

City of Colton City Council
Regular Monthly Meeting Agenda
Date: 01/12/2025 Time: 6:30 pm
Colton City Hall 309 E 4th St, Colton, SD, 57018

1) **Call to order / Roll call:**

- 2) Bunde Bunjer Evans Lyon Vande Voort Wochnick
 Pilker Pedersen

3) Approve today's Agenda and December 12/08/2025 City Council Meeting Minutes.

4) Approve January 2026 claims

5) **Public time:**

- a. Fire Department report
- b. Regional Waste Facilities Update -

6) **Public hearing(s):**

- a. Set date for hearing for Resolution No. 6-2026

7) **Department Reports/Other Business:**

- a. Banner Associates, Weston Blasius – January Engineer's Report
 - i. Review & Approval of 6th St. Drainage Improvements Change Order No. 1 for additional work items and concrete surfacing on roadway.
 - ii. Review Infrastructure Improvements Plan – Priority List
 - iii. Review & Approval of Sherman Ave. and 4th St. Sanitary Sewer Improvements Final Pay Request No. 5
 - iv. Final Close-out Letter & Submittal by Banner
- b. Council member assignments for 2026 ballpark sponsors.
- c. Minnehaha County Sherrif's monthly hours, call log, & quarterly statistics.
- d. 2025 Building permit data.
- e. 2026 Water/sewer rates, MCWC rate increase, FO is working with M.A.P. and DANR.
- f. Council to review SD Open Meetings Laws
- g. Council to review and sign Conflict of Interest Resolution #8-2017
- h. Council to review and sign Social Media Policy
- i. Council to review and sign Purchase Card Policies and Guidelines
- j. Declarations of conflict of interest for Ordinance No. 4-2025 – abstaining from the vote is Matt Wochnick and Larry Vande Voort.
- k. Finance Officer – Virtual Trainings for Election and Annual Report and Budgets.
- l. Finance Officer – Out of Office January 27 and January 28 – limited coverage.

8) **Quotes:**

- a.

9) **Ordinances, Resolutions, Policies, Motions:**

- a. Motion to approve Ordinance No. 4-2025 for the adoption of the International Property Maintenance code book for the City of Colton.
- b. Motion to approve Election Date of November 3, 2026 for the City of Colton
- c. Motion to approve Resolution #1 – 2026 Salaries
- d. Review and Motion to approve Resolution #2 – 2026 Fines & Fees
- e. Review Resolution #3-2026 Water/Sewer Utility Updates
- f. Motion to approve Resolution #4-2026 designating the official newspaper beginning January 1, 2026 through December 31, 2026.
- g. Motion to approve Resolution #5-2026 designating depositories for 2026.

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- h. Motion to approve Schoenfish to complete 2025 Annual Report.
 - i. Motion to approve Sioux Falls Area Humane Society Operations Agreement for 2026.
- 10) Executive Session (SDCL 1-25-2) personnel if needed:
- 11) **Adjournment:**
-

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Regular City Council meeting – December 8, 2025, 6:30pm at Taopi Hall

- 1) **Call to order / Roll call.** At 6:35 PM the meeting was called to order by Mayor Bunde at Taopi Hall. Council Members Bunjer, Evans, Vande Voort and Wochnick answered the roll call. Lyon was absent with cause. Finance Officer Pilker and Public Works Superintendent Pedersen were present for city staff.
- 2) **Public Time/Hearing(s):** The public was informed of the meeting at Taopi Hall for 4th St project information. Weston Blasius and Alex Welbig from Banner Associates brought poster boards and printouts of the 4th St Roadway and Utility Improvement Access Plan for the public to view. Funding, design, project dates and finalization of the project plans were discussed. Poster boards were made available to be viewed at City Hall after the meeting.
 - a. The public was invited to ask questions. A question was received regarding adequate signage for business access. A request was made for additional alley way access signage. Questions on the project budget and secured funding were received. Costs of sidewalk construction for property owners on 4th St were clarified to be part of the Grant funding and not the responsibility of the property owner in the 4th St project area. A question of contract provisions regarding project timelines and contractor penalties were discussed. It was stated that timelines could be adjusted based on justifiable weather or project delays.
 - b. The 4th St Roadway construction is expected to take place between May – October of 2026.

3) **Outstanding City business.**

A motion was made by Vande Voort and seconded by Evans to approve the meeting minutes and agenda for November 2025. Motion passed with all members voting aye. A motion was made by Wochnick and seconded by Bunjer to approve December claims. Motion passed with all members voting aye.

4) **Reports/Other Business.**

- A. Jeritt Pedersen gave the Fire Department Report: They had 1 Fire meeting, 2 Fire trainings, and 3 fire calls. 1 EMS meeting, 1 EMS training and 8 EMS calls.
- B. Weston Blasius, with Banner Associates, discussed with the council the December Engineering report. 4th St Roadway and Utility Improvements design is 90% complete. Final plans will be submitted to DOT by January 15, 2026. Council will provide Banner with Light pole options for design completion.
- C. Weston Blasius, with Banner Associates, discussed with the council the completion of the 2025 Slurry Seal project. A motion was made by Evans and seconded by Wochnick to approve the final pay request of \$94,317.75 to Asphalt Surfacing Technologies Corp. Roll call was called with all members voting aye. Motion passed.
- D. Weston Blasius, with Banner Associates, discussed with the council the completed roadway construction and concrete surface work for the 6th St drainage improvements. A motion to approve Pay Request #1 of \$36,207.27 to First Rate Excavate Inc. was made by Evans and seconded by Vande Voort. Roll call was called with all members voting aye. Motion passed.
- E. Weston Blasius, with Banner Associates, discussed with the council Phase 4 & 5 Waste Water & Storm Sewer improvements. A motion was made by Vande Voort and seconded by Bunjer to approve Change Order #3 with an increase in cost of \$2,340.75 to Alliance Construction LLC. Roll call was called with all members voting aye. Motion passed.
- F. Weston Blasius, with Banner Associates discussed with the council, Alliance LLC pay request #7 for Phase 4 & 5 Sanitary and Storm Sewer Improvement Project. A motion was made by Wochnick and seconded by Evans to withhold \$5000.00 and pay \$16,921.34 until potential Spring seeding is completed. Roll call was called with all members voting aye. Motion passed.
- G. Cole Amundson with the Colton Economic Development Group submitted their application for a donation from the city of \$25,000.00 to help continue financing the land development on the East side of Colton. They are continuing to talk to developers and recruit members.
- H. The council reviewed the monthly activity and hours for the Minnehaha County Sheriff's Office.

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- I. The council reviewed the South Dakota Association of Rural Water Systems request for nominations for board membership. Vande Voort offered to serve on the board if chosen. Nomination was sent in on Vande Voort's behalf.
- J. The council discussed the 2026 City Council meeting dates. A motion was made by Evans and seconded by Wochnick to approve meeting dates and submit for publication. Motion passed with all members voting aye.
- K. Finance Officer Pilker discussed Holiday closing dates for City Hall. City Hall will be closed on December 24th and 25th.

5) Quotes.

- A. Public Works Superintendent Pederson discussed the AED quote from Avera Heart Hospital of SD. The Lifepak AED is \$1581 with an additional \$150 for the cabinet. The AED will be mounted in the park for accessibility for the pool and ball fields during the spring and summer season and located at City Hall off season. Will continue to look into Grants and follow up at the March meeting.
- B. The council reviewed the purchase quote and lease quote from Access Systems. A motion to approve the purchase of a new copy machine of \$3,425.00 with a quarterly maintenance fee of \$258.00 was made by Bunjer and seconded by Vande Voort. Roll call was called with all members voting aye. Motion passed.
- C. The council reviewed a donation request for the 2026 Sioux Empire Water Festival. The festival promotes water education. A motion to approve a \$250.00 donation was made by Bunjer and seconded by Wochnick. Roll call was called with all members voting aye. Motion passed.
- D. Justin Koepp with Electric Construction Co. provided 4 options for roadway lighting and signage for the 4th St project. Final decision was tabled until the January 12th meeting.
- E. Finance Officer Pilker discussed the designs and purchase of custom banners and flags for the Country's 250th Celebration.

6) Ordinances, resolutions, policies, motions:

- A. A motion to consent to DSU's implementation of SecureSD for Project Boundary Fence was made by Wochnick and seconded by Vande Voort. Motion passed with all members voting aye.
- B. A motion was made by Evans and seconded by Bunjer to approve Resolution No. 16-2025 between the City of Colton and SiouxLand Library. Motion passed with all members voting aye.
- C. A motion to approve Ordinance No. 4-2025 to approve the adoption of the International Property Maintenance code book for the City of Colton was tabled for vote until the January 12th meeting.
- D. The council will review Resolution No. 1-2026 for salaries with the motion to change/approve at the January 12th meeting.

