

City of Crooks
City Council
Regular monthly meeting
Posted agenda
Date: 12/12/2022
Time: 7:00pm / CST

Location: Crooks Community Center (701 S West Ave, Crooks, SD, 57020)

- 1) Call to order / Roll call
- 2) Pledge of allegiance & Invocation
- 3) Approve posted agenda
- 4) Consent calendar items:
 - a) Approve meeting minutes
 - b) Approve financials
 - c) Approve claims
 - d) 2023 law enforcement services
 - e) American Engineering Testing proposal for east side lift station
- 5) Open comments [The opportunity for anyone not listed on the agenda to speak to the council, speaking times will be limited to three (3) minutes. No action will be taken on questions or items not on the agenda.]
- 6) Public hearings:
 - a) Conditional use applications – Animals exceeding Ordinance #174 level – Applicant: Tracy Pepin / 209 E 6th St, Crooks, SD
 - b) Liquor license initial issuance for retail on-sale license – Applicant: Winter-Acres Event Venue LLC / 100 Spruce Dr, Crooks, SD
 - c) TIF #2 Addendum to TIF #2 plan
 - d) SRF Water Tower application
- 7) Reports/Other business
 - a) Parks
 - i. Future necessities
 - b) Economic Development
 - c) Streets
 - i. West Ave Trails Ph 3. sidewalk portion adjacent to Tri-Valley elementary school
 - ii. 2023 slurry seal
 - d) Planning and Zoning
 - i. Connection Willie Dr.
 - ii. Informational - Outline Commercial Building Official responsibilities
 - e) Government buildings & IT infrastructure
 - f) Finance
 - i. Capital projects/repairs & reserves
 - ii. Transfer out ARPA funds from 272 to 604 for qualifying expenditures
 - g) Utility
 - i. East side lift station pay application #2
 - h) Code enforcement / animal control

- i) Other business:
 - i. Change meeting start time
 - ii. End-of-Year meeting
 - iii. Spending authorization vehicle replacement
 - iv. Disbursement of property tax revenue of rural service district
- 8) Ordinances, resolutions, policies, motions
 - a) Second reading of Ordinance #312: Adopting design standards for the City of Crooks
 - b) Second reading of Ordinance #313: Supplemental appropriations
 - c) Second reading of Ordinance #314: Adoption regulations pertaining to the discharge of firearms
 - d) First reading Ordinance #315: Water and sewer rates
 - e) First reading Ordinance #316: Water and sewer hook-up fees
 - f) First reading of Ordinance #317: Supplemental appropriations
 - g) Resolution 2022-23: TIF #2 Amendment
 - h) Resolution 2022-24: Purchase real property
 - i) Resolution 2022-25: Purchase real property
 - j) Resolution 2022-26: SRF application
- 9) Adjourn



**City of Crooks
Meeting Minutes
November 14, 2022**

1) Call to order/Roll Call. At 7pm the meeting was called to order by Mayor Oseby at the Crooks Community Center. Answering roll call were Alderman Harstad, Alderman Beyer, Alderman Richardson, and Mayor Oseby; a quorum was present. City staff present were City Administrator/Finance Officer Schantz, City engineers Jake Morris and Jesse Morris, Planning & Zoning Director S. Richardson, and Utility Superintendent Beck.

2) Pledge of allegiance was recited by those present. Oseby led invocation.

3) Approve posted agenda. Motion by Richardson to approve agenda and add 2023 Humane Society Contract to consent calendar items, seconded by Harstad. No discussion. All aye, motion carried.

4) Consent calendar items. The amendment for the West Ave Phase 2 trails was discussed; the contract amendment modifies the City's cost sharing portion for the railroad crossing. Motion by Richardson to approve consent calendar items, seconded by Beyer. No further discussion. All aye, motion carried.

Approved consent calendar items: 10/10/2022 meeting minutes, financials, November claims (full listing below), renewal of health insurance plan for 2023, liquor license renewal applications, and contract amendment West Ave Phase 2 trails.

Vendor	Date incur.	Description	Amount
A&B Business Solutions	11/4/2022	copier lease	\$ 298.48
A&B Business Solutions	11/1/2022	monthly managed IT	\$ 841.97
Aflac	10/26/2022	Aflac payable	\$ 138.34
Alliance Communications	11/1/2022	utilities office & sewer	\$ 374.32
Asphalt Sealcoating & Repair	11/4/2022	asphalt patching	\$ 4,608.45
Border States Electric	10/12/2022	plex pipe purchase	\$ 1,706.30
Butch Oseby	11/1/2022	per diem conference attendance	\$ 174.25
CC Storage	10/1/2022	storage unit rental	\$ 69.00
CC Storage	9/1/2022	storage unit rental	\$ 69.00
CC Storage	11/1/2022	storage unit rental	\$ 69.00
City of Sioux Falls	11/3/2022	West Nile trapping invoice	\$ 2,320.84
City of Sioux Falls	10/19/2022	bacteria testing water	\$ 87.00
Clayton Energy Corporation	11/1/2022	reservation fee & monthly service fee	\$ 4,427.99
Clayton Energy Corporation	10/14/2022	09-22 commodity purchase	\$ 7,288.78
Crooks Municipal Utilities	11/8/2022	N lift station utilities	\$ 23.54
Crooks Municipal Utilities	11/8/2022	w lift station utilities	\$ 24.81
Crooks Municipal Utilities	11/8/2022	Palmira bathroom utilities	\$ 129.75
Crooks Municipal Utilities	11/8/2022	Crooks Comm. Cen. utilities	\$ 259.12

Crooks Municipal Utilities	11/8/2022	New Hope bathroom utilities	\$ 83.34
Crooks Municipal Utilities	11/8/2022	Sunset irrigation system utilities	\$ 501.53
Crooks Municipal Utilities	11/8/2022	Main lift station utilities	\$ 21.00
Crooks Municipal Utilities	11/8/2022	city shop utilities	\$ 54.03
Crystal Christensen	9/8/2022	utility deposit refund	\$ 89.38
DGR Engineering	9/20/2022	08-2022 engineering services	\$ 1,567.00
DGR Engineering	9/20/2022	slurry seal observation	\$ 1,955.00
DGR Engineering	9/20/2022	construction admin. sanitary sewer	\$ 2,871.38
DGR Engineering	10/18/2022	09-2022 engineering services	\$ 1,256.00
Dudley Laundry d/b/a Appeara	11/9/2022	mat, mop, towel, and rug service	\$ 88.61
Dudley Laundry d/b/a Appeara	10/12/2022	mat, mop, towel, rag service	\$ 88.61
Dudley Laundry d/b/a Appeara	10/26/2022	mat, mop, towel, rag service	\$ 88.61
Ecolab	9/27/2022	pest control services	\$ 97.29
Ecolab	10/28/2022	pest control services	\$ 89.41
Ferguson Waterworks	10/11/2022	mud plugs	\$ 447.02
Ferguson Waterworks	10/11/2022	water registers	\$ 4,920.00
Ferguson Waterworks	10/27/2022	water registers	\$ 953.69
Ferguson Waterworks	11/9/2022	water registers	\$ 1,170.00
First Interstate Bank	10/31/2022	monthly service fee	\$ 58.25
First Interstate Bank	10/25/2022	returned item fee	\$ 3.00
First Interstate Bank	10/25/2022	returned item fee	\$ 3.00
First Interstate Bank	11/11/2022	purchase card payment	\$ 4,229.72
First Interstate Bank	10/24/2022	returned item fee	\$ 4.00
First Rate Excavate	10/26/2022	curb stop repair	\$ 2,448.98
Fred Middagh	11/10/2022	reimbursement CDL written test	\$ 35.00
Gas Product Sales Inc.	10/20/2022	gas supplies	\$ 887.20
Groebner & Associates	10/21/2022	butt fusions	\$ 336.84
Groebner & Associates	11/9/2022	sensor & replacement sensor cap	\$ 104.12
Health Pool of SD	11/1/2022	health + life insurance payable	\$ 3,737.20
Highway Improvement, Inc.	11/8/2022	crack sealing Crooks Comm parking lot	\$ 5,034.96
Highway Improvement, Inc.	11/8/2022	crack sealing streets	\$ 10,322.01
Hydro Klean	10/26/2022	clean lines	\$ 1,500.00
Internal Revenue Service / EFTPS	11/4/2022	payroll tax deposit	\$ 81.38
Internal Revenue Service / EFTPS	11/4/2022	payroll tax deposit	\$ 331.21

