

# Council Minutes

## Regular Session

### Tuesday, January 4, 2022

The Freeman City Council met in regular session on Tuesday, January 4, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford "Lonnie" Tjaden, Charlie Gering, Steve "Charly" Waltner, Tabitha Schoenwald and Blaine Saarie. Absent: Terry Jacobsen. Also in attendance were Finance Officer Doug Uecker, Development Coordinator Carol Eisenbeis, Police Chief Scott Brewer, Streets Superintendent Duane Walters, and Dan Hauck.

### Agenda Addition

Waltner moved to amend the agenda to: Add agenda item Employee Salaries after Executive Session, and approve final agenda. Saarie seconded the motion. Roll call: All votes aye.

### Minutes of the December 21, 2021 Regular Meeting

Waltner moved to accept the minutes of the December 21, 2021 regular meeting as presented. Saarie seconded the motion. Roll call: All votes aye.

### Vouchers & Salaries

Tjaden moved to approve the vouchers listed below. Saarie seconded the motion. Roll call: All votes aye.

PAYROLL - FINANCE	2,643.52	DANKO EMERGENCY EQUIP	277.21
PAYROLL - MARKETING	3,404.97	EMERGENCY MEDICAL PRODUCTS	412.85
PAYROLL - GOV'T BUILDING	310.34	ENVIRONMENTAL TOXICITY Lagoon	850.00
PAYROLL - POLICE	9,164.87	FENSEL'S ELECTRIC, supplies	849.09
PAYROLL - FIRE	955.83	FLAGS USA, Inc	301.00
PAYROLL - PUBLIC SAFETY	78.01	FREEMAN INTERNATIONAL	27.29
PAYROLL - STREETS	1,932.54	FREEMAN REGIONAL	154.60
PAYROLL - SEWER	5,354.40	GOLDEN WEST, telephone service	891.28
PAYROLL - REFUSE	3,532.76	HEIMAN FIRE EQUIP Fire	1,049.25
PAYROLL - RECYCLE	3,721.28	KLEINSASSER HTG COOLING	77.54
PAYROLL - WATER	5,759.97	KOERNER CONSTRUCTION Pool	17,805.00
PAYROLL - AMBULANCE	6,570.79	LAWNS UNLIMITED	82.50
PAYROLL - PARK/POOL	562.11	LINDA MILLIGAN Deposit Return	186.75
PAYROLL - GOLF COURSE	5,318.58	MATHESON	68.37
PAYROLL - LIBRARY	7,175.20	MILLER CONSULTING	960.00
		MR G'S TIRES	339.90
MERCHANTS STATE BANK, 941 deposit	14,211.54	NAPA	155.53
SD RETIREMENT	7,382.12	NORTHWESTERN ENERGY, electric & gas	9,267.86
WELLMARK, health insurance	12,099.82	OFFICE ALLY	35.00
AFLAC, employee insurance	390.14	ONE OFFICE, supplies	81.97
		PACE PAYMENT SYSTEM, credit card processing	20.00
ACH FEES, payroll & utilities	40.00	PITNEY BOWES postage	301.50
ANNA WALTNER Deposit Return	100.00	PLUNKETT'S PEST CONTROL	101.18
B-Y WATER INTEREST	3,168.00	RURAL MANUFACTURING	321.25
B-Y WATER PURCHASE	5,773.18	SAARIE AUTO BODY, repairs	102.35
C & B OPERATIONS, repairs	785.78	SANITATION PRODUCTS	11,175.37

CARDMEMBER SERVICES		1,155.95	SD DEPT OF REVENUE	Nov Sales Tax	1,390.99
CENTURY BUSINESS PRODUCTS	Library	70.55	SECOND CENTURY PUBLISHING		808.65
CITY OF FREEMAN, utilities		41.00	SOUTHEASTERN ELECTRIC, electric		2,484.22
CITY OF MARION	golf	3,000.00	SQUARE, monthly subscription		35.00
CITY OF MITCHELL LANDFILL, garbage fees		3,311.04	STERN OIL COMPANY		2,183.62
CMC EXCAVATION	Water Repair	785.72	VERIZON WIRELESS, police cell phones		293.88
CONCRETE MATERIAL	Streets	1,707.76	ZIMCO		2,060.00
			VOUCHER		109,173.60
			SALARIES		56,485.17
			TOTAL VOUCHERS & SALARIES		165,658.77

### **Elevator Discussion**

Dan Hauck of Olivet, SD was present to discuss the future of the grain elevator on Main Street (old Shanard's Elevator). The council is concerned with the elevator's deteriorating condition, and wants to consider what it might take to get the elevator removed prior to the Main Street reconstruction project. Mr. Hauck states his plans for the elevator have not worked out as he planned, and acknowledged the elevator is in need of repairs. The Mr. Hauck stated he would like to visit with Maxwell Colony about the possibility of removing the leg, any other usable parts, and the corn. The council noted they would like to see a possible transfer of ownership by April or May. Mr. Hauck will work on a plan and timeline, and will attend the January 18, 2022 council meeting to continue the discussion.

### **SD Public Assurance Alliance | Intergovernmental Contract**

Saarie moved to approve the South Dakota Public Assurance Alliance Intergovernmental Contract as presented. Schoenwald seconded the motion. Roll call: All votes aye.

### **Joint Election Agreement with School**

Tjaden moved to enter into an agreement with the Freeman School District 33-1 to hold a joint election if needed, per agreement. Saarie seconded the motion. Roll call: all votes aye.

### **Westward View Addition Covenants**

Tjaden moved to approve the Westward View Addition covenants as presented. Saarie seconded the motion. Roll call: All votes aye.

### **2<sup>nd</sup> Reading Ordinance 2021-18**

Tjaden moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2021-18, to provide supplemental appropriations from Reserve Funds to include: \$140,000.00 to the Golf Course, \$189,715.00 to Economic Development & Zoning, \$192,824.43 to Streets, and \$192,132.96 to Water. Total appropriations of \$714,672.39. . Saarie seconded the motion. Roll call: All votes aye.

### **2<sup>nd</sup> Reading Ordinance 2021-19**

Waltner moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2021-19, to amend section 4.0411 of the City of Freeman Ordinances, Refuse Rates and Charges. Schoenwald seconded the motion. Roll call: All votes aye.

### **EMT Class Reimbursement Policy**

The council discussed the reimbursement policy of EMT's who have taken the EMT Course and will sign on to the Freeman Ambulance roster. The course cost is now approximately \$1000.00, which may hinder an

individual from taking the course. The council discussed possibly paying back the first half of the cost at the time of course completion, and the second half pay-back to be discussed and brought back for discussion at the next council meeting.

## **Other Business**

Tjaden: Wants to publicly acknowledge that Rob Huber was not fired as an employee of the city.

Walters: Parts for the new water meter reading system have been delayed, it is unknown when parts will arrive.

Waltner: Presented an annual Recycling report. Report shows \$40,959.41 in revenues, and 302 total bales sold.

Saarie: Met with maintenance staff to discuss and plan winter storage needs, and is working on bids for a new maintenance pickup.

Brewer: Presented a year-end Police Report. The Department is working to be more visible. Working on a Safety Grant and a possible grant for camera's on Main St and 6<sup>th</sup> St.

Walters: Reports winter maintenance and cleaning / organizing maintenance building is ongoing, and organizing winter storage needs.

Eisenbeis: Brookings Area Transit Authority will be meeting with SD DOT next Tuesday concerning grant funding for a future garage building for the fleet of Freeman Community Transit vehicles. Preliminary street signage work is finishing up.

## **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, January 18, 2022. The meeting will be held at City Hall and start at 6:30 pm.

## **Executive Session**

Waltner moved to go into Executive Session at 7:16 pm pursuant to SDCL 1-25-2(1) Personnel. Saarie seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 7:38 pm.

## **Employee Salaries**

Waltner moved to increase salaries 5% to full-time and part-time employees for 2022. The increase does not apply to seasonal employees, fire, ambulance, housing commissioner, council, or mayor. Tjaden seconded the motion. Roll call: All votes aye.

2022 Wage Schedule. Mayor \$1500.00/quarter and \$55.00/special meeting; Council \$750.00/quarter and \$55.00/special meeting; Planning and Zoning \$55.00/meeting; Scott Brewer\$22.58/hour; Jonathan Slevin\$20.76/hour; Dylan Hillestad \$17.00/hour; Duane Walters\$26.05/hour; Cody Fransen\$22.44/hour; Robert Huber\$20.27/hour; Doug Uecker 22.50/hour; Lisa Jensen\$17.69/hour; Carol Eisenbeis\$42,420/year; Gregg Uecker\$14.76/hour; John Butkus\$18.72/hour; Brian Skinner\$13.37/hour; Jim Smidt\$13.98/hour; LeAnn Kaufman\$19.60/hour; Crystal Gering Nelson\$14.76/hour; Bonnie Tschetter\$14.76/hour; Leann Schulz-Thomas\$14.76/hour; John Weier-refuse\$18.90; Fire Chief\$1,164/year; Fire Mechanic (x3)\$345/year;

Ambulance Captain\$2,400/year; Ambulance Mechanic\$299/year; Ambulance EMT\$14.76/hour plus \$50/\$80 per call; Housing Commissioner \$1000.00/year

### **Adjournment**

Waltner moved to adjourn at 7:46 pm. Tjaden seconded motion. Roll call: All votes aye.

Doug Uecker, Finance Officer

Michael Walter, Mayor

## **Council Minutes**

### **Regular Session**

#### **Tuesday, January 18, 2022**

The Freeman City Council met in regular session on Tuesday, January 18, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford "Lonnie" Tjaden, Charlie Gering, Steve "Charly" Waltner, Tabitha Schoenwald and Blaine Saarie. Absent: Terry Jacobsen. Also in attendance were Finance Officer Doug Uecker, Development Coordinator Carol Eisenbeis, Police Chief Scott Brewer, Streets Superintendent Duane Walters, Brandi & Justin Brandt and Lisa Jensen.

### **Minutes of the January 4, 2022 Regular Meeting**

Waltner moved to accept the minutes of the January 4, 2022 regular meeting, with a correction noted to the Ambulance Captain annual pay to be \$2400.00 per year. Tjaden seconded the motion. Roll call: All votes aye.

### Vouchers

Saarie moved to approve the vouchers listed below. Schoenwald seconded the motion. Roll call: All votes aye.

APPEARA	rugs	108.22	MAGAZINE SUBSCRIPTION SERVICE	560.05
BOOK SYSTEMS, iNC	Library	1,190.00	MIDWEST ALARM	109.50
CENTURY BUSINESS PRODUCTS,	copies	176.49	NORMS	99.80
CHS		833.90	OVERDRIVE library	600.00
CMC EXCAVATION		1,209.19	PLUNKETTS PEST CONTROL	89.44
CORE & MAIN		22,882.50	RURAL MANUFACTURING	601.61
DANKO	Fire	1,299.22	SAARIE AUTO BODY	517.87
EAST RIVER FURNITURE		428.00	SAYRE ASSOCIATES	42,471.13
FENSELS		30.00	SCOTT BENYON Refuse Refund	1,179.82
FREEMAN SHOPPING CENTER		180.37	SD DEPT OF PUBLIC SAFETY, license renew	251.00
HUTCHINSON CONSERVATION DIST		996.00	SD DEPT OF REVENUE sales tax	1,238.30
HUTCHINSON CO TREASURE		1,002.00	SPECIALTY AUTO	144.14
JAMBOREE FOODS		17.97	STOCKWELL ENGINEERS	4,860.00
JUNIOR LIBRARY GUILD		385.50	TOTAL STOP	502.10
			US POST OFFICE	102.00
			VOUCHER	84,066.12

### Financial Report

Tjaden moved to approve the financial report as presented. Saarie seconded the motion. Roll call: All votes aye.

### Public Input

Brandi and Justin Brandt were present to ask for an extension of time on the court ordered nuisance declaration on her father's property at the corner of Henry and Juniper Streets. The Brandts request extra time to remove personal items, repair the roof, paint and clean-up the property, at least until the time of her father's passing. The City would like to inquire if the deed could be transferred, thus ensuring the property could be efficiently transferred with as little cost to the City or Mr. Hanson. The City reminded the Brandt's that the Court Order for Demolition still stands, and recommends they not invest any money into the property.

### Main Street Bid Advertising upon Approval from DOT & DANR

Motion Tjaden to authorize Bid Advertising for the Main Street Project upon final plan approval by the DOT and DANR . Saarie seconded the motion. Roll call: All votes aye.

Mayor Walter then referred the council to the Fund Cash Balance Report, and advised the council begin to consider how the funds will need to be used to pay for the Main Street Project.

### BATA Bus Garage Grant Update

Carol Eisenbeis informed the council that BATA (Brookings Area Transit Authority) is in the process of the Planning Grant and will be preparing the final DOT grant application for an 80/20 grant to build a bus garage on the property owned by the City, located to the north of City Hall.

### **BATA Funding Request**

Motion Waltner to approve the annual BATA (Brookings Area Transit Authority) funding request in the amount of \$10,000.00. Schoenwald seconded the motion. Roll call: All votes aye.

### **Sewer Rate Calculation Method**

Tjaden moved to update the sewer rate calculation method to match with our current Banyon Utility Software program. This method would still be based on the average monthly water usage during the months of January thru March and October thru December, but the actual monthly figures used would never be more than one year old. The sewer rate for the months of April thru September would remain frozen based on the calculation of the March figure. Updating this method will eliminate many hours of manual calculations. A First Reading will be presented at the next meeting.

### **AAA Collections Discussion**

The council discussed the advantages of moving the collections of bad debts in the utility and ambulance departments to AAA Collections. The council will have the chance to further review the contract and discuss at the next meeting.

### **Schoenfish Hire**

Motion Waltner to approve to hire Schoenfish & Co. to prepare the 2021 Annual Report. Schoenwald seconded the motion. Roll call: All votes aye.

### **District III Membership**

Motion Tjaden to approve the 2022 membership to Planning and Development District III for the amount of \$2479.00. Waltner seconded the motion. Roll call: All votes aye.

### **Development & Marketing Report**

Carol Eisenbeis presented her written report to the council and stated that all of the documentation has been submitted to the engineer regarding the Hutchinson Co. street sign replacement program, and shared that grant funding from the Growth Foundation is now available for improvements of the exterior of businesses in Freeman.

### **Other Business**

The Sensus water billing project is now functioning. The City will be able to read a portion of the on-line meters in February, while the rest of the accounts are awaiting back ordered equipment needs to complete the project.

Hutchinson County Assessor Tony Dewald will be at the February 1<sup>st</sup> meeting to discuss how the uptick of recent real estate sales and values will affect the cities assessed values.

Saarie: Was contacted by the Rural Fire Association about the possibility of removing the Cities name off the title of the 1978 Ford pickup. The RFA is considering selling the vehicle. The council showed no objections. The Streets and Police committees are preparing to place the bid documents for 2 new pickups. Councilors Saarie and Gering will get together before the next meeting to finalize the bid. The city will need to obtain a bid number. Received good comments concerning the sanding of streets after recent ice.

Walters: Was at state training school and visited with H&H Contracting about slip lining some sewer lines, and D&G about integrating the water reservoir into the control functions located in the B-Y water pit. The Recycling sorting table is now built and is very functional in sorting recycled goods.

Brewer: Shared a complaint about water run-offs during heavy rains from the west side of the Hospital Emergency Room.

Walter: Reported the golf course board now has yearly financials and has been tasked with an overall plan to cost the city less, working on a clubhouse plan, looking at the possibility of purchasing a stump removal machine, and will be discussing fees for the upcoming season.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, February 1, 2022. The meeting will be held at City Hall and start at 6:30 pm.

### **Executive Session**

Waltner moved to go into Executive Session at 8:00 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3) Pending Litigation, and SDCL 1-25-2(4) Contract Negotiation. Saarie seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 8:33 pm.

### **Adjournment**

Waltner moved to adjourn at 8:34 pm. Tjaden seconded motion. Roll call: All votes aye.

Doug Uecker, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, February 1, 2022**

The Freeman City Council met in regular session on Tuesday, February 1, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford "Lonnie" Tjaden, Charlie Gering, Steve "Charly" Waltner, Tabitha Schoenwald and Blaine Saarie. Absent: Terry Jacobsen. Also in attendance were Finance Officer Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Hutchinson County Assessor Tony Dewald, Hutchinson County Emergency Manager Barron Nankivel, Freeman Fire Chief Josh Andersen and Freeman Ambulance Captain Matt Rigo.

**Minutes of the January 18, 2022 Regular Meeting**

Waltner moved to accept the minutes of the January 18, 2022 regular meeting as presented. Saarie seconded the motion. Roll call: All votes aye.

**Vouchers & Salaries**

Saarie moved to approve the vouchers listed below. Waltner seconded the motion. Roll call: All votes aye.

PAYROLL - COUNCIL	5744.15	EMERGENCY MEDICAL PRODUCTS	Amb	169.00
PAYROLL - FINANCE	1,719.32	FENSEL'S ELECTRIC, supplies		700.45
PAYROLL - MARKETING	2,280.82	FREEMAN AMBULANCE	CPR Cards	88.00
PAYROLL - GOV'T BUILDING	250.09	FREEMAN INTERNATIONAL		535.43
PAYROLL - POLICE	6,261.36	FREEMAN REGIONAL	Amb	69.24
PAYROLL - FIRE		FINK LAW OFFICE		719.48
PAYROLL - PUBLIC SAFETY	72.36	FREEMAN LUMBER		262.86
PAYROLL - STREETS	1,174.71	IMAGE TREND	Ambulance	900.41
PAYROLL - SEWER	3,447.78	KLEINSASSER HTG COOLING		363.59
PAYROLL - REFUSE	2,877.90	MARC		268.54
PAYROLL - RECYCLE	2,657.27	MR G'S TIRES		140.35
PAYROLL - WATER	3,415.73	NAPA		18.56
PAYROLL - AMBULANCE	2,071.77	NORTHWESTERN ENERGY, electric & gas		12,008.70
PAYROLL - PARK/POOL	347.69	OFFICE ALLY		35.00
PAYROLL - GOLF COURSE	2,817.76	ONE OFFICE, supplies		93.02
PAYROLL - LIBRARY	4,992.54	PACE PAYMENT SYSTEM, credit card processing		20.00
PAYROLL - COMMUNITY CTR	34.10	PITNEY BOWES	postage	301.50
PAYROLL - ECONOMIC DEVELOPMENT	253.95	PITNEY BOWES	lease	143.55
		PLANNING DISTRICT III	dues	2,479.00
MERCHANTS STATE BANK, 941 deposit	9,438.35	REEL SHARP	golf	2,693.42
SD RETIREMENT	4,820.70	RURAL MANUFACTURING		23.49
WELLMARK, health insurance	15,771.50	SAARIE AUTO BODY, repairs		1,218.41
AFLAC, employee insurance	390.14	SD DEPT OF HEALTH	sewer	400.00
		SOUTH DAKOTA ONE CALL		37.80
ACH FEES, payroll & utilities	30.00	SECOND CENTURY PUBLISHING		438.27
BATA Transit	10,000.00	SOUTHEASTERN ELECTRIC, electric		2,478.44
B-Y WATER INTEREST	3,168.00	SQUARE, monthly subscription		35.00



B-Y WATER PURCHASE	5,567.80	STERN OIL COMPANY	1,215.17
C & B OPERATIONS, repairs	698.83	VALLEY ELECTRIC	559.81
CARDMEMBER SERVICES	1,190.07	VERIZON WIRELESS, police cell phones	93.82
CAROL EISENBEIS      Reimbursement	97.52		
CITY OF MITCHELL LANDFILL, garbage fees	2,895.36		
CONCRETE MATERIAL      Streets	1,704.37	VOUCHER	91,914.39
CORE & MAIN	7,631.44	SALARIES	40,419.30
		TOTAL VOUCHERS & SALARIES	132,333.69

**Hutchinson County Assessor Tony Dewald**

Hutchinson County Assessor Tony Dewald was present to touch base with council and discuss the strong sales of homes in Freeman during 2021. The strong sales may cause an increase in home valuations within certain categories.

**Hutchinson County Request of Landfill Use**

Hutchinson County Emergency Manager Barron Nankivel was present to request permission for Hutchinson County to use the Freeman Landfill to dump debris during demolition of the old courthouse in Olivet. The county needs to find a landfill that is permitted to accept certain items. The asbestos has been abated. Items remaining to go a landfill would include lumber, ceiling tiles, cat 5 cable, rubber roofing. Nankivel projects up to 10 side dumps of material to haul in. Each load would be approximately 26 cubic yards. The council voiced concerns of capacity at the landfill, with several large projects looming if Freeman. The council wants to research capacity and future needs at the landfill before committing to the county’s request.

**Fire Department Annual Report**

Fire Chief Josh Andersen was present to share the Fire Departments annual report with the council. Andersen also discussed the 1989 City Pumper that will need to be replaced with a higher capacity pumper in the near future, and noted space at the fire station is full and would like to work with the council concerning a 3-4 year capital plan.

Tjaden moved to remove the City of Freeman from the titles of the two fire department pickups, allowing them to be titled solely by the Rural Fire Department. Waltner seconded the motion. Roll call: all votes aye.

**Ambulance Annual Report**

Past captain Josh Andersen, and current captain Matt Rigo, presented the Ambulance annual report. They also discussed concerns of sustainability and recruitment of EMT’s. The call schedule is helping to diversify call coverage. Rigo is working on a plan to install power load systems into the ambulances.

**Appoint Zoning Board Member**

As per request from the Planning and Zoning Board, Tjaden moved to appoint Penny Smidt to replace Christa Helma on the Planning and Zoning Board. Saarie seconded the motion. Roll call: all votes aye.

**Golf Course Board Member**

Waltner moved to appoint Preston Zachariasen to fill an opening on the Golf Course Board. Saarie seconded the motion. Roll call: all votes aye.

**Special Event Alcohol License- Larsen / Swenson**

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage license for Saturday, June 11, 2022

Application of:

Location of:

Daniel Larsen and  
Michelle Swenson

Freeman Community Center  
224 S. Wipf Street  
Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Tjaden moved to approve the one day beverage license for Saturday, June 11, 2022. Gering seconded the motion. Roll call: all votes aye.

### **1<sup>st</sup> Reading Ordinance 2022-01 – Residential Sewer Calculation Method**

Council gave 1<sup>st</sup> reading to Ordinance 2022-01, an ordinance to amend Title 9, Section 9.020201. Residential Sewer Users.

### **1<sup>st</sup> Reading Ordinance 2022-02 – Commercial Sewer Users**

Council gave 1<sup>st</sup> reading to Ordinance 2022-02, an ordinance to amend Title 9, Section 9.020202. Commercial Sewer Users.

### **1<sup>st</sup> Reading Ordinance 2022-03 – Industrial Sewer Calculation Method**

Council gave 1<sup>st</sup> reading to Ordinance 2022-03, an ordinance to amend Title 9, Section 9.020203. Industrial Sewer Users.

### **1<sup>st</sup> Reading Ordinance 2022-04 – Ward Redistricting**

Council gave 1<sup>st</sup> reading to Ordinance 2022-04, an ordinance to amend Title 2, Section 2.0201. Ward Redistricting. This ordinance would move two blocks from Ward 2 into Ward 1, and will be effective the current election cycle.

### **Police Pickup Bid**

Saarie moved to accept the bid from Lamb Motors for a 2022 Ford F150 Responder Pursuit Rated pickup for the Police Department for a total bid price of \$39,106.00. The base price is \$35,701.00, plus add-ons of \$3405.00. This bid includes only the vehicle, the lighting and decal package is extra. This bid is contingent upon Lamb Motors still having this vehicle in inventory. Waltner seconded the motion. Roll call: all votes aye.

### **Street Department Pickup Bid**

Gering moved to accept the bid from Wegner Auto for a 2022 Dodge Ram 1500 Special Service pickup for the Streets Department for a total bid price of \$38,537.00. The base cost is \$31,800.00, plus add-ons of \$6737.00. This bid is contingent upon availability. Schoenwald seconded the motion. Roll call: all votes aye.

### **Mayor to Approve Community Access Grant Agreement**

Tjaden moved to authorize Mayor Walter to sign the Community Access Grant Agreement between South Dakota Department of Transportation and the City of Freeman. The grant award is to be used on the Main Street reconstruction project, and is in the amount of \$600,000.00. Saarie seconded the motion. Roll call: all votes aye.

### **Westward View Addition Bid Opening**

Bid opening will take place Wednesday, February 2, 2022, at 2pm at City Hall for surface improvements including the streets and curb and gutter.

## **Other Business**

Gering: said he had an inquiry from a resident about why the City does not use the services of Southeast Enterprise Facilitation.

Schoenwald: preparing to advertise for seasonal parks and pool staff.

Saarie: the yield sign on Cherry & Well is worn out; Complaints about the bump on 4<sup>th</sup> St, frozen conditions won't allow for filling gravel, however, Walters states he will attempt to shave off some of the higher points; Northwestern Public Service is looking for information to engineer their plan for electricity, gas, and street lights on the

Westward View Addition. Doug will contact Jareth Watson at NWPS; Saarie inquired into the cost to run conduit for charging electric cars parked on Main Street, cost came in at approximately \$9500 and was more than he expected.