Dawn Pilker
Finance Officer

Date

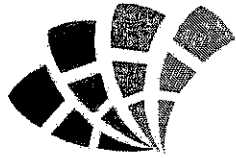
Trevor Bunde
Mayor

City Claims January 2026

Vendor	Amount	Description
Badger Meter	\$ 104.34	Water meter service fees
Banner	\$ 12,263.52	6th St Gen Eng Services/4th St Rd & Utility Services
Classic Corner	\$ 119.84	Mo - City Vehicle Fuel
Colton Economic Dev. Group	\$ 6,250.00	Qt. - 2026 1st Quarterly Payment
CorTrust Bank	\$ 104.07	Mo, NMI gateway CC processing fees
Dakota Pump	\$ 3,031.70	Inv#19215 from 4/7/25 & Inv#19343 from 5/16/25
Dollar General	\$ 43.42	PRN - Office Supplies
First Rate Excavate	\$ 36,207.27	Pay Request #1 - 6th St Drainage Project
Golden West	\$ 163.28	Mo - Telecommunication, Internet Services
Health Pool of SD	\$ 2,476.72	Employee Insurance - city portion \$1045.73
Lazy 8 LLC	\$ 5.12	Utility deposit refund -
Merchant BX8 Inc		Mo - Phone Line System
Metering and Technology	\$ 756.88	March and April '25
Mid-American Energy	\$ 517.05	Mo, Natural Gas
Minnehaha Community Water Corp	\$ 3,775.45	Mo, City Water
Minnehaha County Sheriff	\$ 8,775.00	1st Quarter Payment (Jan-Mar)
New Century Press	\$ 322.05	Mo, publication fees/subscription renewal
Raztech	\$ 545.25	Mo, IT - website maintenance Inv#2505
Reliabank	\$ 6,299.78	Mo, Payroll supplemental, 26 & 12
Reliabank	\$ 2,271.28	Mo, Payroll Taxes IRS - (941) 4th Q Re-employment
Reliabank	\$ 1,387.20	Mo, SDRS
Reliabank Visa CC	\$ 752.71	Mo, City Visa CC's
Runnings Supply Inc	\$ 183.97	PRN - Shop Supplies
SD811	\$ 6.30	Mo, Invoice #SD25-03398 Call Before you Dig
SDPAA	\$ 258.24	Loc 5-9 additional coverage inv#32045-4421
SEACOG	\$ 3,947.00	PRN - Membership dues and cost sharing Resolution#6-2024
SEAFOG	\$ 100.00	PRN - Membership Dues
Sioux Empire Water Festival	\$ 250.00	Donation
Sioux Falls Area Humane Society	\$ 62.00	PRN - Invoice #5663
Sioux Metro Growth Alliance	\$ 2,247.00	PRN - 2026 Membership Dues
Sioux Valley Energy	\$ 2,510.55	Mo, City Electricity
Taopi Community Hall	\$ 75.00	PRN - Rent for sm rm for Dec City Council Mtg
Udrive Technology		Mo, text alerts for City of Colton
Underground Connections, LLC	\$ 9,515.09	Pay Request #4 approved 12/08/25
US Bank	\$ 12,534.87	CW-02, DW-01, DW-02,
Vollan Oil	\$ 945.00	PRN - P40 Dyed Diesel Fuel
Total	\$ 118,806.95	

Reliabank Pool CD	\$ 36,225.04	9/26/25 Balance
Reliabank	\$ 843,342.69	01/01/2026 Balance
CorTrust Bank	\$ 1,233,206.01	01/01/2026 Balance

Planning & Zoning	\$ 349.93	Payroll 12
City Council	\$ 1,025.00	Payroll 12
Part-Time/Seasonal	\$ 160.27	Payroll 26 & 1
Public Works	\$ 2,283.09	Payroll 26 & 1
Finance Office	\$ 2,626.65	Payroll 26 & 1 & supplemental



SIoux METRO
GROWTH ALLIANCE

December 23, 2025

Finance Office
City of Colton
309 E Fourth St
Colton, SD 57018

The Sioux Metro Growth Alliance is proud to count the City of Colton as a member. We enjoy serving you and are committed to your economic prosperity. Included within this letter is your Membership Notice for 2026. We will be asking for \$2,247 from the City of Colton to help advance economic development and promotion efforts for your community as part of the Sioux Metro.

As you know, economic development is most certainly a team effort and we are honored to be considered part of your team. Whether it is working with your government officials or working directly with your business and development community to discuss and facilitate economic development growth, know the Sioux Metro Growth Alliance exists to serve you!

We continue to find new ways to lift up our region, build more synergy, and generate new leads for your community to consider. Sioux Metro Growth Alliance has worked hard to build up a team of staff and volunteers to assist your growth, advocate for your community, and strengthen our region overall. We don't want your community to be overlooked when a business or family is considering moving, working, or growing into our region. That's why our Alliance provides value through our network of partners, and through our research, engagement, marketing, and development efforts.

Thank you for your continued investment. If you have any questions or suggestions, please feel free to contact me anytime. We look forward to working with you again in 2026!

Best,

Tyler Tordsen
President & CEO
605-381-8105

Notice of Hearing: _____
Date of Hearing: _____
Date Adopted: _____
Date Published: _____
Date Effective: _____

Sioux Metro
Growth
Alliance

RESOLUTION NO. 6-2026

A RESOLUTION SUPPORTING REGIONAL ECONOMIC DEVELOPMENT IN THE CITY OF _____'S CAPACITY AS A PARTICIPANT IN THE SIOUX METRO GROWTH ALLIANCE AND APPOINTING A REPRESENTATIVE TO ITS MEMBERSHIP ADVISORY BOARD FOR THE 2026 CALENDAR YEAR

WHEREAS, the City of _____ (the "City") has been or desires to be a member in the Sioux Metro Growth Alliance, a South Dakota nonprofit corporation (the "Alliance"), which has served rural communities since forming on June 6, 2021 and in years prior dating back to 1990;

WHEREAS, the City, through its partnership with the Alliance, works to develop new economic opportunities and improve access to those opportunities for all residents of the Sioux Metro, including those of the City;

WHEREAS, the City, through its investment in the Alliance, supports and welcomes the Alliance's economic development programming, designed to create more investment, jobs, and opportunities, both within and without the geographic bounds of the City;

WHEREAS, the Alliance has created a Membership Advisory Board (the "Board") where its members' leaders may appoint representatives to help guide the programming of the Alliance;

WHEREAS, the City would like to exercise its option to appoint a representative and an alternate to the Board to provide guidance to the Alliance's programs throughout 2026.

NOW, THEREFORE:

BE IT RESOLVED BY THE CITY OF _____, SOUTH DAKOTA, that _____ is appointed to represent the City as its representative on the Board through December 31, 2026.

FURTHER RESOLVED, that _____ is expected to attend each regularly scheduled Board meeting and/or communicate regularly to SMGA as to represent the City's economic development interests.

FURTHER RESOLVED, that if _____ is unable to attend a Board meeting, the City appoints _____ as its alternate.

Mayor

ATTEST:

City Clerk



ENGINEERING REPORT

TO	Colton, SD
DATE	January 8, 2026
SUBJECT	Monthly Engineering Report – January 12 th Council Meeting

General Engineering - 22405.00 (Project Manager – Weston Blasius)

- Colton 6th Addition – Development Plan Review
 - No action over the past month regarding the east development
- Infrastructure Improvements Plan – Banner Proposal
 - Prepared Figure with Priority List for City Review
- 2026 Street Slurry Seal Project
 - Plan preparation completed and submitted to the City of Sioux Falls for inclusion on their area bid.
- 6th Street Drainage Improvements
 - Change Order No. 1 for additional work items and concrete surfacing on roadway.

Council Action for Consideration:

- 1) Review and Approval of 6th Street Drainage Improvements Change Order No. 1 for additional work items and concrete surfacing on roadway
- 2) Review Infrastructure Improvements Plan – Priority List

Colton 4th St Roadway and Utility Improvements - 24327.00 (Project Manager – Weston Blasius)

Project Summary:

- This project consists of sanitary sewer and watermain utility replacement, reconstruction of the roadway section and replacement of sidewalk on 4th St from Charles Ave to Minnesota Ave. This project is funded by the Community Access Grant, the Transportation Alternatives Program, ARPA, State Revolving Fund and local reserve funds.

Project Status:

- Sanitary Sewer Installation on Sherman Ave and 4th St
 - Construction has been completed on this contract
 - Final Pay Request Prepared for Council Review and Approval
- 4th St Roadway and Utility Improvements
 - Final Plans submitted to SD DOT on 12/15/2025
 - SD DOT is returning review comments on 1/12/2026
 - Next Banner submittal is January 16, 2026

Project Schedule:

- Preliminary Plan Submittal to SD DOT – August 15, 2025
- Plan Submittal to DOT/FHWA and DANR for review – October 31, 2025 (Submitted Nov. 10th)
- Ready for Bid Letting: ~~December 1, 2025~~ (Moved to January 16, 2026)

Council Action for Consideration:

- 1) Review and Approval of Sherman Ave and 4th Street Sanitary Sewer Improvements Final Pay Request No. 5. Payment contingent on receipt of all lien waivers and AIS documentation.



Colton WW Facility Plan - 24439.00 (Project Manager – Tanya Miller)

Project Summary:

- Complete a comprehensive Wastewater Facility Planning document to evaluate existing conditions of the City's wastewater facilities and provide recommendations for improvements.

Project Status:

- Banner Submitted the Final Facility Plan to DANR for Approval.

Project Schedule:

- Evaluation of Alternatives – June - August 2025
- Submit Draft Facility Plan for Review – September 19, 2025
- Submit Final Facility Plan and Present Findings to Council – September 2025
- Submit Final Facility Plan to DANR – December 2025

Council Action for Consideration: None

Colton Phase 4 and 5 WW & Storm Sewer Improvements - 23872.00 (Project Manager – Weston Blasius)

Project Summary:

- This project consisted of sanitary sewer replacement, sanitary sewer rehabilitation of manholes, sanitary sewer cast-in-place pipe and storm sewer improvements.

Project Status:

- Work on this project has been completed
- Banner prepared project close out submittal to City.

Council Action for Consideration:

- 1) Final Close out Letter and Submittal provided by Banner

Submitted By: Weston J. Blasius

Banner Associates, Inc.

