

Town of Keystone
Board of Trustees
May 17, 2023

The Board of Trustees met at 6:00 pm, Wednesday, May 17th, 2023, for a regularly scheduled board meeting in the Keystone Community Center meeting room. Present were President Sandra McLain, Trustees Bill Babcock, Matthew Fullilove, Casey McNulty, Will Parks. Also present was Finance Officer Cassandra Ott, Public Works Jerry Przybylski, City Attorney Mitch Johnson. Other interested citizens in attendance were: Tracy Harrison, Robin Pladson, Bob Nelson, Kristi Nemetz, Susan Alumbaugh, Lisa Schaeffer, Leslie Silverman, Deputy Plawmen, Sargent Harkins, Robin Scott, Bernard Cordes, Amy Fullilove, and Samantha Epler.

6:00 pm Meeting called to order by President McLain. Pledge of allegiance was recited.

CALL FOR CHANGES TO THE AGENDA: Request to add a Sign Permit to New Business. Request to add Ramada Lease renewal to new business.

MINUTES: Motion by Trustee Fullilove to approve the minutes for the regular meeting on and the May 3rd, 2023 and special meeting held May 10th 2023. Second by Trustee McNulty. Vote – all aye.

CLAIMS: Motion by Trustee Babcock, to approve the May 17th 2023 claims. Second by Trustee Fullilove. Vote – all aye. **General Fund:** Payroll, payroll 9, \$4,874.33; Big Thunder Inc., walking tacos \$49.47; Cristina Carrillo, Deposit Refund KCC \$1,499.66; Interstate Engineering, Professional Services \$1,725.00; IRS, payroll 9, \$1,519.01; Jobman Studio, park plan \$1,250.00; Johnson Law Office, attorney fees \$688.50; Keystone Seniors, reimbursement request; Town of Keystone utilities, water and sewer \$162.30; Mastercard, services and supplies \$1,312.62; Mountain States Investigation Security, security at KCC \$250.34; Mt Rushmore Telephone, phone and internet \$552.27; Oriental Trading, SRP \$154.99; Raintite Roofing and Construction, museum roof \$83,763.89; SDRS SRP, supplemental retirement \$59.00; SD 811, fees \$4.48; SD Dept of Revenue, malt beverage license \$2,400.00; Human Resource School, training \$50.00; Finance Officers School, training \$75.00; Budget Training, training \$30.00; Summit Signs and Supply, sign \$75.00; USPS Box fee \$178.00. **General Fund Total \$101,543.95. 204 FUND: 204 Fund Total \$0.00. 211 FUND:** Keystone Chamber of Commerce, reimbursement request \$9,215.94; Town of Keystone Utility, water and sewer \$325.20; Mastercard, services and supplies \$1,180.41; Water Tree, water cooler \$52.00. **211 FUND Total \$10,773.55. 300 Debt Service:** Heavy Constructors, Bridge to Somewhere \$52,426.68. **300 Fund Total \$52,426.62. Water Fund:** Payroll, payroll 9 \$1,746.77; csgforte, bank fee \$3.25; IRS, payroll taxes \$529.03; Midcontinent Testing Lab, testing \$137.00; Milbank Winwater, water \$1,021.40; SDRS SRP, supplemental retirement \$70.50. **Water Fund Total \$3507.95. Sewer Fund:** Payroll, payroll 9 \$2,101.46; Brian Zwetzig, utility credit \$39.00; csgforte, bank fee \$3.25; IRS, payroll taxes \$776.02; Mastercard, services and supplies \$2.24; Midcontinent Testing Lab, testing \$619.50; Mt Rushmore Telephone, phone and internet \$225.67; SDRS SRP, supplemental retirement \$33.00; USA Blue Book, sewer testing supplies \$312.81. **Sewer Fund Total \$4,112.95**

SHERIFFS REPORT: Sargent Harkins gave the Sheriff's report. Sargent Harkins introduced Deputy Lindquest he will be stating the 1st week of June. Sargent Harkins thanked the town organizing the fundraiser for Kaitlin Leising. There were no questions.

