDA: Trustee McLain added a sign permit for the First Congregational Church. Finance Officer added a change order for the pedestrian bridge.

MINUTES: Motion by Trustee Babcock to approve the February 15th 2023 minutes. Second by Trustee McLain. Vote – all aye.

CLAIMS: Motion by Trustee McLain, to approve the March 1st 2023 claims. Second by Trustee Babcock. Vote – all aye. **General Fund:** Payroll, payroll 4, \$4,647.00; Aflac, supplemental insurance, \$154.30; American Legal Publishing, \$375.00; Black Hills Energy, power utility, \$2,792.25; Delta Dental, dental insurance, \$286.80; Employee Reimbursement, phone and mileage, \$554.88; First Interstate Bank, fees, \$59.00; HPSD, health insurance, \$2,845.83; IRS, payroll 4, \$1,350.71; Mastercard, services/supplies, \$374.86 (Menards, supplies, \$226.04; Runnings, supplies, \$55.98; Sams/Walmart, supplies, \$92.84); SDRS, February Retirement, \$1,430.92; SDRS SRP, supplemental retirement, \$59.00; Windstream Enterprise, long distance phone, \$12.85. **General Fund Total \$14,943.40. 204 FUND: 204 Fund Total \$0.00. 211 FUND:** Mastercard, services/supplies, \$689.10 (Amick Sound, fire alarm monitoring, \$20.00; Coast to Coast, summer reading program, \$412.86; Menards, supplies, \$49.46; Sams, rugs/youth, \$206.78). **Total 211 FUND: \$689.10. 300 Debt Service:** AE2S, LOMAR work, \$8,795.00. **Total 300 Fund: \$8,795.00. WATER FUND:** Payroll, payroll 4, \$1,691.07; Aflac, supplemental insurance, \$7608; BH Energy, power utility, \$2,045.97; Delta Dental, dental insurance, \$59.60; Employee Reimbursement, mileage, \$127.76; HPSD, health insurance, \$1,138.33; IRS, payroll 4, \$510.12; Mastercard, services/supplies, \$18.96 (Menards, supplies, \$18.96); SDRS, February Retirement, \$560.62; SDRS SRP, supplemental retirement, \$70.50; Winwater, commercial water meter, \$1,753.60. **Total Water Fund \$8,052.61. SEWER FUND:** Payroll, payroll 4, \$2,355.73; A-1 Sewer, clean and camera sewer line, \$3,418.80; Aflac, supplemental insurance, \$170.56; BH Energy, power utility, \$6,029.46; Delta Dental, dental insurance, \$128.50; Employee Reimbursement, phone and mileage, \$114.00; HPSD, health insurance, \$866.93; Mastercard, services/supplies, \$1,166.97 (D & M Ag Supply, sewer feed, \$740.00; Menards, supplies, \$26.97; SDARWS, fishing tournament, \$400.00); SDRS, February retirement, \$933.78; SDRS SRP, supplemental retirement, \$33.00. **Total Sewer Fund \$17,510.11.**

VOLUNTEER/BUSINESS RECOGNITION: none.

PUBLIC WORKS REPORT: Jerry and his crew have been plowing snow, fixed the sink at the sewer plant, got information on arsenic removal, worked on locating leaks, and on the new Watson park sign. Mike Mohler with SD Rural Water spoke about the increasing need for drinking water and the importance of securing water sources for the Town now to be able to meet demand later.

FINANCE OFFICER REPORT: Finance Officer presented her report. She highlighted the Pedestrian bridge that used to be referred to as the Bridge to Nowhere has now been installed in Watson Park as the Bridge to Somewhere. The State is having another meeting for slash piles, and this will be on March 7th at 2:00, Trustees McLain and Greene are planning on attending. The museum roof is progressing. She presented the sales tax which is up from last year. Finance Officer presented a change order to fix part of the sidewalk next to the Bridge to Somewhere as the grade is too steep as is. Motion by Trustee McNulty to approve the \$3,575.88 change order. Second by Trustee Babcock. Vote – all aye. Finance Officer asked who would like to attend the annual district meeting. Trustees Fullilove, McLain, and Greene plan on attending.

CITY OFFICIALS: Trustee Babcock – Requested that the Town consider turning the parking in front of the Borglum Story to compact cars only as oversized vehicles block parts of the road there. Jerry will re-mark the road to allow for bigger vehicles. Trustee McNulty – None. Trustee McLain – reminded the Board that she will be presenting the grant request (with Trustee Fullilove) to the West Dakota Water District on March 14th. Trustee Fullilove – none. Trustee Greene – presented a guide for Meeting etiquette. Attorney Johnson suggested that audience input be limited to 3 minutes.

ITEMS FROM CITIZENS: Lynette Gohsman – Tyon presented \$177 to the Keystone Park Board from the local Bingo Event.