Tel | 605.692.6342 Toll Free | 1.855.323.6342

www.bannerassociates.com

CHANGE ORDER NO.: 1

Owner: City of Colton
 Engineer: Banner Associates, Inc
 Contractor: First Rate Excavate, Inc
 Project: Colton 6th Street Drainage Improvements
 Contract Name: Colton 6th Str Drainage Improvements
 Date Issued: 1/8/2026

Owner's Project No.:
 Engineer's Project No.: 22405.00
 Contractor's Project No.:

Effective Date of Change Order: 1/12/2026

The Contract is modified as follows upon execution of this Change Order:

Description: Complete roadway reconstruction and concrete surfacing for approximately 640 square feet of roadway at the intersection of Charles Ave and 6th St. The additional work items include:

- Unclassified Excavation- 22 CY
- Subbase Foundation Aggregate— 30.6 Ton
- 8" PCC Pavement – 65 SY
- #9 Dowel Bars – 42 Each
- Fix Valve Box Top – 1 LS
- Remove Existing Buried Culvert – 1 LS
- Sanitary Sewer Manhole Adjustment – 1 Ea

Attachments:

Change Order No. 1 Additional Bid Items.xlsx

Change in Contract Price	Change in Contract Times [State Contract Times as either a specific date or a number of days]
Original Contract Price: \$ 39,857.00	Original Contract Times: Substantial Completion: N/A Ready for final payment: N/A
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 1: \$ N/A	[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]: Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: \$ 39,857.00	Contract Times prior to this Change Order: Substantial Completion: N/A Ready for final payment: N/A
[Increase] [Decrease] this Change Order: \$ 14,616.30	[Increase] [Decrease] this Change Order: Substantial Completion: N/A Ready for final payment: N/A
Contract Price incorporating this Change Order: \$ 54,473.30	Contract Times with all approved Change Orders: Substantial Completion: N/A Ready for final payment: N/A

	Recommended by Engineer (if required)	Authorized by Contractor
By:	<u><i>Walter V. Fawcett</i></u>	<u><i>Jason Snyders</i></u>
Title:	<u>Project Manager</u>	<u>Project Manager</u>
Date:	<u>1/8/2026</u>	<u>1/9/2026</u>
	<u>Authorized by Owner</u>	<u>Approved by Funding Agency (if applicable)</u>
By:	_____	_____
Title:	_____	_____
Date:	_____	_____

Change Order No. 1 - Additional Bid Items

Item No.	Item Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)
1	Unclassified Excavation	22	CY	\$75.00	\$1,650.00
2	Subbase Foundation Aggregate	30.6	TON	\$35.00	\$1,070.30
3	8" PCC Pavement	71	SY	\$121.00	\$8,591.00
4	#9 Dowel Bars	60	Each	\$28.00	\$1,680.00
5	Fix Valve Box Top	1	LS	\$400.00	\$400.00
6	Remove Existing Buried Culvert	1	LS	\$400.00	\$400.00
7	Sanitary Sewer Manhole Adjustment	1	Each	\$825.00	\$825.00
Total =					\$14,616.30

1	Mobilization	LS	1	\$	10,529.54	\$	10,529.54	
3	Remove Concrete Curb and Gutter	LF	5	\$	25.00	\$	125.00	
4	Remove Asphalt Concrete Pavement	SY	66	\$	15.00	\$	990.00	
5	Remove Concrete Pavement	SY	25	\$	25.00	\$	625.00	
6	Remove 12" Reinforced Concrete Pipe	LF	26	\$	25.00	\$	650.00	
7	Saw Existing Asphalt	LF	70	\$	6.60	\$	462.00	
8	Saw Existing Concrete	LF	8	\$	11.00	\$	82.50	
9	Verify Utility	EA	2	\$	100.00	\$	200.00	
10	Unclassified Excavation	CY	55	\$	75.00	\$	4,125.00	
11	Compaction – Moisture Density Test	EA	2	\$	275.00	\$	550.00	
12	Modify SF Inlet Throat	EA	1	\$	1,650.00	\$	1,650.00	
13	Adjust Manhole Casting	EA	1	\$	350.00	\$	350.00	
14	Base Course	TON	377.09	\$	23.00	\$	8,673.07	
15	Geotextile Fabric – Mirafi HP370	SY	626	\$	3.00	\$	1,878.00	
16	Reinforced Concrete Pavement, 8" Thick	SY	22	\$	145.86	\$	3,208.92	
17	Reinforced Concrete Valley Gutter, 8" Thick	SY	48	\$	140.64	\$	6,750.72	
19	Concrete Curb & Gutter	LF	5	\$	99.00	\$	495.00	
Extra	Fix Valve Box Top	LS	1	\$	400.00	\$	400.00	
Extra	Remove existing buried Culvert	LS	1	\$	400.00	\$	400.00	
Extra	3-1/2 Down	TN	30.58	\$	35.00	\$	1,070.30	
Extra	Unclassified Excavation	CY	22	\$	75.00	\$	1,650.00	
Extra	8" PCC Pavement	SY	71	\$	121.00	\$	8,591.00	
Extra	Sanitary Sewer Manhole Adjustment	EA	1	\$	825.00	\$	825.00	
Extra	# 9 Dowels	EA	60	\$	28.00	\$	1,680.00	
TOTAL							\$	55,961.05



Banner Associates, Inc.
 2307 W 57th St, Ste 102
 Sioux Falls, SD 57108
 Tel 605.692.6342
 Toll Free 855.323.6342
www.bannerassociates.com

January 6, 2026

The Honorable Trevor Bunde
 City of Colton
 PO BOX 66
 Colton, SD 57018

RE: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements

Dear Mr. Bunde:

Underground Connections, LLC has submitted Pay Request No. 5 for the Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements Project. This pay request is the final payment to be made on the project.

The date of substantial completion for this project is September 19, 2025. The contractor reached substantial completion on September 25, 2026, resulting in 4 days to be considered for liquidated damages. The liquidated damages for this project are \$1,250 per day that expires beyond the contract date.

During work on the project it was identified that trench backfill material was very wet and unstable. The contractor made an attempt to re-work the trench material and recompact but was not able to achieve stability. Banner coordinated with Geotek Engineering on September 9th and requested that they conduct an assessment of the material and provide recommendation to complete restoration of the trench. It was determined by Geotek that the material should be replaced with a more suitable clay for support of the overlying roadway. On September 15th, with approval from the City, Banner gave the contractor directive to remove the in place trench material and replace it with imported clay.

With the delay due to unsuitable trench material, Banner is recommending that liquidated damages not be assessed as the work could have been completed within the contract time if not for the time needed for Geotek to assess the material, provide recommendations and Banner to coordinate quantity and pricing for the change in work.

Banner has reviewed the pay request and recommends payment in the amount of \$12,117.18. The balance remaining after Pay Request No. 5 is \$0.00.

The payment shall be broken out between funding sources as follows:

Funding Source	Amount This Pay Request	Amount to Date
Clean Water	\$12,117.18	\$192,903.84
Total	\$12,117.18	\$192,903.84

Please let us know if you have any questions or comments.

Sincerely,

Weston J. Blasius
 Banner Associates, Inc.



Page 2

Cc: City of Colton – Dawn Pilker, Trevor Bunde, Jerrit Pedersen – Email

DANR – Bailey McTigue – Email

SECOG – Sean Hegyl - Email

Banner Associates – Spencer Gilk – Email

Banner File - F:\24327-00\Construction Phase\Pay Request\Sherman Ave and 4th St Sanitary Pay Request No. 5.pdf

Contractor's Application for Payment

Owner:	City of Colton	Owner's Project No.:	NA
Engineer:	Banner Associates, Inc.	Engineer's Project No.:	24327.00
Contractor:	Underground Connections, LLC	Contractor's Project No.:	NA
Project:	Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements		
Contract:	Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements		
Application No.:	5 (Final)	Application Date:	1/12/2026
Application Period:	From 11/7/2025	to	12/19/2025

1. Original Contract Price	\$ 198,902.25
2. Net change by Change Orders	\$ (5,998.41)
3. Current Contract Price (Line 1 + Line 2)	\$ 192,903.84
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 192,903.84
5. Retainage	
a. 0% X \$ 192,903.84 Work Completed =	\$ -
b. X \$ - Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ -
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 192,903.84
7. Less previous payments (Line 6 from prior application)	\$ 180,786.66
8. Amount due this application	\$ 12,117.18
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ -

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Underground Connections, LLC

Signature: John Peters **Date:** 01/08/2026

Recommended by Engineer		Approved by Owner	
By:	<u>Walter [Signature]</u>	By:	_____
Title:	<u>PROJECT MANAGER</u>	Title:	_____
Date:	<u>1/8/2026</u>	Date:	_____
Approved by Funding Agency			
By:	_____	By:	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

Progress Estimate - Unit Price Work

Owner: City of Colton
 Engineer: Banner Associates, Inc.
 Contractor: Underground Connections, LLC
 Project: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements
 Contract: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements

Contractor's Application for Payment

Owner's Project No.: NA
 Engineer's Project No.: 24327.00
 Contractor's Project No.: NA

Application No.: 5 (Final) Application Period: From 11/07/25 to 12/19/25 Application Date: 01/12/26