As part of the Main Street project, the council would like 30 foot metal light poles, each with an arm, to be used on north Main Street from Railway to N County Road.

## **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, February 15, 2022. The meeting will be held at City Hall and start at 6:30 pm.

## **Executive Session**

Waltner moved to go into Executive Session at 7:52 PM pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3) Pending Litigation, and SDCL 1-25-2(4) Contract Negotiation. Schoenwald seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 9:00 pm.

Doug Uecker gave verbal confirmation to the council of his resignation as Finance Officer.

Waltner moved to post a job opening for the Finance Officer position. Schoenwald seconded the motion. Roll call: all votes aye.

## **Adjournment**

Waltner moved to adjourn at 9:02 pm. Schoenwald seconded motion. Roll call: All votes aye.

Doug Uecker, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Monday, February 14, 2022**

The Freeman City Council met in regular session on Monday, February 14, 2022 at 6:30 pm at City Hall in Freeman. Council President Blaine Saarie called the meeting to order, with the following councilors answering roll call: Clifford “Lonnie” Tjaden, Charlie Gering, Steve “Charly” Waltner, Tabitha Schoenwald and Terry Jacobsen. Absent: Mayor Michael Walter. Also in attendance were Finance Officer Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters and Police Chief Scott Brewer.

**Minutes of the February 1, 2022 Regular Meeting**

Gering moved to accept the minutes of the February 1, 2022 regular meeting as presented. Schoenwald seconded the motion. Roll call: All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Waltner seconded the motion. Roll call: All votes aye.

APPEARA	rugs	108.22	KLEINSASSER HTG / COOLING	899.27
BARNES & NOBLE	Library	94.34	MAGUIRE IRON	49,543.00
CARDMEMBER SERVICES		2,280.05	MARIA HERNANDEZ	Refund 17.64
CAROL EISENBEIS	Reimbursement	106.72	MATHESON GAS	Amb 68.37
CDW-Government	Library	2,439.57	MODERN MARKETING	Police 269.38
CENTURY BUSINESS PRODUCTS, copies		85.99	PITNEY BOWES	161.48
CHS		572.18	PLUNKETTS PEST CONTROL	89.44
CITY OF FREEMAN		41.00	SCOTT BREWER	Travel 125.85
CORE & MAIN		718.31	SD ASSOC OF RURAL WATER	Dues 590.00
EMERGENCY MEDICAL PRODUCTS		303.85	SD DEPT OF PUBLIC SAFETY, license renew	282.00
ENVIRONMENTAL TOXICITY	Lagoon	850.00	SD DEPT OF SOCIAL SERVICES	Refund 117.94
FREEMAN SHOPPING CENTER		159.08	STENS	Golf 360.68
GOLDEN WEST		1,020.77	TOTAL STOP	970.59
			VOUCHER	62,275.72

**Financial Report**

Jacobsen moved to approve the financial report as presented. Tjaden seconded the motion. Roll call: all votes aye.

**Hutchinson County Rubble Site Request**

Tjaden moved to deny Hutchinson County use of the City Landfill for debris from the old courthouse. Gering seconded the motion. Roll call: All votes aye.

**2<sup>nd</sup> Reading Ordinance 2022-01 – Residential Sewer Calculation Method**

Tjaden moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2022-01, to amend Title 9, section 9.020201 of the City of Freeman Ordinances, Residential Users. Jacobsen seconded the motion. Roll call: All votes aye.

## **2<sup>nd</sup> Reading Ordinance 2022-02 – Commercial Sewer Users**

Tjaden moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2022-02, to amend Title 9, section 9.020202 of the City of Freeman Ordinances, Commercial Users. Schoenwald seconded the motion. Roll call: All votes aye.

## **2<sup>nd</sup> Reading Ordinance 2022-03 – Industrial Sewer Calculation Method**

Tjaden moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2022-03, to amend Title 9, section 9.020203 of the City of Freeman Ordinances, Industrial Users. Schoenwald seconded the motion. Roll call: All votes aye.

## **2<sup>nd</sup> Reading Ordinance 2022-04 – Ward Redistricting**

Jacobsen moved to give 2<sup>nd</sup> Reading and adopt Ordinance 2022-04, to amend Title 2, Section 2.0201 of the City of Freeman Ordinances, Wards. Waltner seconded the motion. Roll call: All votes aye.

## **Street Department Pickup Bid**

As the previously approved Street Department pickup was no longer available at the time of ordering, Gering moved to accept a new bid from Lamb Motors for a 2022 Ford F250 pickup, contract # 17619, for the Streets Department for a total bid price of \$39,080.00. If the F250 would be unavailable, the bid from Lamb Motors for a Ford F150 special service pickup would be accepted as an alternative. Contract # 17619, for the Streets Department for \$40,346.00. Jacobsen seconded the motion. Roll call: all votes aye.

## **Westward View Addition Surface Improvements Bid Award**

The council received 8 bid proposals. Bids ranged from \$317,868.00 to \$499,214.40. The low bid was presented by Journey Group Companies, dba Black-Top Paving. Stockwell Engineers verified and recommended the low bid as presented. Gering moved to award the bid to Journey Group Companies, dba Black-Top Paving, for \$317,868.00. Tjaden seconded the motion. Roll call: all votes aye.

## **Advertise for Seasonal Pool and Golf Course Staff**

Schoenwald moved to advertise for seasonal pool and golf course staff until all positions are filled. Jacobsen seconded the motion. Roll Call: all votes aye.

## **Development & Marketing Report**

Carol Eisenbeis presented her written report to the council, highlighting the Freeman Facelift Grant, a matching grant being offered by the Freeman Growth Foundation to assist local businesses in updating the fronts of their current business establishment.

## **Accept Resignation**

Gering moved to accept the resignation of City Finance Officer Doug Uecker, effective February 18<sup>th</sup>. Tjaden seconded the motion. Roll call: all votes aye.

## **Other Business**

Uecker: Reports the authorized uses for ARPA funds has expanded. Some of the expanded uses now include: construction projects, road building and maintenance, water, sewer, other infrastructure, and equipment.

Brewer: Reports he is researching the use of cameras on Freeman's Main Street.

Jacobsen: Inquired if the final plan has been established for stop signs at 5<sup>th</sup> & Main. Wondered if placing stop signs going east and west on 5<sup>th</sup> street, and leaving Main Street as a through street should be a consideration. The council discussed because of the Hotel building location, the north bound Main Street traffic requires a stop sign for safety.

Saarie: Reports NWPS contacted him about moving a CT cabinet off the pole by the water tower and relocate it to the water treatment plant.

**Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, March 1, 2022. The meeting will be held at City Hall and start at 6:30 pm.

**Executive Session**

Tjaden moved to go into Executive Session at 7:15 PM pursuant to SDCL 1-25-2(1) Personnel and SDCL 1-25-2(4) Contract Negotiation. Schoenwald seconded the motion. Roll call: all votes aye.

Tjaden declared out of executive session at 8:13 pm.

**Adjournment**

Tjaden moved to adjourn at 8:14 pm. Schoenwald seconded motion. Roll call: All votes aye.

Doug Uecker, Finance Officer

Blaine Saarie, Council President

**Council Minutes**  
**Regular Session**  
**Tuesday, March 1, 2022**

The Freeman City Council met in regular session on Tuesday, March 1, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford “Lonnie” Tjaden, Charlie Gering, Steve “Charly” Waltner, Tabitha Schoenwald and Terry Jacobsen. Absent: Blaine Saarie. Also in attendance were Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Police Chief Scott Brewer and Chad Huwe from Stockwell Engineers.

**Minutes of the February 14, 2022 Regular Meeting**

Waltner moved to accept the minutes of the February 14, 2022 regular meeting as presented. Jacobsen seconded the motion. Roll call: All votes aye.

**Vouchers & Salaries**

Jacobsen moved to approve the vouchers listed below. Tjaden seconded the motion. Roll call: All votes aye.

PAYROLL - COUNCIL	-	CENTURY BUSINESS	61.68
PAYROLL - FINANCE	1,689.64	CITY OF MITCHELL LANDFILL, garbage fees	2,766.72
PAYROLL - MARKETING	2,280.82	CORE & MAIN	891.95
PAYROLL - GOV'T BUILDING	236.34	EMERGENCY MEDICAL PRODUCTS Amb	159.80
PAYROLL - POLICE	5,761.75	FENSEL'S ELECTRIC, supplies	256.89
PAYROLL - FIRE	-	FREEMAN LUMBER	851.07
PAYROLL - PUBLIC SAFETY	82.53	FREEMAN REGIONAL Amb	195.83
PAYROLL - STREETS	1,351.23	HUTCHINSON CO TREASURE	95.54
PAYROLL - SEWER	3,459.59	McLEOD'S	49.97
PAYROLL - REFUSE	3,258.87	MILLER CONSULTING	1,471.00
PAYROLL - RECYCLE	2,850.27	MR G'S TIRES	81.00
PAYROLL - WATER	3,463.88	NAPA	293.40
PAYROLL - AMBULANCE	546.85	NORM'S	99.80
PAYROLL - PARK/POOL	348.99	NORTHWESTERN ENERGY, electric & gas	11,305.56
PAYROLL - GOLF COURSE	2,249.30	ONE OFFICE, supplies	95.72
PAYROLL - LIBRARY	4,808.51	PACE PAYMENT SYSTEM, credit card processing	20.00
PAYROLL - COMMUNITY CTR	-	RITEWAY BUSINESS FORMS	184.49
PAYROLL - ECONOMIC DEVELOPMENT	-	RURAL MANUFACTURING	11.06
		SANITATION PRODUCTS	116.45
MERCHANTS STATE BANK, 941 deposit	8,069.12	SD DEPT OF HEALTH	30.00
SD RETIREMENT	4,822.64	SD DEPT OF REVENUE	960.18
WELLMARK, health insurance	15,771.50	SOUTH DAKOTA ONE CALL	37.80
AFLAC, employee insurance	390.14	SECOND CENTURY PUBLISHING	969.78
		SOUTHEASTERN ELECTRIC, electric	2,264.65
ACH FEES, payroll & utilities	30.00	SQUARE, monthly subscription	35.00
AMAZON	2,269.89	STERN OIL COMPANY	632.14
AUTOMATIC BUILDING CONTROLS	366.00	VIKING GLASS	236.50

B-Y WATER INTEREST	3,168.00	VERIZON WIRELESS, police cell phones	93.82
B-Y WATER PURCHASE	4,540.68	WALTNER MEDIA	100.00
C & B OPERATIONS, repairs	1,754.12		
CARDMEMBER SERVICES	177.76	VOUCHER	65,727.65
		SALARIES	32,388.57
		TOTAL VOUCHERS & SALARIES	98,116.22

### **Westward View Addition Update**

Chad Huwe from Stockwell Engineers was present to update the council on the Westward View Addition. Huwe informed the council that after the streets / curb and gutter are in place, Stockwell will be able to shoot elevations on all of the lots and have an accurate plan of how much dirt work and fill will be needed to prepare the lots. Huwe estimates approximately \$60,000.00 will be left in the bid to help complete the work. Huwe will coordinate with Menning Excavation after the streets are in, elevations will be obtained, and costs will be calculated to determine the final expenses.

### **Golf Course Club House Manager**

The golf course board recommends hiring Rory Hermsen as clubhouse manager for the 2022 season. Tjaden moved to hire Rory Hermsen as clubhouse manager at \$12.00 per hour plus 10% of net profits, same as last year's agreement. Waltner seconded the motion. Roll call: All votes aye.

### **Golf Course Fee Schedule**

The golf course board submitted a proposed golfing fees and pricing schedule for the 2022 season. Jacobsen moved to accept the 2022 proposed golfing fees and pricing schedule as presented. Waltner seconded the motion. Roll call: Jacobsen, Schoenwald, Tjaden and Waltner aye votes. Gering no vote. Motion carries 4-1.

### **Golf Course Consultant**

Waltner moved to hire Dan Wagner as a golf course consultant for the 2022 golf season at a contracted rate of \$10,000.00 for the year. Jacobsen seconded the motion. Roll call: All votes aye.

### **Sewer Discussion**

Gering presented a series of maps that included proposed sewer re-lining plans for 2022 and 2023. The plan for 2022 included 7200 feet of re-lined sewers, plus renewal of 10 manholes, at an estimated cost of \$275,180.00. The plan for 2023 included 5600 feet of re-lined sewers, plus renewal of 10 manholes, at an estimated cost of \$234,680.00. The council will discuss further at future meeting.

### **Main Street Bid Opening**

Main Street Bid Opening will be held Wednesday, March 16, @ 2:15pm

### **Municipal Election**

A municipal election will be held on April 12, 2022, for a 2 year council seat in Ward 2 between Charly Waltner and Terry Waterman

### **Other Business**

Schoenwald: Applications for summer / seasonal help are being accepted.

Walters: Dakota Pump will look at a plan to hook up a wireless control panel to operate the GSR with the B-Y water feed. This system would help control the flow of water to the reserve water reservoir.



The 2022 Street Repair plan should be ready for review at the next meeting.  
The golf carts and equipment are ready for the 2022 season.

Mayor Walter: Reported the B-Y Water rate will remain the same for 2022.

### **Next Meeting Date**

Jacobsen moved to hold the next meeting of the Freeman City Council on Tuesday, March 22, 2022. The meeting will be held at City Hall and start at 6:30 pm. Schoenwald seconded the motion. Roll call: All votes aye.

### **Executive Session**

Waltner moved to go into Executive Session at 7:42 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3) Pending Litigation, and SDCL 1-25-2(4) Contract Negotiation. Tjaden seconded the motion. Roll call: all votes aye.

Schoenwald declared out of executive session at 8:00 pm.

Jacobsen moved to appoint Lisa Jensen as Temporary Finance Officer. Tjaden seconded the motion. Roll call: All votes aye.

### **Adjournment**

Tjaden moved to adjourn at 8:02 pm. Schoenwald seconded motion. Roll call: All votes aye.

Doug Uecker, Recorder

Michael Walter, Mayor

## **Council Minutes**

### **Special Session**

**Monday, March 14, 2022**

The Council of the City of Freeman met in special session on Monday, March 14, 2022 at 8:00 AM at the Freeman City Hall. Mayor Michael Walter presided and the following members were present: Charles Gering, Tabitha Schoenwald, Blaine Saarie and Steve (Charly) Waltner.

### **Executive Session**

Waltner moved to go into Executive Session at 8:04 AM pursuant to SDCL 1-25-2(1) Personnel. Saarie seconded the motion. All votes aye. Waltner declared out of executive session at 8:57 AM.

No action was taken

### **Adjournment**

Saarie moved to adjourn at 8:58 AM. Gering seconded the motion. All votes aye.

Lisa Jensen, Interim Deputy Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, March 22, 2022**

The Freeman City Council met in regular session on Tuesday, March 22, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford “Lonnie” Tjaden, Charlie Gering, Steve “Charly” Waltner, Tabitha Schoenwald, Blaine Saarie and Terry Jacobsen. Also in attendance were Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Police Chief Scott Brewer, Dan Hauck, Laura Knodel, Kelly Knodel and Clyde Robertson.

**Minutes of the March 1, 2022 Regular Meeting**

Waltner moved to accept the minutes of the March 1, 2022 regular meeting as presented. Saarie seconded the motion. Roll call: All votes aye.

**Vouchers**

Jacobsen moved to approve the vouchers listed below. Schoenwald seconded the motion. Roll call: All votes aye.

AMAZON	1215.23	KLEINSASSER HTG COOLING	42.50
AMERICAN LIBRARY ASSOC	111.00	MATHESON GAS	Amb 305.90
APPEARA rugs	108.22	MIDWEST RADAR	100.00
BARNES & NOBLE	56.76	ONE OFFICE	382.29
CENTURY BUSINESS PRODUCTS, copies	243.99	PITNEY BOWES	301.50
CHS	154.91	PLUNKETTS PEST CONTROL	89.44
CINTHIA RIVERA Utility Refund	31.79	RURAL MFG	69.52
CITY OF FREEMAN	43.00	SAARIE AUTO BODY	242.84
CORE & MAIN	156.20	SD DEPT OF HEALTH	30.00
CUMMINS	823.41	SD DEPT OF PUBLIC SAFETY, license renew	301.00
DAKOTA PUMP	514.01	SE SD FINANCE OFFICERS	40.00
DELORES BRADY Utility Refund	26.86	SEN SOURCE	240.00
FINK LAW	811.09	STAN HOUSTON	42.95
FREEMAN REGIONAL HEALTH	5.01	STERN OIL	872.10
FREEMAN SHOPPING CENTER	46.14	STRYKER	528.08
GOLDEN WEST	1,006.97	TOTAL STOP	1,639.19
JAMBOREE FOODS	71.88	VALLEY ELECTRIC	2,143.03
JUSTIN RINGKOB Utility Refund	100.00	WALTNER MEDIA	1,140.00
		VOUCHER	14,106.81

**Board of Equalization**

There was no one present to cause the board to go into session.

**Elevator Discussion**

Dan Hauck was present to update the council of his progress on clearing out the elevator on Main Street. The grain is being hauled out, the leg is scheduled to come out the first week of April. Hauck will talk to AMPI about possibly infringing on their property during the process. Hauck is talking to his farm insurance carrier

about liability insurance. Hauck inquired about the rubble site hours and uses, he will contact the landfill employees prior to potential use. Hauck has signed the Quit Claim deed and mailed it back to Fink.

### **Option to Purchase 313 S Cedar Street**

Saarie moved to pay \$5000 to honor the First Right of Refusal agreement for the property at 313 S Cedar Street. Jacobsen seconded the motion. Roll call: All votes aye.

### **East Freeman Industrial Park Utilities**

Council discussed the need to install sewer and water utilities to the East Freeman Industrial Park. The engineering work is complete. Kelly Knodel was present to inquire if the city could possibly bore under his driveway, or at least make sure the compaction level of the trench is of high quality, as to protect the integrity of his driveway. The project is expected to be under the bid limit. Council will consider the best way to proceed yet this spring.

### **Westward View Addition Change Order**

Council was informed of a change order to complete the installation of a 42" cement culvert at 5<sup>th</sup> St. and Cedar Street. The city was not charged for the current 24" culvert and will not be charged for the removal of said culvert, Stockwell Engineering will handle those expenses. The change order is in the amount of \$13,536.00.

### **Tractor Lease**

Waltner moved to enter into a 1-year lease agreement with C&B Operations for 150 hours use of a John Deere tractor with loader for \$3750.00. Saarie seconded the motion. Roll call: All votes aye.

### **Sewer Relining Plan**

Gering moved to accept the quote from Hydro Klean for \$53,770.00 to complete stated work on 11 manholes. Saarie seconded the motion. Roll call: All votes aye. The Street Committee will now proceed with letting bid out for a sewer relining project.

### **Development and Marketing Report**

Carol Eisenbeis presented her written report to the council.

### **Other Business**

Waltner: Tires on the Recycling semi trailer need to be replaced.

Jacobsen: Landfill hours will change back to summer hours on April 1<sup>st</sup>, rather than on May 1<sup>st</sup>.

Saarie: Has received compliments on street departments fixing of bumps on 4<sup>th</sup> St, as well as recent snow removal. Saarie says he has received some unfavorable comments on the new stop sign at 5<sup>th</sup> & Main. Council, however, emphasizes that safety is still the dominant factor in the placing of that stop sign.

### **Next Meeting Date**

Jacobsen moved to hold the next regular meeting of the Freeman City Council on Tuesday, April 5, 2022. The meeting will be held at City Hall and start at 6:30 pm. Schoenwald seconded the motion. Roll call: All votes aye.

### **Executive Session**

Waltner moved to go into Executive Session at 7:20 pm pursuant to SDCL 1-25-2(1) Personnel and SDCL 1-25-2(4) Contract Negotiation. Schoenwald seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 8:17 pm.

**Adjournment**

Jacobsen moved to adjourn at 8:18 pm. Schoenwald seconded motion. Roll call: All votes aye.

Doug Uecker, Recorder

Michael Walter, Mayor

**Council Minutes**  
**Special Session**  
**Wednesday, March 23, 2022**

The Freeman City Council met in special session on Wednesday, March 23, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford "Lonnie" Tjaden, Charlie Gering, Steve "Charly" Waltner, Tabitha Schoenwald, Blaine Saarie and Terry Jacobsen. Also in attendance were Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Police Chief Scott Brewer, Cody Fransen, Paul Korn and Clyde Robertson.

**Main Street Reconstruction Project**

Paul Korn of Sayre Associates was present and accepted questions from the council. Korn presented the bid abstract from Reede Construction. Council questioned some line item expenses that could possibly be changed or eliminated. Traffic control, weed control, signage, lighting, exposed aggregate and completion date were discussed. Korn will follow-up with line items that may be adjusted.

Council discussed options on how to pay for the project. Council concluded they would like to meet with a Bonding Representative to further research the possibility of bonding a percentage of the project. Mayor Walter will contact Attorney Fink to begin the process. Council would like to meet with a Bonding Representative next week.

**Executive Session**

Waltner moved to go into Executive Session at 7:56 pm pursuant to SDCL 1-25-2(1) Personnel. Schoenwald seconded the motion. All votes aye. Waltner declared out of executive session at 8:34 pm.

**Adjournment**

Jacobsen moved to adjourn at 8:35 pm. Schoenwald seconded the motion. All votes aye.

Doug Uecker, Recorder

Michael Walter, Mayor

**Council Minutes**  
**Special Session**  
**Tuesday, March 29, 2022**

The Freeman City Council met in special session on Thursday, March 29, at 6:30 PM at City Hall in Freeman. Mayor Michael Walter called the meeting to order with the following councilors responding to roll call: Charles Gering, Terry Jacobsen, Blaine Saarie, Tabitha Schoenwald, Clifford "Lonnie" Tjaden, and Steve "Charly" Waltner. Also in attendance were City of Freeman Attorney Mike Fink, Attorney Todd Meierhenry of Meierhenry Sargent, & Development Coordinator Carol Eisenbeis.

**Main Street Reconstruction Project**

Todd Meierhenry was invited to provide information about municipal bonds for the purpose of financing a portion of Freeman Main Street reconstruction project for which bids came in higher than anticipated. Meierhenry will draft a resolution for a municipal sales tax bond for the councilors to address in special session.

The Freeman City Council will convene a special session on Thursday, March 31, at 5:30 PM to consider the passage of a sales tax bond.

**Executive Session**

Waltner moved to go into Executive Session at 7:11 PM pursuant to SDCL 1-25-2(1) Personnel. Tjaden seconded the motion. All votes aye. Tjaden declared out of executive session at 7:59 PM.

Motion by Saarie, second by Tjaden to hire Tobias Schanz as an independent contractor to serve in the role of interim finance officer, as needed, at a rate of \$50 an hour, plus mileage. Roll call: All votes aye.

**Adjournment**

Tjaden moved to adjourn at 8:00 PM. Waltner seconded the motion. All votes aye.

Carol J. Eisenbeis Michael Walter, Mayor

**Council Minutes**  
**Special Meeting**  
**Thursday, March 31, 2022**

The Freeman City Council met in special session on Thursday, March 31 at 5:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford "Lonnie" Tjaden, Charlie Gering, Steve "Charly" Waltner, Tabitha Schoenwald, Terry Jacobsen and Blaine Saarie. Also in attendance were Doug Uecker and Development Coordinator Carol Eisenbeis.

**Bond Resolution for Main Street Reconstruction Project**

Saarie moved to issue a bond valued at \$2,800,000 for the Main Street Reconstruction Project, including the 3<sup>rd</sup> St & 4<sup>th</sup> Streets Alternative Plan. The Bond will be paid back via sales tax revenue. Schoenwald seconded the motion. Roll call: All votes aye.

Jacobsen moved to hold the next regular council meeting on Wednesday, April 6, 2022 at 6:30 pm. Saarie seconded the motion. Roll call: All votes aye.

**Executive Session**

Schoenwald moved to go into Executive Session at 5:36 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3). Waltner seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 6:02 pm.

**Adjournment**

Jacobsen moved to adjourn at 6:03 pm. Saarie seconded motion. Roll call: All votes aye.

Doug Uecker, Recorder

Michael Walter, Mayor



**Council Minutes**  
**Regular Session**  
**Wednesday, April 6, 2022**

The Freeman City Council met in regular session on Wednesday, April 6 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Clifford “Lonnie” Tjaden, Charlie Gering, Steve “Charly” Waltner, Tabitha Schoenwald and Terry Jacobsen. Absent: Blaine Saarie. Also in attendance were Doug Uecker, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Police Chief Scott Brewer, Cody Fransen, Brian McGinnis, Angie Castro, Chris Castro, Paul Korn, Mike Fink.

Waltner moved to amend the agenda to add Schoenfish Audit approval to the agenda. Schoenwald seconded the motion. Roll call: All votes aye.

**Minutes of the March 22, 2022 Regular Meeting**

Waltner moved to accept the minutes of the March 22, 2022 regular meeting as presented. Tjaden seconded the motion. Roll call: All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Jacobsen seconded the motion. Roll call: All votes aye.