LIBRARY REPORT: Robin Scott announced she was going to be starting the Summer Reading Program and the REC program. Robin requested that she only attend town board meetings once a quarter when her Library board meets. Town board was in agreement.

HISTORICAL SOCIETY REPORT: Bonnie Zebowski announced the museum roof was completed on May 7th and passed inspection on May 12th. Bonnie submitted a bid for resealing the foundation of the museum from Rapid Foundation Repair. Motion by Trustee Babcock to table until the town board has at least one more bid. Second by Trustee McNulty. Vote - all aye. Bonnie announced they were adding two more board positions to their board and they will be filled by Andrew Jones and Sarah Walker. Bonnie requested 5 window panes be replaced in the museum. Motion by Trustee Fullilove to replace museum window panes. Second by Trustee Babcock. Vote - all aye.

KEYSTONE CHAMBER REPORT: Robin Pladson presented the new branding for Keystone and statistics on marketing. Robin requested to present a ten-minute video at the June 7th board meeting. Town Board was in agreement.

KEYSTONE SENIOR CENTER REPORT: Kristi Nemetz announced the senior center will start having movie times on Wednesdays and game days on Thursdays. Kristi requested that Jerry start picking up the trash at the senior center. Motion by Trustee Fullilove for trash pickup. Second by Trustee Babcock. Vote – all aye.

PARK BOARD REPORT: Tracy Harrison announced the park board was working towards starting a softball league and gathering information on the best way to form it and obtain liability insurance.

PUBLIC WORKS REPORT: Jerry and his crew have cleaned the streets. They put out the picnic tables. The museum roof was inspected. The pump in well 1 was replaced due to age. They put in new meters. They put out garbage cans. They turned on the water at businesses. They fixed the cemetery road. They pressure check the water main. They opened the restrooms in Watson Park. Jerry had an idea for fundraising for the park board by placing the advertising boards on the bathrooms. The Roy St. well water samples 125 gallons per minute will last about 15 years and Jerry proposed looking into purchasing the Columbia well as it runs 750 gallons per minute and will last 100 years.

FINANCE OFFICER REPORT: Finance Officer presented the financials.

CITY OFFICIALS: Trustee Babcock handed out flyers to all businesses that were open to address the t-shirt problem with the fire ordinance. Addressed the businesses requesting they put their garbage cans out. Trustee McNulty reported the Swanzey St bathroom has received one proposal. The logging project was delayed due to rain. The museum roof project is completed. Trustee Fullilove reported that well 6 test passed and nothing to be done for the year. Reported the Bridge to Somewhere project was completed. Reported the Roy St. well was tested and treatable and will keep on the list. Trustee Parks said he would get with Cassandra next week to go over his projects. President McLain proposed that a citizen concern committee so there is more decorum during board meeting and citizens have more time to voice concerns. Much discussion about the merits and demerits of the committee. Motion by Trustee Fullilove to hold a special meeting on Wednesday May 24th at 10pm. Second by Trustee Parks. Vote – all aye.

ITEMS FROM CITIZENS: None

OLD BUSINESS: None

NEW BUSINESS:

FINANCE OFFICER APPOINTMENT: Motion by Trustee Babcock to appoint Samantha Epler as finance officer. Second by Trustee Fullilove. Vote – all aye. Motion by Trustee Babcock to remove Cassandra Ott from town bank accounts and add Samantha Epler. Second by Trustee Fullilove. Vote – all aye. Oath of office was conducted.

PARK BOARD APPOINTMENTS: Motion by Trustee Babcock to appoint Amy Fullilove, Tracy Harrison, Robin Scott, Julie Babcock, and Jacob Rapp to the park board. Second by Trustee Fullilove. Vote – all aye. Oath of office was conducted.

MEMORANDUM OF UNDERSTANDING: Motion by Trustee Babcock to approve the Memorandum of Understanding with the West Dakota Water District for \$10,000 to be used to dredge under bridges in Keystone. Second by Trustee Parks. Vote – all aye.