Bid Item No.	Description	Item Quantity	Units	Contract Information		Value of Bid Item (C X E) (\$)	Work Completed Estimated Quantity Incorporated in the Work (G)	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
				Unit Price (\$)	Original Contract (\$)							
1	Mobilization	1	LS			35,500.00	1.00	35,500.00		35,500.00	100%	
2	Traffic Control Signs	136.5	LS			614.25	136.50	614.25		614.25	100%	
3	Traffic Control, Miscellaneous	1	Each			3,685.00	1.00	3,685.00		3,685.00	100%	
4	Type 2 Barricade	4	Each			176.00	4.00	176.00		176.00	100%	
5	Type 3 Barricade, 6' Double Sided	5	Each			660.00	5.00	660.00		660.00	100%	
6	Type 3 Barricade, 8' Double Sided	13	Each			1,716.00	13.00	1,716.00		1,716.00	100%	
7	Placing Contractor Furnished Topsoil	2	CY			60.00	4.00	120.00		120.00	200%	(60.00)
8	Seeding	1	LS			1,200.00	1.00	1,200.00		1,200.00	100%	
9	Inlet Sediment Protection	2	Each			200.00	2.00	200.00		200.00	100%	
10	Temporary Vehicle Tracking Control	2	Each			2,000.00	-	-		-	0%	2,000.00
11	Concrete Washout Area	1	Each			750.00	-	-		-	0%	750.00
12	Sweeping	6	Hr			260.00	2.00	400.00		400.00	33%	800.00
13	Manhole Construction Plate Marker	3	Each			1,500.00	3.00	1,500.00		1,500.00	100%	
14	Remove Concrete Curb and Gutter	41.0	LF			205.00	41.00	205.00		205.00	100%	
15	Remove Asphalt Concrete Pavement	1,424	SY			7,120.00	1,424.00	7,120.00		7,120.00	100%	
16	Remove Concrete Pavement	39	SY			585.00	39.00	585.00		585.00	100%	
17	Remove Concrete Sidewalk	27	SY			405.00	27.00	405.00		405.00	100%	
18	Saw Existing Asphalt	804	LF			4,020.00	804.00	4,020.00		4,020.00	100%	
19	Saw Existing Concrete	73.00	LF			730.00	36.00	360.00		360.00	49%	370.00
20	Pipe Foundation Material	60	Ton			1,800.00	-	-		-	0%	1,800.00
21	Imported Trench Backfill Material	500	Ton			10,000.00	514.60	10,292.00		10,292.00	103%	(292.00)
22	Exploratory Excavation	6	Hour			3,000.00	2.00	1,000.00		1,000.00	33%	2,000.00
23	Locate Utility	1	Each			350.00	1.00	350.00		350.00	100%	
24	Verify Utility	5	Each			1,750.00	4.00	1,400.00		1,400.00	80%	350.00
25	Unclassified Excavation	330	CY			4,950.00	330.00	4,950.00		4,950.00	100%	
26	Companion - Moisture Density Tests	10	Each			2,000.00	8.00	2,000.00		2,000.00	80%	500.00
27	Remove Sanitary Sewer Manhole	2	Each			1,500.00	2.00	1,500.00		1,500.00	100%	
28	4" Sanitary Sewer Pipe	101	LF			3,595.00	100.00	3,500.00		3,500.00	99%	35.00
29	8" Sanitary Sewer Pipe	60	LF			2,700.00	60.00	2,700.00		2,700.00	100%	
30	10" Sanitary Sewer Pipe	537	LF			29,535.00	537.00	29,535.00		29,535.00	100%	
31	10"x4" Sanitary Sewer Service Connection	3	Each			2,250.00	3.00	2,250.00		2,250.00	100%	
32	48" Dia Sanitary Sewer Manhole	3	Each			15,000.00	3.00	15,000.00		15,000.00	100%	
33	Additional Vertical Feet Manhole	4.80	VF			5,760.00	4.80	5,760.00		5,760.00	100%	
34	8" Sewer Plug/Cap	1	Each			100.00	1.00	100.00		100.00	100%	
35	8" Sewer Coupling	4	Each			1,000.00	4.00	1,000.00		1,000.00	100%	
36	Connect to Existing Sanitary Sewer Pipe	4	Each			8,000.00	4.00	8,000.00		8,000.00	100%	
37	4" Sanitary Sewer Cleanout	1	Each			650.00	1.00	650.00		650.00	100%	
38	Base Course	1,050	Ton			26,250.00	1,036.10	25,902.50		25,902.50	99%	347.50
39	Concrete Curb & Gutter	41	LF			2,255.00	41.00	2,255.00		2,255.00	100%	
40	Concrete Valley Gutter, 8" Thick	40	SY			6,400.00	40.00	6,400.00		6,400.00	100%	

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Colton
Engineer: Banner Associates, Inc.
Contractor: Underground Connections, LLC
Project: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements
Contract: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements

Owner's Project No.: NA
Engineer's Project No.: 24327.00
Contractor's Project No.: NA

Application No.: 5 (Final)		Application Period: From 11/07/25 to 12/19/25		Application Date: 01/12/26					
A Bid Item No.	B Description	C Contract Information			I Materials Currently Stored (not in G) (\$)	J Work Completed and Materials Stored to Date (H + I) (\$)	K % of Value of Item (I / J) (%)	L Balance to Finish (F - J) (\$)	
		D Item Quantity	E Unit Price (\$)	F Value of Bid Item (C X E) (\$)					G Estimated Quantity Incorporated in the Work
41	4" Concrete Sidewalk	249	SF	\$9.00	2,241.00	249.00	7,241.00	100%	
42	Concrete Sampling and Testing	1	Each	\$550.00	550.00	1.00	550.00	100%	
43	Adjust Manhole	3	Each	\$1,500.00	4,500.00	3.00	4,500.00	100%	
Original Contract Totals					\$ 198,902.25	\$ 190,301.75	\$ 190,301.75	96%	\$ 8,600.50

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Colton
Engineer: Banner Associates, Inc.
Contractor: Underground Connections, LLC
Project: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements
Contract: Colton Phase 4 & 5 Sherman Ave and 4th St Sanitary Sewer Improvements

Owner's Project No.: NA
Engineer's Project No.: 24327.00
Contractor's Project No.: NA

Application No.: 5 (Final) **Application Period:** From 11/07/75 to 12/19/75 **Application Date:** 01/12/26

A Bid Item No.	B Description	C Contract Information		D Item Quantity	E Unit Price (\$)	F Value of Bid Item (C X E) (\$)	G Estimated Quantity Incorporated in the Work	H Value of Work Completed to Date (E X G) (\$)	I Materials Currently Stored (not in G) (\$)	J Work Completed and Materials Stored to Date (H + I) (\$)	K % of Value of Item (J / F) (%)	L Balance to Finish (F - J) (\$)			
		Contract Information													
Change Orders															
CO 2	10' x8" Pipe Reducer		1 Each	\$350.00	350.00	1.00	350.00			350.00	100%				
	Dust Control Chloride		1,993 SY	\$1.13	2,252.09	1,993.00	2,252.09			2,252.09	100%				
CO 3	Additions		1 LS	\$352.00	352.00						0%	352.00			
	Deductions		1 LS	-\$8,952.50	(8,952.50)						0%	(8,952.50)			
Change Order Totals						\$	(5,998.41)	\$	2,602.09	\$	2,602.09	\$	(8,600.50)		
Original Contract and Change Orders										\$	192,903.84	\$	192,903.84	300%	\$



Banner Associates, Inc.
3900 N Northview Ave
Sioux Falls, SD 57107
Tel 605.692.6342
Toll Free 855.323.6342
www.bannerassociates.com

January 9, 2026

Trevor Bunde
City of Colton
PO Box 66
Colton, SD 57108

RE: Colton Phase 4 & 5 Sanitary and Storm Sewer Improvements – 23872-00

Dear Mr. Bunde:

The above reference project has been closed out and final documents prepared for submittal. Included with this letter is a transmittal of documents included in the final close out package.

Please contact us if you have any questions regarding this final project submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Weston Blasius". The signature is fluid and cursive, with a large initial "W" and a stylized "B".

Weston Blasius, PE
Banner Associates, Inc.



Banner Associates, Inc.
3900 N Northview Ave
Sioux Falls, SD 57107
Tel 605.692.6342
Toll Free 855.323.6342
www.bannerassociates.com

TRANSMITTED DOCUMENTS

DATE: January 12, 2026

DELIVERY METHOD: Hand Delivered

TO: Jerrit Pedersen
City of Colton
PO Box 66
Colton, SD 57108

PROJECT: Colton Phase 4 & 5 Sanitary and Storm Sewer Improvements

BAI NO. 23872.00

ENCLOSED:

COPIES	DESCRIPTION
1	Colton Phase 4 & 5 Sanitary and Storm Sewer Improvements – Construction Plans of Record
1	Electronic Project File with Construction Documents and Construction Plans of Record

If enclosures are not as noted, please notify us at once.

Colton Patrol Hours

December 2025

Patrol Hours

Blue Days

CAVE, JUSTIN	1.07
LARSON, MATTHEW	11.28
WESTERBUR, DYLAN	2.56

Blue Nights

DEBERG, JAKOB	3.07
KAISER, PATRICK	1.32
RICCI, KIEL	1.00

Yellow Days

BARTSCHER, JOSHUA	2.50
BURNS, JASON	2.00
FEDDERSEN, WAYNE	9.60

Yellow Nights

BENCOMO, CARLOS	1.21
BULLIS, MATTHEW	1.32
KERZMAN, DAWSON	7.09
WAHL, ALEXANDER	4.34
WILLCOX, STEPHEN	0.18

Rover

GALLOWAY, LUKE	5.58
GREEN, BENJAMIN	3.82
MACDONALD, IAN	7.01
OWUSU, CHRISTOPHER	5.77

Contracted Hours	65.00
Total Hours for December	70.72
Over/Under	5.72

COLTON**MCSO ACTIVITY**

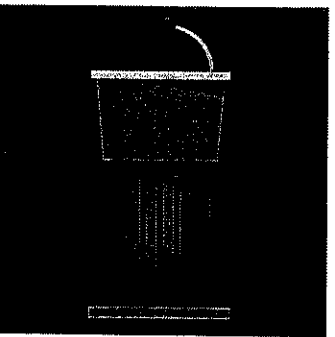
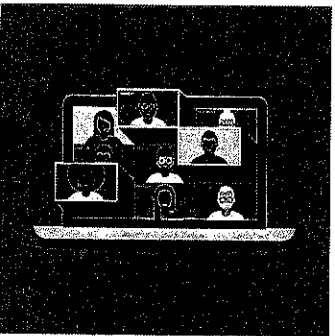
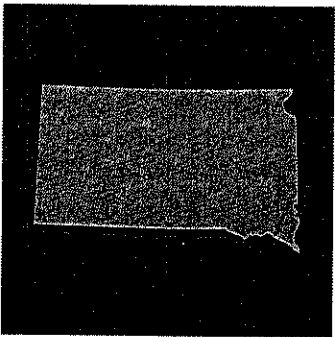
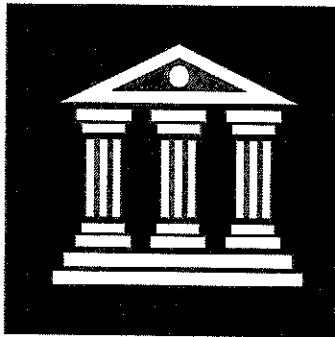
ARRESTS	2025
	OCT - DEC
DUI	3
DRUG	2
ASSAULT	0