Internal Revenue Service / EFTPS	11/4/2022	payroll tax deposit	\$ 3,629.86
Internal Revenue Service/EFTPS	10/19/2022	payroll tax deposit	\$ 3,429.88
Internal Revenue Service/EFTPS	10/19/2022	payroll tax deposit	\$ 1,051.08
Internal Revenue Service/EFTPS	10/5/2022	payroll tax deposit	\$ 3,897.06
Kendle's Auto	10/8/2022	repair door blue truck	\$ 90.00
Lacey Rentals	10/19/2022	portable restroom rental at Sunset	\$ 185.00
Lacey Rentals	10/18/2022	portable restroom rental at shop	\$ 138.00
Lawncrafters	10/8/2022	lawn treatment Sunset & Comm. Cen.	\$ 1,285.00
Lawncrafters	10/8/2022	landscaping at Sunset Park	\$ 3,914.00
Mary/Russell Stapert	9/8/2022	utility deposit refund	\$ 96.75
Matheson Tri-Gas, Inc.	10/31/2022	gas charts	\$ 35.06
Mayra Abogado	10/11/2022	Crooks Comm. Cen. deposit refund	\$ 550.00
Meierhenry Sargent	11/7/2022	10-2022 legal services	\$ 930.00
Meierhenry Sargent	10/5/2022	09-2022 legal services	\$ 555.00
Menards - East	10/27/2022	supplies	\$ 88.83
Minnehaha Comm. Water Corp.	11/1/2022	monthly water purchase	\$ 7,627.20
Minnehaha County Register of Deeds	10/24/2022	filing fee plat	\$ 30.00
Minnehaha County Register of Deeds	10/24/2022	filing fee sanitary sewer docs	\$ 30.00
Minnehaha County Sheriff	9/30/2022	Q4 law enforcement services	\$ 12,008.75
Minnehaha County Treasurer	10/24/2022	plat review fee lift station	\$ 275.00
Mitchell Construction Inc	10/20/2022	delivery fee & erosion stone	\$ 800.52
New Century Press	10/7/2022	Tri-Valley homecoming ad	\$ 30.00
New Century Press	10/19/2022	Fall clean-up ad - 1st ad	\$ 81.00
New Century Press	10/26/2022	Fall clean-up ad - 2nd ad	\$ 81.00
New Century Press	10/21/2022	10/10/22 mtg mins	\$ 174.72
New Century Press	10/28/2022	hearing notice design standards ord.	\$ 19.60
New Century Press	10/28/2022	hearing notice conditional use	\$ 15.68
New Century Press	10/14/2022	Ord 311 publication	\$ 53.76
New Century Press	10/14/2022	Ord 310 publication	\$ 12.32
Nexben	11/1/2022	supplemental life insurance - child	\$ 1.70
Nexben	11/1/2022	vision insurance	\$ 20.42

Nexben	11/1/2022	supplemental life insurance - spouse	\$ 50.40
Nexben	11/1/2022	supplemental life insurance	\$ 59.00
Nexben	11/1/2022	dental insurance	\$ 169.02
Northland Coatings Inc	10/23/2022	spray foam at Crooks Comm Cen	\$ 2,158.17
Novak Sanitary	11/1/2022	roll off dumpsters	\$ 380.00
Payment Service Network	11/3/2022	gateway fee	\$ 89.95
Q3 Contracting	10/26/2022	moving crew for install & new service	\$ 1,029.78
Q3 Contracting	10/24/2022	moving crew for install & new service	\$ 1,070.90
Q3 Contracting	11/3/2022	new gas services	\$ 2,326.51
Q3 Contracting	11/9/2022	gas hit repair	\$ 1,137.63
Quinton Nelson	10/7/2022	utility deposit refund	\$ 100.00
Railroad Management Company III	10/28/2022	water pipeline crossing '23-'24	\$ 344.67
Railroad Management Company III	10/28/2022	water & sewer pipeline crossing '23-'24	\$ 689.26
Riteway	11/3/2022	check blanks	\$ 195.75
Ronald Carlson	11/7/2022	utility deposit refund	\$ 67.98
Samantha Jacobs Photography	11/4/2022	CDC groundbreaking pictures	\$ 75.00
Samantha Jacobs Photography	11/12/2022	Pictures Council & CDC	\$ 700.00
SD Dept of Revenue	10/17/2022	09-2022 sales tax payable	\$ 1,488.82
SD Municipal League	11/1/2022	2023 dues	\$ 1,435.68
SD Retirement System	10/19/2022	monthly retirement contribution	\$ 2,988.72
SD Water and Wastewater Assoc.	10/25/2022	membership dues	\$ 10.00
SDML Work Comp Fund	10/10/2022	2023 workman's comp. insurance	\$ 12,530.00
SDRS Supplemental Retirement Plan	10/6/2022	ROTH contribution	\$ 300.00
Secure Enterprise Asset Mgmt.	10/26/2022	document shredding	\$ 201.52
Shawntel Schwartz	12/7/2022	utility deposit refund	\$ 7.11
Shell/Pump'N'Stuff	10/17/2022	fuel	\$ 82.41
Shell/Pump'N'Stuff	10/14/2022	fuel	\$ 47.97
Shell/Pump'N'Stuff	10/12/2022	fuel	\$ 20.24
Shell/Pump'N'Stuff	10/13/2022	fuel	\$ 24.85
Shell/Pump'N'Stuff	10/19/2022	fuel	\$ 64.13
Shell/Pump'N'Stuff	11/8/2022	fuel	\$ 180.01
Shell/Pump'N'Stuff	11/1/2022	fuel	\$ 12.62
Sioux Falls Area Humane Society	10/10/2022	09-2022 animal control services	\$ 58.34

Sioux Valley Energy	10/13/2022	sewer utilities	\$ 128.52
Sioux Valley Energy	10/13/2022	street light utilities	\$ 244.00
Sioux Valley Energy	10/13/2022	469th lift station utilities	\$ 90.00
SoDak Striping	11/4/2022	mower rental	\$ 100.00
South Dakota 811	10/31/2022	monthly message fees	\$ 128.10
Tanya Maher	10/17/2022	Crooks Comm. Cen. deposit return	\$ 550.00
Total Till	11/9/2022	refund hydrant meter deposit	\$ 685.11
U Drive Technology	11/1/2022	11-2022 message fees	\$ 138.44
US Bank	11/15/2022	SRF DW-02 bond payment	\$ 13,205.98
US Bank	11/15/2022	SRF CW-03 bond payment	\$ 26,178.45
US Postal Service	11/8/2022	mailing fee	\$ 311.74
USDA - Rural Development	11/20/2022	pay loader note payment	\$ 1,663.00
Vantek Communications	11/1/2022	pager utilities	\$ 15.00
Verizon	10/10/2022	utilities metering station	\$ 23.16
Verizon Wireless	10/23/2022	building official utilities	\$ 91.32
Xcel Energy	10/28/2022	additional light Heritage Park parking	\$ 577.95
Xcel Energy	10/31/2022	electric utilities	\$ 3,239.78
		Total claims	\$ 186,973.89

Purchase card payments.

Vendor	Date incur.	Description	Amount
Adobe Incorporated	11/19/2022	2023 Adobe Acrobat licenses	\$ 575.76
Amazon	10/12/2022	dog waste bags & snow stakes	\$ 114.15
Amazon	10/17/2022	monitor for staff	\$ 109.99
Amazon	10/13/2022	radio for office	\$ 25.49
Amazon	10/26/2022	Laptop for new employee	\$ 410.84
Crooks Country Corner	11/2/2022	fuel	\$ 178.94
Crooks Country Corner	10/24/2022	fuel	\$ 74.59
Crooks Country Corner	11/3/2022	fuel	\$ 65.01
DocuSend/Mail Technologies	11/9/2022	non-Crooks ebills	\$ 4.76
DocuSend/Mail Technologies	11/9/2022	Crooks ebills	\$ 6.38
Grainger	10/13/2022	fluorescent light bulbs	\$ 72.00
International Code Council	10/14/2022	code plan review documents	\$ 35.95
Interstate All Battery Center	10/17/2022	battery for water truck	\$ 160.95
JCL Solutions	10/13/2022	supplies	\$ 159.22
JCL Solutions	10/21/2022	safety scraper	\$ 12.09
Mac's	11/2/2022	supplies	\$ 50.95
Nyberg's Ace Hardware	10/12/2022	supplies	\$ 26.46
Nyberg's Ace Hardware	10/17/2022	rubber straps	\$ 9.37
Nyberg's Ace Hardware	10/21/2022	supplies	\$ 97.74
Nyberg's Ace Hardware	11/7/2022	supplies	\$ 45.95
Pfeifer's Implement	10/13/2022	filter & mower scraper	\$ 36.03

Sam's Club	10/20/2022	folding tables	\$ 449.90
Sam's Club	11/3/2022	refreshments groundbreaking	\$ 77.78
Scooby's	9/6/2022	wash Kubota mower	\$ 7.75
Scooby's	9/30/2022	wash payloader	\$ 11.50
Scooby's	9/7/2022	wash black truck	\$ 8.50
Shell/Pump'N'Stuff	10/11/2022	fuel	\$ 28.99
Shell/Pump'N'Stuff	10/12/2022	fuel	\$ 7.52
Shell/Pump'N'Stuff	10/12/2022	fuel	\$ 7.47
Shell/Pump'N'Stuff	10/11/2022	fuel	\$ 59.25
Shell/Pump'N'Stuff	10/18/2022	fuel	\$ 58.88
Shell/Pump'N'Stuff	10/21/2022	fuel	\$ 101.02
Shell/Pump'N'Stuff	10/26/2022	fuel	\$ 50.96
Shell/Pump'N'Stuff	10/28/2022	fuel	\$ 176.64
Shell/Pump'N'Stuff	10/28/2022	fuel	\$ 36.35
Shell/Pump'N'Stuff	11/1/2022	fuel	\$ 52.19
Shell/Pump'N'Stuff	11/2/2022	fuel	\$ 10.82
Shell/Pump'N'Stuff	11/8/2022	fuel	\$ 59.25
Shell/Pump'N'Stuff	11/8/2022	fuel	\$ 10.66
Sturdevant's	10/20/2022	supplies	\$ 163.76
US Postal Service	10/12/2022	postage delinquency letters	\$ 124.20
US Postal Service	11/2/2022	certified postage	\$ 7.85
US Postal Service	11/8/2022	certified postage	\$ 7.25
US Postal Service	11/9/2022	delinquency notices	\$ 299.88
Walmart	10/11/2022	fireproof document box + chair mat	\$ 96.17
Walmart	10/24/2022	supplies	\$ 42.56
		Total purchase card claims	\$ 4,229.72

Gross wages for October.