RESOLUTION HONORING DEPUTY KAITLIN LEISING: Motion by Trustee Fullilove to approve the Resolution honoring Deputy Kaitlin Leising. Second by Trustee Babcock. Vote – all aye. A resolution presented to The City Council Of the Town of Keystone, SD By Jeanie Kirkpatrick

Whereas the mission of this resolution is to proclaim that May 20, 2023, Deputy Kaitlin "Kaitie" Leising Day and,

Whereas be it resolved that we embrace and mourn with the family because all of us have a common bond and,

Whereas Deputy Kaitlin "Kaitie" Leising became a deputy of Pennington County in February 2020 for 2 years before moving closer to family and,

Whereas a current resident of St. Croix County, Wisconsin, and deputy with the St. Croix Sheriff Department and former resident of the Keystone area,

Whereas on October 7, 2017, Deputy Kaitlin "Kaitie" Leising married her best friend Courtney and,

Whereas Deputy Kaitlin "Katie" Leising was the much-adored mother of Syler, Ranger and Miller (fur babies), and wife to Courtney whom she loved all very much and,

Whereas Deputy Kaitlin "Katie" Leising was known as a doer with a smile always on her face. She had an amazing sparkle for life, always making others around her smile and laugh and,

Whereas let it be known, that we can't replace Deputy Kaitlin "Kaitie" Leising but we will attempt to improve our lives and live our lives as demonstrated by the great example of Deputy Kaitlin "Kaitie" Leising and,

Whereas Deputy Kaitlin "Kaitie" Leising End of Watch May 6, 2023, at the age of 29.

We, the undersign, being all the Town trustees, organized and existing under the laws of Keystone, and having its principal place of business at 1101Madill, hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Board of Keystone, SD held and convened on May 17, at which a quorum of the Board of Trustees was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is resolved:

CERTIFICATE OF BOARD PRESIDENT

The President of the Town Board of Keystone, SD hereby certifies that he/she is the duly elected and qualified President of Town Board of Keystone, and certifies that the above is a true and correct record of the resolution that was duly adopted by the Board of Trustees of the Town of Keystone, Keystone SD.

SECOND READING: Ordinance Section 152.03 Basis for establishing the areas of special flood hazard. Motion by Trustee McNulty to approve. Second by Trustee Babcock. Vote – all aye.

AN ORDINANCE AMENDING SECTION 152.03 OF THE TOWN OF KEYSTONE ORDINANCES TO CHANGE THE NAME OF THE SCIENTIFIC AND ENGINEERING REPORT FROM “THE FLOOD INSURANCE STUDY FOR KEYSTONE TO THE “PENNINGTON COUNTY SOUTH DAKOTA AND INCOPORATED AREAS” AND CHANGING THE DATE OF THE FLOOD INSURANCE RATE MAPS (FIRM) FROM MARCH, 1980 TO JUNE 3rd 2013.

BE IT ORDAINED BY THE KEYSTONE BOARD OF TRUSTEES TO ENACT ORDINANCE AMENDING SECTION 152.03 OF THE TOWN OF KEYSTONE ORDINANCES TO CHANGE THE NAME OF THE SCIENTIFIC AND ENGINEERING REPORT FROM “THE FLOOD INSURANCE STUDY FOR KEYSTONE” TO THE “PENNINGTON COUNTY SOUTH DAKOTA AND INCOPORATED AREAS” AND CHANGING THE DATE OF THE FLOOD INSURANCE RATE MAPS (FIRM) FROM MARCH, 1980 TO JUNE 3rd 2013 AS FOLLOWS:

152.03 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the “PENNINGTON COUNTY SOUTH DAKOTA AND INCORPORATED AREAS” with accompanying Flood Insurance Rate Maps (FIRM), dated June 3rd, 2013 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

Dated this ___ day of _____, 2023

SECOND READING: Ordinance Section 152.08 Severability. Motion by Trustee Babcock to approve. Second by Trustee Fullilove. Vote – all aye.

AN ORDINANCE AMENDING CHAPTER 152 OF THE TOWN OF KEYSTONE ORDINANCES BY ADDING A NEW SUBSECTION THERETO, SECTION 152.08, TO PROVIDE THAT IN THE EVENT ANY PORTION OF CHAPTER 152 IS ADUJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT THE REMAINDER OF CHAPTER 152 SHALL NOT BE AFFECTED.