CASE REPORTS	2025
	OCT - DEC
DRUG	1
ASSAULT	0
THEFT/BURGLARY	3

CITATIONS	2025
	OCT - DEC
SPEEDING	10
STOP SIGN	0
SEAT BELT	0
NO INSURANCE	3

Project Cost	Total Fees	Total Payments	Total Valuation
\$ 500.00	\$ 33.00	\$ 33.00	\$ 500.00
\$ 15,000.00	\$ 99.00	\$ 99.00	\$ 15,000.00
\$ 5,000.00	\$ 42.00		
\$ 800.00	\$ 22.00		
\$ 15,000.00	\$ 33.00	\$ 33.00	\$ 15,000.00
\$ 18,000.00	\$ 53.00	\$ 53.00	\$ 18,000.00
\$ 2,304.00	\$ 38.50	\$ 38.50	\$ 2,304.00
\$ 6,000.00	\$ 33.00	\$ 33.00	\$ 6,000.00
\$ 9,027.16	\$ 33.00	\$ 33.00	\$ 9,027.16
\$ 6,000.00	\$ 33.00	\$ 33.00	\$ 6,000.00
\$ 10,000.00	\$ 33.00	\$ 33.00	\$ 10,000.00
\$ 5,000.00	\$ -	\$ -	\$ 5,000.00
\$ 1,000.00			
	\$ 250.00	\$ 250.00	
\$ 3,456.00	\$ 33.00	\$ 33.00	\$ 3,456.00
\$ 9,500.00	\$ 33.00	\$ 33.00	\$ 9,500.00
\$ 2,880.00	\$ 27.50	\$ 27.50	\$ 2,880.00
\$ 3,216.00	\$ 33.00	\$ 33.00	\$ 3,216.00
\$ 3,500.00	\$ 33.00	\$ 33.00	\$ 3,500.00
	\$ -	\$ -	
\$ 6,338.00	\$ 54.73	\$ 54.73	\$ 6,338.00
	\$ -	\$ -	
\$ 200.00	\$ 27.50	\$ 27.50	\$ 200.00
\$ 2,899.00	\$ 19.80	\$ 19.80	\$ 2,899.00
\$ 44,064.00	\$ 214.50		
\$ 2,600.00	\$ 27.50	\$ 27.50	\$ 2,600.00
\$ 2,000.00	\$ 27.50	\$ 27.50	\$ 2,000.00
\$ 1,500.00	\$ 22.00	\$ 22.00	\$ 1,500.00
\$ 900.00	\$ 26.40	\$ 26.40	\$ 926.40
\$ 1,500.00	\$ 80.00	\$ 80.00	\$ 1,580.00
	\$ 20.00		
\$ 178,184.16	\$ 1,361.93	\$ 1,103.43	\$ 127,426.56

2025 Building Permit Information
 from March - December



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A. South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A. The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A. Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A. SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A. There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A. Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A. Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A. SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A. Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A. The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A. SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A. Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A. Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.

RESOLUTION # 8-2017

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF COLTON

WHEREAS, South Dakota Codified Laws (hereinafter "SDCL") Section 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforces a conflict of interest policy; and

WHEREAS, the City of Colton, South Dakota (hereinafter "City") received funds from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforces a conflict of interest policy; and

WHEREAS, while provisions addressing conflicts of interest for municipal officials currently exist in state law, the City wishes to adopt a conflict of interest policy that incorporates these statutory requirements and assists its elected and appointed officials in recognizing, disclosing, and avoiding conflicts of interest; and

WHEREAS, adopting a conflict of interest policy will clarify expectations form the public when elected and appointed officials are conducting City business; and

WHEREAS, the City deems it in the best interest of the City to adopt this Conflict of Interest Policy for the City and for all elected and appointed officials of the City.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Colton, South Dakota the regular meeting thereof, held at the Colton City Hall at 309 E 4th Street at 7:30pm on the 11th day of September, 2017, that there is hereby established the following Conflict of Interest policy, which in its entirety read as follow:

COLTON CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS

The City of Colton, South Dakota (hereinafter "City") seeks to prevent and avoid and conflicts of interest in the conduct of its business operations and to avoid the appearances of such conflicts to the public servers. Each elected and appointed officials has the duty to place the interests of the citizens of the City foremost in any dealing on behalf of the City and has a continuing responsibility to comply with this Policy. This policy applies to any elected or appointed official who serves on the City Council, who serves on any board, committee, or commission of the City, or who is appointed to serve the City in any capacity pursuant to SDCL Chap. 9-14 (collectively referred to as "Official")

Conflicts of interest may exist when an Official, or an immediate family member of such Official, has a personal or financial interest clearly separate form that of the general public on a matter before the Official. An immediate family member for purposes of this Policy is any person related to an Official within he first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild or and individual claimed by the Official or his/her spouse as a dependent for federal income tax purposes.

Such conflicts of interest may be financial or personal. Direct or indirect, and the existence of a conflict of interest is dependent upon the unique facts of a particular situation.

It is the policy of the City to follow state law regarding conflicts of interest, and this Policy is not intended to be stricter than the applicable requirement of state law. Generally, state law provides that an Official may not have a personal financial interest in any City transaction for the purchase of labor or services, materials or supplies, or real or personal property that belongs to the City. An exception to this general rule may apply if the transaction is reasonable and just, if the contract is made without fraud or deceit, and if the Official disclosed the conflict and recuses himself/herself from participation in the decision for which there is a conflict of interest. These exceptions include the following:

- (1) A contract for \$5,000.00 for less;
- (2) A contract awarded by competitive bidding procedures if more than one competitive bid is submitted or, if only one competitive bid is submitted, the procedures in SDCL 6-1-2.1 have been followed;
- (3) A contract for professional services;
- (4) A contract awarded off of the state contract list at the established price or less;
- (5) A contract that does not require competitive bidding when there is no other source of supply or services and when the total of any such contracts does not exceed \$50,000.00 for a public improvement or \$25,000.00 for a contract for supplies or services; or
- (6) A Contract with an entity for which competitive bidding is not required unless the majority of the governing body are members or stockholders who collectively have a controlling interest, or any governing board Official is an officer or manager of such entity.

No department director who is authorized in his/her official capacity to sell or lease any property or to make any contract may be personally interested, directly or indirectly, in any such sale, lease, or contract.

Procedure When Conflicts of Interest Exist

If an Official who is a member of the City Council, or a board, committee, or commission has a disqualifying interest in a matter before the body on which the Official serves, he/she shall disclose the conflict to the body prior to its consideration of the matter. Once this disclosure is made, the Official shall not formally participate in the official discussion, any executive session, or any vote on the matter. If the Official has a conflict of interest in the matter and chooses to participate in the discussion, the Official should leave the dais and speak on the item from the audience as a member of the public.

If it is alleged that an Official has a disqualifying conflict of interest in a matter before the City Council, or a board, committee, or a commission on which the Official serves, and if the Official does not voluntarily refrain from participating in the matter, then the Official may be disqualified from official participating in the consideration of the matter upon a two-thirds vote of the City Council, board, committee, or commission on which the Official serves. The City Council, or a board, committee, or commission voting to disqualify such Official must make a specific finding of the disqualifying conflict of interest for which it

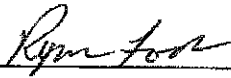
has excluded the Official from participating in the matter under consideration. An Official disqualified in this matter.

If any Official desires assistance to determine if that Official, or another Official, has a disqualifying conflict of interest, the Official may request an advisory opinion from the City Attorney's Office. Such opinion shall be made available to all members of the City Council, or the board, committee, or commission about which the opinion is provided, but shall not be available for public inspection unless a majority of the members of the City Council, or the board, committee, or commission to which the opinion is provided votes to make such opinion public.

Distribution of Policy to Officials

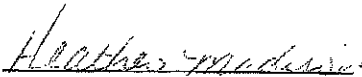
Upon adoption of this Policy, the City Attorney's Office shall distribute this Conflict of Interest Policy and all pertinent state law provisions to all City Officials. This Policy and state law provisions shall be timely provided to all newly elected or appointed Officials.

Dated this 11th day of September, 2017.



Ryan Fods, Mayor

ATTEST:



Heather Madison
Municipal Finance Officer
City of Colton, South Dakota

**ACKNOWLEDGEMENT OF CONFLICT OF INTEREST POLICY
FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF COLTON**

I acknowledge that I have received a copy of the Conflict of Interest Policy for Elected and Appointed Officials of the City of Colton. I have read it carefully and hereby confirm that I understand it and agree to comply with it. I understand that this Acknowledgement will be kept in my personnel file. I agree to update this Acknowledgement at least annually.

Dated: _____

Name of Elected/Appointed Official (printed)

Signature of Elected/Appointed Official

CITY OF COLTON SOCIAL MEDIA POLICY

The City of Colton, South Dakota (hereinafter "City") recognizes that the Internet provides unique opportunities to participate in interactive discussions and share information on topics using a wide variety of social media, such as Facebook, Twitter/X, Snapchat, blogs, and similar outlets. However, the use of social media also presents certain risks and carries with it certain responsibilities. To minimize business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the resources and communications systems of the City are used appropriately, the City expects its employees to adhere to the following procedures, guidelines, and rules regarding use of social media.

Compliance with Related Policies and Agreements

The same principles and guidelines found in the City's other policies and employee handbook apply to employee activities online. Ultimately, employees are responsible for what they post online. Before creating online content, employees should consider the potential risks and rewards. Any employee conduct that adversely affects that employee's job performance, the performance of fellow employees, or otherwise adversely affects vendors, people who work on behalf of the City, or legitimate business interests of the City, may result in disciplinary action, up to and including termination. At all times, including off-duty hours, employees are prohibited from using social media to violate any City policies, procedures, and practices including but not limited to:

- the City's Employee Handbook;
- the City's Social Media Policy;
- state and federal confidentiality laws, rules, and policies; and
- the City's other policies pertaining to employee conduct.

Official City Social Media

The City will designate employees authorized to represent the City on social media sites. Only authorized employees may represent the City on social media sites, which is the practice for all official City communications.

Personal Use of Social Media

Employees should refrain from using social media during work hours or on city-owned equipment unless such use is work-related or authorized by the employee's supervisor and is consistent with the City's other policies and employee handbook. Employees should not use their city email address for personal use of social media. Under no circumstances may personal use of social media interfere with job duties or performance.

If an employee does disclose in social media that he or she is an employee of the City, the employee should include a disclaimer that his or her views do not represent those of the City. For example, employees should consider using language such as "the views in this post do not represent the views of the City of Colton, South Dakota."