Council	\$ 525.00
Mayor	\$ 420.00
Planning and Zoning Commission	\$ 853.00
Finance Office	\$ 3,476.23
Government Buildings	\$ 1,508.79
Building Inspector	\$ 1,478.25
Highway & Streets	\$ 2,140.23
Highway & Streets - Snow Removal	\$ 1,303.98
Code Enforcement	\$ 95.82
Clean-Up	\$ 355.26
Animal Control	\$ 47.90
West Nile	\$ 77.42
Parks	\$ 2,698.73
Economic Development	\$ 211.79

Gas	\$ 5,120.14
Water	\$ 5,732.41
Sewer	\$ 5,819.52
Total wage claims	\$ 31,864.47

5) Open comments. Jeremy Papke, resident, informed governing body of uncovered drop inlets in Heritage Pond Addition and potential risk of children accessing them.

6) Public hearings.

- a) Ordinance considering adoption of engineering design standards and standard specifications. Oseby opened the hearing at 7:07pm. Oseby explained the reason for hearing, stating City's design standards needed updating. The floor was opened for comments from Council and the public. No comments were received. The hearing was closed at 7:09pm.
- b) Conditional use hearing – Jason Burns – Oversized Shed at 300 S West Ave, Crooks. Oseby opened the hearing at 7:09pm. S. Richardson spoke on the application and explained the reason for the application. S. Richardson stated the shed location, as submitted by the applicant, is acceptable and no further conditions should be imposed on applicant. Oseby invited Jason Burns, applicant, to introduce himself to those present. Floor was opened for comments from Council and public. No comments were received. Motion by Harstad to approve conditional use, seconded by Beyer. No discussion. All aye, motion carried. The hearing was closed at 7:10pm.

7) Reports / Other business.

- a) **TIF (Tax increment finance) #2 Amendment – Tobin Morris.** Tobin Morris, TIF consultant with Colliers, spoke on the proposed TIF #2 amendment for the Willow Creek Ridge development. Morris stated the developer of the land, DWBP, intends to partner with HME (developer of assisted care facilities) to locate facility in town, addressing the present need for assisted care, while also creating employment opportunities in the community. Representatives from DWBP and HME addressed governing body on the amendment. Floor was then opened for questions from residents. Ron Person, resident, asked about facility. Bill Papke, resident, asked HME representative if Medicare was accepted by facility.
- b) **CIP (Capital Improvement Projects) & Reserves.** Oseby addressed council on the CIP and made recommendations on infrastructure in need of repairs, capital improvements and additions to the community. Schantz spoke on the CIP, need for formal reserve policy, and resource stewardship. Governing body then discussed the items.
- c) **Crooks HRC** report was given by Harstad. A meeting is scheduled for November 15 at 7pm.
- d) **Parks** report was given by Harstad. The parks and parks facilities are in the winterization process. i.) **Partial payment baseball land.** Schantz asked for authorization from Council to disburse partial payment for baseball land in the amount of \$42,930 as seller had been notified of City's intention to disburse a partial payment in 2022. Motion by Richardson to authorize disbursement, seconded by Harstad. No discussion. All aye, motion carried.

- e) **Economic Development** report was given by Harstad. The last CDC (Crooks Development Corporation) meeting was attended by Harstad. An update on the CDC development was provided. The groundbreaking of the CDC development was spoken on.
- f) **Streets** report was given by Oseby. The upcoming snow season and snow removal activities were discussed. i.) Drainage improvements – Pay application #1. The application was reviewed and discussed. Motion by Richardson to approve pay application in the amount of \$69,829.02 as submitted for work conducted by H&W Contracting, LLC, seconded by Harstad. No further discussion. All aye, motion carried.
- g) **Planning and Zoning** report. i.) Connection Willie Dr. The item was discussed.
- h) **Government buildings & IT infrastructure** report was given by Beyer. The Crooks Community Center repair will be finished once the base cove will arrive. Raztech – Managed IT agreement for 2023. Schantz explained City cancelled managed IT agreement with current provider and is in the process of working on agreement with Raztech. Schantz requested authorization to execute agreement upon reaching acceptable terms and approval by City's attorney. Motion by Harstad to authorize execution of agreement, seconded by Beyer. No further discussion. All aye, motion carried.
- i) **Finance** report was given by Richardson. i.) Close account ending in 5038. Schantz explained account is not in use and should be closed as interest is minimal and less compared to other City accounts. Motion by Richardson to proceed with closing of account, seconded by Beyer. No discussion. Motion carried. ii.) Returned item fee. Schantz spoke on returned item fee for returned ACH payments. No motion was made. iii.) Interfund loan from 101 to 220. An interfund loan in the amount of \$8,719 from the General Fund (101) to the Special Maintenance Assessment Fund (220) needed to be made per Schantz. Motion by Richardson to proceed with interfund loan to be paid back upon receipt of property tax, seconded by Beyer. No discussion. All aye, motion carried.
- j) **Utility** report was given by Beck. i.) Water study presentation. Morris and Morris gave presentation on completed hydraulic study to governing body and those present; current issues and future needs were discussed. Potential projects as a result of water study were reviewed. Motion by Beyer to apply for SRF funding for water tower addition for December DANR funding, seconded by Richardson. No discussion. All aye, motion carried. ii.) East side lift station change order. Jake Morris spoke on the item. The change order involves additional grading and excavation. Motion by Richardson to approve change order, seconded by Harstad. No discussion. All aye, motion carried. iii.) Sanitary sewer/main lift station pay application #5. Schantz stated application should be approved with condition that H&W Contracting provide payroll to SECOG. Motion by Harstad to approve pay application with conditions in the amount of \$187,038.22 as submitted for work conducted by H&W Contracting, LLC, seconded by Beyer. No discussion. All aye, motion carried. iv.) Use ARPA allocation of \$2,679.64 towards qualifying construction expenditures of sanitary sewer/main lift station project. Motion by Beyer to use ARPA allocation \$2,679.64, seconded by Richardson. No discussion. All aye, motion carried. v.) East side lift station – pay application #1. Motion by Beyer to approve pay application in the amount of \$71,325.00 as submitted for work conducted by H&W Contracting, LLC and use ARPA allocation, seconded by Richardson. No discussion. All aye, motion carried. vi.) Set aside sewer cost recovery district funds & water/sewer hookup funds in SD FIT. Schantz explained setting aside funds to increase in value in SD FIT is advisable, particularly since these funds are

committed and restricted. Motion by Beyer to proceed with setting aside funds with SD FIT, seconded by Richardson. No discussion. All aye, motion carried.

- k) **Code enforcement/animal control** report was given by Beck. A potential variance hearing might be held for a resident wishing to keep more animals than permitted by Ordinance #174.
- l) **Other business:** i.) Minnehaha County cost-sharing request. Cost sharing request was discussed. Schantz stated County requested \$11,601 for additional mobilization for intersection project at the intersection of HEY 130 & 137. Motion by Beyer to reject request, seconded by Richardson. No discussion. All aye, motion carried. ii.) Compensation commercial building official. Compensation for building official was discussed. Schantz explained discussions held with commercial building official; a split agreed on was 80/20 per permit. Motion by Harstad to set compensation at 80/20 split per commercial permit fee collected, seconded by Richardson. No discussion. Majority aye (Harstad and Richardson), Beyer abstains. Motion carried.

8) Ordinances, resolution, policy, motions.

- a) First reading of Ordinance #312 (Adopting engineering design standards and standard specifications) was given by Oseby.
- b) First reading of Ordinance #313 (Supplemental appropriations) was given by Oseby.
- c) First reading of Ordinance #314 (Regulating the discharging of dangerous weapons) was given by Oseby.
- d) First reading of Resolution 2022-22 was given by Oseby. Addressing for the school was discussed. Harstad stated school should have West Ave address as it is facing towards West Ave. Motion by Richardson to amend resolution and change address from 200 Dianne St. to 705 S West Ave, seconded by Beyer. No further discussion. All aye, motion carried. Motion by Richardson to approve resolution, seconded by Beyer. No discussion. All aye, motion carried.

CITY OF CROOKS RESOLUTION #2022-22

A RESOLUTION ASSIGNING AN ADDRESS TO REAL PROPERTY WITHIN THE CITY OF CROOKS.

WHEREAS, plats have been previously filed with the Minnehaha County Register of Deeds describing the following real property located within the municipal boundaries of the City of Crooks, to wit:

Lot 1 of Tri-Valley Addition, in section 10, township 102 North, range 50 West, of the fifth principle meridian, Crooks, Minnehaha County, South Dakota, according to the recorded plat thereof;

NOW, THEREFORE, BE IT RESOLVED THAT the following numbering system will be established:

705 S West Ave, Crooks, SD

BE IT FURTHERMORE RESOLVED THAT Resolution 2021-12 is specifically repealed; and,

IT IS FURTHER RESOLVED THAT notice of this change shall be provided to the affected property owners, US Postmaster, the Crooks Volunteer Fire Department, Metro

Communications, the Minnehaha County Equalization and Planning & Zoning offices, Alliance Communications, Xcel Energy and Crooks Municipal Utilities.

Ayes: Harstad, Richardson, Beyer

Nays:

Abstains:

Dated this 14th day of November, 2022.

Mayor

ATTEST:

(SEAL)

Finance Officer

Passed: 11/14/2022

Published:

Effective:

9) Adjourn. Motion by Harstad to adjourn at 9:52pm, seconded by Beyer. No discussion. All aye, motion carried.