BE IT ORDAINED BY THE KEYSTONE BOARD OF TRUSTEES TO ENACT AN ORDINANCE AMENDING CHAPTER 152 OF THE TOWN OF KEYSTONE ORDINANCES BY ADDING A NEW SUBSECTION THERETO, SECTION 152.08, TO PROVIDE THAT IN THE EVENT ANY PORTION OF CHAPTER 152 IS ADJUDGED UNCONSTITUTIONAL OR INVALID BY A COURT THE REMAINDER OF CHAPTER 152 SHALL NOT BE AFFECTED.

152.08 SEVERABILITY

If any section, provision, or portion of Chapter 152 ordinances is adjudged unconstitutional or invalid by a court, the remainder of the Chapter 152 ordinance shall not be affected.

Dated this ____ day of _____, 2023

SECOND READING: Ordinance Section 152.44 I Redact in entirety. Motion by Trustee Fullilove to approve. Second by Babcock. Vote – all aye.

AN ORDINANCE AMENDING SECTION 152.44 OF THE TOWN OF KEYSTONE ORDINANCES BY REDACTING SECTION 152.44(I) IN ITS ENTIRETY

BE IT ORDAINED BY THE KEYSTONE BOARD OF TRUSTEES TO ENACT ORDINANCE AMENDING SECTION 152.44 OF THE TOWN OF KEYSTONE ORDINANCES BY REDACTING SECTION 152.44(I) IN ITS ENTIRETY AS FOLLOWS:

~~(1) A CLOMR is required only for those projects that will:~~

~~(1) BFE/no floodway (demonstrate <1.0 ft increase)~~

~~(a) A project on a stream or river that has been studied through detailed hydrologic and hydraulic analyses and for which base flood elevations (BFEs) have been specified, but a floodway has not been designated. If the developer/property owner/community proposes to allow development that would result in more than a 1.0 foot increase in the BFE, a CLOMR must first be obtained.~~

~~(b) 44 CFR 60.3 (c)(10): Result in an increase in the base flood water surface elevation (WSEL) of greater than 1.00 foot for streams with BFEs specified but no regulatory floodway designated.~~

~~(2) BFE/floodway (no rise)~~

~~(a) The second situation requiring a CLOMR is for a project on a stream or river for which detailed analyses have been conducted and BFEs and a floodway have been designated. If the community proposes to allow development totally or partially within the floodway that would result in any (greater than 0.0 foot) increase in the BFE, a CLOMR must be obtained.~~

~~(b) 44 CFR 60.3 (d)(3): Result in any base flood WSEL increase from proposed construction within a regulatory floodway.~~

Dated this ____ day of _____, 2023

SECOND READING: Ordinance Section 152.67 F Minimize flood damage to subdivisions. Motion by Trustee Fullilove to approve. Second by Trustee Babcock. Vote – all aye.

AN ORDINANCE AMENDING SECTION 152.67 OF THE TOWN OF KEYSTONE ORDINANCES BY ADDING A NEW SUBSECTION THERETO, SECTION 152.67(F) TO PROVIDE THAT ALL SUBDIVISION PROPOSALS INCLUDING THE PLACEMENT OF MANUFACTURED HOME PARKS SHALL MINIMIZE FLOOD DAMAGE

BE IT ORDAINED BY THE KEYSTONE BOARD OF TRUSTEES TO ENACT AN ORDINANCE AMENDING SECTION 152.67 OF THE TOWN OF KEYSTONE ORDINANCES BY ADDING A NEW SUBSECTION THERETO, SECTION 152.67(F) TO PROVIDE THAT ALL SUBDIVISION PROPOSALS INCLUDING THE PLACEMENT OF MANUFACTURED HOME PARKS SHALL MINIMIZE FLOOD DAMAGE AS FOLLOWS:

(F) All subdivision proposals including the placement of manufactured home parks and subdivisions shall minimize flood damage.