Be Respectful, Honest, and Accurate

Always be fair and courteous to fellow employees, vendors, or individuals who work on behalf of the City. Employees should keep in mind that work-related complaints are most likely to be resolved by speaking directly to their co-workers or other individuals to address misunderstandings or conflicts. Posting such work-related complaints to a social media outlet is less likely to resolve conflicts or concerns.

However, if an employee decides to post complaints or criticism, he or she must avoid using statements, photographs, and video or audio that could reasonably be viewed as malicious, defamatory, obscene, threatening, or intimidating towards employees, vendors, or individuals who work on behalf of the City, or that may constitute harassment or bullying. In addition, the employee must refrain from disclosing confidential or legally protected information in any social media post. Examples of such conduct might include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, color, religion, sex, national origin, disability, age, genetic information, military or veteran status or any other status protected by applicable law. Inappropriate postings such as discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and will subject employees to disciplinary action up to and including termination.

The City expects the same level of professionalism and honesty in social media as it requires in all business communications. Employees should use good judgment about the content of posts and remember that anything they say can reflect on the City even if they include a disclaimer. Employees should always strive to be accurate in every communication about the City and should keep in mind that their statements could have the potential to result in liability for themselves or the City.

ACKNOWLEDGMENT OF SOCIAL MEDIA POLICY

I acknowledge that I have received a copy of the Social Media Policy for the City of Colton, South Dakota. I have read it carefully and hereby confirm that I understand it and agree to comply with it. I understand that this Acknowledgment will be kept in my personnel file. I agree to update this Acknowledgment at least annually.

Dated: _____

Name of Elected/Appointed Official (printed)

Signature of Elected/Appointed Official

CITY OF COLTON PURCHASE CARD POLICIES AND GUIDELINES

General Procurement Policy:

The City shall purchase materials, supplies, equipment, and repairs/services needed at the best possible value and maintain appropriate documentation. The Mayor and authorized department heads shall initiate purchases. The City Council approves all purchases. The Finance Officer shall prepare a comprehensive document recording all expenditures and present it at the regular monthly meeting.

General Overview of Purchase Card:

The City, through its financial institution (_____), has {{Mastercard/VISA}} credit cards issued ("purchase card"), which are provided to authorized City personnel for City purposes only. The purchase card is designed to permit purchases of such items for which the regular procurement process is inefficient and in instances of which the issuance of a check or other form of legal tender is not possible; furthermore, exigent circumstances may arise during which the purchase card will provide an opportunity to satisfy charges. The use of the purchase card is for the benefit of the municipality and its designated users in the execution of City functions.

Administration of Purchase Cards:

The municipality's Finance Officer, or designated Finance Office personnel, is tasked with the administration of City purchase cards. The Finance Officer shall ensure proper application and documentation is submitted by the issuer of purchase cards, and appropriate authorization has been given prior to submission of the requisite documents. The Finance Officer shall furnish appropriate form(s) to employees prior to issuance of a purchase card such as the purchase card acknowledgment form. The City established a maximum credit limit of \$10,000 per purchase card, the credit limit will be determined on a case-by-case basis and may be adjusted if necessary. The Finance Officer is responsible for the monthly reconciliation of the purchase card statement and receipts submitted for purchases prior to payment to card-issuer.

Purchase Cardholder's Liability and Responsibility:

Employee ("Cardholders"), whom have been issued a purchase card have been granted a privilege by the City and entrusted to use the purchase card for City purposes only. Cardholders are expected to safeguard the purchase card and avoid unnecessary risks that could result in loss, damage, or misuse of the City-issued purchase cards. Cardholders in the course of conducting transactions with the purchase cards are responsible for all charges incurred against the purchase card in his/her/their possession. Cardholders are required to submit receipts for purchases to the Finance Officer. Cardholders are required to produce duplicate receipts from vendor(s). Cardholders are required to advise vendors of City's tax-exempt status prior to purchase and furnish the appropriate documentation; if sales tax is assessed, cardholder is responsible for obtaining a refund or credit from the vendor. Cardholders are required to notify Finance Officer if vendor failed to issue a receipt and complete a form demonstrating the missing receipt. Cardholders are required to ensure all transactions comply with applicable laws and City-established policies.

Cardholder is required to immediately notify the Finance Officer of accidental use of the purchase card and reimburse the municipality for the charges. Cardholders are strictly prohibited from obtaining cash refunds for returned items. Cardholder shall not permit unauthorized use of purchase cards.

Misuse of the purchase card may result in revocation of purchase card privileges and disciplinary action.

Procurement with a Purchase Card:

Cardholders may make purchases in person, by phone, mail, or electronically. Purchases should only be made from reputable merchants/vendors; merchants/vendors may be restricted.

Purchases shall be made only in connection with the execution of official duties by employee. Prior to placement of purchase, cardholder shall inquire about total amount including freight and handling.

Permissible uses of Purchase Card:

- Office, educational, and operating supplies
- Equipment, furniture, furnishings
- Maintenance, grounds, and custodial supplies
- Books and materials

Non-permissible uses of Purchase Card:

- Procurement of items in excess of the cardholder limit
- Cash advances
- Personal items
- Prizes
- Alcohol
- Items subject to bid laws of the State of South Dakota
- Computers, laptops, tables, phones, and etc.
- Tips of any kind
- Any item not directly purchased for the benefit of the City
- Any purchase combining multiple cardholder limits to circumvent the credit limit (“splitting”)

Uses of Purchase Card requiring prior authorization:

- Cards
- Flowers
- Travel-related expenses such as hotel, transportation, airline tickets, and travel incidentals
- Software
- Food and refreshments
- Conference fees/registrations
- Meals during travel

Acknowledgment Purchase Card Policies and Guidelines

I, _____ (Print name), certify and acknowledge that I have been furnished a copy of the City of Colton's Purchase Card Policies and Guidelines. I will adhere to these policies and guidelines.

Signature

Date

ORDINANCE NO. 4-2025

AN ORDINANCE FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOOK FOR THE CITY OF COLTON, SOUTH DAKOTA.

BE IT ORDAINED by the City of Colton, South Dakota:

That this Ordinance establishes the adoption of the International Property Maintenance Code (hereinafter "IMPC") for the regulation and governing of the conditions and maintenance of all properties, buildings and structures located within the municipal boundaries of, and those properties outside the municipal boundaries but still under the jurisdiction of, the City of Colton, South Dakota (hereinafter "City"). The IMPC shall provide the standards for facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City; providing for the issuance of permits and collections of fees therefore; repealing all other ordinances or parts of laws that conflict therewith.

The City Council of the City does ordain as follows:

Section 1: That a certain document, on file at the office of the Finance Officer of the City, being marked and designated as the IMPC, latest edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said IMPC on file in the Finance Office of the City are hereby referred to, adopted and made a part of hereof as if fully set out in this legislation.

Section 2: Deletions or additions added directly to code book. The following sections are hereby revised:

Section 106.3; amended to read "The board of appeals shall consist of all members of the City Council. Alternate members may be selected by the Mayor from members of the community who do not have a vested interest in the case being appealed."

Section B101.3; amended to read "The board of appeals shall consist of all members of the City Council of the City. Alternate members may be selected by the Mayor from members of the community who do not have a vested interest in the case being appealed. Each member shall serve so long as they are a member of the City Council of the City."

Section 3: That Ordinance No. ____ of the City entitled International Property Maintenance Code (Property Maintenance Code) shall be in effect and all other ordinances or parts of laws in conflict herewith are hereby replaced.

Section 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 5: That nothing in this ordinance or in the IMPC hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 6: That this ordinance is necessary for the immediate preservation of the public peace, health and safety, and for the support of the municipal government and its existing public institutions and shall take effect immediately upon the passage and publication hereof.

Section 7: That the City shall cause this ordinance to be published without a copy of the IMPC.

PASSED AND APPROVED this _____ day of _____ 202__.

CITY OF COLTON, SOUTH DAKOTA

Trevor Bunde, Mayor

ATTEST:

Dawn Pilker, Finance Officer

CITY OF COLTON

RESOLUTION #1 - 2026 SALARIES

WHEREAS, SDCL 9-13-28 requires that the governing body of every municipality shall fix and determine by ordinance or resolution, the amount of salaries and compensation of all municipal officers and the time at which the same shall be paid;

WHEREAS, it is in the best interests of the City of Colton to pay a competitive wage to attract and retain the best employees and elected officials to serve the community;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Colton that the following resolution, repealing all prior salary and wage resolutions, be passed and approved. The Mayor, City Council, and Planning and Zoning Members shall be paid once a month, and all other officers and employees shall be paid bi-weekly at the following yearly salary or hourly wage.

PROVIDED, HOWEVER, the Council may make wage increases for the following: completion of education requirements, certification tests, fulfillment of job requirements set at the date of employment, and length of service to the city. The Council may also exceed set wage limits if agreed to by the City Council.

Mayor	\$ 6,000.00 annually
Council Members	\$ 2,100.00 annually
City Administrator/ Municipal Finance Officer	\$ 30.00 hourly + comp time+ Health Insurance + Cell Phone Reimbursement + SDRS Retirement
Public Works Supt.	\$ 34.00 hourly + comp time + Cell Phone Reimbursement + Health Insurance Stipend + SDRS Retirement
Summer Help (mowing, etc)	\$ 17.00 hourly 1 st yr +.50 each add'l year with a maximum of \$18.50/hr
Pool Manager	\$ 17.00 hourly 1 st year + .50 each add'l year with a maximum of \$18.50/hr

Lifeguards	\$ 14.00 hourly 1 st year + .50 each add'l year with a maximum of \$16.50/hr
Concession Stand Workers	\$ 13.00 hourly 1 st year + .50 each add'l year with a maximum of \$15.50/hr
Election Workers	\$250.00 Election Superintendent \$200.00 Deputy Superintendent
Laborers	Minimum wage
Planning & Zoning Members	\$600.00 annually

BE IT RESOLVED that the Mayor and Council hereby authorize these salaries and wages to take effect January 1st, 2026.

BE IT FURTHER RESOLVED that the Mayor and Council shall determine all foregoing salaries and wages.

The foregoing resolution was introduced by _____, who moved for its passage and adoption; _____ seconded the motion. The motion passed with all members voting aye.