Respectfully submitted,
Tobias Schantz
City Administrator/Finance Officer
City of Crooks, SD

Published:

Published once at the approximate cost of:

CITY OF CROOKS BUDGET V. ACTUALS

As of December 10, 2022

Appropriation and Accumulations:

101 GENERAL FUND

410 GENERAL GOVERNMENT

	2022 Budget	2022 YTD Actuals	Remaining Balance	% Budget spent
411 Council	\$ 12,240.00	\$ 9,521.77	\$ 2,718.23	77.79%
411.3 Publications	\$ 5,535.00	\$ 5,493.61	\$ 41.39	99.25%
411.5 Contingency	\$ 18,000.00	\$ -	\$ 18,000.00	0.00%
412 Mayor	\$ 13,259.00	\$ 7,663.22	\$ 5,595.78	57.80%
412.3 Planning & Zoning	\$ 14,592.00	\$ 10,674.80	\$ 3,917.20	73.16%
413 Elections	\$ 1,770.00	\$ 22.31	\$ 1,747.69	1.26%
414 Attorney	\$ 12,000.00	\$ 10,995.35	\$ 1,004.65	91.63%
414.2 Finance Office	\$ 31,111.00	\$ 43,720.21	\$ (12,609.21)	140.53%
419.2 Government Buildings	\$ 56,559.00	\$ 80,200.52	\$ (23,641.52)	141.80%
419.6 Engineer	\$ 5,000.00	\$ 5,000.00	\$ -	100.00%
TOTAL GENERAL GOVERNMENT	\$ 170,066.00	\$ 173,291.79	\$ (3,225.79)	101.90%

420 PUBLIC SAFETY

421 Police	\$ 48,100.00	\$ 48,035.00	\$ 65.00	99.86%
422 Fire	\$ 40,500.00	\$ 40,000.00	\$ 500.00	98.77%
423.2 Protective Inspection	\$ 31,827.00	\$ 36,401.36	\$ (4,574.36)	114.37%
429.0 Other Protection	\$ 2,908.00	\$ 2,908.00	\$ -	100.00%
TOTAL PUBLIC SAFETY	\$ 123,335.00	\$ 127,344.36	\$ (4,009.36)	103.25%

430 PUBLIC WORKS

431.1 Highway and Streets	\$ 266,914.00	\$ 66,365.37	\$ 200,548.63	24.86%
431.5 Storm Drainage	\$ 92,748.09	\$ 72,790.02	\$ 19,958.07	78.48%
431.6 Street Lighting	\$ 29,000.00	\$ 24,595.63	\$ 4,404.37	84.81%
431.7 Snow Removal	\$ 32,189.00	\$ 26,216.34	\$ 5,972.66	81.45%
TOTAL PUBLIC WORKS	\$ 420,851.09	\$ 189,967.36	\$ 224,911.07	45.14%

440 HEALTH AND WELFARE

441 Code Enforcement	\$ 5,517.00	\$ 2,462.67	\$ 3,054.33	44.64%
441.1 City Cleanup	\$ 9,148.00	\$ 10,123.41	\$ (975.41)	110.66%
441.2 Animal Control	\$ 1,484.00	\$ 1,310.38	\$ 173.62	88.30%
441.3 West Nile	\$ 5,895.00	\$ 5,067.75	\$ 827.25	85.97%
446.0 Ambulance Services	\$ 7,500.00	\$ 7,500.00	\$ -	100.00%
TOTAL HEALTH & WELFARE	\$ 29,544.00	\$ 26,464.21	\$ 3,079.79	89.58%

450 CULTURE AND RECREATION

452 Parks	\$ 102,004.00	\$ 112,661.08	\$ (10,657.08)	110.45%
TOTAL CULTURE & RECREATION	\$ 102,004.00	\$ 112,661.08	\$ (10,657.08)	110.45%

465 ECONOMIC DEVELOPMENT & ASSIST.

465.3 Promoting the City	\$ 6,867.00	\$ 7,039.22	\$ (172.22)	102.51%
TOTAL ECONOMIC DEVELOPMENT & ASSIST.	\$ 6,867.00	\$ 7,039.22	\$ (172.22)	102.51%

470 DEBT SERVICE

470 Debt Service	\$ 23,830.00	\$ 62,911.00	\$ (39,081.00)	264.00%
TOTAL DEBT SERVICE	\$ 23,830.00	\$ 62,911.00	\$ (39,081.00)	264.00%

TOTAL GENERAL FUNDS	\$ 876,497.09	\$ 699,679.02	\$ 170,845.41	79.83%
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211 - Gross Receipts	\$ 18,700.00	\$ 18,700.00	\$ -	100.00%
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220 - Street Maintenance	\$ 93,000.00	\$ 93,000.00	\$ -	100.00%
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272 - Federal Grant Fund	\$ 2,679.64	\$ 2,679.64	\$ -	100.00%
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617 - Natural Gas	\$ 966,475.00	\$ 985,320.62	\$ (18,845.62)	101.95%
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602 - Water	\$ 281,269.00	\$ 456,343.64	\$ (175,074.64)	162.24%
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604 - Sewer	\$ 344,566.64	\$ 1,341,415.57	\$ (996,848.93)	389.31%
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CITY OF CROOKS

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Source	Source Descr	2022 Budget	2022 YTD Amt	November 2022 Amt	%YTD Budget
Fund 101 GENERAL FUND					
31110	GEN PROP TAXES CURRENT YEAR	\$266,953.00	\$258,548.75	\$104,458.22	96.85%
31130	GEN PROP TAXES PRIOR YR	\$0.00	\$763.09	\$0.00	0.00%
31300	GEN SALES AND USE TAXES	\$190,000.00	\$336,961.13	\$28,999.53	177.35%
31500	AMUSEMENT TAXES	\$108.00	\$0.00	\$0.00	0.00%
31900	PENALTIES & INTEREST DELINQ.	\$0.00	\$274.02	\$28.27	0.00%
32001	CITY LIQUOR LICENSE	\$4,000.00	\$5,362.00	\$0.00	134.05%
32002	CITY MALT BEVERAGE LICENSE	\$300.00	\$300.00	\$0.00	100.00%
32003	CITY VIDEO LOTTERY FEE	\$900.00	\$1,100.00	\$0.00	122.22%
32004	BUILDING PERMITS	\$20,000.00	\$65,486.42	\$3,249.92	327.43%
32005	GARBAGE LICENSES	\$600.00	\$600.00	\$0.00	100.00%
32006	PET LICENSES	\$50.00	\$11.00	\$0.00	22.00%
32007	PEDDLERS LICENSE	\$0.00	\$0.00	\$0.00	0.00%
32008	CONTRACTORS LICENSE	\$0.00	\$1,440.00	\$100.00	0.00%
32200	SALE OF SURPLUS PROPERTY	\$0.00	\$447.47	\$0.00	0.00%
33100	FEDERAL GRANTS	\$0.00	\$0.00	\$0.00	0.00%
33401	STATE GRANT - PARKS	\$0.00	\$0.00	\$0.00	0.00%
33402	STATE GRANTS - COMM CENTER	\$0.00	\$0.00	\$0.00	0.00%
33403	STATE GRANT - PUBLIC HEALTH	\$0.00	\$1,814.00	\$1,814.00	0.00%
33510	BANK FRANCHISE TAX	\$9,000.00	\$10,485.50	\$0.00	116.51%
33530	LIQUOR TAX REVERSION	\$7,800.00	\$9,543.84	\$0.00	122.36%
33540	MOTOR VEHICLE TAX 5%	\$7,650.00	\$4,398.11	\$0.00	57.49%
33550	PRORATE LICENSE FEES	\$750.00	\$391.47	\$0.00	52.20%
33580	LOCAL GOV HWY AND BRIDGE FUND	\$9,650.00	\$10,772.87	\$0.00	111.64%
33820	CTY HWY AND BRIDGE RESERVE TAX	\$0.00	\$0.00	\$0.00	0.00%
33830	COUNTY WHEEL TAX	\$1,450.00	\$7,558.35	\$0.00	521.27%
33900	OTH. INTERGOVERNMENTAL REV	\$3,380.00	\$71,429.30	\$0.00	2113.29%
34103	HEARING FEES	\$0.00	\$600.00	\$250.00	0.00%
34110	ZONING AND SUBDIVISION FEES	\$0.00	\$0.00	\$0.00	0.00%
34203	PROTECTIVE INSPECTION FEES	\$0.00	\$0.00	\$0.00	0.00%
34399	HIGHWAY & STREETS OTHER	\$0.00	\$0.00	\$0.00	0.00%
34530	ANIMAL CONTROL FINES COLLECTED	\$0.00	\$0.00	\$0.00	0.00%
35000	FINES AND FORFEITS	\$0.00	\$296.49	\$117.88	0.00%
35100	COURT FINES AND FORFEITS	\$0.00	\$0.00	\$0.00	0.00%
36000	MISCELLANEOUS REVENUE	\$0.00	\$0.00	\$0.00	0.00%
36010	REVENUE CHRISTMAS MARKET	\$0.00	\$0.00	\$0.00	0.00%
36050	DONATIONS	\$0.00	\$0.00	\$0.00	0.00%
36100	INVESTMENT EARNINGS	\$50.00	\$6,966.05	\$1,892.61	13932.10%