OLD BUSINESS:

SWANZEY STREET BATHROOM LOCATION: Much discussion about possible locations. Trustee McNulty mentioned that he had spoken with a landowner, but the Town needs to present an appraisal and a proposal for the use of the lot. Motion by Trustee Babcock to do an appraisal on the smaller lot on Swanzeay St. Second by Trustee McLain. Vote – all aye. Motion by Trustee McNulty to get quotes from several appraisers and choose the lowest one. Second by Trustee Babcock. Vote – All aye. Trustee Fullilove made a motion for Trustee McNulty to speak with another landowner on Swanzeay St. Second by Trustee Babcock. Vote – all aye.

CHAMBER SUPPLEMENTAL BUDGET REQUEST AND GROUND LEASE: Chandi Zimmerschied spoke on behalf of the chamber. She is their administrative assistance. She presented a request for a ground lease to be drafted and the need for a dedicated office space for the Chamber. Trustee Babcock questioned the lease and location. Chandi informed him of the existing lease on that property. Various audience members suggested locations in Town that could host the Chamber office space. Motion by Trustee McNulty to table. Second by Trustee Fullilove. Vote – all aye.

NEW BUSINESS:

SECOND READING: ORDINANCE CHAPTER 96 TO PROHIBIT FEEDING WILDLIFE AND WATERFOWL: Motion by Trustee Fullilove to approve the second reading. Second by Trustee Babcock. Discussion: Trustee McLain was agreed that feeding deer is a safety issue but was concerned about how it would be monitored and enforced. She was unhappy with the idea that neighbors would be turning in neighbors.

The Sheriff would be in charge of enforcement. Brian Hagg spoke against the ordinance. He considered the ordinance a tool to be used by feuding neighbors and that it interferes with the quiet enjoyment of the hills. Lynette Gohsman-Tyon was concerned about fed deer near a school bus stop and the danger they pose to children. Rick Smith thinks the language in the ordinance is too harsh and the real problem is distracted driving. He talked about how the deer are not dangerous. David Cofoid spoke about how his wife feeds the deer and this ordinance is stupid. Julie Mamrot was concerned for the safety of the citizens and tourists if people feed the deer. Dafna Brown did not like the language and did not want to be fined for feeding birds. Richard Greene stated that the deer are going to be here whether they are fed or not as it is the black hills. The ordinance wouldn't fix the problem. It was suggested to limit feeding to areas not within 50 ft of a State Right of Way or a State Highway. This seemed to be agreeable to the audience. Substitute motion by Trustee McNulty to direct the attorney to do a redraft of this ordinance with the changes of no feeding deer within 50 ft of a state highway and only a \$100 fine. Second by Trustee Babcock. Vote – all aye.

SECOND READING: ORDINANCE SECTION 53.27 WATER CHARGES: Motion by Trustee McLain to approve. Second by Trustee Babcock. Audience wanted to verify that it was not an increase in current rates. Finance Officer clarified No, that this was correcting an error in the previously approved rate schedule. Vote – all aye.

AN ORDINANCE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 53.27(A) “WATER CHARGES”, BY AMENDING SECTION 53.27(A) “WATER CHARGES”, TO INCLUDE NEW RATES FOR RESIDENTIAL AND COMMERCIAL USES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF KEYSTONE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 53.27(A) “WATER CHARGES”, BY AMENDING SECTION 53.27(A) “WATER CHARGES”, TO INCLUDE NEW RATES FOR RESIDENTIAL AND COMMERCIAL USES AS FOLLOWS:

SECTION 53.27 WATER CHARGES

- (A) There shall be charges by the Town of Keystone effective immediately upon passage and publication as provided by law, a water charge for service to persons, association of persons, partnerships, corporations, firms and legal entities based upon usage as follow:

<i>Base Rate for Residential</i>	<i>Base Rate for Commercial</i>
\$14.50 <u>\$15.50</u>	\$18.00 <u>\$19.00</u>

<i>Gallons</i>	<i>Rate</i>
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0 - 2,000 gallons	Base rate
2,001 - 5,000 gallons	\$10.50 \$9.50 per 1,000
5,001 - 7,000 gallons	\$ 11.00 \$10.00 per 1,000
7,001 - 10,000 gallons	\$ 12.25 \$10.25 per 1,000
10,000 gallons & up	\$ 11.75 \$10.75 per 1,000
Yearly increase thereafter in the amount of \$0.50 each increment.	

(B) All residential and commercial/industrial water charges shall be paid monthly.

SECOND READING: ORDINANCE 53.09 B NON-PROFITS ARE DEFINED AS RESIDENTIAL USE: Motion by Trustee McLain to approve. Second by Trustee Fullilove. Some clarifying Discussion. Vote – Trustees McLain, Greene, and Fullilove – Aye. Trustees Babcock and McNulty – Nay. Motion Carries.