Whereupon Mayor Bunde declared the resolution passed and adopted and instructed the Municipal Finance Officer to publish this resolution in the official newspaper of the city and to comply otherwise with all applicable notice requirements of the law.

Adopted this ___th day of _____.

Trevor Bunde
Mayor

ATTEST:

Dawn Pilker
Municipal Finance Officer

Adopted:
Published:
Effective:

CITY OF COLTON

RESOLUTION # 2-2026 – FEES AND FINES

WHEREAS, the City of Colton has determined the need to set the following fines and fees:

FEES

Dance License	\$ 25.00 per event or \$ 100.00 annually
Temporary Malt Beverage License	\$ 25.00 per event
Dog or Cat License	\$ 5.00 per animal per year
Domestic Fowl/Waterfowl (EXCL. Chickens) License	\$ 5.00 per animal per year
Sanitation Service License	\$ 200.00 annually
Transient Merchant, Auctioneers, Peddler, Solicitors License	\$50.00 per day per person
Circus	\$ 50.00 per day
Menageries	\$ 50.00 per day
Sideshow	\$ 25.00 per day
Carnival	\$ 50.00 per day
Swimming Pool Daily Pass	\$ 5.00 per session – under 18 \$ 5.00 per adult session – 18 older
Swimming Pool Season Pass	\$ 50.00 single pass \$ 85.00 family pass (in household only)
Swimming Pool Party	\$ 180.00 – 2 Hours (2 lifeguards required)
Baseball Sponsorship Sign	\$ 150.00 - \$1500
Tap-in Fee:	
1' water or sewer line tap (each)	\$ 250.00
1 ½' water or sewer line tap (each)	\$ 500.00
2' water or sewer line tap (each)	\$ 1,000.00

3' water or sewer line tap (each)	\$ 1,500.00
4' water or sewer line tap (each)	\$ 2,000.00
6' water or sewer line tap (each)	\$ 4,000.00
8' and larger TBD by city council TBD*	
Consumers outside city limits – Fees doubled**	
Rubble Site Maintenance Fee	\$ 1.00 per utility bill per month
Camping	\$ 20.00 per day includes electric/water.
Zoning Fees:	
Rezone	\$ 300.00 per property nonrefundable
Variance	\$ 200.00 per request nonrefundable
Conditional Use Permit	\$ 200.00 per request nonrefundable
Stop Work Order Violation	\$ 100.00
Performing work without a Building Permit	\$100.00 for siding and re-roofing Others \$100.00 plus 25% of the permit fee
Paper & Electronic Copies	\$.50
FINES	
Animal Running At Large	\$ 50.00 for first offense each animal
Animal Disturbing the Peace	\$ 50.00 for each offense
No Collar with Rabies Tags	\$ 50.00 for each offense
Failure to License Dog or Cat	\$ 50.00 for each animal
Failure to License Domestic Fowl/Waterfowl (EXCL. Chickens)	\$ 50.00 each animal
Curfew Violation	\$ 100.00 for each offense
Solid Waste Disposal Site Violation	\$ 200.00 each offense
Abandoned, Wrecked or Dismantled Vehicle	\$ 50.00 per day
Unauthorized Burn	\$ 100.00 each offense

Nuisances:

Grass Mowing	\$ 125.00 per hour/man with one-hour minimum
Property Clean-up	\$ 125.00 per hour/man with one-hour minimum
Reconnect Fee	\$ 75.00 for each reconnection
Return Check Penalty	\$ 50.00 per item returned

BE IT RESOLVED the City of Colton hereby authorizes these fees and fines to take effect February __, 2026 and hereby designates these charges to be enforced and collected by the appropriate agency.

The foregoing resolution was introduced by _____ who moved for its passage and adoption; council member _____ seconded the motion. A roll call vote was taken with __ members voting aye and __ members voting nay and motion _____.

Whereupon Mayor Bunde declared the resolution passed and adopted and instructed the Municipal Finance Officer to publish this resolution in the official newspaper of the city and to comply otherwise with all applicable notice requirements of the law.

Adopted this __ day of February, 2026.

Trevor Bunde
Mayor

ATTEST:

Dawn Pilker
Municipal Finance Officer

Passed and Adopted
Published

February _____

**CITY OF COLTON
RESOLUTION #3-2026**

A RESOLUTION OF THE CITY OF COLTON, SOUTH DAKOTA, ADOPTING AND ESTABLISHING WATER AND SEWER RATES FOR THE MUNICIPAL WATER AND SEWER SYSTEM;

WHEREAS, The City of Colton provides and maintains the water and sewer systems for residents within the corporate city limits; and Section 8.0103 of the Revised Municipal Ordinances of the City of Colton establishes the water and sewer rates for residential, commercial, and institutional customers of the city shall be established by resolution; and,

WHEREAS, the City Council of the City of Colton, South Dakota, desires to establish rates sufficient to cover the costs associated with services provided by the municipal water and sewer systems;

NOW, THEREFORE, BE IT RESOLVED THAT, the following rates are hereby established for all customers connected to the municipal water and sewer system as follows:

Water Rates

Monthly Base Rate and Surcharge(s) for Water:

All base rates and surcharges shall be charged on a monthly basis per unit, or metered connection, whichever is greater, regardless of metered amount of water used. The base rate and surcharge(s) shall be assessed per unit contained within the structure.

Base Rate	\$ 15.00
SRF Surcharge for water improvement project(s)	
SRF Loan DW-04	\$ 11.00
SRF Loan DW-05	\$ 12.00

Metered Rate for Water:

Metered gallons shall be billed on a monthly basis in increments of 1,000 gallons or fraction thereof. The gallons shall be determined upon the amount of water used as registered on the meter on the reading date by Colton Municipal Utilities personnel.

Metered Rate per 1,000 gallons	\$ 5.25
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Wastewater/Sewer Rates

Monthly Base Rate and Surcharge(s) for Wastewater/Sewer:

All base rates and surcharges shall be charged on a monthly basis per unit, or metered connection, whichever is greater, regardless of metered amount of water used. The base rate and surcharge(s) shall be assessed per unit contained within the structure.

Base Rate	\$ 4.50
SFR Surcharge for Wastewater improvement project(s)	
SRF Loan CW-03	\$ 27.85
SRF Loan CW-04	\$ 5.00

Metered Rate for Wastewater:

Metered gallons shall be billed in increments of 1,000 gallons or fraction thereof. Wastewater usage shall be based on actual gallons used to the nearest hundredth.

Metered rate per 1,000 gallons \$ 4.80

Section 3 Payments Applied: All payments received shall be applied in the following order:

- 1) Late Fees, ACH or Admin Fee (if applicable) \$
- 2) Rubble Site Maintenance Fee \$ 1.00
- 3) DWSRF Loans
- 4) CW Loans
- 5) Water Charges
- 6) Sewer Charges

THEREFORE; BE IT FURTHER RESOLVED, that the aforesaid fees are effective upon passage of resolution and this resolution supersedes any prior resolution that addresses fees for said service.

_____ moved to approve passage of aforesaid resolution, seconded by _____.

Roll call recorded the following votes: Aye; _____ Nay; _____ Absent; _____.

Adopted at Colton, South Dakota, this __ day of _____ 2026.

APPROVED:

Trevor Bunde, Mayor

(SEAL)

Attest: _____
Dawn Pilker, City Finance Officer

Adopted: _____

Published: _____

Effective: __ (March) __

**CITY OF COLTON
RESOLUTION #4-2026**

A RESOLUTION OF THE CITY COUNCIL OF COLTON, SOUTH DAKOTA, DESIGNATING AN OFFICIAL NEWSPAPER.

WHEREAS, South Dakota Codified Law 9-12-6 authorizes municipalities to designate an official newspaper; and,

WHEREAS, South Dakota Codified Law requires that the newspaper be published in the municipality; and,

WHEREAS, South Dakota Codified Law requires municipalities to designate a newspaper for twelve months; and,

WHEREAS, The Minnehaha Messenger serves the Municipality of Colton,

NOW, THEREFORE, BE IT RESOLVED THAT; The Minnehaha Messenger, published by New Century Press Publications, is designated as the official newspaper for the City of Colton for a period of twelve months.

Aye:

Nay:

Abstain:

Dated this 12th day of January, 2026.

Trevor Bunde, Mayor

(SEAL)

Attest:

Dawn Pilker, Finance Officer

Passed:

Published:

Effective:

**CITY OF COLTON
RESOLUTION #5-2026**

**A RESOLUTION OF THE CITY COUNCIL OF COLTON, SOUTH DAKOTA, DESIGNATING
THE DEPOSITORIES FOR MUNICIPAL FUNDS FOR THE YEAR 2026.**

WHEREAS, South Dakota State Statute 9-22-6 requires the governing body to designate a depository or depositories for funds belonging to the municipality; and,

WHEREAS, the depository shall be a bank within the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED THAT; The Reliabank, CorTrust Bank, and South Dakota Public Funds Investment Trust (SD Public Fit) are designated as official depositories for the City of Colton for a period of twelve months.

Aye:

Nay:

Abstain:

Dated this 12th day of January, 2026.

Trevor Bunde, Mayor

(SEAL)

Attest:

Dawn Pilker, Finance Officer

Passed:

Published:

Effective:

Schoenfish & Co., Inc.

CERTIFIED PUBLIC ACCOUNTANTS

Phone: 605-928-7241

FAX No.: 605-928-6241

P.O. Box 247

105 EAST MAIN, PARKSTON, SOUTH DAKOTA 57366

January 2, 2026

Municipal Board,
Mayor
and
Finance Officer
Municipality of Colton
PO Box 66
Colton, South Dakota 57018-0066

This will confirm our understanding of the arrangements for our compilation of the annual report of the Municipality of Colton as of and for the year ended December 31, 2025.

We will compile the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Municipality of Colton, South Dakota, as of and for the year ended December 31, 2025.

Management is responsible for the preparation and fair presentation of the financial statements, required supplementary information and supplementary information in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statement, required supplementary information and supplementary information.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements, required supplementary information and supplementary information without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements, the required supplementary information or the supplementary information.