**VOUCHERS PAYABLE - APRIL 6, 2022**

PAYROLL - COUNCIL	0	FELD FIRE	700.00
PAYROLL - FINANCE	507.99	FENSEL'S PLUMBING & ELECTRICAL	232.06
PAYROLL - MARKETING	3,263.08	FINK LAW OFFICE	289.17
PAYROLL - GOV'T BUILDING	212.99	FREEMAN SHOPPING CENTER	5.99
PAYROLL - POLICE	8,477.22	GOLDEN WEST	1,359.67
PAYROLL - FIRE	-	JONATHAN SLEVIN	51.00
PAYROLL - PUBLIC SAFETY	95.20	MCLEOD'S PRINTING & OFFICE SUPPLY	49.87
PAYROLL - STREETS	1,706.22	MIDWEST RADAR	100.00
PAYROLL - SEWER	4,160.96	MODERN MARKETING	239.39
PAYROLL - REFUSE	3,741.10	MR G'S TIRES	434.88
PAYROLL - RECYCLE	3,381.28	N B GOLF LLC	326.32
PAYROLL - WATER	5,030.90	NORTHWESTERN ENERGY, GAS + ELECTRIC	10,779.88
PAYROLL - AMBULANCE	546.85	PACE PAYMENT SYSTEMS	20.00
PAYROLL - PARK/POOL	495.27	PITNEY BOWES	350.94
PAYROLL - GOLF COURSE	2,979.22	PORTA PROS, INC.	150.00
PAYROLL - LIBRARY	6,664.20	R&R PRODUCTS, INC	600.30
PAYROLL - COMMUNITY CTR	106.96	RITWAY	517.11
PAYROLL - ECONOMIC DEVELOPMENT	-	SAARIE AUTO BODY & REPAIR	446.20

		SALEM MENNONITE HOME	25.00
MERCHANTS STATE BANK, 941 deposit	13,347.76	SCHOENFISH & CO.	3,000.00
SD RETIREMENT	4,546.53	SCOTT BREWER	245.12
WELLMARK, health insurance	15,771.50	SECOND CENTURY	788.78
AFLAC, employee insurance	390.14	SHARON MOLLER	5,000.00
		SIOUX INTERNATIONAL INC	134.87
APPEARA	49.59	SOUTHEASTERN ELECTRIC	2,470.25
B-Y WATER	5,396.12	STERN OIL	308.27
B-Y WATER INTEREST	3,168.00	STOCKWELL ENGINEERS	4,860.00
CARDMEMBER SERVICES	410.02	TWO-WAY SOLUTIONS	150.00
CENTURY BUSINESS PRODUCTS	188.04	US BANK	16,668.22
CITY OF FREEMAN	43.00	WALTNER MEDIA + STUDIOS	143.00
CITY OF MITCHELL, LANDFILL FEES	4,059.84	VOUCHER	101,989.20
CORE & MAIN	3,199.52	SALARIES	41,369.44
EAST RIVER FURNITURE	169.00	TOTAL VOUCHERS & SALARIES	143,358.64
EMERGENCY MEDICAL PRODUCTS	803.85		

### 120 W Henry Street property

Chris and Rosie Castro were present to discuss the property they have an interest in buying, but the City holds a Demolition Order on the house. The City advises they will have the City Building Inspector create a list of expectations to complete before the house is removed from demolition status. City will contact the Castro's when list is available.

### Board of Adjustment – Sohler Variance Hearing

Waltner moved to go into Board of Adjustment at 6:37pm. Tjaden seconded the motion. Roll call: All votes aye.

Tjaden reported the Planning & Zoning Commission had approved a variance proposed by Lamont and Sheila Sohler at 523 S Main Street for an addition to their house. Tjaden recommended the council's approval. Motion to approve Sohler variance by Tjaden, second by Gering. Responses to the questions read by the mayor led to a roll call vote. All votes aye.

Waltner moves to go out of Board of Adjustment at 6:41pm. Tjaden second the motion. Roll call: All votes aye.

### Main Street Reconstruction Bid Award

Tjaden moved to award the Freeman Main Street and Railway Street Reconstruction Project and the Bid Alternate for Third and Fourth Street to Reede Construction, Inc. for their total low bid of \$4,746,714.19 contingent on approval and concurrence by the South Dakota Department of Transportation and contingent on bond resolution 2022-01 becoming effective. Jacobsen seconded the motion.

Discussion followed by Paul Korn of Sayre Associates explaining the contingencies of the bid award, and Brian McGinnis of District III spoke to recommend awarding the bid at this time.

Jacobsen moved to amend the motion to exclude the wording "and contingent on bond resolution 2022-01 becoming effective." Waltner seconded the motion. Roll call: All votes aye.

The amended motion is accepted as follows: To award the Freeman Main Street and Railway Street Reconstruction Project and the Bid Alternate for Third and Fourth Street to Reede Construction, Inc. for their total low bid of \$4,746,714.19 contingent on approval and concurrence by the South Dakota Department of Transportation. Roll call: All votes aye.

Tjaden moved to approve an additional \$15,000 for the design phase, and an additional \$385,905 for the construction phase to Sayre Associates Engineering Solutions. Waltner seconded the motion. Roll call: All votes aye.

### **Rural Development Ambulance Grant**

Eisenbeis informed the council that the USDA has approved grant funding in the amount of \$28,000 to the Freeman Ambulance Service, to be used towards the purchase of a new ambulance. The council would like to see a proposed plan by the Ambulance Service at the next meeting before giving any formal approval of grant funding.

### **Golf Course Personnel**

Tjaden moved to hire the following seasonal golf course employees: Josh Andersen, Todd Graber, Ted Pidde, Kevan Sanders, John Weier, Neil Zachariasen, Ava Ammann, Emmarie Edwards, Jane Hermsen, Rory Hermsen, and Taylor Hermsen at a rate of \$12.00 per hour, and Kenny Haar at \$13.00 per hour. Waltner seconded the motion. Roll call: All votes aye.

### **Schoenfish Annual Audit**

Tjaden moved to hire Schoenfish & Co. to complete the annual audit at a cost of no more than \$9000. Waltner seconded the motion. Roll call: All votes aye.

### **Police Equipment**

Police Chief Brewer presented the following equipment items he is currently researching to possibly add to the Police Department. Camera's for Main Street through a Homeland Security grant, 2- LiDAR handheld radar units for speed enforcement through a grant program, purchase of 2 AR rifles at a quote of \$700 for the pair, and crosswalk lights for 6<sup>th</sup> Street and College Street.

### **Other Business**

Walters: Reports there is a water leak behind Tysons at the Industrial Park that will be repaired.

Uecker: Reports the Annual Report is back from Schoenfish & Co., and will proceed for approval.

Mayor Walter: Reported Casey's has applied for a retail off-sale liquor license. The City will advertise the application in preparation of a public hearing.

### **Next Meeting Date**

Jacobsen moved to hold the next meeting of the Freeman City Council on Tuesday, April 19, 2022. The meeting will be held at City Hall and start at 6:30 pm. Schoenwald seconded the motion. Roll call: All votes aye.

### **Executive Session**

Waltner moved to go into Executive Session at 7:33 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3). Tjaden seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 7:52 pm.

## **Adjournment**

Tjaden moved to adjourn at 7:53 pm. Schoenwald seconded motion. Roll call: All votes aye.

Doug Uecker, Recorder

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Wednesday, April 19, 2022**

The Freeman City Council met in regular session on Tuesday, April 19, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Charlie Gering, Steve “Charly” Waltner, Tabitha Schoenwald, Blaine Saarie and Terry Jacobsen. Absent: Clifford “Lonnie” Tjaden. Also in attendance were Lisa Jensen, Development Coordinator Carol Eisenbeis, Streets Superintendent Duane Walters, Police Chief Scott Brewer, Ambulance Chief Matt Rigo and Jeff Buechler.

**Minutes of the April 6, 2022 Regular Meeting**

Waltner moved to accept the minutes of the April 6, 2022 regular meeting as presented. Saarie seconded the motion. Roll call: All votes aye.

**Vouchers**

Jacobsen moved to approve the vouchers listed below. Waltner seconded the motion. Roll call: All votes aye.

ACUSHNET	\$76.45	PERFORMANCE FOODSERVICE	\$4,455.31
AFLAC	\$390.14	PITNEY BOWES	\$143.55
BEAL DISTRIBUTING	\$1,000.65	PLUNKETT’S PEST CONTROL	\$633.22
BOLTES SANITARY	\$450.34	RIVERSIDE HYDRAULICS	\$191.95
C & B OPERATIONS	\$282.75	RURAL MFG CO	\$11.87
CARDMEMBER SERVICES	\$4,217.42	SAARIE AUTO BODY & REPAIR	\$31.35
CHESTERMAN COMPANY	\$195.00	SD DEPT OF PUBLIC SAFETY	\$401.00
CHS	\$393.63	SD DEPT OF REVENUE	\$1,006.90
CITY OF MITCHELL	\$683.52	TOTAL STOP	\$2,383.44
DAKOTA BEVERAGE	\$827.95	VERIZON WIRELESS	\$93.82
IRS/EFTPS	\$8,186.90	ZIMCO SUPPLY CO	\$11,183.80
FREEMAN REGIONAL HEALTH SVCS	\$108.20		
GRAHAM TIRE	\$897.88		
JAMBOREE FOODS	\$65.19		
JONATHAN SLEVIN	\$38.40		
MATHESON TRI-GAS	\$74.57		
MIDWEST ALARM	\$109.50		
NAPA – TYNDALL	\$125.10		
OFFICE SOLUTIONS	\$28.12		
OUTLAW REPAIR & RECOVERY	\$120.00	VOUCHER TOTAL	\$38,807.92

**Canvass of Election**

Saarie moved to certify the results of the April 12, 2022 municipal election. Jacobsen seconded the motion. Roll call: Waltner abstained. All other votes aye.

**Council Member, Ward II, Two year term**

38 votes      Steve “Charly” Waltner  
 26 votes      Terry Waterman

### **Elevator Discussion**

Saarie shared with the Council the concern about the rodent problem when tearing down the elevator. He suggested doing our due diligence, by having Plunkett's Pest Control look at it, to see what the process to kill the rodents would be. He also raised the question about putting out bids for the demolition of the elevator. After more discussion, Gering made a motion to advertise for bids for the demolition and removal of the elevator. Waltner seconded the motion. Roll call: All votes aye.

### **Westward View Addition Discussion**

Council discussed various aspects of the Westward View Addition project.

### **Preconstruction Meeting Summary**

An update was provided in response to the Main Street pre-construction meeting held earlier in the day.

### **Main Street Change Order Recommendations**

Saarie moved to proceed with modifications to the Main Street Reconstruction Project consisting of the following: eliminate all street lighting, weed control and permanent signage quantities. Also, modify some of the storm sewer sizing and the phase 1 completion date from July 15th to July 29th. These modifications are to be incorporated into change order no. 1 upon execution of the construction contract for a total price deduction of \$264,000.70. Gering seconded the motion. Roll call: All votes aye.

### **Rural Development Ambulance Grant**

Ambulance Chief Matt Rigo presented a plan to the Council regarding a change order, to the Rural Development Grant Award, for the Freeman Ambulance Service. The change order would include a remount of our existing ambulance box on a new chassis. It would also include an additional power load system. Saarie made a motion to accept the grant funding, contingent upon a change order. Waltner seconded the motion. Roll call: All votes aye.

### **Seasonal Maintenance Personnel**

Waltner moved to hire the following seasonal golf course employees: Todd Graber and Neil Zachariasen at \$12.00/hr. Schoenwald seconded the motion. Roll call: All votes aye. Waltner moved to hire the following seasonal parks & pool employees: Sam Gering and Taylor Hermsen at \$12.00/hr. Saarie seconded the motion. Roll call: Gering abstained. All other votes aye.

### **Sewer Relining Bid Opening**

The Council opened the lone bid for sewer relining from Hydro-Klean, LLC. The bid totaled \$273,913.70. Gering moved to accept the bid. Jacobsen seconded the motion. Roll call: All votes aye. Motion was then vetoed by Mayor Michael Walter.

### **Marketing & Development Report**

Carol Eisenbeis presented her written report to the council.

### **Other Business**

Saarie: Reported that the dips at Wipf & 4<sup>th</sup> Street have been washed out and are in need of repair. Also, at the corners of 6<sup>th</sup> & Hwy 81 and North County Rd and Hwy 81, the semi-trucks are using the concrete to make

wider turns, which causes the concrete to break up. He suggested looking into the possibility of putting curbing in, in place of the concrete.

Schoenwald: Reported she will be interviewing lifeguards and pool managers on Wednesday, April 20, at City Hall.

Gering: Reported water leak behind Tyson will be fixed by the end of the week.

Brewer: Reported that it will be spring of 2023 before the new traffic and street signs will be put up in Freeman.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, May 3, 2022. The meeting will be held at City Hall and start at 6:30 pm.

### **Executive Session**

Waltner moved to go into Executive Session at 7:32 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3). Jacobsen seconded the motion. Roll call: all votes aye.

Waltner declared out of executive session at 8:10 pm.

### **Adjournment**

Schoenwald moved to adjourn at 8:15 pm. Waltner seconded motion. Roll call: All votes aye.

Lisa Jensen, Interim Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session | Outgoing Council**  
**Tuesday, May 3, 2022**

The Freeman City Council met in regular session on Tuesday, May 3, 2022, at 6:30 PM at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors present: Charles Gering, Terry Jacobsen, Clifford “Lonnie” Tjaden, Tabitha Schoenwald, and Steve “Charly” Waltner. Absent: Blaine Saarie. Also in attendance were Carol Eisenbeis, Police Chief Scott Brewer, Duane Walters, and Chad Huwe.

**Minutes of the April 19, 2022 Regular Meeting**

Waltner moved to accept minutes of the April 19, 2022, regular meeting, as presented. Schoenwald seconded the motion. Roll call: All votes aye.

**Vouchers & Salaries**

Tjaden moved to approve the vouchers and salaries listed below. Gering provided the second. Roll call: All votes aye.



**VOUCHERS PAYABLE - May 3, 2022**

PAYROLL - COUNCIL	-	Emergency Medical Products, amb. Supplies	542.71
PAYROLL - FINANCE	613.68	Fink Law, legal services	806.74
PAYROLL - MARKETING	3,263.08	JH Diesel & Ag, truck repair	409.44
PAYROLL - GOV'T BUILDING	212.55	Knodel Contractors, equipment & base course	2,724.52
PAYROLL - POLICE	8,522.14	Lyle Signs, signs	474.52
PAYROLL - FIRE	-	Matheson, oxygen	72.55
PAYROLL - PUBLIC SAFETY	180.51	Matt Rigo, reimbursement	12.00
PAYROLL - STREETS	1,332.99	MidWest Alarm, security golf course	393.75
PAYROLL - SEWER	4,074.55	Mr. G's Tire, materials & labor	968.16
PAYROLL - REFUSE	2,288.01	NorthernWestern, utilities	9,756.45
PAYROLL - RECYCLE	3,245.49	Pitney Bowes, supplies	301.50
PAYROLL - WATER	5,320.04	Plunkett's, pest control	323.75
PAYROLL - AMBULANCE	787.69	Fensels, supplies	300.48
PAYROLL - PARK/POOL	474.83	Saarie Auto Body & Repair, repair	47.50
PAYROLL - GOLF COURSE	6,887.88	Freeman Shopping Center, supplies	60.59
PAYROLL - LIBRARY	6,660.14	NAPA - Tyndall, battery	111.99
PAYROLL - COMMUNITY CTR	272.49	Pace Payment Systems, gateway fee	20.00
PAYROLL - ECONOMIC DEVELOPMENT	-	Freeman Regional Health, staffing amb.	60.59
		Golden West, utilities	1,178.30
Internal Revenue Service, 941 deposit	13,425.41	Porta Pros, portable restroom	150.00
SD RETIREMENT, retirement payable	4,498.44	Rory Hermsen, reimbursement supplies	441.62
WELLMARK, health insurance	13,021.55	Sayre Associates, design Main St. project	82,483.25
AFLAC, employee insurance	390.14	SD Dept of Health, testing	30.00
		SD Dept of Rev, sales tax payment	1,142.77
Merchants State Bank, ach fees	30.00	Second Century Press, publication expense	1,114.51



Dakota Beverage, beverages for sale	332.30	Square, subscription	35.00
Acushnet, golf balls & gloves	318.24	Stern Oil Company, fuel	500.70
Amazon, videos, books, supplies	770.19	Stockwell Engineers, West Side Acres eng.	4,860.00
Apocalypse Firearms, ammunition	469.00	Stryker, battery pack	399.00
Bender's Sewer & Drain, jetting	7,220.40	Todd Garber, reimbursement	73.43
B&Y Water, interest	3,168.00	Verizon, cellphone service	187.62
C&B Operations, equipment lease & supply	3,805.50	Waltner Media, golf hole signs	530.00
Cardmember Service, purchase card pmt	64.74		
Carol Eisenbeis, reimbursement travel	360.04	VOUCHER	163,234.81
Century Business Products, copy fees	65.72	SALARIES	44,136.07
City of Freeman, utilities	43.00	TOTAL VOUCHERS & SALARIES	207,370.88
City of Mitchell, tipping fees	1,987.49		
Core & Main, supplies	2,751.21		

### Casey's #3245 Liquor License Hearing

Tjaden moved to table the liquor license application hearing, due to an incorrect address in the legal description. Second by Waltner. Roll call: All votes aye.

### Sewer Relining Bid Veto

Mayor Walter passed out a letter he wrote, explaining the reasoning for his veto on the sewer relining bid project. He explained that his reason was mainly a budgetary issue, due to not having updated financial reports. He recommended revisiting the issue once we have a finance officer in place.

### Adjournment

Motion to adjourn at 6:46 PM by Jacobsen, second by Tjaden. Roll call: All votes aye.

## Council Minutes

### Regular Session | Newly Organized Council

**Tuesday, May 3, 2022**

The Freeman City Council met in regular session on Tuesday, May 3, 2022 at 6:47 PM at City Hall in Freeman. Mayor Michael Walter called the meeting to order, with the following councilors answering roll call: Charles Gering, Clifford "Lonnie" Tjaden, Doug Uecker, Tabitha Schoenwald and Steve "Charly" Waltner. Absent: Blaine Saarie. Also in attendance were Carol Eisenbeis, Police Chief Scott Brewer, Duane Walters, and Chad Huwe.

### Oath of Office

Interim Finance Officer Lisa Jensen administered the oath of office to the following:

Michael Walter, Mayor for a term of two years

Mayor Michael Walter administered the oath of office to the following:

Charles Gering, Council member Ward I for a term of two years

Steve "Charly" Waltner, Council member Ward II for a term of two years

Tabitha Schoenwald, Council member Ward III for a term of one year

Doug Uecker, Council member Ward III for a term of two years

### **Election of Officers**

Schoenwald nominated Saarie as council president. Second by Tjaden. Motion carried.

Tjaden nominated Schoenwald as council vice president. Second by Gering. Motion carried.

### **Committee Appointments**

Mayor Walter distributed his committee appointments. Tjaden moved to approve committee appointments. Schoenwald seconded the motion. All votes aye.

Ambulance: Uecker & Waltner

Development: Schoenwald

Fire Department: Gering & Tjaden

Golf Course: Mayor Walter & Uecker

Government Building: Waltner & Uecker

Library: Waltner

Liquor: Tjaden & Saarie

Parks/Pool: Schoenwald & Uecker

Police: Mayor Walter & Saarie

Revolving Loan Fund: Mayor Walter & Tjaden

Rubble/Recycle/Refuse: Waltner & Uecker

Water: Tjaden & Uecker

Sewer: Gering & Waltner

Streets: Waltner, Saarie & Gering

Tree City: Waltner

Zoning: Tjaden & Waltner

### **Designation of Official Newspaper & Bank**

Motion by Schoenwald, second by Uecker to continue with *The Courier* as the official newspaper of the City of Freeman and all three Freeman Banks – CorTrust, First Interstate (Great Western), and Merchants State - as the official banks. Roll call: All votes aye.

### **City Attorney Appointment**

Tjaden moved to approve the following resolution for the appointment of a City Attorney and an assistant

City Attorney with Fink Law Office, PC. Waltner seconded the motion. All votes aye.

#### RESOLUTION 2022-02

#### RESOLUTION AUTHORIZING THE CITY OF FREEMAN, TO ENTER INTO AGREEMENT FOR CITY ATTORNEY

WHEREAS, the City of Freeman desires to retain counsel to serve as City Attorney for the time period beginning at the first meeting in May, 2022, and continuing through the first meeting in May, 2023; and

WHEREAS, the law firm of Fink Law Office, P.C., have proposed to perform such services as are set forth in the attached Agreement with City Attorney;

NOW THEREFORE BE IT RESOLVED, that the City shall be authorized to enter into a contract with Fink Law Office, P.C., and Eich Law Office (conflict attorney) in the form attached hereto, all pursuant to the Ordinances of the City of Freeman, South Dakota.

PASSED AND APPROVED this 3<sup>rd</sup> day of May, 2022, by the City Council of the City of Freeman, South Dakota by the following vote:

Ayes: 5  
Nays: 0  
Absent: 1

City of Freeman

By: \_\_\_\_\_  
Its Mayor

ATTEST:

\_\_\_\_\_  
City Finance Officer

### **Westward View Addition Phases 1 & 2 Update**

Chad Huwe, with Stockwell Engineers, was present to give the City Council an updated status report on the Westward View Addition Phases 1 & 2.

### **Special Events Liquor License – Prairie Pasta Inc.**

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage, liquor & wine license for Saturday, June 4, 2022

Application of:  
Prairie Pasta Inc.  
2310 S Louise Ave  
Sioux Falls, SD 57106

Location of:  
Freeman Community Center  
224 S Wipf St  
Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Schoenwald moved to approve the one day beverage license for Saturday, June 4, 2022. Uecker seconded the motion. Roll call: all votes aye

### **Swimming Pool Personnel**

Motion by Schoenwald, second by Tjaden to hire Pool Manager Kaylee Auch at \$12.50/hour, Assistant Managers & Swim Instructors Taylor Fransen at \$13.25/hour and Oliva Lemme at \$13.75/hour and Lifeguards Ava Ammann at \$12.75/hour, Torrie Zachariasen at \$12.25/hour, Ava Andersen at \$12.25/hour, Ella Waltner at \$12.00/hour, Erin Uecker at \$12.25/hour, Cami Fransen at \$12.25/hour, Raygen Diede at \$12.50/hour, and Peyton McCune at \$12.00/hour, as seasonal swimming pool personnel for the 2022 season. Roll call: all votes aye.

### **Golf Course Personnel**

Motion by Waltner, second by Schoenwald to hire Natalie Arens, Gail Letcher and Chet Hermsen as seasonal golf personnel for the 2022 season at an hourly rate of \$12.00. Roll call: all votes aye.

### **Elevator Pest Control**

The City received a quote from Plunkett's Pest Control, for eliminating as many rodents as possible, prior to the complete destruction of the elevator on Main Street. The cost would be a base fee of \$400.00 plus \$200.00 per week for approximately 4-5 weeks. Motion by Tjaden, second by Schoenwald to accept the quote from Plunkett's Pest Control. Roll call: all votes aye.

### **Clean Up Days**

Schoenwald moved to set Saturday, June 4 from 12:00 pm-6 pm and Wednesday, June 8, from 3 pm-8pm, as days to provide free access to the City Rubble Site. This opportunity is available only to Freeman residents and those living within one mile of City limits. Only items currently accepted will be allowed, with an additional charge for TVs and computer monitors. Tjaden seconded the motion. All votes aye.

### **Other Business**

In response to Tjaden's request about the status of the dog park, Schoenwald reported she is working to get pricing for chain link fence for the park.

Schoenwald reported the Farmer's Market will be moving from the Freeman Shopping Center parking lot to the swimming pool park this season. Hours will be Wednesday's from 5 pm-7pm and run from June-October.

Waltner reported the many street signs, which have blown down due to our recent high winds. They are being replaced as quickly as possible.

Walter reminded residents, residing on 6<sup>th</sup> Street, not to blow grass onto the street when mowing. This causes problems with our storm sewer.

Schoenwald also reported plans for an Open House at the swimming pool, prior to opening on June 4, 2022. This day will give people a chance to purchase swim passes and also sign up for swimming lessons.

### **Executive Session**

Waltner moved to go into Executive Session at 7:27 PM pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3) Pending Litigation, and SDCL 1-25-2(4) Contract Negotiation.

Waltner declared out of executive session at 7:53 PM.

### **Appointment of Finance Officer**

Motion by Schoenwald, second by Uecker to hire Lisa Edelman as Finance Officer at \$90,000/year salary, with carryover of previous years of service and starting with 40 hours vacation time and 40 hours sick time. Roll call: All votes aye.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, May 17, 2022. The meeting will be held at City Hall and will begin at 6:30 PM.

### **Adjournment**

Uecker moved to adjourn at 7:55 PM. Second by Waltner. All votes aye.

