

**COUNCIL MINUTES  
CITY OF PARKER REGULAR MEETING  
Monday, November 13, 2023 7:00 p.m.**

The Parker City Council met in regular session on Monday, November 13, 2023 in the council room of City Hall. Members present: Council members: Harms, RBuller, JBuller, Poncelet, Kuchta, Janzen and Mayor Nolan. Other people attending: Finance Officer Jans, Tricia Erickson, Harley Ferguson, Tanya Wickstrom, Donna Rumbaugh, and Audrea Buller. Mayor Nolan declared a quorum present and called the meeting to order at 7:00 p.m.

All action in the following minutes was carried out by unanimous vote unless otherwise stated.

- 23.101 Motion by Poncelet, seconded by Kuchta to approve the October 10, 2023 regular meeting minutes. Motion carried.
- 23.102 Motion by Harms, seconded by Kuchta to approve the November claims as presented. List attached. Motion carried. October salaries: General Fund: \$35,272.40. Enterprise Fund: \$19,438.40. Total salaries: \$54,710.80.
- 23.103 Motion by Poncelet, seconded by JBuller to approve pay application #3 for Metro Construction. Motion carried.
- 23.104 Motion by Kuchta, seconded by Harms to approve the 2024 Liquor Licenses for Twisted Pines, Jones Food Center, Kelley's Bar, and TJ Kerner's. Motion carried.
- 23.105 Motion by RBuller, seconded by JBuller to approve the 2024 Law Enforcement Contract with the Turner County Sheriff Department. Motion carried.
- 23.106 Motion by Kuchta, seconded by Janzen to approve the 2024 Sioux Falls Area Humane Society Contract. Motion carried.

**RESOLUTION 23.1113.01**

**A RESOLUTION AMENDING RESOLUTION 22.03.07-1 AMENDING SEWER RATES AND TO APPROVE A SURCHARGE APPLICABLE TO USERS OF THE CITY'S WASTEWATER SYSTEM**

WHEREAS, The Parker City Council believes that it is necessary and in the best interest of the City of Parker, in order to pay all costs for the operation and maintenance of the sewer system, to amend the rates for the collection and disposal of wastewater provided by the City of Parker; and

WHEREAS, Section 8.0103 of the Parker Municipal Ordinances gives the Parker City Council the authority to revise sewer rates by Resolution of the Parker City Council; and

WHEREAS, the City has determined that it is necessary to make certain modifications and improvements to the City's wastewater system; and

WHEREAS, in order to pay for a portion of the cost of such improvements, including engineering costs, legal and financing costs, and other costs related to the Wastewater Improvement Project (C461026-02), Sanitary Sewer improvements Project (C461026-03), Wastewater Lift Station project (C461026-04), the Sanitary Sewer Improvement Project (C461026-05), and the Sanitary Sewer Improvement Project (C461026-06), the City Council has determined that it is necessary and advisable to adopt a surcharge pursuant to SDCL 9-40-15 (the "Surcharge") to repay the costs associated with the Project, including but not limited to the pledging of the Surcharge to the South Dakota Conservancy District in order to finance the Project (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED by the Parker City Council that subsection 2 will read as follows:

**SECTION 1.** The sewer rate structure will be as follows:

1. Residential service shall be set at a minimum charge of \$42.20 per month for those users who use 0-1 units\* of water per month or less, plus 75 cents per cubic unit of water used.

Residential service shall be \$47.20 per month for those users who use between 2-10 units\* of water per month plus 75 cents per cubic unit of water used.

Residential service shall be \$52.20 per month for those users who use above 10 units\* of water per month plus 75 cents per cubic unit of water used.

Commercial service shall be set at a minimum charge of \$44.20 per month for those users who use 0-10 units\* of water per month or less plus \$1.75 per cubic unit of water used.

Commercial service shall be \$49.20 per month for those users who use between 11-20 units\* of water per month plus \$1.75 per cubic unit of water used.