Management has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Municipality's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Our fee for these services will not exceed \$5,250.00, including travel, typing, and reproduction costs.

If this letter correctly expresses your understanding, please sign both copies where indicated and return the duplicate copy to us.

Sincerely yours,

Schoenfish & Co., Inc.

Schoenfish & Co., Inc.
Certified Public Accountants

Approved:

Mayor - Printed Mayor - Signature Date

Board Member - Printed Board Member - Signature Date

Finance Officer - Printed Finance Officer - Signature Date



SIOUX FALLS AREA HUMANE SOCIETY

Providing a safe haven and human voice for all animals in need

To Whom It May Concern,

Attached please find the Sioux Falls Area Humane Society's Animal Control Services and Impoundment Facility Operations Agreement for the year 2026.

There are several changes from previous years that were implemented in the 2025 contract. These changes were due to an in-depth review of our facility and department budget and will keep our agency viable and accessible to your jurisdiction for the foreseeable future. Below we have answered some common questions regarding the updates:

- ❖ Rates have increased:
 - Hourly call rates have been increased to reflect actual cost per call for all supplies, equipment, and staffing provided
- ❖ A flat rate contract is an option to consider:
 - Flat rate contracts involve a monthly set fee, calls dispatched to our officers within business hours carry no additional trip or mileage fee. After hours calls will be charged when applicable
 - This amount is based on average call volume for 2023 through YTD 2024 for each jurisdiction
- ❖ Animal Care Costs will be included on the monthly bill:
 - This was not previously passed on to the jurisdiction, but is required in order for us to continue operating as an open admission facility. This allows us to continue to accept any and all animals from your jurisdiction, including any animals brought in by citizens
 - Return to owner fees will continue to deduct from the amount due when an owner reclaims their stray or lost pet; we encourage returning animals home whenever possible
- ❖ A jurisdiction must be under signed contract in order for any services to be provided by SFAHS, including the housing of animals:
 - Humane Officers are available to aid your jurisdiction, but are not a requirement of this agreement
 - We do not accept animals from a jurisdiction without this signed agreement, meaning we will decline all intakes and assistance requests from citizens or law enforcement alike until a signed agreement is in place
 - It is the jurisdiction's responsibility to find alternative options should this agreement be declined

The Sioux Falls Area Humane Society employs three trained Humane Officers with two vehicles to provide animal control services 24 hours per day, 7 days per week (including holidays). Officers may be reached at 605-254-4058 at any time. Our primary focus is public safety relating to domestic animals. Please be patient, recognizing that response time may vary due to call volume or distance to the destination.

Current contracts will remain in force through 12/31/25. We look forward to having your signed contract in place before then so we may provide service in 2026. Please feel free to reach out with any additional questions.

Sincerely,

Taran McLain

Taran McLain, Humane Officer Supervisor

Jami Gates Grieve

Jami Gates Grieve, Executive Director

ANIMAL CONTROL SERVICES
AND IMPOUNDMENT FACILITY OPERATIONS AGREEMENT
For the Year 2026

This agreement is made and entered into as of the 1st day of January, 2026, by and between the CITY OF COLTON, SOUTH DAKOTA, hereinafter referred to as the "City" and the SIOUX FALLS AREA HUMANE SOCIETY, hereinafter referred to as the "SFAHS".

WHEREAS, SFAHS has established and is maintaining a shelter and impoundment facility (the "Facility") where animals, which have been picked up pursuant to the City ordinances, brought in by public citizens, or otherwise abandoned at the facility are cared for and handled pursuant to such ordinances and state laws; and

WHEREAS, the City believes that SFAHS is an appropriate party for handling animal related issues; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth below, the parties agree as follows:

SECTION 1. Animal Care and Control Services.

- (a) SFAHS shall be responsible for responding to animal-related calls referred by the City or local Law Enforcement Officers. The City will be responsible for the enforcement of the animal control laws. SFAHS may perform all other animal related services and obligations delegated to SFAHS by the City at the discretion of SFAHS, including, but not limited to the following specific duties:
- a. Humane Officers: SFAHS provides trained and commissioned Humane Officers whom are appointed pursuant to SDCL 40-2-6 for the City. Humane officers shall perform the following services in and for the City:
 - i. Work closely with local Law Enforcement for sheltering of animals that have been taken into custody by citizens and referred to the City for handling. Records of these actions shall be prepared and maintained and appropriate copies provided to the City.
 1. Animals will be returned to their owners or keepers immediately, if possible. If the return of the animal is appropriate, and if a violation has occurred, a summons and complaint may be issued by the Humane Officer to the owners or keepers if citations have been made available for use.
 2. Animals which cannot be returned to the owners or keepers will be impounded by the officers at the Facility for a period of five (5) days if the animal has identification in the form of implanted microchip or identification tags only, or for three (3) days if the animal does not have identification.
 - ii. Attempt to give emergency treatment to all injured animals reported to SFAHS. Animals that have, in the opinion of a Licensed Veterinarian or Humane Officer, sustained terminal injuries may be euthanized pursuant to SDCL 40-1-13.
 - iii. Respond to animal related problems referred to SFAHS by the appropriate dispatch department, including, but not limited to, City or Local Law Enforcement, however if the complaint violates any section of SDCL Chapter 40 and an animals well-being is compromised, Humane Officers may respond at their discretion.
 - iv. Cooperate with Law Enforcement and the City Attorney's Office in the prosecution of violations of the various animal control ordinances of the City, and County State's Attorney for State Violations.

- v. Maintain personnel and equipment available for 24-hour emergency animal rescue services in the case of injured, aggressive, neglected animals, or at law enforcement request, seven days a week, pursuant to SDCL 40-1-4.
- vi. Maintain personnel and equipment available for operations regarding nuisance animal complaints, stray animals, or ordinance enforcement during business hours of 8am-5pm only.

SECTION 2. Facility and Services.

(a) Facility:

- a. SFAHS shall provide all physical plant and equipment for the operation of the Facility, which is located at 3720 E Benson Rd, Sioux Falls, SD 57104.

(b) Operation of the Facility:

- a. SFAHS staff will not be responsible for determining the validity of stray animals brought to the facility by citizens or Law Enforcement Officers. Additionally, SFAHS staff will not turn away any supposed stray animal brought to the facility by any citizen from within this listed jurisdiction and the City will be charged accordingly for animal care.
- b. SFAHS will not release any animal placed in the Facility, except to the owner, until applicable impoundment period has been satisfied. Animals released from impoundment immediately become property of SFAHS.
- c. SFAHS may charge, collect, and retain for its own use as part of the consideration for this contract all costs incurred from all persons who redeem impounded animals. The impound fee, if applicable, shall be returned to the City less a ten (10%) administration fee.
- d. SFAHS is authorized to collect from the owner of the animal all reasonable and necessary costs associated with providing emergency treatment to an injured or diseased impounded animal.

SECTION 3. Financial Obligations of the City.

- (a) The City shall pay to SFAHS for such services performed during the hours of 8:00am to 5:00pm the sum of \$75.00 per hour plus the current IRS mileage rate. For said services performed during the hours of 5:00pm and 8:00am the rate shall be \$120.00 per hour. Rates shall be based upon quarter-hour increments. The City shall pay such sums within 30 days after receipt of invoice from SFAHS.
- (b) SFAHS boards animals at the shelter under the terms of this Agreement, the City will be responsible for boarding fees, disease prevention, and necessary medical care provided at the following rate for all cases of impoundment, including animals received directly via citizen drop off at the Facility if origin location is within this listed Jurisdiction:
 - a. Boarding: \$15.00 per day, per animal, housing and materials.
 - b. Disease Prevention: \$20.00 per animal, administered upon intake to protect population of animals housed in the Facility.
 - c. Additional Medical Care provided: treatment advisement by on staff Licensed Veterinarian or Emergency Care Provider offsite, fees determined on a case by case basis.
- (c) Any large scale investigation and seizures of animal(s) will be a joint effort between Law Enforcement, Humane Officers, and the City/States Attorney. Any and all costs associated with these types of investigations will be billed to the City, and paid to the Sioux Falls Area Humane Society. The City or its legal entities will be responsible to collect its own restitution from the owner of said animal(s) including boarding, medical, legal, and labor costs associated.
- (d) Owners reclaiming their animal will be responsible for impound set in ordinance and animal care costs associated. The City remains responsible for the hourly rate and applicable IRS mileage fees.

SECTION 4. Further Obligations and Agreements.

- (a) SFAHS shall not be mandated to perform any service that contradicts the organizations values and mission, and SFAHS appointed Humane Officers shall operate by all policies outlined within SDCL Chapter 40.
- (b) Through the duration of the Agreement SFAHS shall carry at its own expense a general liability insurance policy for bodily injury and property damage.
- (c) SFAHS, its members, and employees work for SFAHS and do not have the status, rights, or benefits afforded to employees of the City. By virtue of this agreement it is expressly understood and agreed that SFAHS shall perform all undertakings and professional services herein prescribed and contemplated as an independent contractor.
- (d) SFAHS records with respect to all matters covered by this contract shall, for a period of three (3) years, be made available for audit and inspected by the City at any time during normal business hours. The City shall give written notice 48 hours before an audit begins.
- (e) No waiver of any breach of any provision of this contract constitutes a waiver of any other or subsequent breach thereof.

SECTION 5. Finalization.

- (a) It is hereby agreed by and between the parties that strict and timely compliance with the pertinent laws of the State of South Dakota, ordinance of the City, administrative directives of the City and the provisions of the Agreement.
- (b) The City has the right to terminate this Agreement, at a formal meeting, adopting a motion electing so to terminate, and SFAHS has the right and option to terminate this Agreement by action of its Board of Directors. The effective date of any such termination shall be no less than 30 days from the date of delivery of the notice that such action has been taken.
- (c) This agreement ends on December 31st, 2026, unless renewed or extended in written agreement of both parties.
- (d) This agreement shall be binding on and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have subscribed this Agreement by the duly authorized officers thereof on the day and year first above written.

The City of _____, South Dakota

Sioux Falls Area Humane Society

By: _____

Executive Director

Signature: _____

Signature: _____

Jami Gates Grieve