AN ORDINANCE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 53.09(B) “RESIDENTIAL USES” BY AMENDING SECTION 53.09(B) “RESIDENTIAL USES”, TO DEFINE A “RESIDENTIAL USE” AS ANY USE NOT OTHERWISE DEFINED AS A COMMERCIAL USE OR ANY USE BY A NON-PROFIT CORPORATION OR NON-PROFIT LEGAL ENTITY AND SUCH NON-PROFIT LEGAL STATUS IS RECOGNIZED UNDER THE FEDERAL INTERNAL REVENUE CODE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF KEYSTONE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 53.09(B) “RESIDENTIAL USES”, BY AMENDING SECTION 53.09(B) “RESIDENTIAL USES” TO DEFINE A “RESIDENTIAL USE” AS ANY USE NOT OTHERWISE DEFINED AS A COMMERCIAL USE OR ANY USE BY A NON-PROFIT CORPORATION OR NON-PROFIT LEGAL ENTITY AND SUCH NON-PROFIT LEGAL STATUS IS RECOGNIZED UNDER THE FEDERAL INTERNAL REVENUE CODE.

(B) RESIDENTIAL USES. INCLUDES ANY USE NOT OTHERWISE DEFINED AS A COMMERCIAL USE UNDER SECTION 53.09(A) OR ANY USE BY A NON-PROFIT CORPORATION OR NON-PROFIT LEGAL ENTITY AND SUCH NON-PROFIT LEGAL STATUS IS RECOGNIZED UNDER THE FEDERAL INTERNAL REVENUE CODE.

SECOND READING: ORDINANCE 110.14 PRORATING CONTRACTORS LICENSES: Motion by Trustee McNulty to approve. Second by Trustee Babcock. Vote – All aye.

AN ORDINANCE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 110.14 BY ADDING A NEW SUBSECTION THERETO AS SECTION 110.14 (D) TO PROVIDE FOR PRORATING THE FEE OF A CONTRACTOR LICENSE FOR A CONTRACTOR NEVER BEFORE LICENSED IN THE TOWN OF KEYSTONE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF KEYSTONE TO AMEND THE TOWN OF KEYSTONE ORDINANCE SECTION 110.14 BY ADDING A NEW SUBSECTION THERETO AS SECTION 110.14 (D) TO PROVIDE FOR

PRORATING THE FEE OF A CONTRACTOR LICENSE FOR A CONTRACTOR NEVER BEFORE LICENSED IN THE TOWN OF KEYSTONE AS FOLLOWS:

(D) Fees for a new contractor’s license shall be prorated for a contractor who has never before been licensed in the Town of Keystone.

FIRST READING: ORDINANCE SECTION 51.12 WATER METERS FOR WELL WATER: Motion by Trustee Fullilove to approve. Second by Trustee Babcock. Vote – all aye.

CONTRACTORS LICENSES: Motion by Trustee Fullilove to approve the contractor’s license for Dallas Alexander Construction. Second by Trustee Babcock. Vote – all aye.

317 ROY STREET BRIDGE REPLACEMENT DECISION: Finance Officer explained the situation. FEMA has informed the Town that the no-rise that was done for bridge 317 was invalid. The current no rise was done to compare the previous bridge to the new bridge. The old bridge 317 was removed in 2019 due to safety concerns and the Town cannot build the new bridge 317 because FEMA wants the no rise to compare to current conditions. In other word the no-rise needs to compare a “no bridge” to a “new bridge” which causes 0.3 ft of rise. FEMA will not allow 0.01 ft of rise. The time span between removal and replacement of the bridge was extended partly due to COVID and SD DOT and getting through the BIG grant process. Richard Greene spoke that it was a safety issue and the Bridge needs to be replaced. Motion by Trustee Fullilove to approve replacement. Second by Trustee McLain. Vote – all aye.

BUILDING PERMIT: BP3-1-23-1 Sherry Smith, 721 Madill St. Window and Awning. Motion by Trustee Fullilove to approve. Second by Trustee McLain. Vote – all aye. Fee in the amount of \$20.00.

REPLAT OF LOT A and B of Block 4 Harney ADDITION: Formerly lots 11-13 of Block 4 of Haney addition owned by Nikki Ball. Motion by Trustee Fullilove to approve the replat on recommendation of the Town Engineer. Second by Trustee McLain. Vote – Trustees Babcock, McLain, Greene, Fullilove – Aye. Trustee McNulty abstained. Motion carries.

SIGN PERMIT: SP3-1-23 First Congregational Church of Keystone, 402 Blair St, Keystone. Motion by Trustee Fullilove to approve. Second by Trustee Babcock. Vote – all aye.

Meeting adjourned 7:54 pm.

Town of Keystone, Board of Trustees

By _____

Richard Greene, President

ATTEST:

Cassandra Ott, Finance Officer
(SEAL)