Dated this ___ day of _____, 2023

SECOND READING: Ordinance Section 152.69 B Encroachments cannot cause rise of 0.00 ft. Motion by Trustee Babcock to approve. Second by Trustee Fullilove. Vote – all aye.

AN ORDINANCE AMENDING SECTION 152.69(B) OF THE TOWN OF KEYSTONE ORDINANCES TO MANDATE THAT ANY PROPOSED ENCROACHMENT WOULD NOT RESULT IN ANY INCREASE GREATER THAN 0.00 FEET IN FLOOD LEVELS WITHIN THE COMMUNITY DURING THE OCCURANCE OF THE BASE FLOOD DISCHARGE

BE IT ORDAINED BY THE KEYSTONE BOARD OF TRUSTEES TO ENACT AN ORDINANCE AMENDING SECTION 152.69(B) OF THE TOWN OF KEYSTONE ORDINANCES TO MANDATE THAT ANY PROPOSED ENCROACHMENT WOULD NOT RESULT IN ANY INCREASE GREATER THAN 0.00 FEET IN FLOOD LEVELS WITHIN THE COMMUNITY DURING THE OCCURANCE OF THE BASE FLOOD DISCHARGE, AS FOLLOWS:

(B) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet in flood levels within the community during the occurrence of the base flood discharge.

Dated this ___ day of _____, 2023

PUBLIC HEARING FOR ENOS PIZZA AND BIG THUNDER GOLD MINE: Motion to go into Public Hearing by Trustee Babcock. Second by Trusty McNulty. Vote - all aye. No comments were received. Motion by Trustee McNulty to come out of public hearing. Second by Trustee Babcock. Vote – all aye. Exited public hearing. Motion by Trustee Fullilove to approve Enos Pizza Malt Beverage License. Second by Trustee McNulty. Vote – all aye. Big Thunder Inc Wine and Cider. Motion by Trustee McNulty to approve. Second by Trustee Babcock. Trustees Babcock, McNulty, Fullilove, Parks vote aye President McLain abstains.

RENEWAL MALT BEVERAGE LICENSE: Michelle's Tacos. Motion by Trustee Fullilove to approve. Second by Trustee McNulty. Vote – all aye.

RENEWAL MALT BEVERAGE LICENSE: Enos Pizza. Motion by Trustee Fullilove to approve. Second by Trustee McNulty. Vote – all aye.

BUSINESS LICENSES: Motion by Trustee Babcock to approve business licenses for Annajojo's, Black Hills Custom T's, Keystone Trading Post, Mt Rushmore T- Shirts, Rushmore Helicopter, Rushmore Hideaway, SDENS, and The Alpaca Store. Second by Trustee McNulty. Vote – all aye.

CONTRACTOR LICENSES FOR APPROVAL: Motion by Trustee McNulty to approve contractor licenses for Apex Electrical Solutions and Mountain States Security. Second by Trustee Babcock. Vote – all aye.

AE2S PREPARE CLOMR APPLICATION PACKAGE PROPOSAL: Motion by Trustee Fullilove to approve package proposal. Second by Babcock. Vote – Trustees Babcock, Fullilove, and Parks aye, President McLain aye, Trustee McNulty Nay. Motion carries.

SIGN PERMIT: Motion by Trustee McNulty to approve a sign permit for Lisa Perkins. Second by Trustee Babcock. Vote – all aye.

BUILDING PERMIT: Motion by Trustee McNulty to approve a building permit for Dan Salway. Second by Trustee Babcock. Vote – all aye.

SIGN PERMIT: Motion by Trustee McNulty to approve a sign permit for Thane Rose. Second by Trustee Babcock. Vote – all aye.

RAMADA LEASE AGREEMENT: Motion by Trustee Babcock to approve once changes are made to correct ownership. Second by Trustee Fullilove. Vote – President McLain aye, Trustees Babcock, Fullilove and Parks aye. Trustee McNulty abstains. Motion carries.

Meeting adjourned 7:57 pm.

Town of Keystone, Board of Trustees
By _____
Sandra McLain, President

ATTEST:

Samantha Epler, Finance Officer
(SEAL)