CITY OF CROOKS

Council Revenue Guideline

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Source	Source Descr	2022 Budget	2022 YTD Amt	November 2022 Amt	%YTD Budget
36120	FIT INTEREST	\$0.00	\$0.00	\$0.00	0.00%
36201	RENTALS	\$3,500.00	\$10,165.00	\$480.00	290.43%
36300	SPECIAL ASSESSMENTS	\$0.00	\$0.00	\$0.00	0.00%
36401	SPECIAL MAINTENANCE FEE	\$0.00	\$0.00	\$0.00	0.00%
36600	GAIN ON SALE OF FIXED ASSETS	\$0.00	\$0.00	\$0.00	0.00%
36700	CONTRI & DONATION PRIVATE SOUR	\$0.00	\$0.00	\$0.00	0.00%
36900	OTHER MISCELLANEOUS REVENUE	\$1,500.00	\$5,557.29	\$4,745.00	370.49%
36901	CABLE TELEVISION FRANCHISE FEE	\$6,500.00	\$5,144.80	\$479.55	79.15%
36903	RECOVERY PR YR EXPENDITURES	\$0.00	\$178.60	\$0.00	0.00%
36904	Dividend income	\$1,500.00	\$2,585.45	\$0.00	172.36%
37200	MONTHLY BASE CHARGE	\$0.00	\$0.00	\$0.00	0.00%
37600	UNEMPLOYMENT INSURANCE	\$0.00	\$0.00	\$0.00	0.00%
38040	OTHER SALES	\$0.00	\$0.00	\$0.00	0.00%
39000	OTHER SOURCES	\$0.00	\$0.00	\$0.00	0.00%
39101	TRANSFERS IN (SDCL 9-21-26.1)	\$0.00	\$0.00	\$0.00	0.00%
39107	CAPITAL CONTRIBUTIONS	\$0.00	\$0.00	\$0.00	0.00%
39110	OPERATING TRANSFERS IN	\$0.00	\$0.00	\$0.00	0.00%
39129	OTHER LONG TERM DEBT ISSUED	\$0.00	\$0.00	\$0.00	0.00%
39130	SALES OF MUNICIPAL PROPERTY	\$0.00	\$11,949.59	\$7,547.09	0.00%
39140	COMP FOR LOSS OR DAM GEN FIX A	\$0.00	\$0.00	\$0.00	0.00%
Fund 101 GENERAL FUND		\$535,641.00	\$831,130.59	\$154,162.07	
Fund 201 SPECIAL PARK FUND					
34698	Open Space Fee	\$0.00	\$22,200.00	\$0.00	0.00%
Fund 201 SPECIAL PARK FUND		\$0.00	\$22,200.00	\$0.00	
Fund 211 LIQUOR, LODGING, DINING					
31300	GEN SALES AND USE TAXES	\$9,000.00	\$13,216.04	\$1,311.68	146.84%
36700	CONTRI & DONATION PRIVATE SOUR	\$0.00	\$5,000.00	\$0.00	0.00%
Fund 211 LIQUOR, LODGING, DINING		\$9,000.00	\$18,216.04	\$1,311.68	
Fund 220 SPECIAL MAINTENANCE FUND					
36401	SPECIAL MAINTENANCE FEE	\$93,000.00	\$91,427.80	\$35,720.50	98.31%
Fund 220 SPECIAL MAINTENANCE FUND		\$93,000.00	\$91,427.80	\$35,720.50	
Fund 221 VETERANS MEMORIAL PARK FUND					
36700	CONTRI & DONATION PRIVATE SOUR	\$0.00	\$4,000.00	\$4,000.00	0.00%
Fund 221 VETERANS MEMORIAL PARK FUND		\$0.00	\$4,000.00	\$4,000.00	
Fund 272 FEDERAL GRANT FUND					

CITY OF CROOKS

Council Revenue Guideline

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Source	Source Descr	2022 Budget	2022 YTD Amt	November 2022 Amt	%YTD Budget
33100	FEDERAL GRANTS	\$1,339.82	\$2,679.64	\$2,679.64	200.00%
Fund 272	FEDERAL GRANT FUND	\$1,339.82	\$2,679.64	\$2,679.64	
Fund 600 GAS FUND					
33100	FEDERAL GRANTS	\$0.00	\$0.00	\$0.00	0.00%
33900	OTH. INTERGOVERNMENTAL REV	\$0.00	\$0.00	\$0.00	0.00%
36025	CAPACITY FEE	\$13,500.00	\$10,079.10	\$0.00	74.66%
36100	INVESTMENT EARNINGS	\$0.00	\$0.00	\$0.00	0.00%
36600	GAIN ON SALE OF FIXED ASSETS	\$0.00	\$0.00	\$0.00	0.00%
36900	OTHER MISCELLANEOUS REVENUE	\$0.00	\$12,050.81	\$0.00	0.00%
36903	RECOVERY PR YR EXPENDITURES	\$0.00	\$76.00	\$0.00	0.00%
36904	Dividend income	\$0.00	\$262.46	\$0.00	0.00%
37902	BULK SALES	\$0.00	\$0.00	\$0.00	0.00%
37909	CIAC	\$0.00	\$500.00	\$500.00	0.00%
38200	GAS METERED REVENUE	\$570,000.00	\$810,957.05	\$94,277.63	142.27%
38210	GAS CUSTOMER CHARGE	\$160,000.00	\$147,356.50	\$12,219.00	92.10%
38220	GAS PENALTY	\$6,500.00	\$1,523.58	\$332.00	23.44%
38230	GAS DEPOSIT-CUSTOMER	\$0.00	\$0.00	\$0.00	0.00%
38280	GAS SALES OF SUP & MATERIALS	\$0.00	\$0.00	\$0.00	0.00%
38290	GAS OTHER REVENUE	\$0.00	\$0.00	\$0.00	0.00%
38295	RETURNED CHECK PAID/NSF FEES	\$0.00	\$246.00	\$6.00	0.00%
38310	RECONNECT FEES	\$0.00	\$700.00	\$0.00	0.00%
39110	OPERATING TRANSFERS IN	\$0.00	\$0.00	\$0.00	0.00%
39140	COMP FOR LOSS OR DAM GEN FIX A	\$0.00	\$2,901.30	\$0.00	0.00%
Fund 600	GAS FUND	\$750,000.00	\$986,652.80	\$107,334.63	
Fund 602 WATER FUND					
33100	FEDERAL GRANTS	\$0.00	\$0.00	\$0.00	0.00%
33400	STATE GRANT	\$0.00	\$0.00	\$0.00	0.00%
33900	OTH. INTERGOVERNMENTAL REV	\$0.00	\$0.00	\$0.00	0.00%
36100	INVESTMENT EARNINGS	\$0.00	\$219.64	\$63.58	0.00%
36201	RENTALS	\$2,280.00	\$2,404.93	\$218.63	105.48%
36900	OTHER MISCELLANEOUS REVENUE	\$0.00	\$150.00	\$0.00	0.00%
36903	RECOVERY PR YR EXPENDITURES	\$0.00	\$60.80	\$0.00	0.00%
36904	Dividend income	\$0.00	\$561.05	\$0.00	0.00%
37200	MONTHLY BASE CHARGE	\$185,196.00	\$181,763.02	\$16,762.42	98.15%
37902	BULK SALES	\$0.00	\$981.91	\$0.00	0.00%
38040	OTHER SALES	\$0.00	\$0.00	\$0.00	0.00%
38100	WATER METERED REVENUE	\$92,793.00	\$136,024.27	\$7,754.24	146.59%

CITY OF CROOKS

Council Revenue Guideline

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Source	Source Descr	2022 Budget	2022 YTD Amt	November 2022 Amt	%YTD Budget
38104	TAP FEE	\$0.00	\$6,250.00	\$0.00	0.00%
38105	Hydrant hookup	\$0.00	\$300.00	\$0.00	0.00%
38120	WATER PENALTY REVENUE	\$1,000.00	\$543.48	\$184.00	54.35%
38180	WATER SALES OF SUP & MATERIALS	\$0.00	\$0.00	\$0.00	0.00%
38190	WATER OTHER REVENUE	\$0.00	\$0.00	\$0.00	0.00%
38205	UNOBLIGATED FUNDS	\$0.00	\$0.00	\$0.00	0.00%
38310	RECONNECT FEES	\$0.00	\$1,250.00	\$200.00	0.00%
39101	TRANSFERS IN (SDCL 9-21-26.1)	\$0.00	\$0.00	\$0.00	0.00%
39124	Other bonds issued	\$0.00	\$0.00	\$0.00	0.00%
Fund 602 WATER FUND		\$281,269.00	\$330,509.10	\$25,182.87	
Fund 604 SEWER FUND					
33100	FEDERAL GRANTS	\$2,679.64	\$2,679.64	\$2,679.64	100.00%
33400	STATE GRANT	\$0.00	\$0.00	\$0.00	0.00%
33404	SD DANR Grants	\$0.00	\$435,074.15	\$0.00	0.00%
33900	OTH. INTERGOVERNMENTAL REV	\$0.00	\$0.00	\$0.00	0.00%
36100	INVESTMENT EARNINGS	\$0.00	\$219.61	\$63.58	0.00%
36900	OTHER MISCELLANEOUS REVENUE	\$0.00	\$55,591.41	\$0.00	0.00%
36903	RECOVERY PR YR EXPENDITURES	\$0.00	\$64.60	\$0.00	0.00%
36904	Dividend income	\$0.00	\$946.60	\$0.00	0.00%
37100	CW-04SURCH AS SECURITY OF DEBT	\$55,200.00	\$52,007.60	\$4,784.00	94.22%
37101	CW-05SURCH AS SECURITY OF DEBT	\$0.00	\$8,318.40	\$2,080.00	0.00%
37200	MONTHLY BASE CHARGE	\$235,593.00	\$228,826.85	\$21,048.73	97.13%
38040	OTHER SALES	\$0.00	\$0.00	\$0.00	0.00%
38300	SEWER METERED REVENUE	\$50,094.00	\$47,071.35	\$2,757.17	93.97%
38304	TAP FEE	\$0.00	\$6,250.00	\$0.00	0.00%
38310	RECONNECT FEES	\$0.00	\$0.00	\$0.00	0.00%
38320	SEWER PENALTY REVENUE	\$1,000.00	\$510.96	\$174.00	51.10%
38350	SEWER OTHER REVENUE	\$0.00	\$0.00	\$0.00	0.00%
38380	SEWER SALES OF SUP & MATERIALS	\$0.00	\$0.00	\$0.00	0.00%
39101	TRANSFERS IN (SDCL 9-21-26.1)	\$0.00	\$0.00	\$0.00	0.00%
39124	Other bonds issued	\$0.00	\$0.00	\$0.00	0.00%
Fund 604 SEWER FUND		\$344,566.64	\$837,561.17	\$33,587.12	
		\$2,014,816.46	\$3,124,377.14	\$363,978.51	