**Council Minutes**  
**Regular Session**  
**Tuesday, May 17, 2022**

The Freeman City Council met in regular session on Tuesday, May 17, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden and Steve Waltner. Absent: Doug Uecker. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Todd Van Maanen, Brian Donahoe and Carol Eisenbeis.

Mayor Walter thanked the firemen and city workers for an outstanding job with cleanup and getting the streets opened up after the storm last week.

**Minutes**

Waltner moved to accept the minutes of the May 3, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Saarie seconded the motion. Roll call: All votes aye.

APPERA	\$111.22	KEPPS	\$608.00
BARNES & NOBLE	\$64.74	LANCE EDWARDS	\$149.43
BEAL DISTRIBUTING	\$447.30	LANDSCAPE GARDEN CENTERS	\$10000.00
B-Y WATER	\$5940.08	LEANN KAUFMAN	\$128.00
C & B OPERATIONS	\$581.11	LORI BUECHLER	\$150.00
CARDMEMBER SERVICES	\$1167.01	MARC	\$741.47
CENTURY BUSINESS PRODUCTS	\$188.44	NORM'S	\$49.90
CHESTERMAN COMPANY	\$250.00	ONE OFFICE	\$100.58
CHS	\$901.02	PERFORMANCE FOOD SERVICE	\$3049.85
CMC EXCAVATION	\$2992.35	PLUNKETTS PEST CONTROL	\$133.13
COLLETTE MUTCHELKNAUS	\$150.00	PRINTED IMPRESSIONS	\$134.00
CORE & MAIN	\$414.05	RANDY BRODERS	\$475.00
CRAIG DERRY	\$187.50	RORY HERMSEN	\$111.02
DAKOTA BEVERAGE	\$661.10	SAARIE AUTO BODY	\$219.01
DEMCO	\$394.45	SANITATION PRODUCTS	\$680.40
FREEMAN SHOPPING CENTER	\$1383.58	SD DEPT OF PUBLIC SAFETY	\$396.00
HEIMAN	\$2230.00	SD DEPT OF REVENUE	\$3977.21
HERITAGE PHARMACY	\$174.29	SIoux INTERNATIONAL	\$104.41
JAMBOREE	\$292.16	SOUTHEASTERN ELECTRIC	\$2639.08
JOHNSON BROTHERS	\$862.14	TOTAL STOP	\$2671.12
JONATHAN SLEVIN	\$192.54	VALLEY ELECTRIC	\$210.83
JOSH'S TOOLS	\$770.05	VINTAGE VAULT	\$56.00
JUDY SCHRAG	\$150.00	WALTNER MEDIA	\$315.00
		VOUCHER TOTAL	\$47604.57

**Dakota Protein**

Tjaden moved to approve the following resolution for a solid waste facility. Gering seconded the motion. Roll call: All votes aye.

**RESOLUTION 2022-03**

CITY OF FREEMAN Resolution for Approval of Solid Waste Facility Prior to Issuance of a Solid Waste Permit in Turner & Hutchinson County, South Dakota

**WHEREAS**, Dakota Protein Solutions, LLC desires to establish a rendering plant in Turner County near Freeman, SD with a storage facility for the purpose of solid waste management; and

**WHEREAS**, the Turner County Zoning Board of Adjustment has approved siting the proposed facility, and Hutchinson County has approved an identical resolution of approval; and

**WHEREAS**, Dakota Protein Solutions, LLC desires to make land application of excess water and any nutrients from the plant in a standard agricultural irrigation system just across the county line in Hutchinson County on private land under an irrigation easement and agreement with the landowner; and

**WHEREAS**, the siting of this proposed irrigation facility is not in conflict with any established zoning laws or ordinances; and

**WHEREAS**, Dakota Protein Solutions, LLC will file a solid waste application with the South Dakota Department of Agriculture and Natural Resources (DANR); and

**WHEREAS**, DANR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and

**WHEREAS**, DANR may recommend the approval of the permit with conditions adequate to safeguard the environment; and

**WHEREAS**, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

**WHEREAS**, the City of Freeman is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

**IT IS THEREFORE RESOLVED** that the City Council of Freeman, SD hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

Passed and approved this 17<sup>th</sup> day of May, 2022, by the City Council of the City of Freeman, South Dakota by the following vote:

Ayes: 5  
Nays: 0  
Absent: 1

City of Freeman  
By: \_\_\_\_\_  
Its Mayor

ATTEST:

\_\_\_\_\_  
City Finance Officer

### **Casey's #3245 Liquor License Hearing**

A corrected application was received from Casey's #3245 for an off-sale (package) liquor license. No one was present at the meeting to show rejection of this application. Tjaden moved to approve the off-sale liquor license for Casey's #3245. Gering seconded the motion. Roll call aye votes: Gering, Schoenwald and Tjaden. No votes: Saarie and Waltner. Motion passes 3-2.

### **Malt Beverage License Renewals**

The Council considered the applications for malt beverage renewals for 2022/2023 submitted by the following:

- 1) On-Off Sale Malt Beverage license for 2022/2023  
Application of: Dollar General Store #10796  
Location of: 305 N US Hwy 81  
Freeman, SD 57029
- 2) On-Off Sale Malt Beverage license for 2022/2023  
Application of: Total Stop Convenience Store #9466  
Location of: 601 S US Hwy 81  
Freeman, SD 57029
- 3) On-Off Sale Malt Beverage license for 2022/2023  
Application of: Casey's General Store #3245  
Location of: 1206 E 6<sup>th</sup> St  
Freeman, SD 57029
- 4) On-Off Sale Malt Beverage license for 2022/2023  
Application of: Expressive Home Décor, LLC  
Dba: Vintage Vault Floral  
Location of: 394 S Main Street  
Freeman, SD 57029

No one was present at the meeting to show rejection of these renewal applications.

Saarie moved to approve all 4 malt beverage licenses as presented. Schoenwald seconded the motion. Roll call: all votes aye.

### **Parking Lease**

A request was made to use the lot south of the chiropractic building for parking during the Main Street construction. City Attorney Fink drafted a lease for the use of this lot taking away any liability issue from the owner of the property. Tjaden moved to approve the lease of the property located at Lots 5 and 6, Block 13, Bevin's Addition to the City of Freeman, Hutchinson County, South Dakota in the amount of \$1.00. Waltner seconded the motion. Roll call: all votes aye.

### **Main Street Reconstruction Discussion**

Duane Walters informed the group that there were a few surprises when removing Main Street. There are 3 businesses on Main Street that do not have a curb stop, so those will be installed during this project.

### **Elevator Discussion**

Mayor Walter informed the council that the advertisement for the demolition and removal of the elevator has not been published because there are not any specs for this project. As soon as specs are complete the advertisement can be sent to the Courier.

### **Swimming Pool Personnel**

Schoenwald moved to hire lifeguards Emily Mendel at \$12.00/hour and Savannah Timmerman at \$12.00/hour. Waltner seconded the motion. Roll call: all votes aye.

### **Swimming Pool Pricing**

Schoenwald moved to keep rates the same as last year except to adjust the aerobics rates to \$3.00/day or a punch card of 10 punches for \$25.00. Saarie seconded the motion. Roll call: all votes aye.

Schoenwald moved to discontinue allowing private rentals of the swimming pool. Tjaden seconded the motion. All votes aye.

### **Marketing & Development Report**

Carol Eisenbeis presented her written report to the council.

### **Other Business**

Gering: Reported that 10 manholes are being repaired.

Schoenwald: Reported she is working on getting a second quote for the fence for the dog park.

Waltner: Reported that there is a problem with channel 90 and it is possible that the fax machine in the office is causing the problems. He recommended that a new fax machine be purchased.

Saarie: Reported that the root ball from fallen trees are not supposed to go on the tree pile. They need to go to the landfill instead.

Brewer: Reported that he is planning to run a test on the emergency siren next Wednesday at 10:00 am. He said the siren did not activate during the last storm when he requested it.

Walters: Reported that the garbage truck will need 4 new tires.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, June 7, 2022 at 6:30 pm.

### **Executive Session**

Waltner moved to go into Executive Session at 7:37 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3). Schoenwald seconded the motion. All votes aye.

Waltner declared out of executive session at 8:21 pm.

### **Adjournment**

Saarie moved to adjourn at 8:22 pm. Schoenwald seconded motion. All votes aye.



# Council Minutes

## Regular Session

### Tuesday, June 7, 2022

The Freeman City Council met in regular session on Tuesday, June 7, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden and Steve Waltner. Absent: Doug Uecker. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Joyce Hofer, Bev Duffel and Carol Eisenbeis.

### Minutes

Waltner moved to accept the minutes of the May 17, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

### Vouchers

Tjaden moved to approve the vouchers listed below. Schoenwald seconded the motion. Roll call: All votes aye.

PAYROLL – COUNCIL	7450.00	GOLDEN WEST, telephone	1385.36
PAYROLL – FINANCE	1910.31	GRAHAM TIRE, tires	2572.70
PAYROLL – MARKETING	3313.08	HAWKINS, pool supplies	3410.79
PAYROLL – GOV'T BUILDING	296.94	JEHLEL SANTIAGO, deposit refund	201.61
PAYROLL – POLICE	8334.57	JOHNSON BROTHERS, liquor	261.38
PAYROLL – STREETS	98.63	JOSH'S TOOLS, supplies	48.90
PAYROLL – SEWER	4955.20	KLEINSASSER HTG, repair	140.00
PAYROLL – REFUSE	2119.79	LAWNS UNLIMITED, storm cleanup	300.00
PAYROLL – RECYCLE	3457.64	LYLE SIGNS, signs	163.90
PAYROLL – WATER	5878.63	MATHESON TRI GAS, supplies	74.57
PAYROLL – AMBULANCE	7779.64	MR G'S TIRES, repairs	200.00
PAYROLL – PARK/POOL	695.08	NAPA, repair	111.99
PAYROLL – GOLF COURSE	11387.68	NORTHWESTERN ENERGY, electric & gas	8453.84
PAYROLL – LIBRARY	6670.87	ONE OFFICE, supplies	150.17
PAYROLL – COMMUNITY CENTER	100.28	PACE, credit card processing	20.00
PAYROLL – PLANNING & ZONING	220.00	PITNEY BOWES, postage	460.95
MERCHANTS STATE BANK, 941 deposit	7080.45	PLUNKETTS, pest control	694.70
SD RETIREMENT	4599.12	PORTA PROS, toilet rental	150.00
WELLMARK, health insurance	13021.55	PERFORMANCE FOOD SERVICE, resale	959.79
ACH FEES, payroll & utilities	60.00	REEDE CONSTRUCTION, Main St pmt #1	323360.50
AFLAC, employee insurance	357.06	RORY HERMSEN, reimbursement	130.90
AMAZON, library books & videos	1156.08	RURAL MANUFACTURING, repairs	11.40
APPEARA, rugs	111.22	SAARIE AUTO BODY, repairs	170.51
AVERA, DOT drug testing	91.00	SAYRE ASSOCIATES, engineering	56458.79
BARNES & NOBLE, library books	126.30	SCHANTZ LLC, interim finance officer	2249.40
BEAL DISTRIBUTING, beer	554.55	SD DEPT OF HEALTH, testing	15.00
B-Y WATER, water purchase	6236.97	SD DEPT OF LABOR, penalty	25.00
B-Y WATER INTEREST	3168.00	SD DEPT OF REVENUE, sales tax	4642.01
C & B OPERATIONS, repairs	226.55	SECOND CENTURY, publishing	438.67
CARDMEMBER SERVICES, supplies	2690.90	SOUTHEASTERN ELECTRIC	1967.17

CHS, fuel	1930.65	SQUARE, credit card processing	70.00
CITY OF FREEMAN, utilities	43.00	STERN OIL COMPANY, fuel	333.26
CITY OF MITCHELL, garbage fees	3862.56	STRYKER SALES, supplies	1152.03
CORE & MAIN, supplies	6741.29	TOTAL STOP, fuel	3654.32
FENSEL'S ELECTRIC, supplies	521.90	US BANK TRUST, lagoon loan	16668.22
FINK LAW OFFICE, legal services	399.44	USPS, box rent	72.00
FREEMAN LUMBERYARD, supplies	28.80	WEIDENBACH CONSTRUCTION, rock	47.25
FREEMAN REGIONAL HEALTH, nursing staff	167.34		
FREEMAN SHOPPING CENTER, supplies	1383.58	VOUCHERS	485785.39
		SALARIES	64668.34
		TOTAL VOUCHERS & SALARIES	550453.73

## Financial Report

Tjaden moved to approve the financial report as presented. Saarie seconded the motion. Roll call: all votes aye.

## Public Input

Joyce Hofer and Bev Duffel had some questions regarding the siren. Tjaden informed the group that the siren is for weather warning only and is not supposed to be loud enough to be heard inside a house. He said Freeman should be on the list to get another siren for the park/ball field area of town.

## Northwestern Energy Lighting Proposal

Saarie presented 2 proposals for lighting along Main Street with straight or tapered poles. He informed the group that the tapered poles have a better wind loading strength and would accommodate Christmas decorations. Saarie also informed the council that both types of poles have at least a 40 week lead time so temporary lighting will need to be installed. Waltner moved to purchase the tapered poles at a cost of \$71,201.81 for Main Street. Schoenwald seconded the motion. Roll call: all votes aye.

## Water Connection Application

An application was presented to the council for a new water connection at 211 Cherry St. Some discussion was held on the possibility of needing to cross the street for this connection. Tjaden moved to approve the water connection application at 211 Cherry St based on commercial connection fees. Gering seconded the motion. Roll call: all votes aye.

## Street Light Repair

A proposal was presented from Muth Electric to repair the light that was damaged in the wind storm on Hwy 81 across from Total Stop. Waltner moved to accept the proposal to have the light repaired and file a claim with insurance. Schoenwald seconded the motion. Roll call: all votes aye.

## Dog Park

Schoenwald presented a proposal for a dog park by the community center. This will include a 100' x 60' black chain link fence, 2 benches, 2 waste stations, extra waste bags, signs, hydrant and water connection from the community center for approximately \$14,000.00. Saarie moved to proceed with the dog park as presented. Waltner seconded the motion. Roll call: all votes aye.

**Pool Accessibility**

Mayor Walter informed the council that there has been a request to have a lift chair installed at the pool based on ADA requirements. A cost estimate and grant options will be added to the 2023 budget.

**District III Joint Cooperative Agreement**

Waltner moved to approve the Joint Cooperative Agreement with District III and to authorize the Mayor to sign the agreement. Tjaden seconded the motion. Roll call: all votes aye.

**Golf Course Personnel**

Saarie moved to hire Karli Maske and Mesa Mehlhaf as golf course personnel for the 2022 season at a rate of \$12/hour. Waltner seconded the motion. Roll call: all votes aye.

**Other Business**

Schoenwald: Reported that the pool hours will be 1 pm to 6 pm on July 4. She also informed the council that Nugen Energy donated \$1500.00 to the Freeman pool to help families in need purchase swimming passes. The community health will help with this process.

Waltner: Reported that the shed at the landfill was destroyed in the wind storm and will need to be replaced.

Saarie: Gave an update on the street projects that will be completed this summer based on the remaining balance in the street budget. Recommended that the alleys off Main Street be routinely graded due to higher usage.

Brewer: Asked if he could respond to vehicle accidents close to Freeman to render aid quicker than the county would be able to respond. He was advised to contact City Attorney Fink regarding liability issues. He also reported that the State will be issuing a free program for reporting accidents.

Walters: Presented the council with a list of changes that have been made to the Main Street project. A change order will be presented to the council at a later date reflecting these changes.

**Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, June 21, 2022 at 6:30 pm.

**Executive Session**

Waltner moved to go into Executive Session at 7:48 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(3) contract negotiation. Tjaden seconded the motion. All votes aye.

Waltner declared out of executive session at 8:30 pm.

**Adjournment**

Waltner moved to adjourn at 8:31 pm. Saarie seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, June 21, 2022**

The Freeman City Council met in regular session on Tuesday, June 21, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden and Steve Waltner. Absent: Doug Uecker. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Aaron Lachman, Kelly Knodel and Carol Eisenbeis.

**Minutes**

Waltner moved to accept the minutes of the June 6, 2022 regular meeting as presented. Schoenwald seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Saarie seconded the motion. Roll call: All votes aye.

ACUSHNET, materials for resale	69.66	KUSTOM COLORS, golf cart window	45.00
BEAL DISTRIBUTING, beer	1123.00	LAWNS UNLIMITED, spraying	181.12
CENTURY BUSINESS PRODUCTS, copier fees	237.47	MOVIE LICENSING USA	360.00
CHESTERMAN COMPANY, drinks	250.00	NORTHWESTERN ENERGY, light poles	71201.81
DANR, drinking water fee	600.00	PERFORMANCE FOOD SERVICE, resale	4813.46
DAKOTA BEVERAGE, beer	254.50	RESTAURANT EQUIPMENT, repair	593.34
DAKOTA PUMP, repair	279.07	RORY HERMSEN, supplies	171.33
HUTHCINSON CONSERVATION, trees	482.00	RUML PLUMBING, repair	429.52
JOSH ANDERSEN, mileage	31.08	S & S WILLERS, sand	1096.91
HYDRO KLEAN, manhole repair	50020.00	SD DEPT OF PUBLIC SAFETY, license renew	382.00
JAMBOREE, supplies	247.98	SIOUX INTERNATIONAL, repair	154.18
JOHNSON BROTHERS, liquor	370.77	TODD GRABER, trees	547.23
KNIFE RIVER, cold mix	2022.50		
		VOUCHER TOTAL	135963.93

**Special Event Alcoholic Beverage License**

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage license for Saturday, August 13, 2022

Application of:

Freeman Fire Department

Location of:

Freeman City Park

115 N Wipf Street

Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Tjaden moved to approve the one day beverage license for Saturday, August 13, 2022. Saarie seconded the motion. Roll call: all votes aye.

## **Special Event Alcoholic Beverage License**

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage license for Saturday, October 22, 2022

Application of:

Freeman Athletic Association

Location of:

Freeman Community Center

224 S Wipf Street

Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Waltner moved to approve the one day beverage license for Saturday, October 22, 2022. Schoenwald seconded the motion. Roll call: all votes aye.

## **Main Street Update**

AMPI sidewalk – Duane Walters presented a cost estimate in the amount of \$12,897.00 for the removal and replacement of the sidewalk along the west side of AMPI on Main Street. Saarie moved to approve the replacement of this sidewalk. Tjaden seconded the motion. Roll call: all votes aye.

Change order #2 – Tjaden moved to accept change order #2 for a deduction of \$2,389.48. Schoenwald seconded the motion. Roll call: all votes aye. This change order consists of eliminating the replacement of some water and sewer lines that have already been repaired or are in good condition. It also consists of adding pipe tees due to corrosion, adding a new manhole, adjusting the height of manholes and removing contaminated soil.

## **Sales Tax Bond Lender Proposal**

Edelman informed the council that there weren't any local banks interested in purchasing the bonds. Meierhenry will now send the proposal to an underwriter to find someone that would be interested in purchasing these bonds.

## **Elevator Demolition Bids**

Gering moved to accept the bid from Knodel Contractors LLC in the amount of \$168,340.00 as this was the only bid received. Saarie seconded the motion. Roll call: all votes aye.

## **Marketing & Development Report**

Carol Eisenbeis presented her written report to the council.

## **Other Business**

Tjaden: Reported that the county is considering raising taxes for roads & bridges and the city should get a portion of that income.

Gering: Asked about lawn mowing. Police Chief Brewer is working on letters and compliance regarding this issue.

Saarie: Reported that the truck route sign is leaned over. Questioned the manhole height in the ditch along North County Road.

Brewer: Reported that the exterminator is finding more rodents since the Main Street project started. There is a missing speed limit sign on North County Road.

Walters: Reported that he is getting bids for rock chips.

Mayor Walter informed the council that he received a letter of resignation from Doug Uecker stating that he will be moving to a different ward. Saarie moved to accept the resignation of Doug Uecker. Waltner seconded the motion. All votes aye.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, July 5, 2022 at 6:30 pm.

### **Executive Session**

Waltner moved to go into Executive Session at 6:55 pm pursuant to SDCL 1-25-2(1) Personnel, SDCL 1-25-2(3) Pending Litigation. Tjaden seconded the motion. All votes aye.

Waltner declared out of executive session at 7:31 pm.

### **Adjournment**

Tjaden moved to adjourn at 7:31 pm. Schoenwald seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, July 5, 2022**

The Freeman City Council met in regular session on Tuesday, July 5, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Mike Fink, Carol Eisenbeis, Jeremy Waltner, Aleta Starner, John Starner, Cody Fischer, Kelly Knodel, Darrell Larsen, Candace Schrag, Vernon Bauermeister, Ron Helderbrand, Paul Wynia, Denise Schild, Dawson Schild, Christina Watson, Bryce Morgan, Maria Kaufman, JoAnn Smith, Andrea Baer, Kelly Douglas and Kevin Douglas.

**Schild Vicious Dogs – Public Hearing**

City Attorney Mike Fink informed the council that this public hearing is in regard to vicious dogs that have been impounded. He informed the council that the city ordinance 6.0310(g) allows the owner of the animals to appear before the council to show cause why the animals shall not be destroyed. The council will need to decide if the animals can leave impound or need to be destroyed. It is up to the owner to show cause why the animals should not be destroyed.

Numerous people spoke for and against having the animals destroyed. The public meeting was declared over at 7:06 pm.

City Attorney Fink explained to the council the different options that were available. He asked that the council withhold acting on the action until July 26, 2022 because he would like to ask the judge to confirm what the city’s decision is at the next court date. Gering moved to have the dogs put down after the Schild’s next court date of July 25, 2022. Waltner seconded the motion. Roll call: all votes aye.

**Minutes**

Waltner moved to accept the minutes of the June 21, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Waltner seconded the motion. Roll call: All votes aye.

PAYROLL – FINANCE	2819.24	HAWKINS, pool supplies	1570.03
PAYROLL – MARKETING	3313.08	HELENA, spray	235.14
PAYROLL – GOV’T BUILDING	295.61	JOHNSON BROTHERS, liquor	397.80
PAYROLL – POLICE	8311.33	KAITLYNN KRACK, deposit refund	42.28
PAYROLL – PUBLIC SAFETY	97.42	KEPPS, food for resale	912.00
PAYROLL – STREETS	99.49	KLEINSASSER HTG, repair	416.19
PAYROLL – SEWER	5037.14	LANCE EDWARDS, trees	225.27
PAYROLL – REFUSE	2788.51	MATHESON TRI GAS, supplies	72.55
PAYROLL – RECYCLE	3058.41	MCLEODS, supplies	83.06
PAYROLL – WATER	6294.30	MPLC, movie license	155.57
PAYROLL – AMBULANCE	4134.90	MR G’S TIRES, repairs	184.00
PAYROLL – PARK/POOL	8784.74	NORM’S, supplies	123.26
PAYROLL – GOLF COURSE	14990.16	NORTHWESTERN ENERGY, electric & gas	8404.00
PAYROLL – LIBRARY	6494.64	ON SIGHT, support	111.46
PAYROLL – COMMUNITY CENTER	46.80	ONE OFFICE, supplies	87.85
MERCHANTS STATE BANK, 941 deposit	12527.80	PACE, credit card processing	20.00

SD RETIREMENT	5040.30	PERFORMANCE FOOD SERVICE, resale	2435.93
WELLMARK, health insurance	15992.52	PITNEY BOWES, postage	603.00
ACH FEES, payroll & utilities	40.00	PET WASTE ELIMINATOR, dog park	1255.39
AFLAC, employee insurance	459.92	PLUNKETTS, pest control	694.70
AMAZON, library books & videos	967.01	PORTA PROS, portable toilet rental	150.00
AMERICAN FENCE, dog park	8857.06	REEDE CONSTRUCTION, Main St pmt #2	549387.15
APPEARA, rugs	173.77	RORY HERMSEN, reimbursement	745.87
ASSOC FOR LIBRARIES, conference	305.00	SAARIE AUTO BODY, repair	110.76
BEAL DISTRIBUTING, beer	785.55	SD DEPT OF HEALTH, testing	60.00
BOLTE'S, clean-up dumpster	394.05	SD DEPT OF REVENUE, sales tax	4617.21
B-Y WATER, water purchase	8816.81	SDGA, membership	217.00
B-Y WATER INTEREST	3168.00	SDPAA, insurance	7.47
C & B OPERATIONS, repairs	70.64	SECOND CENTURY, publishing	778.25
CHS, fuel	4425.38	SIOUX INTERNATIONAL, repair	67.10
CITY OF FREEMAN, utilities	43.00	SOUTHEASTERN ELECTRIC	1923.34
CITY OF MITCHELL, garbage fees	3525.12	SQUARE, monthly subscription	35.00
CORE & MAIN, supplies	1955.67	STERN OIL COMPANY, fuel	653.76
DAKOTA BEVERAGE, beer	418.75	THE DESIGN TAB, printing	65.00
FENSEL'S ELECTRIC, supplies	493.56	TITAN MACHINERY, repair	1611.39
FREEMAN LUMBERYARD, supplies	47.10	TOTAL STOP, fuel	2594.02
FREEMAN REGIONAL HEALTH, nursing staff	49.05	ZIMCO SUPPLY, supplies	1645.00
GOLDEN WEST, telephone service	1300.97		
GREG KLEINSASSER, supplies	330.00	VOUCHERS	652884.83
		SALARIES	66565.77
		TOTAL VOUCHERS & SALARIES	719450.60

## Financial Report

Tjaden moved to approve the financial report as presented. Saarie seconded the motion. Roll call: all votes aye.