Commercial service shall be \$54.20 per month for those users who use above 21 units\* of water per month plus \$1.75 per cubic unit of water used.

Sewer rates will be established based on water consumption averages for the months of April and October. \*A cubic unit is equal to 100 cubic feet, or 748 gallons.

2. Six dollars (\$6.00) of the minimum monthly fee shall be classified as the Surcharge for the Wastewater Improvement Project (C461026-02). Two dollars and fifteen cents (\$2.15) shall be classified as the Surcharge for the Sanitary Sewer improvements Project (C461026-03). Two dollars and fifty cents (\$2.50) of the minimum monthly fee shall be classified as the Surcharge for the Wastewater Lift Station project (C461026-04). And Five dollars and ten cents (\$5.10) of the monthly fee shall be classified as the Surcharge for the Sanitary Sewer Improvement Project (C461026-05). And Sixteen dollars and forty-five cents (\$16.45) of the monthly fee shall be classified as the Surcharge for the Sanitary Sewer Improvement Project (C461026-06). The Surcharge rates shall be subject to adjustment from time to time by resolution of the City as necessary to repay the Project financing, in accordance with any loan agreements to be entered into the by City of and the State of South Dakota Conservancy District.
3. The revenues collected from the Surcharges shall be segregated from all other funds of the City and shall be pledged to secure the Bonds and shall be used for no purpose other than for repayment. The Bonds shall be payable solely from and secured solely by such segregated revenues, and not form the general revenues of the Wastewater System to make payments on the Bonds, but any moneys so advance shall be repaid from Surcharge collections within one year of the date of such advance.
4. The Surcharges shall automatically expire without the necessity of further action of the city upon retirement or full defeasance of the Bonds.
5. This Resolution is necessary for the immediate preservation of the public peace, health and safety, and support of the municipal government and its existing institutions and shall take effect immediately upon the passage and publication thereof pursuant to SDCL 9-19-13.

**SECTION 2.** This rate change is effective beginning with the January 1, 2024, bills due January 20, 2024.

Adopted this 13<sup>th</sup> day of November 2023.

Derek Nolan, Mayor      ATTEST: Adam Jans, Finance Officer  
Publish: November 22, 2023

23.107      Motion by Poncelet, seconded by Kuchta to approve the preceding resolution as presented.  
Motion carried.

#### **RESOLUTION 23.1113.02**

A RESOLUTION AMENDING RESOLUTION 22.03.07-2 A RESOLUTION AMENDING CITY WATER RATES AND TO APPROVE A SURCHARGE APPLICABLE TO USERS OF THE CITY'S WATER SYSTEM WHEREAS, The Parker City Council believes that it is necessary and in the best interest of the City of Parker, in order to pay all costs for the operation and maintenance of the water system, to amend the rates for the sale of water provided by the City of Parker; and

WHEREAS, Section 8.0103 of the Parker Municipal Ordinances gives the Parker City Council the authority to revise water rates by Resolution of the Parker City Council; and

WHEREAS, the City has determined that it is necessary to make certain modifications and improvements to the City's water system; and

WHEREAS, in order to pay for a portion of the cost of such improvements, including engineering costs, legal and financing costs, and other costs related to the Drinking Water Improvement Project (C462026-02), Drinking Water improvement Project (C462026-03), Drinking Water Improvement project (C462026-04), and Drinking Water Improvement project (C462026-05), the City Council has determined that it is necessary and advisable to adopt a surcharge pursuant to SDCL 9-40-15 (the "Surcharge") to repay the costs associated with the Project, including but not limited to the pledging of the Surcharge to the South Dakota Conservancy District in order to finance the Project (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED by the Parker City Council that Section 1; subsection 2, subsection 3, subsection 4, and subsection 5 will be added to read as follows:

**SECTION 1.** The water rate structure will be as follows:

1. Each resident and commercial customer shall pay a minimum monthly fee of Thirty-six dollars (\$36.00) plus six dollars and forty cents (\$6.40) per cubic unit of water used per month. A cubic unit is equal to 100 cubic feet, or 748 gallons.
2. Two dollars and fifty-five cents (\$2.55) of the minimum monthly fee shall be classified as the Surcharge for the Drinking Water Improvement Project (C462026-02). One dollar and twenty cents (\$1.20) of the minimum monthly fee shall be classified as the Surcharge for the Drinking Water improvement Project (C462026-03), Five dollars and thirty cents (\$5.30) of the minimum monthly fee shall be classified as the Surcharge for the Drinking Water Improvement project (C462026-04), and Twelve dollars and twenty-five cents (\$12.25) of the minimum monthly fee shall be classified as the Surcharge for the Drinking Water Improvement project (C462026-05). The Surcharge rates shall be subject to adjustment from time to time by resolution of the City as necessary to repay the Project financing, in accordance with any loan agreements to be entered into the by City of and the State of South Dakota Conservancy District.
3. The revenues collected from the Surcharges shall be segregated from all other funds of the City and shall be pledged to secure the Bonds and shall be used for no purpose other than for repayment. The Bonds shall be payable solely from and secured solely by such segregated revenues, and not form the general revenues of the Drinking Water System to make payments on the Bonds, but any moneys so advance shall be repaid from Surcharge collections within one year of the date of such advance.
4. The Surcharges shall automatically expire without the necessity of further action of the city upon retirement or full defeasance of the Bonds.
5. This Resolution is necessary for the immediate preservation of the public peace, health and safety, and support of the municipal government and its existing institutions and shall take effect immediately upon the passage and publication thereof pursuant to SDCL 9-19-13.

**SECTION 2.** This rate change is effective beginning with the January 1, 2024, bills due January 20, 2024.

Adopted this 13<sup>th</sup> day of November 2023.

Derek Nolan, Mayor      ATTEST: Adam Jans, Finance Officer

Publish: November 22, 2023

23.108              Motion by Harms, seconded by Janzen to approve the preceding resolution as presented. Motion carried.

RESOLUTION NO. 23.1113.03

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Parker (the “City”) has determined it is necessary to proceed with improvements to its Drinking Water System, including but not limited to the Water main Improvements – Phase 6B (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$ 2,077,000 to the Board for the Project.
2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Parker, South Dakota, this 13<sup>th</sup> day of November 2023.

APPROVED:

Mayor, Derek Nolan      Attest: Adam Jans, City Finance Officer

23.109      Motion by Poncelet, seconded by RBuller to approve the preceding resolution as presented.  
Motion carried.

RESOLUTION NO. 23.1113.04

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Parker (the “City”) has determined it is necessary to proceed with improvements to its Clean Water System, including but not limited to the Utility Improvements – Phase 6B (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$ 1,669,000 to the Board for the Project.
2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Parker, South Dakota, this 13<sup>th</sup> day of November 2023.

APPROVED:

Mayor, Derek Nolan      Attest: Adam Jans, City Finance Officer

23.110            Motion by JBuller, seconded by Kuchta to approve the preceding resolution as presented. Motion carried.

23.111            Motion by Kuchta, seconded by Poncelet to approve the updated ambulance and fire department roster. Motion carried.

Department Reports: Library Director Erickson and Finance Officer Jans gave a monthly update.

23.100            Motion by Poncelet, seconded by JBuller to go into executive session at 7:27 p.m. for the purpose of discussing personnel, consulting with legal counsel, and other matters in accordance with SDCL 1-25-2. Motion carried.

Mayor Nolan declared out of executive session at 7:52 p.m. No action was taken.

Interim Sheriff Jaime Buyten was present and introduced himself and gave the city council an update regarding the department.

23.101            Motion by Harms, seconded by Kuchta to adjourn at 8:23 p.m. Motion carried.

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Derek Nolan, Mayor

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Adam Jans, Finance Officer