([Fund] Not In ("617","755"))

CITY OF CROOKS
MONTHLY FUND CASH BALANCE REPORT
As of November 30, 2022

Fund Accounting FUND DESCRIPTION	Cash Balance
101 General	\$ 690,959.99
201 Special Park Fund	\$ 22,200.00
211 Gross Receipts	\$ 17,051.29
220 Street maintenance fund	\$ -
221 Veterans Meorial Park Fund	\$ 4,000.00
272 Federal Grant Fund (21.027)	\$ 237,302.93
600 Gas	\$ 832,390.03
602 Water	\$ 229,687.99
604 Sewer	\$ 134,806.94
101 SD Fit	\$ 21,220.62
600 SD Fit	\$ 193.54
602 SD Fit	\$ 24,219.64
604 SD Fit	\$ 24,219.61
Totals	<u>\$ 2,238,252.58</u>

Bank Accounts	Cash Balance
38	\$ 5,007.95
206	\$ 178,651.23
916	\$ 2,068,457.47
SD Fit Utility	\$ 1,280.60
SD Fit Palmira SRF reserve	\$ 48,439.25
SD Fit USDA pay loader reserve	\$ 20,133.56
Totals	<u>\$ 2,321,970.06</u>

	Deposits in transit	\$ 4,288.39
	Outstanding checks	\$ (88,005.87)
Book versus Bank	+/- difference	\$ (83,717.48)

City of Crooks
December 2022 claims

Gross wages by department for month of November 2022

Council	\$ 525.00
Mayor	\$ 420.00
Planning and Zoning Commission	\$ 532.00
Finance Office	\$ 2,883.00
Government Buildings	\$ 1,466.15
Building Inspector	\$ 1,309.50
Highway & Streets	\$ 2,184.88
Highway & Streets - Snow Removal	\$ 1,373.23
Code Enforcement	\$ 95.82
Clean-Up	\$ 305.37
Animal Control	\$ 47.90
West Nile	\$ 81.62
Parks	\$ 2,575.76
Economic Development	\$ 140.10
Gas	\$ 4,843.28
Water	\$ 5,339.08
Sewer	\$ 5,430.88
Total wage claims	\$ 29,553.57

City of Crooks claims listing

Vendor	Date incur.	Description	Amount
A&B Business Solutions	12/2/2022	monthly managed IT	\$ 841.97
A&B Business Solutions	12/5/2022	copier lease	\$ 298.48
Aflac	11/30/2022	Aflac payable	\$ 138.34
Alliance Communications	12/1/2022	utilities office & sewer	\$ 374.32
Automotive Services Inc	11/30/2022	repair blue truck	\$ 86.61
Automotive Services, Inc.	11/17/2022	repair black truck	\$ 1,673.64
Border States Electric	11/23/2022	2" plex pipe	\$ 6,825.20
Border States Electric	11/23/2022	2" plex pipe	\$ 2,559.45
Builders Electric	12/5/2022	electrical work at New Hope Park	\$ 4,029.00
CC Storage	12/1/2022	storage unit rental	\$ 69.00
City of Sioux Falls - Public Works	11/30/2022	charges rubble site	\$ 143.48
Clayton Energy Corporation	11/14/2022	10-22 commodity purchase	\$ 17,359.30
Clayton Energy Corporation	12/1/2022	monthly reservation & fees	\$ 31,620.03
Crooks Municipal Utilities	12/7/2022	Palmira bathroom utilities	\$ 128.50
Crooks Municipal Utilities	12/7/2022	Crooks Comm. Cen. utilities	\$ 695.44
Crooks Municipal Utilities	12/7/2022	New Hope bathroom utilities	\$ 83.34
Crooks Municipal Utilities	12/7/2022	Sunset irrigation system utilities	\$ 30.87
Crooks Municipal Utilities	12/7/2022	Main lift station utilities	\$ 21.00
Crooks Municipal Utilities	12/7/2022	city shop utilities	\$ 156.53
Crooks Municipal Utilities	12/7/2022	w lift station utilities	\$ 23.10
Crooks Municipal Utilities	12/7/2022	n lift station	\$ 24.15
Debbie McGee Langrehr	11/14/2022	Crooks Comm. Cen. deposit refund	\$ 550.00
DGR Engineering	11/14/2022	hydraulic study report	\$ 20,173.97
DGR Engineering	11/14/2022	east side lift station construction admin	\$ 24,027.37
DGR Engineering	11/14/2022	construction admin drainage project	\$ 2,961.00
DGR Engineering	11/14/2022	10-2022 engineering services	\$ 1,030.88
DGR Engineering	11/14/2022	construction admin san. Sewer project	\$ 1,280.50
Dudley Laundry d/b/a Appeara	11/23/2022	mat, mop, towel, and rug service	\$ 88.61
Ecolab	11/15/2022	pest control services	\$ 97.29
Ferguson Waterworks	12/8/2022	360 AMR subscription	\$ 1,350.00

Ferguson Waterworks	11/22/2022	water registers	\$	6,977.19
First Dakota Title	11/8/2022	refund clearance certificate	\$	25.00
First Interstate Bank	11/30/2022	monthly service fee	\$	38.75
First Interstate Bank	12/7/2022	returned item fee	\$	4.00
First Interstate Bank	12/9/2022	purchase card payment	\$	3,214.93
Gas Training Specialties	12/7/2022	training & reg. maint.. & mileage	\$	875.00
Health Pool of SD	12/1/2022	health + life insurance payable	\$	3,737.20
Internal Revenue Service / EFTPS	11/17/2022	payroll tax deposit	\$	3,373.38
Internal Revenue Service / EFTPS	12/2/2022	payroll tax deposit	\$	3,802.06
Lacey Rentals	11/15/2022	portable restroom rental at shop	\$	138.00
Matheson Tri-Gas, Inc.	11/30/2022	gas charts	\$	34.25
Meierhenry Sargent	11/21/2022	east side lift station bond prep. Fee	\$	4,587.27
Meierhenry Sargent	12/1/2022	11-2022 legal services	\$	1,155.00
Meierhenry Sargent	10/26/2022	Bonander CFD recording fee	\$	30.00
Menards - West	11/15/2022	supplies	\$	342.51
Menards - West	11/23/2022	Christmas lights	\$	49.93
Menards - West	12/6/2022	tools for shop	\$	65.85
New Century Press	11/4/2022	notice of audit	\$	16.24
New Century Press	11/4/2022	Veterans Day ad	\$	50.00
New Century Press	11/18/2022	conditional use hearing notice	\$	15.12
New Century Press	11/18/2022	liquor license issuance hearing notice	\$	15.68
New Century Press	11/25/2022	11/14/22 mtg mins	\$	241.36
New Century Press	11/25/2022	hearing notice	\$	17.36
Nexben	12/1/2022	supplemental life insurance - child	\$	1.70
Nexben	12/1/2022	vision insurance	\$	20.42
Nexben	12/1/2022	supplemental life insurance - spouse	\$	50.40
Nexben	12/1/2022	supplemental life insurance	\$	59.00
Nexben	12/1/2022	dental insurance	\$	169.02
Nyberg's Ace Hardware	11/14/2022	supplies	\$	29.98
Nyberg's Ace Hardware	11/22/2022	supplies	\$	52.97
Nyberg's Ace Hardware	12/6/2022	ballasts electric	\$	65.98
Payment Service Network	12/2/2022	gateway fee & 2023 fee	\$	178.95
Q3 Contracting	11/12/2022	new gas main CDC development	\$	15,200.00
Q3 Contracting	12/7/2022	new gas services & labor	\$	6,405.67
SD Assoc. of Code Enforcement	11/17/2022	2023 dues	\$	75.00
SD Building Officials' Association	11/17/2022	2023 dues	\$	60.00
SD Dept of Revenue	11/18/2022	10-2022 sales tax payable	\$	2,791.16
SD Dept of Revenue	12/8/2022	11-2022 sales tax payable	\$	6,036.81
SD Gov't Finance Officers Assoc.	11/17/2022	2023 dues	\$	70.00
SD Gov't Human Resource Assoc.	11/17/2022	2023 dues	\$	50.00
SD Retirement System	11/17/2022	monthly retirement contribution	\$	3,144.66
SD Street Maintenance Assoc.	11/17/2022	2023 dues	\$	35.00
SDRS Supplemental Retirement Plan	11/4/2022	ROTH contribution	\$	300.00
SDRS Supplemental Retirement Plan	11/21/2022	ROTH contribution	\$	300.00
SDRS Supplemental Retirement Plan	12/6/2022	ROTH contribution	\$	300.00
SEAFOG	12/2/2022	2023 dues	\$	200.00
SECOG	11/29/2022	Administrative assistance SRF project	\$	4,000.00
Shell/Pump'N'Stuff	11/30/2022	fuel	\$	40.06
Shell/Pump'N'Stuff	11/16/2022	fuel	\$	45.33
Shell/Pump'N'Stuff	11/28/2022	fuel	\$	9.84
Shell/Pump'N'Stuff	11/28/2022	fuel	\$	17.91
Shell/Pump'N'Stuff	12/5/2022	fuel	\$	96.40
Sioux Falls Area Humane Society	11/9/2022	10-2022 animal control services	\$	58.34
Sioux Valley Energy	11/15/2022	sewer utilities	\$	178.12
Sioux Valley Energy	11/15/2022	street light utilities	\$	254.00