## Special Event Alcoholic Beverage License – SD Chislic Festival

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage license for Saturday, July 30, 2022

Application of:  
 South Dakota Chislic Festival  
 PO Box 645  
 Freeman, SD 57029

Location of:  
 Prairie Arboretum  
 748 S Main Street  
 Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Saarie moved to approve the one day malt beverage license for Saturday, July 30, 2022. Schoenwald seconded the motion. Roll call: all votes aye.

## Security Requirements

JoAnn Smith, representing the South Dakota Chislic Festival, requested a waiver to Chapter 6.0711 Section 3 of the city ordinances for the festival and to allow Police Chief Brewer to determine the number of security



guards needed for the event. Saarie moved to waive the security requirements referenced in Chapter 6.0711 Section 3 of the city ordinances and allow Police Chief Brewer to determine the number of security guards needed. Tjaden seconded the motion. Roll call: all votes aye.

### **Special Event Alcoholic Beverage License – Hootz / Alley Dance Behind Bar**

The Council considered the application for a one-day alcoholic beverage license submitted by the following:

One-day on-sale malt beverage license for Saturday, July 30, 2022

Application of:	Location of:
Hootz	Alley Dance
115 E 3 <sup>rd</sup> St	115 E 3 <sup>rd</sup> St
Freeman, SD 57029	Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Waltner moved to approve the one-day alcoholic beverage license for Saturday, July 30, 2022. Saarie seconded the motion. Roll call: all votes aye.

### **Plat Hearing – Saarie Addition**

Tjaden spoke regarding the plat for Brian Saarie that was recommended for approval by the Planning & Zoning Committee.

Saarie moved to approve the Resolution of Approval of Lot 1 of Saarie Addition. Schoenwald seconded the motion. Roll call: all votes aye.

### **Tractor Lease**

A letter from C & B Operations was presented to the council regarding the availability of a tractor to lease in the spring of 2023. Tjaden moved to let C & B Operations know that the City of Freeman is interested in a tractor for 2023. Waltner seconded the motion. Roll call: all votes aye.

### **Water Restrictions**

Daily water use data was provided to the council. Tjaden moved to restrict outdoor watering between the hours of 10 am and 7 pm and only allow odd numbered houses/business to water on odd numbered days and even numbered houses/businesses to water on even numbered days, effective immediately. Roll call: All votes aye.

### **Main Street Update**

Walters informed the council that the stakes are being set for the curbing and they will be pouring concrete soon. Mayor Walter is requesting a cost estimate to replace the landscaping in front of City Hall with concrete.

### **Council Appointment**

Mayor Walter recommended the appointment of Elizabeth Waltner to the Ward 3 seat vacated by Doug Uecker. Schoenwald moved to appoint Elizabeth Waltner as Councilor for Ward 3 for the remainder of this one year term. Saarie seconded the motion. Roll call: all votes aye.

### **Other Business**

Kelly Knodel: Reported that he is working by the hour for the city to take out trees and level the dirt in Westward View Addition. Dirt from the Main Street project is being hauled to the Westward View Addition to save on hauling costs.

Tjaden: Stated that the siren should be for tornado warning only.

Gering: Reported that the street department would be getting a load of oil to chip seal some streets and will need chip rock hauled. Gering moved to hire Knodel Contractors to haul chip rock at 6.97/ton. Saarie seconded the motion. Roll call: All votes aye.

Saarie: Questioned who should be taking care of the weeds/mowing at Westward View Addition. The Freeman Development Corporation will be contacted regarding this mowing.

Schoenwald: Reported that the dog park fence and products are in. The fence will be installed as soon as the contractor is available.

Walters: Reported that he is bidding on a snow plow and packer that the County has on an internet auction site.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, July 19, 2022 at 6:30 pm.

### **Executive Session**

Waltner moved to go into Executive Session at 8:00 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(3) pending litigation. Schoenwald seconded the motion. All votes aye.

Schoenwald declared out of executive session at 8:26 pm.

### **Adjournment**

Tjaden moved to adjourn at 8:27 pm. Schoenwald seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, July 19, 2022**

The Freeman City Council met in regular session on Tuesday, July 19, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Jerry Spethman, Vernetta Waltner and Carol Eisenbeis.

**Oath of Office**

Mayor Michael Walter administered the oath of office to Elizabeth Waltner. E. Waltner was appointed at the July 5, 2022 Council Meeting to fill the Ward III vacancy.

**Minutes**

S. Waltner moved to accept the minutes of the July 5, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. S. Waltner seconded the motion. Roll call: All votes aye.

AFLAC, employee insurance	459.92	MIDWEST ALARM, security	124.58
BEAL DISTRIBUTING, beer	569.70	MILLER CONSULTING	1265.00
BUILDERS SUPPLY, repair	2318.75	ONE OFFICE, supplies	64.55
CARDMEMBER SERVICES, supplies	207.78	PITNEY BOWES, lease	287.10
CAROL EISENBEIS, golf advertising	110.00	PERFORMANCE FOOD SERVICE, resale	2675.11
CENTURY BUSINESS PRODUCTS, copy fees	129.10	RESTAURANT EQUIPMENT, repair	857.90
CHESTERMAN COMPANY, drinks	275.00	RITEWAY, checks	158.72
DAKOTA BEVERAGE, beer	838.20	RIVERSIDE HYDRAULICS, repair	198.64
DAKOTA PUMP, repair	809.70	RORY HERMSEN, resale	272.00
FREEMAN SHOPPING CENTER, resale	1174.72	SAARIE AUTO BODY, repair	142.42
GEOTEK, elevator survey	788.50	SAYRE ASSOCIATES, Main St	62028.63
HYDRO KLEAN, clean culvert	750.00	SCHOENWALD LANDSCAPE, dog park	310.00
JACK'S UNIFORMS, police patch	117.48	SD DEPT OF PUBLIC SAFETY, license renew	367.00
JAMBOREE, supplies	705.65	SOUTH DAKOTA 811, locates	74.55
JOHNSON BROTHERS, liquor	269.18	STERN OIL, propane	330.00
KARL KUSTOMS, police equipment	5409.94	STOCKWELL ENGINEERS, Westward view	4860.00
KLEINSASSER HTG, air conditioner	7058.00	STUCKY'S REPAIR,	479.17
KNODEL CONTRACTORS, driveway	4470.00	WELLMARK, health insurance	15992.52
		VOUCHER TOTAL	116949.51

**Special Event Permit – Mutton Run**

Vernetta Waltner of Salem Mennonite Home addressed the council regarding plans for the 5K, 10K and 1 mile Run/Walk taking place on July 30. A map of the route was provided. Tjaden moved to approve the special event permit. Schoenwald seconded the motion. All votes aye.

### **Sales Tax Bond Underwriter**

Jerry Spethman with D. A. Davidson & Co. gave a presentation on the funding of the sales tax bonds. He presented several options on how his firm would be able to secure the funding needed with no additional up front expenses.

Tjaden moved to retain D. A. Davidson & Co. to structure and sell the bonds to move forward in obtaining the 2,800,000.00 for the Main Street project. Saarie seconded the motion. Roll call: all votes aye. Tjaden moved to structure the bonds at a 15 year maturity with an insured rating. Saarie seconded the motion. Roll call: all votes aye.

### **Main Street Update**

Duane Walters gave an update on the Main Street project. A quote of \$4903.00 was presented to the council to remove the shrubs and replace with concrete in front of City Hall. No action was taken.

### **Committee Appointments**

Mayor Walter distributed his updated committee appointments.

Ambulance: S. Waltner & Gering

Development: Schoenwald

Fire Department: Gering & Tjaden

Golf Course: Mayor Walter & E. Waltner

Government Building: E. Waltner & S. Waltner

Library: E. Waltner

Liquor: Tjaden & Saarie

Parks/Pool: Schoenwald & S. Waltner

Police: Mayor Walter & Saarie

Revolving Loan Fund: Mayor Walter & Tjaden

Rubble/Recycle/Refuse: S. Waltner & Gering

Water: Tjaden & S. Waltner

Sewer: Gering & S. Waltner

Streets: Saarie, Gering & E. Waltner

Tree City: S. Waltner

Zoning: Tjaden & S. Waltner

### **Marketing & Development Report**

Carol Eisenbeis presented her written report to the council.

### **Other Business**

Schoenwald: Reported that the dog park will be going in next week. The last day for the pool will be Sunday, August 14, 2022.

Saarie: Recommended that a price schedule for property clean-up be established. A change to the weed/unhealthy vegetation ordinance will be discussed with City Attorney Fink. The branch height will need to be checked soon. He also commended the street department on all that has been accomplished already this summer.

Mayor Walter: Reported that the chislic fest is quickly approaching and recommended that residents get their property cleaned up. Appointed Saarie, Tjaden and Schoenwald to work on the budget Thursday, July 28, 2022 at 6:00 p.m.

Brewer: Reported that the Humane Society sent an operations agreement that will need to be signed to continue to use their services. This will be presented at a later meeting for approval. Gave the council quarterly call reports.

**Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, August 2, 2022 at 6:30 pm.

**Adjournment**

Tjaden moved to adjourn at 7:53 pm. Saarie seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

# Council Minutes

## Regular Session

### Tuesday, August 2, 2022

The Freeman City Council met in regular session on Tuesday, August 2, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Jonathan Slevin, Duane Walters, and Carol Eisenbeis.

#### Minutes

S. Waltner moved to accept the minutes of the July 19, 2022 regular meeting as presented. E. Waltner seconded the motion. All votes aye.

#### Vouchers

Saarie moved to approve the vouchers listed below except only pay Menning Excavating 50% of the invoice presented. Tjaden seconded the motion. Roll call: All votes aye.

PAYROLL – COUNCIL	5485.00	HAWKINS, pool supplies	2578.18
PAYROLL – FINANCE	4203.86	JAMBOREE, supplies	533.11
PAYROLL – MARKETING	4969.62	JASON LOUNSBERY, deposit refund	14.22
PAYROLL – GOV'T BUILDING	460.87	JOHNSON BROTHERS, liquor	306.26
PAYROLL – POLICE	12653.70	KLEINSASSER HTG, repair	257.50
PAYROLL – PUBLIC SAFETY	102.88	KNODEL CONTRACTORS, haul chips	1051.00
PAYROLL – STREETS	136.05	LANCE EDWARDS, trees	340.76
PAYROLL – SEWER	7444.95	LAWNS UNLIMITED, custom hire	75.00
PAYROLL – REFUSE	4021.97	MACQUEEN EMERGENCY, SCBA testing	1243.60
PAYROLL – RECYCLE	5116.83	MATHESON TRI GAS, supplies	192.77
PAYROLL – WATER	8841.15	MAXWELL SIGNS, golf signs	462.00
PAYROLL – AMBULANCE	5885.38	MENNING EXCAVATING, Westward add	50339.75
PAYROLL – PARK/POOL	23393.62	MUTH ELECTRIC, light repair	1379.17
PAYROLL – GOLF COURSE	21615.31	NAPA, repair	263.15
PAYROLL – LIBRARY	9877.02	NORM'S, supplies	115.79
PAYROLL – COMMUNITY CENTER	66.85	NORTHWESTERN ENEGRY, electric & gas	10295.58
PAYROLL – ECONOMIC DEVELOPMENT	220.00	PACE, credit card processing	20.00
MERCHANTS STATE BANK, 941 deposit	21606.45	PERFORMANCE FOOD SERVICE, resale	4014.20
SD RETIREMENT	7681.06	PITNEY BOWES, postage	603.00
ACH FEES, payroll & utilities	30.00	PLUNKETTS, pest control	1284.47
AMAZON, library books & videos	1209.59	PORTA PROS, portable toilet rental	150.00
APPEARA, rugs	111.22	RANDY BRODERS TRUCKING	475.00
BEAL DISTRIBUTING, beer	794.40	REEDE CONSTRUCTION, Main St pmt #3	841361.00
B-Y WATER, water purchase	10870.95	RORY HERMSEN, reimbursement	128.19
B-Y WATER INTEREST	3168.00	SAARIE AUTO BODY, repairs	309.12
C & B OPERATIONS, repairs	499.80	SAVANNAH HILL, deposit refund	200.00
CHS, fuel	4447.13	SD DEPT OF HEALTH, testing	159.00
CITY OF FREEMAN, utilities	43.00	SD DEPT OF REVENUE, sales tax	4202.09
CITY OF MITCHELL, garbage fees	3784.32	SECOND CENTURY PRINTING, publishing	371.44
CORE & MAIN, meters	11250.00	SOUTHEASTERN ELECTRIC	1855.78

DAKOTA BEVERAGE, beer	528.90	SQUARE, monthly subscription	35.00
FENSEL'S ELECTRIC, supplies	680.94	STERN OIL COMPANY, fuel	1850.91
FINK LAW, legal	2710.28	ZIMCO SUPPLY, supplies	604.26
FREEMAN REGIONAL HEALTH, nursing staff	72.13		
GOLDEN WEST, telephone service	1308.39	VOUCHERS	997867.86
		SALARIES	114495.06
		TOTAL VOUCHERS & SALARIES	1112362.92

## Financial Report

Saarie moved to approve the financial report as presented. Tjaden seconded the motion. Roll call: all votes aye.

## 1<sup>st</sup> Reading Ordinance 2022-05 – Vegetation

Council gave 1<sup>st</sup> reading to Ordinance 2022-05 an ordinance to amend the maintaining weeds and unhealthy vegetation a nuisance ordinance.

## 1<sup>st</sup> Reading of Ordinance 2022-06

Council gave 1<sup>st</sup> reading to Ordinance 2022-06 to amend the refuse rates and charges ordinance.

## Animal Control Services Agreement

Saarie moved to enter into an agreement with the Sioux Falls Area Humane Society to shelter and impound animals as needed by the City. S. Waltner seconded the motion. Roll call: all votes aye.

## Golf Course Personnel

S. Waltner moved to hire Margaret Atkins as golf course personnel for the 2022 season at a rate of \$12/hour. Schoenwald seconded the motion. Roll call: all votes aye.

## Main Street Update

Walters informed the council that the sidewalk cement work would be starting soon. Mayor Walter informed the council that there is a shortage of concrete which may slow down the project. He will be asking Sayre to be sure concrete is available before tearing up the side streets. Saarie showed the council a sample of material that will be similar to that used for the sidewalk aggregate.

S. Waltner moved to remove the shrubs in front of City Hall and replace the area with concrete from the end of the building to the flag pole. Tjaden seconded the motion. Roll call aye votes: Saarie, Tjaden, E. Waltner and S. Waltner. No votes: Gering and Schoenwald. Motion carries 4-2.

## Other Business

Gering: Questioned how much it is going to cost to complete the Westward View Addition. There was additional discussion on the Menning Excavating bill and items that are not complete. Tjaden moved to amend the payment of vouchers to make no payment to Menning Excavating until some questions are answered. Gering seconded the motion. Roll call: all votes aye.

Saarie: Reported that the 2 vehicles that were ordered probably won't be built as a 2022 model.

Walters: Reported that the sewer pumps for the lagoon are in.

## Next Meeting Date

The next meeting of the Freeman City Council will take place on Tuesday, August 16, 2022 at 6:30 pm.

**Adjournment**

Tjaden moved to adjourn at 7:21 pm. Saarie seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor



**Council Minutes**  
**Regular Session**  
**Tuesday, August 16, 2022**

The Freeman City Council met in regular session on Tuesday, August 16, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters and Chad Huwe.

**Westward View Addition**

Chad Huwe from Stockwell Engineers updated the council on the Westward View Addition project. He informed the group that the plans were reduced to just infrastructure and surfacing when the bids were let. Saarie asked several questions about Menning Excavating and Black-Top Paving pay applications that are in the voucher list. Gering would like to know what the cost will be to finish the dirt work and tree removal.

**Minutes**

S. Waltner moved to accept the minutes of the August 2, 2022 regular meeting as presented. E. Waltner seconded the motion. All votes aye.

**Vouchers**

Schoenwald moved to approve the vouchers listed below. S. Waltner seconded the motion. Roll call aye votes: Saarie, Schoenwald, E. Waltner and S. Waltner. No votes: Gering. Motion passes 4-1.

AFLAC, employee insurance	459.92	MENNING EXCAVATING, Westward addition	50339.75
BEAL DISTRIBUTING, beer	762.70	OFFICE ALLY, monthly subscription	35.00
BERTSCH LAW, Schild attorney	526.27	ONE OFFICE, supplies	59.49
BLACK-TOP PAVING, Westward addition	306762.00	PERFORMANCE FOOD SERVICE, resale	2698.90
CARDMEMBER SERVICES, supplies	1021.97	PRECISION POURS, supplies	96.00
CENTURY BUSINESS PRODUCTS, copy fees	323.31	REPUBLIC, liquor	275.97
CHESTERMAN COMPANY, drinks	279.20	RORY HERMSEN, reimbursement	222.34
CHS, fuel	4447.13	SANITATION PRODUCTS, supplies	270.00
CITY OF SIOUX FALLS, testing	29.00	SAYRE ASSOCIATES, Main St	56105.36
DAKOTA BEVERAGE, beer	883.75	SCHOENFISH & CO, audit	9000.00
DEMCO, library supplies	78.53	SD DEPT OF PUBLIC SAFETY, license renew	379.00
FREEMAN SHOPPING CENTER, supplies	1190.87	SPENCER QUARRIES, chips	3516.41
HAWKINS, pool supplies	1861.22	THE DESIGN TAB, printing	112.50
HEIMAN, fire equipment	549.72	TOTAL STOP, fuel	1342.22
JEBRO, oil	19864.83	VERIZON, police cell phone	187.76
JOHNSON BROTHERS, liquor	37.42	WELLMARK, health insurance	15992.52
KLEINSASSER HTG, repair	140.00		
KNODEL CONTRACTORS, elevator/dirt work	189017.26		
		VOUCHER TOTAL	668868.32

**Ordinance 2022-05**

S. Waltner moved to give second reading and adopt ordinance 2022-05, an ordinance to amend the maintaining weeds and unhealthful vegetation a nuisance ordinance. Saarie seconded the motion. Roll call: all votes aye.

AN ORDINANCE AMENDING TITLE 4, SECTION 4.0202 OF THE REVISED  
ORDINANCES OF THE CITY OF FREEMAN (1990),  
HUTCHINSON COUNTY, SOUTH DAKOTA

Be it ordained by the City of Freeman, Hutchinson County, South Dakota that Title 4, Section 4.0202 is hereby amended to read as follows:

4.0202 Maintaining Weeds and Unhealthful Vegetation a Nuisance:

Duty of owner: Permitting weeds to grow on any private property and failing to clear unhealthful vegetation on any private property (including vacant lots) is hereby declared to be a nuisance. No owner, agent of such owner or occupant, of any lot, place or area within the City of Freeman shall permit on such lot, place or area (or upon any sidewalk abutting the same) any weeds, unhealthful vegetation or other deleterious or noxious matter that may be growing, lying or located thereon. For purposes of this section, the term "unhealthful vegetation" shall include, but not be limited to, plant growth or landscaping that is characterized by what appears to be uncontrolled growth or lack of maintenance; unless such growth is located in a public park, arboreta or similar non-residential area.

Dated this 16<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
Michael Walter, Mayor

(SEAL)

ATTEST:

First Reading: August 2, 2022

Second Reading: August 16, 2022

Published: August 25, 2022

Effective Date: September 14, 2022

\_\_\_\_\_  
Lisa Edelman, Finance Officer

**Ordinance 2022-06**

S. Waltner moved to give second reading and adopt ordinance 2022-06, to amend the refuse rates and charges ordinance. Gering seconded the motion. Roll call: all votes aye.

AN ORDINANCE AMENDING SECTION 4.0411

Be it ordained by the City of Freeman, Hutchinson County, South Dakota that Title 4, Section 4.0411 is hereby amended to read as follows:

4.0411 Rates and Charges

ITEM 1. For residents and businesses located within the City limits, the charge for a 90-gallon container for once a week pickup shall be \$17.00. A second 90-gallon container may be added for a monthly charge of \$16.00. Additional pickups shall be subject to a charge of \$6.00 per container per pickup. No more than two (2) 90-gallon containers shall be allowed for any collection point. A \$10.00 Delivery Fee will be added for the delivery of a container for special use (other than regular garbage service).

ITEM 2. Residents who are certified to be a recipient of fuel assistance under the Low Income Energy Assistance Program (LIEAP) shall pay a monthly rate of \$9.00 for one 90-gallon container for the time period that they so qualify.

ITEM 3. For residents and businesses located within the City limits, the charge for a 300-gallon container for once a week pickup shall be \$57.00. For each additional container, a \$47.00 charge per month shall be made. Additional pickups shall be subject to a charge of \$18.00 per container per pickup. A \$10.00 Delivery Fee will be added for the delivery of a container for special use (other than regular garbage service).

ITEM 4. Non-residents and business not located within the City limits, but residing within the one (1) mile area outside of Section 35, Township 99 North, Range 56, West of the 5<sup>th</sup> PM who desire to have garbage pickup service shall be charged a monthly fee of \$20.00 for the first 90-gallon container; \$19.00 for the second 90-gallon container; \$67.00 for the first 300-gallon container and \$59.00 for each additional 300-gallon container. Additional pickups for the 90-gallon container shall be subject to a charge of \$7.00 per container per pickup. Additional pickups for the 300-gallon container shall be subject to a charge of \$21.00 per container per pickup. No more than two (2) 90-gallon containers shall be allowed. A \$10.00 Delivery Fee will be added for the delivery of a container for special use (other than regular garbage service).

ITEM 5. Sanitation service charges for residents and businesses will be billed with water and/or sewer used fees and such charges will be effective with the first monthly billing after this Ordinance shall become effective. Charges will be collected at the same time, in the same manner and by the same officers as water charges are collected by the City. If the sanitation service charges are not paid within ten (10) days after billing, it shall be deemed delinquent, and the water service to such user or property may be discontinued until charges are paid.

ITEM 6. Sanitation service charges for those who reside within one (1) mile of Section 35, Township 99 North, Range 56 West of the 5<sup>th</sup> PM, shall be billed monthly.

ITEM 7. The charges for a recyclable receptacle shall be \$80.00 a month for a weekly pickup and \$40.00 a month for a bi-weekly pickup. Additional pickups shall be \$20.00 for each additional pickup.

ITEM 8. Any/all customer rates set forth in this Ordinance, may be amended pursuant to a resolution, duly passed by the Freeman City Council. In addition, the Freeman City Council may, in its discretion, and by resolution, add a (fuel) surcharge to any customer rate set forth in this Ordinance.

Dated this 16<sup>th</sup> day of August, 2022.

(SEAL)  
ATTEST:

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Michael Walter, Mayor

First Reading: August 2, 2022  
Second Reading: August 16, 2022  
Published: August 25, 2022

### **1<sup>st</sup> Reading Ordinance 2022-08 – Parking**

Council gave 1<sup>st</sup> reading to Ordinance 2022-08 an ordinance to amend the period allowed for parking upon the streets.

### **1<sup>st</sup> Reading Ordinance 2022-07 – 2023 Budget**

Council gave 1<sup>st</sup> reading to Ordinance 2022-07 making appropriations and levying the property tax for the year 2023. \$2,700 will be moved from Parks to Tree City.

### **Lot H1 Plat**

Gering moved to approve the Lot H1 Plat to straighten the street by the corner of Plum and Main. Saarie seconded the motion. Roll call: all votes aye.

### **Resignation**

Saarie moved to accept the resignation of Cody Fransen as the wastewater supervisor effective August 19, 2022. Schoenwald seconded the motion. Roll call: all votes aye. The council would like to thank Cody for his years of service to the City of Freeman.

### **Audit Report**

The 2021 audit report was presented to the council for review.

### **Main Street Update**

Saarie moved to add water and sewer taps to the property where the elevator was located for an approximate cost of \$5890.00. Gering seconded the motion. Roll call: all votes aye.

### **Marketing & Development Report**

The marketing & development report was given to the council.

### **Other Business**

S. Waltner: Reported that Mark Harberts was added to the Tree City board.

E. Waltner: Informed the council that several individuals have asked about a Main Street celebration when the project is complete.

Saarie: Complemented the Freeman Fire Department on their event and making sure the park was spotless after the event was over. He informed the council that the new vehicles will not be delivered in 2022 and will need to be reordered. These funds will be supplemented when the vehicles are received.

Brewer: Updated the council on the sign project and requested double yellow lines on Main Street.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, September 6, 2022 at 6:30 pm.

### **Executive Session**

S. Waltner moved to go into Executive Session at 7:56 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(3) pending litigation. E. Waltner seconded the motion. All votes aye.

S. Waltner declared out of executive session at 8:12 pm.

Saarie moved to hire Cody Fransen at \$22.44/hour on a part-time as needed basis. Schoenwald seconded the motion. Roll call: all votes aye.

**Adjournment**

S. Waltner moved to adjourn at 8:13 pm. Schoenwald seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

# Council Minutes

## Regular Session

### Tuesday, September 6, 2022

The Freeman City Council met in regular session on Tuesday, September 6, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Darrell Larsen, Jeff Buechler, and Carol Eisenbeis.

### Minutes

S. Waltner moved to accept the minutes of the August 16, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

### Vouchers

Saarie moved to approve the vouchers listed below. Tjaden seconded the motion. Roll call: All votes aye.

PAYROLL – FINANCE	2794.24	JOHNSON BROTHERS, liquor	238.90
PAYROLL – MARKETING	3288.08	JONATHAN SLEVIN, travel	200.92
PAYROLL – GOV'T BUILDING	277.98	KAYLEE AUCH, reimbursement	120.00
PAYROLL – POLICE	7857.14	KOERNER CONST, install climbing wall	470.41
PAYROLL – PUBLIC SAFETY	99.19	MATHESON TRI GAS, supplies	74.57
PAYROLL – STREETS	96.18	MCLEOD'S, police supplies	120.77
PAYROLL – SEWER	4961.40	MR G'S, repair	407.95
PAYROLL – REFUSE	2778.36	MUTH ELECTRIC, light repair	5103.00
PAYROLL – RECYCLE	3392.25	NATHAN SCHRAG, golf league dues	1260.00
PAYROLL – WATER	6118.33	NICOLLE TIMMERMAN, lifeguard reimb.	106.50
PAYROLL – AMBULANCE	5945.64	NORTHWESTERN ENERGY, electric & gas	10383.92
PAYROLL – PARK/POOL	9546.07	OLIVIA LEMME, lifeguard reimbursement	215.12
PAYROLL – GOLF COURSE	13772.63	ONE OFFICE, supplies	152.09
PAYROLL – LIBRARY	6705.63	PACE PAYMENT, credit card processing	20.00
MERCHANTS STATE BANK, 941 deposit	12518.01	PERFORMANCE FOOD SERVICE, resale	2990.24
SD RETIREMENT	5097.18	PEYTON MCCUNE, lifeguard reimbursement	87.50
ACH FEES, payroll & utilities	30.00	PITNEY BOWES, postage	300.00
AMAZON, library books & videos	1078.42	PITNEY BOWES, supplies	102.28
APPEARA, rugs	111.22	PLUNKETTS, pest control	334.45
AVA AMMANN, lifeguard reimbursement	65.60	PORTA PROS, portable toilet rental	150.00
AVERA, DOT drug testing	203.00	R & R PRODUCTS, golf repair	880.20
BARNES & NOBLE, library books	145.91	REPUBLIC, liquor	531.60
BEAL DISTRIBUTING, beer	741.15	REEDE CONSTRUCTION, Main St pmt #4	945184.50
BIERSCHBACH, repair	379.80	RORY HERMSEN, resale	677.30
B-Y WATER, water purchase	10937.45	ROTO-ROOTER, camera sewer	1580.00
B-Y WATER INTEREST	3168.00	RURAL MFG, repair	68.76
C & B OPERATIONS, repair	2251.93	SAARIE AUTO BODY, repair	638.25
CAMI FRANSEN, lifeguard reimbursement	106.50	SANITATION PRODUCTS, repair	1526.30
CHESTERMAN, COMPANY, drinks	175.00	SD DEPT OF HEALTH, testing	117.00
CITY OF FREEMAN, utilities	43.00	SD DEPT OF REVENUE, sales tax	4929.23
CITY OF MITCHELL LANDFILL, garbage fees	3766.08	SD LIBRARY ASSOC, conference	215.00

DAKOTA ALIGNMENT, ambulance repair	106.50	SECOND CENTURY PRINTING, publishing	337.27
DAKOTA BEVERAGE, beer	298.40	SIOUX FALLS HUMANE SOCIETY, boarding	2364.44
DAKOTA PUMP, repair	11261.25	SIOUX INTERNATIONAL, supplies	181.50
EMERGENCY MEDICAL, supplies	650.73	SOUTHEASTERN ELECTRIC, electricity	693.93
FENSEL'S ELECTRIC, supplies	291.20	SQUARE, monthly subscription	35.00
FINK LAW, legal	406.76	STERN OIL COMPANY, fuel	2070.19
FREEMAN AMBULANCE, fire dept reimb	10600.00	STOCKWELL, Westward engineering	4860.00
FREEMAN LUMBER, supplies	45.95	TAYLOR FRANSEN, lifeguard reimbursement	257.00
FREEMAN REGIONAL HEALTH, nursing staff	83.67	TOTAL STOP, fuel	1468.47
FREEMAN SHOPPING CENTER, resale	1306.56	TYE FEIST, deposit refund	57.05
GOLDEN WEST, telephone service	1189.47	VANTEK, fire repair	190.00
HEIMAN, fire supplies	811.19	VERIZON, police cell phone	93.98
HELENA, spray lagoon	895.00	WEIDENBACH CONCRETE, cement	710.00
HUTCHINSON COUNTY, chip sealing	5632.10		
JAMBOREE, supplies	837.39	VOUCHERS	1067740.01
		SALARIES	67633.12
		TOTAL VOUCHERS & SALARIES	1135373.13

## Financial Report

S. Waltner moved to approve the financial report as presented. Saarie seconded the motion. Roll call: all votes aye.

## N. Olive Drive Access

Jeff Buechler, representing the Freeman Community Development Corporation, informed the council that there was a buyer interested in 2 lots along N. Olive Drive. Before purchasing, the buyer would like a guarantee that at least a gravel access road would be available at the time of construction. The council would like more information about the quality of the base where the road would be before making a decision.

## Public Input

Darrell Larsen asked if the council would be able to help with the upkeep of the cemetery. He said it has not been maintained and looks bad. Tjaden informed him that the city does not own the property and he would need to talk to the board that oversees the cemetery.

## Board of Adjustment

S. Waltner moved to go into Board of Adjustment at 6:59 pm. Tjaden seconded the motion. All votes aye. The Council was declared in session as Board of Adjustment.

### Variance Request – 829 S Walnut Street

The Board of Adjustment reviewed the application of a variance filed by Mike McCue and Anna Marinez for a corner lot fence height. They requested a corner lot fence height of 6' instead of 4' per the zoning ordinance.

In order for a variance to be approved, the board shall base its findings on evidence presented in the application, comments received from adjacent property owners and to make an affirmative decision, it must determine that the proposed variance will meet the following conditions:

- a) Denial of the variance would result in hardship to the property owner due to physical characteristics of the site;

- b) The conditions upon which an application for a variance is based are unique to the property for which the variance is sought;
- c) The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property;
- d) The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located; and
- e) The proposed variance will not jeopardize the intent and general and specific purposes of the variance ordinance.

Upon finding that the above conditions have been met, Tjaden moved for the Board of Adjustment to approve the variance of the property located at 829 S Walnut Street, City of Freeman for a corner lot fence height of 6'. Schoenwald seconded the motion. Roll call votes aye: Gering, Saarie, Schoenwald, Tjaden, E. Waltner, S. Waltner and Walter. No votes: none. Motion carries 7-0.

S. Waltner declared the Board of Adjustment adjourned at 7:04 pm.

**Resolution of Approval – Bethany Mennonite Church**

Tjaden spoke regarding the plat for Bethany Mennonite Church that was recommended for approval by the Planning & Zoning Committee.

Tjaden moved to approve the Resolution of Approval for the plat Lots 1, 2 and 3 of Outlot 36C. S. Waltner seconded the motion. Roll call: all votes aye.

**Ordinance 2022-07**

Tjaden moved to give second reading and adopt the budget ordinance 2022-07 for 2023. Saarie seconded the motion. Roll call: all votes aye.

**Ordinance 2022-07  
Second Reading of Budget Ordinance  
Fiscal Year 2023**

An ordinance making appropriations for the Fiscal year beginning January 1, 2023 and ending December 31, 2023 and levying the property tax for the year 2023.

Be it ordained by the City Council of the City of Freeman, South Dakota,  
That the following sums of money, or as much, therefore as may be authorized by law, as may be needed or deemed necessary to defray all expenses and liabilities for the City, be and the same as is hereby appropriated for the corporate purpose and objects of said City hereafter specified for the fiscal year commencing on the 1<sup>st</sup> day of January, 2023 and ending on the 31<sup>st</sup> day of December 2023.

Be it further ordained by the City Council of the City of Freeman, South Dakota  
That a summary by funds of the appropriate amounts be attached to said ordinance FY2023 and that said summary be made a part of said ordinance.

And that there is hereby levied upon all taxable property within the City of Freeman for the purpose of Providing funds to meet the expenses and liabilities of said City, herein set forth for the fiscal year 2023 a tax sufficient to raise the following amounts, which as received by the City Finance Officer, shall be credited to the following funds to-wit:

For General Fund.....\$ 571,100.00



Total Tax Levy.....\$ 571,100.00

And the City Finance Officer is hereby authorized and directed to certify said tax levy to the County Auditor of Hutchinson County, State of South Dakota, to the end that the same may be spread and assessed as provided by law.

ORDINANCE #2022-07

Budget 2023	Estimated	Cash	Estimated	Tax
Tax Supported Funds/General Fund	<u>Expense</u>	<u>Balance</u>	<u>Revenue</u>	<u>Levy</u>
Contingency Fund	40,000.00			
Mayor/Council	37,900.00			
Attorney	10,000.00			
Finance Office	64,275.00			
Insurance Bond	5,800.00			
Development & Marketing	73,525.00			
Government Building	28,200.00			
Police Department	181,800.00			
Fire Department	30,000.00			
Public Safety	6,250.00			
Streets	318,850.00			
Landfill/Recycle	69,750.00			
Memorial Park	1,900.00			
Park/Pool	108,550.00			
Golf Course	261,200.00			
Tree City	2,700.00			
Library	183,575.00			
Promoting City, Zoning, Development	13,825.00			
Liquor Operating Agreement	2,950.00			
Debt Retirement – Main St	249,200.00			
Total General Fund	1,690,250.00			
Taxes, Previous				571,100.00
Taxes, Delinquent			5,000.00	
Sales Tax City			650,000.00	
Amusement Tax			200.00	
Taxes, Penalty			4,500.00	
Beer License			600.00	
State Grants			2,200.00	
Bank Franchise Tax			7,000.00	
Port of Entry Tax			4,000.00	
Liquor Tax Reversion			9,000.00	
Motor Vehicle 5%			22,000.00	
State Hwy Bridge			19,000.00	
County Road 25%			750.00	
County Wheel			8,000.00	
Building Permit			300.00	
Drivers License Renewals			5,000.00	

Recycle Goods Sold	30,000.00
Landfill/Tipping Fees	11,000.00
Animal Licenses & Fees	300.00
Golf Course	200,000.00
Swimming Pool Fees	11,000.00
Camping Fees	1,200.00
Other Revenue	6,000.00
Interest	20,000.00
Contributions & Payments	4,000.00
Rental	20,100.00
City Owned Operating Agreement	12,000.00
Cable TV Franchise	8,000.00
Liquor Licenses	1,500.00
Sale of Fixed Assets	1,500.00
Library Fines	<u>10,000.00</u>

		\$45,000.0	\$
Total Tax Supported Budget	\$ 1,690,250.00	0	\$1,074,150.00 571,100.00
Cash Balance/Capital Outlay			
		\$45,000.0	
Total Tax & Balance	\$ 1,690,250.00	0	\$ 1,690,250.00

Budget 2023	Estimated	Cash	Estimated
Self-Supporting Funds	<u>Expense</u>	<u>Balance</u>	<u>Revenue</u>
Ambulance			
Operation	\$ 145,100.00	\$ -	\$ 145,100.00
Total	\$ 145,100.00	\$ -	\$ 145,100.00
Sewer			
Operation	\$ 454,700.00	\$ 190,000.00	\$ 264,700.00
Debt repayment	\$ 66,800.00		\$ 66,800.00
Total	\$ 521,500.00	\$ 190,000.00	\$ 331,500.00
Water			
Operation	\$ 268,600.00	\$ -	\$ 268,600.00
B-Y interest payment	\$ 38,100.00		\$ 38,100.00
Total	\$ 306,700.00	\$ -	\$ 306,700.00
Refuse			
Operation	\$ 190,000.00	\$ -	\$ 190,000.00
Total	\$ 190,000.00	\$ -	\$ 190,000.00
BBB Tax			
Operation	\$ 40,000.00	\$ 12,000.00	\$ 28,000.00
Total	\$ 40,000.00	\$ 12,000.00	\$ 28,000.00
Cemetery			
Operation	\$ 100.00	\$ -	\$ 100.00
Total	\$ 100.00	\$ -	\$ 100.00

Total Self-supporting funds	\$ 1,203,400.00	\$ 202,000.00	\$ 1,001,400.00
Total General Fund	\$ 1,690,250.00	\$ 45,000.00	\$ 1,074,150.00
Total Tax Levy	\$ -	\$ -	\$ 571,100.00
Total Tax appropriated funds	\$ 1,690,250.00	\$ 45,000.00	\$ 1,645,250.00
Total All Funds	\$ 2,893,650.00	\$ 247,000.00	\$ 2,646,650.00
Total Revenue & Cash balance			\$ 2,893,650.00

Dated this 6th day of September, 2022.

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Michael Walter, Mayor

ATTEST:

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Lisa Edelman, Finance Officer

(Seal)

First Reading: August 16, 2022

Second Reading: September 6, 2022

Published: September 15, 2022

**Ordinance 2022-08**

S. Waltner moved to give second reading and adopt ordinance 2022-08, an ordinance to amend the period allowed for parking upon the streets. Tjaden seconded the motion. Roll call: all votes aye.

AN ORDINANCE AMENDING TITLE 8, SECTION 8.0224 OF THE REVISED  
ORDINANCES OF THE CITY OF FREEMAN (1990),  
HUTCHINSON COUNTY, SOUTH DAKOTA

Be it ordained by the City of Freeman, Hutchinson County, South Dakota that Title 8, Section 8.0224 is hereby amended to read as follows:

8.0224 Seventy-Two Hour Parking:

It shall be unlawful for any person to park, or for the owner of a vehicle to permit to be parked, any vehicle for a period longer than seventy-two hours at one time, upon the streets of the City of Freeman, South Dakota.

Dated this 6<sup>th</sup> day of September, 2022.

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Michael Walter, Mayor

(SEAL)

ATTEST:

First Reading: August 16, 2022

Second Reading: September 6, 2022

Published: September 15, 2022

Effective Date: October 5, 2022

\_\_\_\_\_  
Lisa Edelman, Finance Officer

**Refuse Fuel Surcharge**

S. Waltner moved to adopt the following tiered fuel surcharge which will be in effect until modified or revoked. This surcharge will be per household and adjusted monthly based on the current fuel price on the 20<sup>th</sup> day of each month. Tjaden seconded the motion. Roll call: all votes aye.

Fuel Rate:	Resident surcharge	Rural surcharge	Olivet surcharge
\$3.00 to \$3.99	\$0.50	\$0.75	\$16.00
\$4.00 to \$4.99	\$1.00	\$1.50	\$32.00
\$5.00 to \$5.99	\$1.50	\$2.25	\$48.00
\$6.00 to \$6.99	\$2.00	\$3.00	\$64.00
\$7.00 to \$7.99	\$2.50	\$3.75	\$80.00
\$8.00 to \$8.99	\$3.00	\$4.50	\$96.00
\$9.00 to \$9.99	\$3.50	\$5.25	\$112.00

**Other Business**

Saarie: Reported that the lights for Main Street will not be available until June. Questioned if the ordinance could be changed so the council would not have to make a decision like the dog issue again.

E. Waltner: Asked about filling the dirt in the lots for the Westward View Addition as needed.

S. Waltner: Reported that the light on top of the water tower is out. He informed the council that the trailer that was tipped over in the storm should be removed. S. Waltner moved to surplus the trailer at the rubble site at no value and dispose of it. Tjaden seconded the motion. Roll call: all votes aye.

Brewer: Informed the council that both pickups have been reordered at the new state bid price.

Walter: Reported that the sludge needs to be removed at the lagoon and the aeration tubes need to be repaired. He also reported that the ambulance grant has been approved and encouraged the ambulance committee to meet to get the process started.

**Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, September 20, 2022 at 6:30 pm.

**Adjournment**

Saarie moved to adjourn at 7:48 pm. Tjaden seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, September 20, 2022**

The Freeman City Council met in regular session on Tuesday, September 20, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Carol Eisenbeis, Jeff Buechler, David Guthmiller, Kyla Guthmiller and Barbara Johnson.

**Minutes**

S. Waltner moved to accept the minutes of the September 6, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. E. Waltner seconded the motion. Roll call: all votes aye.

AFLAC, employee insurance	459.92	LEN’S AWNING & CANVAS, awning repair	3615.00
ALL YOUR CONSTRUCTION NEEDS, dog park	3264.00	MIDWEST RADAR, certification	41.00
BEAL DISTRIBUTING, beer	965.20	OFFICE ALLY, monthly subscription	35.00
BERTSCH LAW, Schild attorney	805.34	PERFORMANCE FOOD SERVICE, resale	1093.45
CARDMEMBER SERVICES, supplies	370.49	RORY HERMSEN, reimbursement supplies	403.67
CENTURY BUSINESS PRODUCTS, copy fees	101.94	SAYRE ASSOCIATES, Main St engineering	47219.54
DAKOTA BEVERAGE, beer	588.40	SD DEPT OF PUBLIC SAFETY, license renew	401.00
DAKOTA PUMP, lagoon pumps	44558.75	STOCKWELL ENGINEERS, Westward View	4860.00
INTOXIMETERS, supplies	38.00	US BANK, sewer loan pmt	16668.22
HEIMAN, fire repair	327.55	VALLEY ELECTRIC, repair	1426.05
JJ BENJI, resale	896.73	VAN DIEST SUPPLY, mosquito spray	2242.63
JOHNSON BROTHERS, liquor	336.24	WELLMARK, health insurance	15075.87
KNODEL CONTRACTORS, dirt work	6297.00		
		VOUCHER TOTAL	152090.99

**N. Olive Drive Access**

Jeff Buechler, representing the Freeman Community Development Corporation, introduced David Guthmiller to the council. Guthmiller would like to build a 15 unit storage building on N. Olive Drive. Guthmiller informed the council that if they weren’t interested in furnishing gravel for the access, he would be willing to bring in 5 loads of gravel to support this project. Tjaden moved to allow Guthmiller to construct an access road to the property he would like to purchase based on the standards of culvert size and rock size that the City will present to him, to allow him to move forward with the purchase of the property. This motion does not include the variance request which will need to be presented before building on the property. Saarie seconded the motion. Roll call: all votes aye.

**Public Input**

Barbara Johnson informed the council that the rain runs off the hospital, across the street and into her driveway. She is wondering if there is something that could be done about this. The council will look into this during a rain event.

## **1<sup>st</sup> Reading Ordinance 2022-09 – Water Rates**

Council gave 1<sup>st</sup> reading to Ordinance 2022-09 to amend the water rates ordinance.

## **Main Street Update**

Walters informed the group that the gravel is complete on Main Street and the contractor will be back next week to pour concrete. There was some discussion on Juniper Street where semis turn off the scale. A price quote will be obtained to change that area from asphalt to concrete.

## **Marketing & Development Report**

The marketing & development report was given to the council.

## **Other Business**

Gering: Reported that there is a pump at the lift station by C & B Operations that needs repair or replacement. He presented a quote for a new pump in the amount of \$3748.00. Gering moved to purchase a new submersible grinder pump from Dakota Pump in the amount of \$3748.00. Saarie seconded the motion. Roll call aye votes: Gering. No votes: Saarie, Schoenwald, Tjaden, E. Waltner and S. Waltner. Motion fails 1-5. Walters will get a complete cost estimate for the pump and installation as well as information on repairing the old pump for a spare.

Schoenwald: Asked about painting cross walks on 6<sup>th</sup> Street.

Walters: Informed the group that there are dead trees by the pool that are falling on private property. He will get someone to take care of these.

Tjaden: Asked why the handicap signs painted on Main Street don't have a blue background. The consensus was to include the blue background for these areas.

Saarie: Reported that the sealer for the aggregate is part of the contract, so the contractor will be doing that before the project is complete.

## **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, October 4, 2022 at 6:30 pm.

## **Executive Session**

S. Waltner moved to go into Executive Session at 7:17 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(3) pending litigation. E. Waltner seconded the motion. All votes aye.

S. Waltner declared out of executive session at 7:44 pm.

Tjaden moved to start the October 4<sup>th</sup> meeting at 6:00 pm with executive session to conduct an interview prior to the regular meeting time. S. Waltner seconded the motion. All votes aye.

## **Adjournment**

Saarie moved to adjourn at 7:45 pm. Schoenwald seconded motion. All votes aye.

# Council Minutes

## Regular Session

### Tuesday, October 4, 2022

The Freeman City Council met in regular session on Tuesday, October 4, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Jonathan Slevin, Paul Korn, Duane Walters, and Carol Eisenbeis.

### Minutes

S. Waltner moved to accept the minutes of the September 20, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

### Vouchers

Tjaden moved to approve the vouchers listed below. Saarie seconded the motion. Roll call: All votes aye.

PAYROLL – FINANCE	2819.24	GOLDEN WEST, telephone service	1257.08
PAYROLL – MARKETING	3313.08	GRAHAM TIRE, garbage truck tires	1977.24
PAYROLL – GOV'T BUILDING	275.38	JAMBOREE, supplies	209.90
PAYROLL – POLICE	7968.64	JOHNSON BROTHERS, liquor	227.75
PAYROLL – PUBLIC SAFETY	94.02	KEPPS, resale	912.00
PAYROLL – STREETS	93.79	KLEINSASSER, repair	75.00
PAYROLL – SEWER	6163.41	LAVONEE BROCKMUELLER, amb conference	185.00
PAYROLL – REFUSE	2789.23	MATHESON, supplies	72.55
PAYROLL – RECYCLE	3601.58	MR G'S, repair	343.95
PAYROLL – WATER	6033.39	NAPA, repair	223.98
PAYROLL – AMBULANCE	4007.13	NORTHWESTERN ENERGY, electric & gas	9227.07
PAYROLL – PARK/POOL	991.67	ONE OFFICE, supplies	26.56
PAYROLL – GOLF COURSE	13930.95	ONETIME TELECOM, text notifications	1565.89
PAYROLL – LIBRARY	6587.22	PACE PAYMENT, credit card processing	20.00
MERCHANTS STATE BANK, 941 deposit	11514.66	PEGGY WALTNER, amb conference	185.00
SD RETIREMENT	4705.00	PERFORMANCE FOOD SERVICE, resale	3221.55
ACH FEES, payroll & utilities	30.00	PITNEY BOWES, postage	306.00
AMAZON, library books & videos	846.24	PORTA PROS, portable toilet rental	150.00
APOCALYPSE FIREARMS, police supplies	299.99	R & R PRODUCTS, golf repair	1068.75
APPERA, rugs	113.06	REEDE CONSTRUCTION, Main St pmt #5	256402.50
BARNES & NOBLE, library books	83.24	REPUBLIC, liquor	106.23
BEAL DISTRIBUTING, beer	182.30	RORY HERMSEN, resale	141.07
B-Y WATER, water purchase	7762.16	RUML PLUMBING, repair	183.60
B-Y WATER INTEREST	3168.00	SAARIE AUTO BODY, repair	787.68
C & B OPERATIONS, repair	579.02	SANFORD HEALTH, amb training	1200.00
CHESTERMAN, COMPANY, drinks	200.00	SCHMIT PUMPING, septic pump	200.00
CITY OF FREEMAN, utilities	44.00	SCOTT BREWER, supplies	36.74
CITY OF MITCHELL LANDFILL, garbage fees	3845.28	SD DEPT OF HEALTH, testing	211.00
CORE & MAIN, repair	4118.29	SD DEPT OF REVENUE, sales tax	3320.55
CRYSTAL NELSON, reimbursement	88.61	SDGA, memberships	23.00
DAKOTA BEVERAGE, beer	65.90	SECOND CENTURY, publishing	709.12

DAKOTA PUMP, lift station repair	811.90	SKYLA DOWDEN, amb conference	185.00
DARLA HARRIS, supplies	35.99	SOUTHEASTERN ELECTRIC, electric	67.45
EMERGENCY MEDICAL, supplies	172.77	SQUARE, monthly subscription	35.00
FENSEL'S ELECTRIC, supplies	389.15	STERN OIL COMPANY, fuel	2289.41
FINK LAW OFFICE, legal	761.61	TURKEY RIDGE STORE, police equipment	1469.70
FIRST RATE EXCAVATE, crushed concrete	2475.29	VERIZON, police cell phone	93.80
FREEMAN ATHLETIC ASSN, contribution	5730.58	ZIMCO, supplies	1535.50
FREEMAN LUMBER, supplies	32.85		
		VOUCHERS	338308.51
		SALARIES	58668.73
		TOTAL VOUCHERS & SALARIES	396977.24

## Financial Report

S. Waltner moved to approve the financial report as presented. Tjaden seconded the motion. Roll call: all votes aye.

## Main Street Update

Paul Korn gave a financial update on the Main Street project and presented several change order items for the council to consider. Tjaden moved to approve the following change order items:

Add 9" concrete pavement on Juniper Street	\$15,162.00
Add asphalt pavement on Juniper/3 <sup>rd</sup> Street intersection	\$15,097.00
Add asphalt pavement wedge on Plum Street	\$10,806.00
Add asphalt pavement full-width to mid-block on Plum Street	\$18,846.00

Saarie seconded the motion. Roll call: all votes aye.