The City of Crooks is an equal opportunity provider

Sioux Valley Energy	11/15/2022	469th lift station utilities	\$	100.00
South Dakota 811	11/30/2022	monthly message fees	\$	84.00
Timothy Ruden	11/28/2022	refund application fee	\$	50.00
U Drive Technology	12/11/2022	monthly message fees	\$	269.32
US Postal Service	12/5/2022	gas awareness mailing	\$	481.66
US Postal Service	12/7/2022	mailing fee utility bills	\$	310.62
USDA - Rural Development	12/20/2022	pay loader note payment	\$	1,663.00
USDI	11/9/2022	moving district regulator station	\$	75,223.27
Vantek Communications	12/1/2022	pager utilities	\$	15.00
Verizon	11/10/2022	utilities metering station	\$	42.99
Wigham Trucking, Inc.	11/14/2022	street sweeping	\$	2,960.00
Wilnat Inc d/b/a Koons Gas Measurem't	12/1/2022	bracket kits	\$	325.65
Xcel Energy	11/30/2022	electric utilities	\$	3,060.91
			Total claims	\$ 272,430.59

Purchase card payments & returns				
Vendor	Date incur.	Description	Amount	
Amazon	11/15/2022	batteries & ink refill	\$	26.18
Amazon	11/15/2022	ink refill stamp	\$	9.69
Amazon	11/28/2022	snow stakes	\$	57.49
Amazon	11/30/2022	4TB internal hard drive	\$	84.93
Amazon	11/30/2022	NAS DiskStation	\$	314.99
Amazon	11/30/2022	4TB internal hard drive	\$	84.93
Amazon	12/7/2022	battery uninterruptible power supply	\$	205.99
Appearia	11/9/2022	mat, mop, towel, and rug service	\$	88.61
Appearia	12/7/2022	mat, mop, towel, and rug service	\$	99.20
Boxy's Paint and Body Inc.	11/14/2022	repair blue truck	\$	916.77
Crooks Country Corner	11/17/2022	fuel	\$	68.03
Ifixit	12/5/2022	replacement battery laptop	\$	64.99
Interstate All Battery Center	12/2/2022	battery	\$	60.15
JCL Solutions	11/15/2022	ice melt	\$	32.32
Mail Technologies/DocuSend	12/7/2022	ebill mailing Crooks	\$	6.38
Mail Technologies/DocuSend	12/7/2022	ebill mailing non-Crooks	\$	4.76
Maximum Promotions	12/7/2022	US flags	\$	81.00
Nyberg's Ace Hardware	12/6/2022	pad locks	\$	219.80
Office Depot	12/8/2022	supplies	\$	145.52
Renner Corner	12/1/2022	fuel	\$	33.21
Scooby's	10/26/2022	vehicle wash	\$	11.25
Shell/Pump'N'Stuff	11/15/2022	fuel	\$	22.22
Shell/Pump'N'Stuff	12/9/2022	fuel	\$	148.58
Shell/Pump'N'Stuff	11/21/2022	fuel	\$	45.46
Shell/Pump'N'Stuff	11/16/2022	fuel	\$	99.76
Shell/Pump'N'Stuff	11/29/2022	fuel	\$	42.56
Shell/Pump'N'Stuff	12/5/2022	fuel & deicing fluid	\$	62.34
Shell/Pump'N'Stuff	12/7/2022	fuel	\$	47.43
Sam's Club	12/6/2022	candy for Christmas parade	\$	53.90
Sturdevant's Auto Parts	11/15/2022	gas cans	\$	26.99
US Postal Service	11/21/2022	postage delinquent customers	\$	49.50
			Total purchase card claims	\$ 3,214.93

**AGREEMENT FOR FURNISHING POLICE SERVICES
BETWEEN MINNEHAHA COUNTY AND THE CITY OF CROOKS**

THIS AGREEMENT entered into on the 1st day of January, 2023, by and between MINNEHAHA COUNTY, SOUTH DAKOTA, hereinafter referred to as COUNTY, and CITY OF CROOKS, SOUTH DAKOTA, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, the Governing body of the CITY have determined that police services and protection are needed in the CITY and have called upon the COUNTY to furnish an estimate of the actual cost to said CITY for furnishing such services and protection, which estimate has been furnished and approved by the CITY;

NOW THEREFORE, in consideration of the terms and conditions as set forth herein, and in compliance with South Dakota Codified Laws, particularly SDCL Ch. 1-24, the CITY and the COUNTY do hereby contract and agree with each other as follows:

1. The COUNTY agrees to furnish police services and protection in the CITY and for such purpose shall furnish Sheriff Deputies and law enforcement equipment incident to the furnishing of such services in a quantity deemed necessary by the COUNTY for the term of January 1, 2023, through December 31, 2023.

2. All necessary equipment furnished by the COUNTY shall remain the sole property of the COUNTY pursuant to SDCL § 1-24-5 (2).

3. The COUNTY agrees that a Deputy Sheriff will be on duty in the CITY at least Twenty-Five (25) hours per week. The remainder of said Deputy Sheriff's time shall be devoted to COUNTY law enforcement activities. The COUNTY has sole discretion on the selection of an assigned Deputy Sheriff. The Sheriff shall make the assignment of his Deputies on behalf of the COUNTY.

4. Nothing herein shall restrict or limit the duties and obligations of the COUNTY and the County Sheriff pursuant to SDCL § 7-12-1.

5. Police service in the CITY shall be rendered under the directions of and administered by the County Sheriff pursuant to SDCL 1-24-5 (1), after careful consideration of the needs and desires of the CITY as expressed by the City Council of the CITY. A Sheriff Deputy engaged in police service and protection in the CITY under this Agreement shall be deemed a County employee.

6. It is agreed that the Sheriff Deputies assigned to the CITY will enforce all State Statutes and CITY Municipal Ordinances subject to the discretion of the Sheriff Deputy.

7. During the period of January 1, 2023 thru December 31, 2023, the CITY agrees to pay the COUNTY the sum of Fifty-One Thousand, Nine Hundred Thirty-Five Dollars (\$51,935.00), with one-fourth of said sum to be paid at the beginning of each quarter to the County Auditor, to wit: On or before January 1, April 1, July 1, and October 1.

8. All law enforcement endowments or grants from private or public agencies received for personnel as a result of this agreement will be accepted and distributed jointly and equally by the COUNTY and the CITY. All other grants or aid for equipment or other expenses will be accepted solely by the COUNTY.

9. At any time after the signing of this Agreement, the COUNTY and the CITY may by written amendment increase or decrease the amount to be paid by the CITY for police service and protection.

10. Either party hereto may cancel and terminate this Agreement at the end of any calendar year, provided notice of such intention to so terminate and cancel the Agreement shall be given not later than November 1, 2023, otherwise, it shall automatically renew for 2024 at a cost to be determined by the COUNTY.

11. As part of the police service and protection herein provided, the County Sheriff shall annually, and as soon after the end of the calendar year as practicable, furnish the CITY with a summary report of the activities of the police in the CITY, together with his comments and recommendations thereof. More frequent reports may, in the discretion of the Sheriff, be made where deemed advisable by the County Sheriff or requested by the CITY.

12. In making the scheduling and assignment of a Sheriff Deputy per paragraph 3, herein, the Sheriff shall review and consider the needs, concerns, policies and guidelines of the CITY as expressed by the City Council and Public Safety Committee of the City Council. The CITY shall review and update its needs and priorities as this Agreement continues in effect, and the Sheriff shall continue to review the CITY'S needs and priorities as they are presented to him, in order for him to adequately instruct a Deputy in the performance of the duties under this Agreement.

13. Time is of the essence of this Agreement.

IN WITNESS WHEREOF the COUNTY and the CITY have hereunto set their names and the signatures of their proper officers duly authorized by resolutions spread upon the minutes of the County Commission of MINNEHAHA COUNTY and upon the minutes of the Governing Body of the CITY OF CROOKS, respectively, on the day and year first above written.

CITY OF CROOKS, SD

APPROVED:

Mayor, City of Crooks

City Finance Officer

COUNTY OF MINNEHAHA, SD

APPROVED:

Minnehaha County Sheriff

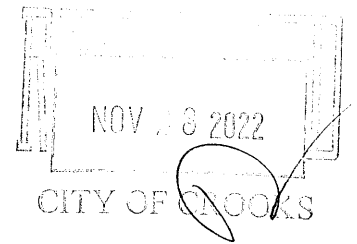
Chairperson
Minnehaha County Commission

ATTEST: Ben Kyte, Auditor

Deputy Auditor



Minnehaha County Sheriff's Office
Mike Milstead, Minnehaha County Sheriff



November 22, 2022

City of Crooks
701 S. West Ave., PO Box 785
Crooks, SD 57020

RE: Police Services Contract 2023

Enclosed you will find the police services contract for 2023.

We request that the contracts are acted upon, signed and one original is returned to the Sheriff's Office (320 W 4th Street, Sioux Falls, SD 57104) as soon as is feasible. I will file the executed contract with the Minnehaha County Auditor's Office upon receipt. The second original is for your records.

Please feel free to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bosman".

Captain Joe Bosman
Minnehaha County Sheriff's Office

Enclosure



Law Enforcement Center
320 W. 4th Street, Sioux Falls, SD 57104
Strong Foundation. Strong Future.
Equal Opportunity Employer and Service Provider

P: (605)367-4300
F: (605)367-7319
minnehahacounty.gov



Eastside Lift Station
City of Crooks
Crooks, South Dakota
December 5, 2022
Proposal P-0018769



American Engineering Testing, Inc. (AET) is pleased to offer Construction Testing Services for the above referenced project. This proposal describes our understanding of the project, our anticipated scope of services, our unit rates, and an estimated total fee to perform these services.

AVAILABLE BID INFORMATION

Project documents provided to assist us in preparing this proposal included the following:

- Project Plans
- Special Inspections Schedule

SCOPE OF SERVICES

Based on our review of the available plans and specifications, our anticipated scope of services is outlined below.