## Ordinance 2022-08

S. Waltner moved to give second reading and adopt ordinance 2022-09, an ordinance to amend the water rates ordinance. Tjaden seconded the motion. Roll call: all votes aye.

### AN ORDINANCE AMENDING SECTION 9.0112

Be it ordained by the City of Freeman, Hutchinson County, South Dakota that Title 9, Section 9.0112 is hereby amended to read as follows:

#### 9.0112 Water Rates

Effective July 1, 2020, the rates for the City water sold or furnished by the City of Freeman shall be increased from the previous rates as adopted in Ordinance #2020-4 and thereafter revised at the following monthly rates, to wit:

1. For any amount up to 1,000 gallons, the sum of \$16.25 per month which shall be the minimum charge; provided however that users who are certified to be a recipient of fuel assistance under the Low Income Energy Assistance Program (LIEAP) shall after application to the Municipal Finance Officer pay a monthly minimum charge of \$10.25 for the first 1,000 gallons;
2. From 1,000 gallons to 499,000 gallons per month, the sum of \$5.02 per 1,000 gallons together with the above rate;
3. For usage of 500,000 gallons and over per month, the sum of \$3.45 per 1,000 gallons, which rate shall be for all gallons used, and not cumulative with the above rates.



The City Council is authorized to make special rates with consumers using an extra-large amount of water for commercial purposes; also, to builders and contractors for water used during the construction of buildings and other projects.

The charge for water loaded into tanks or other containers at the water plant or any other authorized place shall be \$5.00 per 1,000 gallons.

The City Council may adjust any of the rates in this Section from time to time by resolution.

Dated this 4<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Michael Walter, Mayor

(SEAL)  
ATTEST:

First Reading: September 20, 2022  
Second Reading: October 4, 2022  
Published: October 13, 2022  
Effective Date: November 2, 2022

\_\_\_\_\_  
Lisa Edelman, Finance Officer

**Hwy 81 Lift Station Pump**

Gering presented quotes to purchase a new grinder pump or repair the existing pump. Gering moved to purchase a new grinder pump in the amount of \$4,828.36. Saarie seconded the motion. Roll call: all votes aye.

**Ambulance Power Load System**

A quote was presented to the council to purchase a power load system for the newer ambulance with cot upgrades for both cots. A grant through the City’s work comp carrier has been awarded to offset some of the cost for this upgrade. S. Waltner moved to purchase the power load system and cot upgrades in the amount of \$29,133.66. Saarie seconded the motion. Roll call: all votes aye.

**Rural Development Grant**

S. Waltner informed the group that the ambulance has been approved for the Rural Development grant in the amount of \$26,000 for the purchase of a chassis. S. Waltner moved to proceed with the paperwork to accept the Rural Development grant. Tjaden seconded the motion. Roll call: all votes aye.

**Resolution 2022-04 – Sales Tax Bond Amendment**

Tjaden moved to adopt the following resolution. E. Waltner seconded the motion. Roll call: all votes aye.

**RESOLUTION 2022-04 AMENDING RESOLUTION 2022-01**

WHEREAS, the City of Freeman passed Resolution No. 2022-01 on March 31, 2022 authorizing the execution, terms, issuance, sale and payment of Sales Tax Revenue Bonds, Series 2022 (the “Bonds”) in the aggregate principal amount of not to exceed \$2,800,000; and

WHEREAS, the City has determined that it would be in the best interests to obtain bond insurance on the Bonds which will result in a lower interest rate the City will pay on the Bonds; and

WHEREAS, the bond insurer requires certain language in the resolution passed authorizing the Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEMAN OF HUTCHINSON COUNTY, AS FOLLOWS:

1. This Resolution No. 2022-04 shall amend Resolution No. 2022-01 by adding the following definitions and adding Sections 10 and 11:

“Bondholder” or “Bondowners” means the person or entity having a true and legal interest in the Bonds.

“Business Day” means a day (other than a Saturday or a Sunday) on which commercial banks and foreign exchange markets settle payments in New York.

“Escrow Deposit Agreement” means an agreement that provides for the deposit of funds or securities in an escrow account.

“Insured Bonds” means the Bonds.

Section 10. Provisions Relating to Municipal Bond Insurance Policy.

- (a) "Insurance Policy" shall be defined as follows: "the insurance policy issued by the Insurer guaranteeing the scheduled payment of principal of and interest on the Insured Bonds when due". "Insurer" shall be defined as follows: "Assured Guaranty Municipal Corp., a New York stock insurance company, or any successor thereto or assignee thereof".
- (b) The Insurer shall be deemed to be the sole holder of the Insured Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Bonds insured by it are entitled to take pursuant to the Resolution pertaining to (i) defaults and remedies and (ii) the duties and obligations of the Paying Agent. In furtherance thereof and as a term of the Resolution and each Bond, the Paying Agent and each Bondholder appoint the Insurer as their agent and attorney-in-fact and agree that the Insurer may at any time during the continuation of any proceeding by or against the Issuer under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding") direct all matters relating to such Insolvency Proceeding, including without limitation, (A) all matters relating to any claim or enforcement proceeding in connection with an Insolvency Proceeding (a "Claim"), (B) the direction of any appeal of any order relating to any Claim, (C) the posting of any surety, supersedeas or performance bond pending any such appeal, and (D) the right to vote to accept or reject any plan of adjustment.

In addition, the Paying Agent and each Bondholder delegate and assign to the Insurer, to the fullest extent permitted by law, the rights of the Paying Agent and each Bondholder in the conduct of any Insolvency Proceeding, including, without limitation, all rights of any party to an adversary proceeding or action with respect to any court order issued in connection with any such Insolvency Proceeding. Remedies granted to the Bondholders shall expressly include mandamus.

- (c) The maturity of Bonds insured by the Insurer shall not be accelerated without the consent of the Insurer and in the event the maturity of the Insured Bonds is accelerated, the Insurer may elect, in its sole discretion, to pay accelerated principal, and interest accrued on such principal, to the date of acceleration (to the extent unpaid by the Issuer) and the Paying Agent shall be required to accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Insurer's obligations under the Insurance Policy with respect to such Insured Bonds shall be fully discharged.
- (d) No grace period for a covenant default shall exceed 30 days or be extended for more than 60 days, without the prior written consent of the Insurer. No grace period shall be permitted for payment defaults.
- (e) The Insurer shall be included as a third-party beneficiary to the Resolution.

- (f) The exercise of any provision of the Resolution which permits the purchase of Insured Bonds in lieu of redemption shall require the prior written approval of the Insurer if any Bond so purchased is not cancelled upon purchase.
- (g) Any amendment, supplement, modification to, or waiver of, the Resolution or any other transaction document, including any underlying security agreement (each a "Related Document"), that requires the consent of Bondowners or adversely affects the rights and interests of the Insurer shall be subject to the prior written consent of the Insurer.
- (h) Unless the Insurer otherwise directs, upon the occurrence and continuance of an Event of Default or an event which with notice or lapse of time would constitute an Event of Default, amounts on deposit in the Construction Fund shall not be disbursed, but shall instead be applied to the payment of debt service or redemption price of the Insured Bonds.
- (i) The rights granted to the Insurer under the Resolution or any other Related Document to request, consent to or direct any action are rights granted to the Insurer in consideration of its issuance of the Insurance Policy. Any exercise by the Insurer of such rights is merely an exercise of the Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit, or on behalf, of the Bondholders and such action does not evidence any position of the Insurer, affirmative or negative, as to whether the consent of the Bondowners or any other person is required in addition to the consent of the Insurer.
- (j) Only (1) cash, (2) non-callable direct obligations of the United States of America ("Treasuries"), (3) evidences of ownership of proportionate interests in future interest and principal payments on Treasuries held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying Treasuries are not available to any person claiming through the custodian or to whom the custodian may be obligated, (4) subject to the prior written consent of the Insurer, pre-refunded municipal obligations rated "AAA" by S&P and Kroll, respectively, or (5) subject to the prior written consent of the Insurer, securities eligible for "AAA" defeasance under then existing criteria of S & P or any combination thereof, shall be used to effect defeasance of the Insured Bonds unless the Insurer otherwise approves.

To accomplish defeasance, the Issuer shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Insured Bonds in full on the maturity or redemption date ("Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Insured Bonds are no longer "Outstanding" under the Resolution and (iv) a certificate of discharge of the Paying Agent with respect to the Insured Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the Issuer, Paying Agent and Insurer. The Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

Insured Bonds shall be deemed "Outstanding" under the Resolution unless and until they are in fact paid and retired or the above criteria are met.

- (k) Amounts paid by the Insurer under the Insurance Policy shall not be deemed paid for purposes of the Resolution and the Insured Bonds relating to such payments shall remain Outstanding and continue to be due and owing until paid by the Issuer in accordance with the Resolution. The Resolution shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full or duly provided for.

(I) Claims Upon the Insurance Policy and payments by and to the Insurer.

If, on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent, after making all transfers and deposits required under the Resolution, moneys sufficient to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Paying Agent shall give notice to the Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Paying Agent shall make a claim under the Insurance Policy and give notice to the Insurer and the Insurer's fiscal agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Insured Bonds and the amount required to pay principal of the Insured Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second Business Day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Paying Agent shall designate any portion of payment of principal on Insured Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Insured Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Assured Guaranty Municipal Corp., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Bond or the subrogation rights of the Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Insurance Policy, the Paying Agent shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Bondholders in the same manner as principal and interest payments are to be made with respect to the Insured Bonds under the sections hereof regarding payment of Insured Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything herein to the contrary, the Issuer agrees to pay to the Insurer (i) a sum equal to the total of all amounts paid by the Insurer under the Insurance Policy (the "Insurer Advances"); and (ii) interest on such Insurer Advances from the date paid by the Insurer until payment thereof in full, payable to the Insurer at the Late Payment Rate per annum (collectively, the "Insurer Reimbursement Amounts"). "Late Payment Rate" means the lesser of (a) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Insured Bonds and (b) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed

over a year of 360 days. The Issuer hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Pledged Revenues and payable from such Pledged Revenues on a parity with debt service due on the Insured Bonds.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent. Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Insurer.

- (m) The Insurer shall, to the extent it makes any payment of principal of or interest on the Insured Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Insurance Policy (which subrogation rights shall also include the rights of any such recipients in connection with any Insolvency Proceeding). Each obligation of the Issuer to the Insurer under the Related Documents shall survive discharge or termination of such Related Documents.
- (n) The Issuer shall pay or reimburse the Insurer any and all charges, fees, costs and expenses that the Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in any Related Document; (ii) the pursuit of any remedies under the Resolution or any other Related Document or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, the Resolution or any other Related Document whether or not executed or completed, or (iv) any litigation or other dispute in connection with the Resolution or any other Related Document or the transactions contemplated thereby, other than costs resulting from the failure of the Insurer to honor its obligations under the Insurance Policy. The Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Resolution or any other Related Document.
- (o) After payment of reasonable expenses of the Paying Agent, the application of funds realized upon default shall be applied to the payment of expenses of the Issuer or rebate only after the payment of past due and current debt service on the Insured Bonds.
- (p) The Insurer shall be entitled to pay principal or interest on the Insured Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Issuer (as such terms are defined in the Insurance Policy) and any amounts due on the Insured Bonds as a result of acceleration of the maturity thereof, whether or not the Insurer has received a Notice of Nonpayment (as such terms are defined in the Insurance Policy) or a claim upon the Insurance Policy.
- (q) The notice address of the Insurer is: Assured Guaranty Municipal Corp., 1633 Broadway, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No. 222333-N, Telephone: (212) 974-0100; Telecopier: (212) 339-3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."
- (r) The notice address of the Insurer is: Assured Guaranty Municipal Corp., 1633 Broadway, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No. 222333-R, Telephone: (212) 974-0100; Telecopier: (212) 339-3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."
- (s) The Insurer shall be provided with the following information by the Issuer or Paying Agent, as the case may be:
  - (i) Annual audited financial statements within 365 days (or such longer period

agreed to by Insurer) after the end of the Issuer's fiscal year (together with a certification of the Issuer that it is not aware of any default or Event of Default under the Resolution), and the Issuer's annual budget within 30 days after the approval thereof together with such other information, data or reports as the Insurer shall reasonably request from time to time;

- (ii) Notice of any default known to the Paying Agent or Issuer within five Business Days after knowledge thereof;
- (iii) Prior notice of the advance refunding or redemption of any of the Insured Bonds, including the principal amount, maturities and CUSIP numbers thereof;
- (iv) Notice of the resignation or removal of the Paying Agent and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;
- (v) Notice of the commencement of any proceeding by or against the Issuer commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");
- (vi) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Insured Bonds;
- (vii) A full original transcript of all proceedings relating to the execution of any amendment, supplement, or waiver to the Related Documents; and
- (viii) All reports, notices and correspondence to be delivered to Bondholders under the terms of the Related Documents.

In addition, to the extent that the Issuer has entered into a continuing disclosure agreement, covenant or undertaking with respect to the Insured Bonds, all information furnished pursuant to such agreements shall also be provided to the Insurer, simultaneously with the furnishing of such information.

- (t) The Insurer shall have the right to receive such additional information as it may reasonably request.
- (u) The Issuer will permit the Insurer to discuss the affairs, finances and accounts of the Issuer or any information the Insurer may reasonably request regarding the security for the Insured Bonds with appropriate officers of the Issuer and will use commercially reasonable efforts to enable the Insurer to have access to the facilities, books and records of the Issuer on any business day upon reasonable prior notice.
- (v) The Issuer shall notify the Insurer of any failure of the Issuer to provide notices, certificates and other information under the transaction documents.
- (w) Notwithstanding satisfaction of the other conditions to the issuance of Additional Bonds set forth in the Resolution, no such issuance may occur if an Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) exists unless such default shall be cured upon such issuance, except when otherwise permitted by the Insurer.
- (x) In determining whether any amendment, consent, waiver or other action to be taken, or any failure to take action, under the Resolution would adversely affect the security for the Insured Bonds or the

rights of the Bondholders, the Paying Agent shall consider the effect of any such amendment, consent, waiver, action or inaction as if there were no Insurance Policy.

No contract shall be entered into or any action taken by which the rights of the Insurer or security for or sources of payment of the Insured Bonds may be impaired or prejudiced in any material respect except upon obtaining the prior written consent of the Issuer.

#### Section 11. Provisions Relating to the Reserve Policy.

(a) The Issuer shall repay any draws under the Reserve Policy and pay all related reasonable expenses incurred by the Insurer and shall pay interest thereon from the date of payment by the Insurer at the Late Payment Rate. "Late Payment Rate" means the lesser of (x) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in the City of New York, as its prime or base lending rate ("Prime Rate") (any change in such Prime Rate to be effective on the date such change is announced by JPMorgan Chase Bank) plus 5%, and (ii) the then-applicable highest rate of interest on the Bonds and (y) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. In the event JPMorgan Chase Bank ceases to announce its Prime Rate publicly, Prime Rate shall be the publicly announced prime or base lending rate of such national bank as the Insurer shall specify. If the interest provisions of this subparagraph (a) shall result in an effective rate of interest which, for any period, exceeds the limit of the usury or any other laws applicable to the indebtedness created herein, then all sums in excess of those lawfully collectible as interest for the period in question shall, without further agreement or notice between or by any party hereto, be applied as additional interest for any later periods of time when amounts are outstanding hereunder to the extent that interest otherwise due hereunder for such periods plus such additional interest would not exceed the limit of the usury or such other laws, and any excess shall be applied upon principal immediately upon receipt of such moneys by the Insurer, with the same force and effect as if the Issuer had specifically designated such extra sums to be so applied and the Insurer had agreed to accept such extra payment(s) as additional interest for such later periods. In no event shall any agreed-to or actual exaction as consideration for the indebtedness created herein exceed the limits imposed or provided by the law applicable to this transaction for the use or detention of money or for forbearance in seeking its collection.

Repayment of draws and payment of expenses and accrued interest thereon at the Late Payment Rate (collectively, "Policy Costs") shall commence in the first month following each draw, and each such monthly payment shall be in an amount at least equal to 1/12 of the aggregate of Policy Costs related to such draw.

Amounts in respect of Policy Costs paid to the Insurer shall be credited first to interest due, then to the expenses due and then to principal due. As and to the extent that payments are made to the Insurer on account of principal due, the coverage under the Reserve Policy will be increased by a like amount, subject to the terms of the Reserve Policy. The obligation to pay Policy Costs shall be secured by a valid lien on all revenues and other collateral pledged as security for the Bonds (subject only to the priority of payment provisions set forth under the Resolution).

All cash and investments in the debt service reserve fund established for the Bonds (the "Reserve Fund") shall be transferred to the debt service fund for payment of debt service on Bonds before any drawing may be made on the Reserve Policy or any other credit facility credited to the Reserve Fund in lieu of cash (herein, a "Credit Facility"). Payment of any Policy Costs shall be made prior to replenishment of any such cash amounts. Draws on all Credit Facilities (including the Reserve Policy) on which there is available coverage shall be made on a pro-rata basis (calculated by reference to the coverage then available thereunder) after applying all available cash and investments in the Reserve Fund. Payment of Policy Costs and reimbursement of amounts with respect to other Credit Facilities shall be made on a pro-rata basis prior to replenishment of any cash drawn from the Reserve Fund. For the avoidance of doubt, "available coverage" means the coverage then available for disbursement pursuant to the terms of the applicable alternative credit instrument without

regard to the legal or financial ability or willingness of the provider of such instrument to honor a claim or draw thereon or the failure of such provider to honor any such claim or draw.

(b) If the Issuer shall fail to pay any Policy Costs in accordance with the requirements of subparagraph (a) hereof, the Insurer shall be entitled to exercise any and all legal and equitable remedies available to it, including those provided under the Resolution other than (i) acceleration of the maturity of the Bonds or (ii) remedies which would adversely affect owners of the Bonds.

(c) The Resolution shall not be discharged until all Policy Costs owing to the Insurer shall have been paid in full. The Issuer's obligation to pay such amounts shall expressly survive payment in full of the Bonds.

(d) The Issuer shall include any Policy Costs then due and owing the Insurer in the calculation of the additional bonds test and the rate covenant in the Resolution.

(e) The Paying Agent shall ascertain the necessity for a claim upon the Reserve Policy in accordance with the provisions of subparagraph (a) hereof and provide notice to the Insurer in accordance with the terms of the Reserve Policy at least five Business Days prior to each date upon which interest or principal is due on the Bonds. Where deposits are required to be made by the Issuer with the Paying Agent to the Debt Service Fund for the Bonds more often than semi-annually, the Paying Agent shall give notice to the Insurer of any failure of the Issuer to make timely payment in full of such deposits within two Business Days of the date due.

2. All other provisions of Resolution No. 2022-01 remain in full force and effect subject to the amendment.

3. This Bond Resolution shall take effect upon passage for the terms were authorized in Resolution No. 2022-01 which is in effect.

Approval was moved by Tjaden, seconded by E. Waltner and upon vote being taken the following voted AYE: Gering, Saarie, Schoenwald, Tjaden, E. Waltner and S. Waltner and the following voted NAY:

Dated this 4<sup>th</sup> day of October, 2022.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

### **Custodian Hire**

Schoenwald moved to hire Anna Munkvold as the custodian for the community center effective September 27, 2022 at \$18.00/hour. E. Waltner seconded the motion. Roll call: all votes aye.

### **Other Business**

Saarie: Asked if a double gate could be added to the dog park entrance possibly next year. Informed the group that the street committee looked into the water coming across the street from the hospital emergency entrance and recommended that the drain spout be changed to help eliminate the immediate rush of water. This area will need to be engineered to get a permanent fix for the problem. He also recommended that the access for the construction on N Olive Drive would be more feasible from 1<sup>st</sup> Street and will recommend that option to the builders.



Walter: Reported there are more problems at the lagoon. The operating system may need to be repaired.

**Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, October 18, 2022 at 6:30 pm.

**Adjournment**

Tjaden moved to adjourn at 7:32 pm. Saarie seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

# Council Minutes

## Regular Session

### Tuesday, October 18, 2022

The Freeman City Council met in regular session on Tuesday, October 18, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters and Carol Eisenbeis.

#### Westward View Addition

Saarie informed the council that the Freeman Community Development Corporation, Growth Foundation and council representatives met to discuss what is needed to get the lots at Westward View Addition ready to sell. He explained what has been approved by the council through bids and change orders and how much has actually been spent on the project. The remaining amount that will be spent for dirt work and building removal will not exceed the bid and change orders previously approved by the council. Saarie moved to allow the Freeman Community Development Corporation to use the shared proceeds from the sale of lots to finish the dirt work at Westward View. Schoenwald seconded the motion. Roll call aye votes: Saarie, Schoenwald, Tjaden, E. Waltner and S. Waltner. No votes: Gering. Motion carries 5-1.

Gering moved to cap expenses at Westward View Addition at the bid and change orders approved amount of \$951,650.00. Tjaden seconded the motion. Roll call: all votes aye.

Saarie left the meeting at 7:01 p.m.

#### Minutes

S. Waltner moved to accept the minutes of the October 4, 2022 regular meeting as presented. Tjaden seconded the motion. All votes aye.

#### Vouchers

Tjaden moved to approve the vouchers listed below. S. Waltner seconded the motion. Roll call: all votes aye.

AFLAC, employee insurance	459.92	PITNEY BOWES, lease	143.55
BEAL DISTRIBUTING, beer	598.10	PLUNKETT'S, pest control	99.70
CARDMEMBER SERVICES, supplies	1656.66	PORTA PROS, portable toilet rental	150.00
CENTURY BUSINESS PRODUCTS, copy fees	204.68	REEL SHARP, repair	339.54
CHESTERMAN, drinks	125.00	RORY HERMSEN, reimbursement supplies	211.00
CHS, fuel	2490.66	RUML PLUMBING, repair	80.07
CORE & MAIN, annual fee	15587.50	SCHMIT PUMPING, golf septic	250.00
DAKOTA BEVERAGE, beer	205.50	SD DEPT OF PUBLIC SAFETY, license renew	380.00
FIRST RATE EXCAVATE, crushed concrete	629.60	SDML WORK COMP, insurance	13404.00
FREEMAN SHOPPING CENTER, resale	734.75	SIoux INTERNATIONAL, repair	85.08
GEOTEK, inspection	578.00	SOUTH DAKOTA 811, locates	85.05
HEIMAN, fire equipment	1580.00	TOTAL STOP, fuel	609.53
JH DIESEL, repair	282.89	VANTEK, supplies	402.00
KEPPS, resale	380.00	VALLEY ELECTRIC, repair	122.87
MIDWEST ALARM, golf alarm	124.58	WEIDENBACH CONCRETE, crushed rock	405.00

NB GOLF, repair	210.60	WELLMARK, health insurance	15075.87
NORM'S, supplies	119.80	ZIMCO, supplies	2760.00
PERFORMANCE, food for resale	1480.61		
		VOUCHER TOTAL	62052.11

### **Payloader tires**

Gering moved to purchase Bridgestone tires for the payloader from Mr. G's Tires for the state bid amount including labor and disposal fees of \$1985.00 per tire. Tjaden seconded the motion. Roll call: all votes aye.

### **Main Street Update**

Walters informed the group there will be a couple small change orders coming for some additional concrete and asphalt.

### **Marketing & Development Report**

The marketing & development report was given to the council.

### **Other Business**

Schoenwald: Questioned whether the cross walks could be painted by the school and on 6<sup>th</sup> Street. Walters has not been able to get the paint.

Edelman: Informed the council that mowing bills have been sent to the county for assessment on the property taxes. The finance office is going to try a new collection agency for ambulance billings.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, November 1, 2022 at 6:30 pm.

### **Adjournment**

S. Waltner moved to adjourn at 7:23 pm. Tjaden seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, November 1, 2022**

The Freeman City Council met in regular session on Tuesday, November 1, 2022 at 6:30 pm at City Hall in Freeman. Council Vice President Tabitha Schoenwald called the meeting to order and the following members were present: Charles Gering, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, and Carol Eisenbeis.

**Minutes**

S. Waltner moved to accept the minutes of the October 18, 2022 regular meeting as presented. Gering seconded the motion. All votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. S. Waltner seconded the motion. Roll call: All votes aye.

PAYROLL – COUNCIL	6110.00	CHS, fuel	2136.94
PAYROLL – FINANCE	2819.24	CITY OF FREEMAN, utilities	44.00
PAYROLL – MARKETING	3313.08	CITY OF MITCHELL LANDFILL, garbage fees	3142.56
PAYROLL – GOV'T BUILDING	274.80	FENSEL'S ELECTRIC, supplies	484.14
PAYROLL – POLICE	8535.11	FINK LAW OFFICE, legal	75.06
PAYROLL – PUBLIC SAFETY	96.68	FREEMAN LUMBER, supplies	108.64
PAYROLL – STREETS	98.16	GOLDEN WEST, telephone service	1240.81
PAYROLL – SEWER	2769.86	JAMBOREE, supplies	268.62
PAYROLL – REFUSE	3103.82	LAWNS UNLIMITED, spray	181.12
PAYROLL – RECYCLE	3196.98	MATHESON, ambulance supplies	62.75
PAYROLL – WATER	6222.88	MR G'S, repair	36.00
PAYROLL – AMBULANCE	4074.43	NORTHWESTERN ENERGY, electric & gas	7538.28
PAYROLL – PARK/POOL	545.24	PACE PAYMENT, credit card processing	20.00
PAYROLL – GOLF COURSE	11218.11	PERFORMANCE FOOD SERVICE, resale	676.05
PAYROLL – LIBRARY	6566.15	PHILIPS, supplies	29.90
PAYROLL – COMMUNITY CENTER	504.00	PITNEY BOWES, postage	301.50
PAYROLL – ECONOMIC DEVELOPMENT	220.00	REEDE CONSTRUCTION, Main St pmt #6	942218.52
MERCHANTS STATE BANK, 941 deposit	11011.14	RORY HERMSEN, resale	46.21
SD RETIREMENT	4753.74	SCHMIT PUMPING, septic pump	450.00
ACH FEES, payroll & utilities	30.00	SD DEPT OF HEALTH, testing	30.00
ALEX WOLLMANN EXCAVATING, repair	2701.77	SD DEPT OF REVENUE, sales tax	2627.53
AMAZON, library books & videos	727.03	SD PUBLIC ASSURANCE, insurance	61910.30
APOCALYPSE FIREARMS, supplies	419.99	SD WATER & WASTEWATER ASSOC, dues	10.00
APPERA, rugs	113.06	SECOND CENTURY PRINTING, publishing	562.04
BANYON DATA SYSTEMS, annual support	3600.00	SIoux INTERNATIONAL, repair	123.91
BARNES & NOBLE, library books	59.13	SOUTHEASTERN ELECTRIC, electric	1639.37
B-Y WATER, water purchase	7158.91	SQUARE, monthly subscription	35.00
B-Y WATER INTEREST	3168.00	VERIZON, police cell phone	93.74
C & B OPERATIONS, repair	536.07		
CENTRAL STATES WIRE, supplies	1238.00		
		VOUCHERS	1061609.83

SALARIES	59668.54
TOTAL VOUCHERS & SALARIES	1121278.37

### **Financial Report**

Tjaden moved to approve the financial report as presented. Gering seconded the motion. Roll call: all votes aye.

### **Alcohol License Renewals**

Gering moved to approve the off-sale liquor license for Freeman Shopping Center, the on-sale/off-sale wine license for Dollar General, the on-sale liquor license for Hootz, the off-sale liquor license for Hootz, the off-sale liquor license for Casey's, the on-sale liquor license for Brickhouse Lounge and the on-sale liquor license for Valley View Golf Course for 2023. E. Waltner seconded the motion. Roll call: all votes aye.

### **Custodian Resignation**

S. Waltner moved to accept the resignation of Gregg Uecker as custodian effective October 30, 2022. Tjaden seconded the motion. Aye votes: Schoenwald, Tjaden, E. Waltner and S. Waltner. No votes: Gering. The council would like to thank Gregg for his years of service to the City of Freeman.

### **Other Business**

Tjaden: Asked when the golf course clubhouse would be ready to close for the season. Tjaden moved to close the golf course clubhouse on November 6, 2022. E. Waltner seconded the motion. All votes aye.

Gering: Questioned if an additional day could be added each month for driver's license renewals. Edelman will have the library check with the state to see if this would be possible.

S. Waltner: Asked who would be responsible for the snow removal on the sidewalks on Main Street. A letter will be sent to all Main Street businesses outlining the timeframe for snow removal in front of their business.

### **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, November 15, 2022 at 6:30 pm.

### **Adjournment**

Tjaden moved to adjourn at 6:43 pm. S. Waltner seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Tabitha Schoenwald, Vice President

**Council Minutes**  
**Regular Session**  
**Tuesday, November 15, 2022**

The Freeman City Council met in regular session on Tuesday, November 15, 2022 at 6:30 pm at City Hall in Freeman. President Blaine Saarie called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Duane Walters and Carol Eisenbeis.

**Minutes**

S. Waltner moved to accept the minutes of the November 1, 2022 regular meeting as presented. Tjaden seconded the motion. Roll call: all votes aye.

**Vouchers**

Tjaden moved to approve the vouchers listed below. Schoenwald seconded the motion. Roll call: all votes aye.

AFLAC, employee insurance	459.92	PLUNKETT'S, pest control	95.70
CARDMEMBER SERVICES, supplies	1686.06	PORTA PROS, portable toilet rental	150.00
CENTURY BUSINESS PRODUCTS, copy fees	124.18	RUML PLUMBING, repair	873.02
CHESTERMAN, drinks	75.00	SAARIE AUTO BODY, repair	20.46
DAKOTA PUMP, lift station repair	3890.79	SAYRE ASSOCIATES, Main St engineering	99724.25
EMERGENCY MEDICAL PRODUCTS, supplies	1293.85	SCOTT BREWER, reimbursement	80.48
FREEMAN SHOPPING CENTER, resale	812.48	SD DEPT OF PUBLIC SAFETY, license renew	352.00
HERBERTH VINALES, deposit refund	200.00	SD MUNICIPAL LEAGUE, annual dues	1504.32
HERITAGE PHARMACY, supplies	9.49	S & S WILLERS, sand	1093.39
JANET CHRISTENSEN, amb conference	220.26	STAN HOUSTON, rental	570.00
KLEINSASSER ENTERPRISES, tree trimming	750.00	STERN OIL COMPANY, fuel	1954.10
LAWNS UNLIMITED, winterize sprinklers	85.00	STRYKER, repair	824.00
LORI UECKER, amb conference	185.00	STUCKY'S ELECTRIC, repair	70.36
MATHESON, supplies	74.57	TOTAL STOP, fuel	830.06
MILLER CONSULTING, computer repair	260.00	WELLMARK, health insurance	15075.87
OFFICE ALLY, monthly subscription	35.00		
PEGGY WALTNER, reimbursement	35.26		
		VOUCHER TOTAL	133414.87

**Surplus Police Light Bar**

Gering moved to surplus the light bar that was removed from the police truck and donate it to the Freeman Fire Department. S. Waltner seconded the motion. All votes aye.

**1<sup>st</sup> Reading Ordinance 2022-10 – Supplemental Budget**

Council gave 1<sup>st</sup> reading to Ordinance 2022-10 to supplement the golf course, library, economic development and street departments and water and sewer funds.

**Driver's License Renewals**

The council was in agreement that an additional day should be added each month for driver's license renewals and recommended that the 3<sup>rd</sup> Tuesday be added.

## **Main Street Update**

The council was given a letter from Reede Construction requesting a time extension to finish the seeding and pavements markings when the temperature improves. Tjaden moved to remove the seeding and remaining pavement markings from the contract and hire someone next spring for these items. Gering seconded the motion. Roll call: all votes aye. The contract was not extended since the items needing the extension were eliminated.

A letter was also presented to the council from Reede Construction requesting an 8 day time extension be added to phase I of the contract due to cement shortages. Schoenwald moved to add an 8 day time extension to the phase I contract. E. Waltner seconded the motion. Roll call: all votes aye.

## **Main Street Sidewalk Snow Removal**

Saarie informed the group that some business owners have questioned the times for the snow removal and that a letter with the ordinance was distributed to all business owners along Main Street.

## **Marketing & Development Report**

The marketing & development report was given to the council.

## **Other Business**

Tjaden: Informed the council that residents were not aware that garbage would be picked up on a holiday and missed the pickup. The residents will be notified going forward.

S. Waltner: Reported that the shed at the rubble site needs to be replaced. He will get some price estimates for the next meeting.

E. Waltner: Attended the golf course board meeting and informed the council that the board is still looking for a replacement Cushman for the golf course.

Saarie: Informed the council that the reason asphalt was placed at the north end of Main Street is because it is the County right of way.

## **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, December 6, 2022 at 6:30 pm.

## **Executive Session**

S. Waltner moved to go into Executive Session at 7:13 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(4) contract negotiation. Schoenwald seconded the motion. All votes aye.

S. Waltner declared out of executive session at 8:28 pm.

Tjaden moved to increase the amount for the lease for the fitness center to \$1500.00 per month. E. Waltner seconded the motion. All votes aye.

## **Adjournment**

E. Waltner moved to adjourn at 8:29 pm. Schoenwald seconded motion. All votes aye.

**Council Minutes**  
**Regular Session**  
**Tuesday, December 6, 2022**

The Freeman City Council met in regular session on Tuesday, December 6, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Duane Walters, Carol Eisenbeis, Scott Stern, Ron Stover, Richard Hammond and Todd VanMaanen.

**Minutes**

S. Waltner moved to accept the minutes of the November 15, 2022 regular meeting as presented. Saarie seconded the motion. All votes aye.

**Vouchers**

Saarie moved to approve the vouchers listed below. Tjaden seconded the motion. Roll call: All votes aye.

PAYROLL – FINANCE	2819.24	FIRST BANK & TRUST, origination fee	1000.00
PAYROLL – MARKETING	3313.08	GOLDEN WEST, telephone service	832.75
PAYROLL – GOV'T BUILDING	175.02	JAMBOREE, supplies	111.07
PAYROLL – POLICE	8130.84	KLEINSASSER HTG, repair	335.00
PAYROLL – PUBLIC SAFETY	91.81	KNODEL CONTRACTORS, dirt work	30664.47
PAYROLL – STREETS	90.44	LAWNS UNLIMITED, spray	500.00
PAYROLL – SEWER	2542.32	LAWNS UNLIMITED LANDSCAPING, repair	1686.48
PAYROLL – REFUSE	3088.09	MATHESON, ambulance supplies	72.55
PAYROLL – RECYCLE	3329.12	MR G'S, repair	7870.95
PAYROLL – WATER	5874.27	NORTHWESTERN ENERGY, electric & gas	7704.64
PAYROLL – AMBULANCE	4513.74	ONE OFFICE, supplies	142.50
PAYROLL – PARK/POOL	426.38	PACE PAYMENT, credit card processing	20.00
PAYROLL – GOLF COURSE	8099.08	PITNEY BOWES, postage	301.50
PAYROLL – LIBRARY	6704.48	PLUNKETT'S, pest control	95.70
PAYROLL – COMMUNITY CENTER	409.50	RORY HERMSEN, allocation	8055.87
MERCHANTS STATE BANK, 941 deposit	9200.19	RYAN JOHNSON, water overpayment	142.56
SD RETIREMENT	4750.38	SANITATION PRODUCTS, repair	32.24
ACH FEES, payroll & utilities	40.00	SD DEPT OF HEALTH, testing	30.00
AMAZON, library books	12.98	SD DEPT OF REVENUE, sales tax	1405.98
APPEARA, rugs	113.06	SD GOV'T FINANCE OFFICER ASSOC, dues	40.00
ARROWHEAD PRODUCTS, repair	555.47	SD HUMAN RESOURCES ASSOC, dues	25.00
BARNES & NOBLE, library books	106.30	SD STREET MAINTENANCE ASSOC, dues	35.00
BONNIE TSCHETTER, supplies	23.90	SECOND CENTURY PRINTING, publishing	315.59
B-Y WATER, water purchase	5958.52	SEAFOG, annual dues	100.00
B-Y WATER INTEREST	3168.00	SIoux INTERNATIONAL, repair	2041.08
C & B OPERATIONS, repair	2950.13	SOUTHEASTERN ELECTRIC, electric	2253.74
CHS, fuel	2528.90	SQUARE, monthly subscription	35.00
CITY OF FREEMAN, utilities	44.00	S & S WILLARS, sand	1092.69
CITY OF MITCHELL LANDFILL, garbage fees	3279.84	STERN OIL COMPANY, fuel	2523.54
CMC EXCAVATION, repair	10472.47	SUPERIOR HOOD STEAMERS, cleaning	845.00



CORE & MAIN, water meters	40880.00	TOTAL STOP, fuel	1148.60
CRIMESTAR, annual support	350.00	TWO WAY SOLUTIONS, equipment	1484.00
DANKO, testing	1065.00	VERIZON, police cell phone	93.74
FENSEL'S ELECTRIC, supplies	354.02		
FINK LAW OFFICE, attorney fees	1283.18		
		VOUCHERS	160173.58
		SALARIES	49607.41
		TOTAL VOUCHERS & SALARIES	209780.99

**Financial Report**

Tjaden moved to approve the financial report as presented. S. Waltner seconded the motion. Roll call: all votes aye.

**Dakota Protein Solutions**

Scott Stern representing Dakota Protein Solutions asked if the City of Freeman would allow them to do an assessment of the existing wells, pumps and casings in the city to see if they have the capability to serve the water needs at the plant. If the assessment is favorable, the city could sell water to the facility until TM Rural Water updates their infrastructure to bring additional capacity to the plant. Tjaden moved to allow Dakota Protein Solutions to do an assessment on the wells in the City of Freeman at no cost to the city. E. Waltner seconded the motion. Roll call: all votes aye.

**2<sup>nd</sup> Reading Ordinance 2022-10 – Supplemental Budget**

Tjaden moved to give 2<sup>nd</sup> reading and adopt Ordinance 2022-10 to supplement the golf course, library, economic development and street departments and water and sewer funds. Saarie seconded the motion. Roll call: all votes aye.

**SUPPLEMENTAL APPROPRIATIONS ORDINANCE 2022-10**

An Ordinance providing for the Appropriations to Supplement the Golf Course department, Library department, Economic Development & Zoning department, Street department, Water fund and Sewer fund.

**BE IT ORDAINED** by the City of Freeman, Hutchinson County, South Dakota, that the following sums are supplementally appropriated to meet the obligations of the municipality.

Section I: Appropriations:

**#101 General Fund:**

**Streets 43100**

4220 Professional Services	\$ 372,000.00
4254 Street Oiling	\$ 306,762.00
4330 Improvements	\$4,393,000.00

**Golf Course 45100**

4223 Annual Dues	\$ 10,000.00
4250 Repair	\$ 12,000.00
4260 Supplies	\$ 5,000.00
4262 Materials for Resale	\$ 60,000.00
4283 Fuel	\$ 8,000.00
4266 Sales Tax	\$ 10,000.00
4330 Improvements	\$ 5,000.00

**Library 45500**

4110 Salary	\$ 20,000.00
4130 Retirement	\$ 1,500.00
4150 Group Insurance	\$ 18,000.00
4250 Repair	\$ 3,615.00

**Economic Development 46500**

4651 Economic Development	\$ 30,000.00
4653 Promoting the City	\$ 91,000.00

**Liquor Building 49900**

4250 Repair	\$ 5,000.00
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**#602 Water Fund**

4223 Annual Dues	\$ 15,000.00
4250 Repairs	\$ 18,000.00
4330 Improvements	\$ 422,637.77

**#604 Sewer Fund**

4330 Improvements	<u>\$ 189,758.45</u>
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*Total Appropriations:* \$5,996,273.22

Section II: Source of Funding:

**#101 General Fund:**

1010 Unassigned Fund Balance	\$1,883,421.46
3340 State Grants	\$ 600,000.00
3349 Other Grants	\$ 3,615.00
3461 Golf Course Income	\$ 110,000.00
3590 Sales Tax Bond	\$2,753,840.54

**#602 Water Fund**

1010 Unassigned Fund Balance	\$ 455,637.77
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**#604 Sewer Fund**

1010 Unassigned Fund Balance	\$ 74,469.17
3310 Federal Grant	\$ 115,289.28

*Total Sources of Funding:* \$5,996,273.22

SIGNED: \_\_\_\_\_

Michael Walter, Mayor

(SEAL)

ATTEST: \_\_\_\_\_

Lisa Edelman, Finance Officer

First Reading: November 15, 2022

Second Reading: December 6, 2022

Publish: December 15, 2022

## **Special Event Alcoholic Beverage Licenses**

The Council considered the application for a one day alcoholic beverage license submitted by the following:

One day on-sale malt beverage license for Saturday, January 21, 2023

Application of:

Freeman Regional Health Services

Location of:

Freeman Community Center

224 S Wipf Street

Freeman, SD 57029

No persons were at the meeting to show rejection of this application. Saarie moved to approve the one day alcoholic beverage license for Saturday, January 21, 2023. E. Waltner seconded the motion. Roll call: all votes aye.

## **Rubble Site Building**

S. Waltner presented a price quote for an 8 x 12 shed for the rubble site to replace the shed that was destroyed during the derecho. Tjaden moved to approve the purchase of an 8 x 12 shed in the amount of \$3970. Gering seconded the motion. Roll call: all votes aye.

## **Other Business**

Saarie: Asked if some drainage work could be done on the partially platted 9<sup>th</sup> Street off Stadium Drive. The water runoff from the road flows into this area and leaves a slue. The residents in this area are asking for some solution to help take care of this issue.

Walters: Informed the council that there was a water break on Poplar Street and the saddles are all bad along that street and will need to be replaced.

## **Next Meeting Date**

The next meeting of the Freeman City Council will take place on Tuesday, December 20, 2022 at 6:30 pm.

## **Executive Session**

S. Waltner moved to go into Executive Session at 7:10 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(4) contract negotiation. Saarie seconded the motion. All votes aye.

Tjaden declared out of executive session at 8:20 pm.

## **Adjournment**

Tjaden moved to adjourn at 8:20 pm. Saarie seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor

**Council Minutes**  
**Regular Session**  
**Tuesday, December 20, 2022**

The Freeman City Council met in regular session on Tuesday, December 20, 2022 at 6:30 pm at City Hall in Freeman. Mayor Michael Walter called the meeting to order and the following members were present: Charles Gering, Blaine Saarie, Tabitha Schoenwald, Clifford Tjaden, Elizabeth Waltner and Steve Waltner. Also attending were Finance Officer Lisa Edelman, Scott Brewer, Duane Walters, Carol Eisenbeis, Cole Gebhart and Paul Korn.

**Minutes**

S. Waltner moved to accept the minutes of the December 6, 2022 regular meeting as presented. Saarie seconded the motion. Roll call: all votes aye.

**Main Street Update**

Paul Korn presented a final quantities change order in the amount of \$28,496.53. He stated the overall project came in very close to the original contract amount. Tjaden informed Korn that the water/ice is backing up on the street in front of the Brickhouse Lounge and would like them to take a look at this area. Tjaden moved to accept change order #3 – final adjustments to the plan quantities to match the final in place field quantities – for an increase in the amount of \$28,496.53. Schoenwald seconded the motion. Roll call: all votes aye.

**Vouchers**

S. Waltner moved to approve the vouchers listed below. E. Waltner seconded the motion. Roll call: all votes aye.

AFLAC, employee insurance	459.92	MILLER CONSULTING, computer repair	615.00
C & B OPERATIONS, repair	36.63	OFFICE ALLY, monthly subscription	35.00
CAROL EISENBEIS, reimbursement	352.79	ONE OFFICE, supplies	68.80
CARDMEMBER SERVICES, library books	1200.57	OPLINGER ABSTRACT, subscription	100.00
CENTURY BUSINESS PRODUCTS, copy fees	156.04	PRINTED IMPRESSIONS, supplies	445.50
CMC EXCAVATION, water line leak	2142.86	R & R PRODUCTS, repair	62.94
CNH INDUSTRIAL, repair	1859.75	REEDE CONSTRUCTION, Main St final pmt	650906.37
CORE & MAIN, locator	950.00	RURAL MFG, repair	808.91
EMERGENCY MEDICAL PRODUCTS, supplies	1.38	SAARIE AUTO, repair	833.27
FREEMAN SHOPPING CENTER, resale	452.82	SD DEPT OF PUBLIC SAFETY, license renew	379.00
HEIMAN, fire repair	598.69	STRYKER SALES, power load system	29133.66
KLEINSASSER HTG, repair	310.00	TWISTED METAL GARAGE, repair	800.00
LAWNS UNLIMITED, landscaping	1054.59	US BANK TRUST, lagoon loan	16668.22
MC & R POOLS, winterize wader	1194.51	WELLMARK, health insurance	15933.66
		VOUCHER TOTAL	727560.88

**Dakota Protein Solutions**

Mayor Walter informed the group that Dakota Protein Solutions would like some commitment that the city will sell them water at a negotiated price if the well assessment is favorable. Tjaden moved that the City of

Freeman will sell Dakota Protein Solutions water at a negotiated price when they are ready to buy it. S. Waltner seconded the motion. Roll call: all votes aye.

**Budget Allocation Resolution**

E. Waltner moved to adopt the Resolution of Budget Allocation. Tjaden seconded the motion. Roll call: all votes aye.

**RESOLUTION OF BUDGET ALLOCATION**

**WHEREAS** the City of Freeman hereby reallocates additional dollars to the 2022 expense funds for the Landfill/Recycle department from the Contingency department in the following amounts:

Landfill/Recycle	\$	1,000.00
Contingency	\$	(1,000.00)

**WHEREAS** additional funds are available from the Contingency department, therefore the Council desires to increase the above departments, per accepted government accounting standards in compliance with SDCL 9-21-7;

**WHEREAS** the Council seeks to distribute funds for authorized uses as needed, and furthermore;

**NOW THEREFORE BE ORDAINED** by the Council of the City of Freeman, South Dakota that budget ordinance 2021-14 be hereby supplemented to increase the departments for expenditures as needed in the amounts as necessary to meet the obligations of the municipality, shall be disbursed in accordance to the terms of this supplemental appropriation.

Dated this 20<sup>th</sup> day of December 2022

(SEAL)

SIGNED: \_\_\_\_\_  
Michael Walter, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Edelman, Finance Officer

**Advertise for Hay Bids**

S. Waltner moved to advertise for a 3 year term for hay bids at the lagoon. Saarie seconded the motion. Roll call: all votes aye.

**Utility Account Write-offs**

Edelman presented a list of utility account write-offs totaling \$4435.53. E. Waltner moved to approve the utility account write-offs in the amount of \$4435.53. S. Waltner seconded the motion. Roll call: all votes aye.

**Marketing & Development Report**

The marketing & development report was given to the council.

**Other Business**

S. Waltner: Complimented Walters on the snow removal last week.

E. Waltner: Questioned if ice melt can be put on the aggregate ribbon along the Main Street sidewalks.

Brewer: Asked if the police department can switch the police cell phones from Verizon to AT & T for no upfront costs and a less per month cost. Saarie moved to allow the police department to switch the cell phones from Verizon to AT & T at no additional cost. Schoenwald seconded the motion. Roll call: all votes aye.

### **Next Meeting Date**

Tjaden moved to have the January meeting dates on January 10 & 24, 2023 at 6:30 p.m. Saarie seconded the motion. All votes aye.

### **Executive Session**

S. Waltner moved to go into Executive Session at 7:06 pm pursuant to SDCL 1-25-2(1) personnel and SDCL 1-25-2(4) contract negotiation. E. Waltner seconded the motion. All votes aye.

Gering declared out of executive session at 8:21 pm.

S. Waltner moved to hire Robert Huber at \$21.28/hour on a part-time as needed basis. Saarie seconded the motion. Roll call: all votes aye.

Schoenwald moved to approve the following wages and salaries for 2023. S. Waltner seconded the motion. Roll call: all votes aye.

Mayor \$1575.00/quarter and \$55.00/special meeting; Council \$787.50/quarter and \$55.00/special meeting; Planning \$55.00/meeting; Scott Brewer \$25.06/hour; Jonathan Slevin \$23.04/hour; Duane Walters \$28.92/hour; Cody Fransen \$23.56/hour; Robert Huber \$21.28/hour; John Weier \$20.22/hour; Lisa Edelman \$90,000/year; Lisa Jensen \$18.93/hour; Carol Eisenbeis \$45,389/year; Anna Munkvold \$18.00/hour; John Butkus \$20.03/hour; Brian Skinner \$14.04/hour; Jim Smidt \$14.68/hour; LeAnn Kaufman \$20.58/hour; Crystal Gering Nelson \$15.79/hour; Bonnie Tschetter \$15.50/hour; Leann Schulz-Thomas \$15.50/hour; Housing Commissioner \$1000/year; Fire Chief \$1,164/year; Fire Mechanic (x3) \$345/year; Ambulance Chief \$2,400/year; Ambulance Mechanic \$299/year; Ambulance EMT \$14.76/hour plus \$50/\$80 per call

Schoenwald moved to change the fitness center lease to a one year lease at a rate of \$1100.00 per month with a 60 day notice of termination. S. Waltner seconded the motion. Roll call aye votes: Gering, Saarie, Schoenwald, E. Waltner and S. Waltner. No votes: Tjaden. Motion carries 5-1.

### **Adjournment**

Saarie moved to adjourn at 8:30 pm. Schoenwald seconded motion. All votes aye.

Lisa Edelman, Finance Officer

Michael Walter, Mayor