Soil Testing

During excavation, a Staff Engineer I (Senior Engineering Technician) will observe the soils in the bottom of the excavation and give recommendations. (If required)

During placement of fill in the building excavations, pavement excavations, and utility trench excavations, an experienced Engineering Technician will visit the site on an on-call basis to test the compaction of the fill. Laboratory tests will also be required to present results.

Concrete Testing (if required)

Personnel from AET will perform testing of concrete on an on-call basis when requested by the contractor. These services will be performed by experienced, ACI certified Engineering Technician at the frequencies required by the project specifications. On site visits when we are observing reinforcing steel, we will have the same Engineering Technician remain at the site to perform testing of the concrete, thus reducing mobilization charges.

Bituminous Observations and Testing (if required)

When placement of the bituminous base and wear layers begin, an experienced Engineering Technician II will make site visits on an on-call basis to observe the placement and rolling of the bituminous layers and to perform testing of the bituminous pavement.

Eastside Lift Station

City of Crooks
Crooks, South Dakota
December 5, 2022
Proposal P-0018769

REPORTING

Reports presenting the results of our observations and testing services will be provided periodically during the various phases of construction. At the completion of construction, we will issue a final report summarizing the results of all observations and testing services, if requested.

ESTIMATED FEES

Our services will be provided on a unit cost basis according to the unit rates provided in the attached Fee Schedule tabulation. Our monthly invoices will be determined by multiplying the number of personnel hours or tests by their respective unit rates. We have also estimated a total cost which we anticipate will be required to complete the previously described observations and testing services. This estimated total cost is based on our experience with similar projects. Our **estimated** total cost will be **\$13,730.00. Plus, any applicable taxes.** We refer you to the attached Fee Schedule for an itemization of how we arrived at this estimated cost.

We caution that this is only an estimated cost. Often, variations in the overall cost of the services occur due to reasons beyond our control, such as construction change orders, weather delays, changes in the contractor's schedule, unforeseen conditions or retesting of services. These variations will affect the actual invoice totals, either increasing or decreasing our total costs for the project from those estimated in this proposal. If more time or tests are required, additional fees may be needed to complete the project testing services. If less time or tests are needed, a cost savings will be realized. We will not, however, exceed the estimated total cost for the project without first obtaining your authorization.

TERMS AND CONDITIONS

All AET Services are provided subject to the Terms and Conditions set forth in the enclosed Construction Service Agreement—Terms and Conditions, which, upon acceptance of this proposal, are binding upon you as the Client requesting Services, and your successors, assignees, joint ventures and third-party beneficiaries. Please be advised that additional insured status is granted only upon written acceptance of the proposal.

ACCEPTANCE

AET requests written acceptance of this proposal in the Proposal Acceptance box below, but the following actions shall constitute your acceptance of this proposal together with the Terms and Conditions: 1) issuing an authorizing purchase order for any of the Services described in this proposal, 2) authorizing AET's presence on site, or 3) written or electronic notification for AET to proceed with any of the Services described in this proposal. Please indicate your acceptance of this proposal by signing below and returning a copy to us. When you accept this proposal, you represent that you are authorized to accept on behalf of the Client.

Eastside Lift Station

City of Crooks
Crooks, South Dakota
December 5, 2022
Proposal P-0018769

GENERAL REMARKS

AET appreciates the opportunity to provide this service for you and looks forward to working with you on this project. If you have any questions or need additional information, please contact me.

Sincerely,
American Engineering Testing, Inc.

Prepared By:

A handwritten signature in black ink, appearing to read 'Zane L. Hiller', with a long horizontal flourish extending to the right.

Zane L. Hiller, EIT
Project Manager
Phone: 605.595.8769
Email: zhiller@teamAET.com

Attachments: Fee Schedule Tabulation
Construction Service Agreement – Terms and Conditions
W9
Certificate of Insurance

Eastside Lift Station
City of Crooks
Crooks, South Dakota
December 5, 2022
Proposal P-0018769

AET PROPOSAL No. P-0018769 ACCEPTANCE AND AUTHORIZATION
Signature:
Printed Name:
Company:
PO No./Project No.:
Invoice email:
Date:

PRELIMINARY FEE SCHEDULE

PROJECT TESTING SERVICES
EASTSIDE LIFT STATION
ADDRESS OR INTERSECTION
CROOKS, SOUTH DAKOTA, 57020
AET PROPOSAL No. P-0018769



SERVICE DESCRIPTION	PROJECT BUDGET		
	ESTIMATED UNITS	UNIT RATE	BUDGET AMOUNT
Excavation Observations & Compaction Testing			
Excavation Observations			
Compaction Testing			
Proof Roll Observations - Senior Engineering Technician for observations, consultation and reporting (assumes # trips to the jobsite).	0 hours	\$100.00	\$0.00
Excavation Observations - Engineer I for observations of excavations, consultation and reporting (assumes # trips to the jobsite).	5 hours	\$142.00	\$710.00
Trip Charge to the jobsite.	20 trips	\$85.00	\$1,700.00
Engineer I Trip Charge to Job Site	2 trips	\$100.00	\$200.00
Nuclear Density Test.	90 tests	\$35.00	\$3,150.00
ASTM D4318 Atterberg Limits *** Plastic Limit - Individual test	2 tests	\$115.00	\$230.00
ASTM D698 Standard Proctor.	4 tests	\$180.00	\$720.00
ASTM C136 Sieve Analysis of Aggregate (Coarse and Fine)	2 tests	\$125.00	\$250.00
Section Subtotal:			\$6,960.00
Reinforcing Steel Observations & Concrete Testing			
Concrete Testing			
Rebar & Concrete Testing - Engineering Technician II for observations of reinforcing steel and testing of concrete (assumes # trips to the jobsite).	10 hours	\$85.00	\$850.00
Concrete Testing - Engineering Technician I for testing of concrete only - NO OBSERVATIONS OF REINFORCING STEEL (assumes # trips to the jobsite).	0 hours	\$85.00	\$0.00
Trip Charge to the jobsite.	5 trips	\$85.00	\$425.00
Sample Pickup - service from jobsite.	2 trips	\$85.00	\$170.00
ASTM C39 Concrete Compressive Strength - Curing, handling and testing of 4" x 8" concrete test cylinders (includes handling of non-tested cylinders).	20 cyls.	\$33.00	\$660.00
ASTM C39 Concrete Compressive Strength - Curing, handling and testing of 6" x 12" concrete test cylinders (includes handling of non-tested cylinders).	0 cyls.	\$45.00	\$0.00
Section Subtotal:			\$2,105.00
Bituminous Observations & Testing			
Bituminous Density Testing - Engineering Technician II for nuclear density testing of bituminous without roll pattern observation (assumes # trips to the jobsite).	0 hours	\$100.00	\$0.00
Roll Pattern Testing/Sampling - Engineering Technician II for observations of bituminous placement, establishing roll pattern, thickness and density testing, and obtaining samples for laboratory testing (assumes # trips to the jobsite).	16 hours	\$100.00	\$1,600.00
Trip charge to the jobsite.	2 trips	\$85.00	\$170.00
ASTM D2172 Quantitative Extractions with gradation- Aggregate content quantitative extraction percentage determination.	0 tests	\$300.00	\$0.00
Nuclear Density Test - Asphalt compaction tests.	6 tests	\$35.00	\$210.00
Removing and Patching Asphalt Cores	3 cores	\$105.00	\$315.00
ASTM D2726 Density of Bituminous - In Place thickness and density tests of bituminous core samples.	0 cores	\$105.00	\$0.00
Max. Theoretical Specific Gravity and Density of Asphalt Mixes (Rice Method)	2 tests	\$150.00	\$300.00
Gyratory Mix Properties (Suite of Test) of bituminous; Rice Specific Gravity test and Gyratory Density test.	0 tests	\$540.00	\$0.00
ASTM D6307 Ignition Extraction with Gradation.	0 tests	\$120.00	\$0.00
Pavement Density & Thickness tests of bituminous core samples.	0 tests	\$50.00	\$0.00
Sieve Analysis - AASHTO T 27 - Aggregate qualification only.	0 tests	\$125.00	\$0.00
ASTM C123 Lightweight Particles - Aggregate qualification only.	0 tests	\$155.00	\$0.00
ASTM D2419 Sand Equivalent Value - Aggregate qualification only.	0 tests	\$190.00	\$0.00
Fractured Faces - Aggregate qualification only.	0 tests	\$150.00	\$0.00
Uncompacted Void Content of Fine Aggregate (FAA) - Aggregate qualification only.	0 tests	\$126.00	\$0.00

PRELIMINARY FEE SCHEDULE

PROJECT TESTING SERVICES
EASTSIDE LIFT STATION
ADDRESS OR INTERSECTION
CROOKS, SOUTH DAKOTA, 57020
AET PROPOSAL No. P-0018769



SERVICE DESCRIPTION	PROJECT BUDGET		
	ESTIMATED UNITS	UNIT RATE	BUDGET AMOUNT
Section Subtotal:			\$2,595.00
<i>Project Management & Coordination</i>			
Project Management - Engineer II/Project Manager for coordination of AET personnel and activities, attending meetings (if requested), consultation and report preparation.	5 hours	\$142.00	\$710.00
Project Administrator for report preparation, review, invoicing.	5 hours	\$92.00	\$460.00
Special Consultation - Principal Engineer for special consultation and report review.	0 hours	\$220.00	\$0.00
Trip Charge to the jobsite.	0 trips	\$85.00	\$0.00
Report - distribution (Qest, email, in-person, etc.).	15 each	\$60.00	\$900.00
Section Subtotal:			\$2,070.00
ESTIMATED BUDGET			\$13,730.00

City of Crooks
Crooks City Council

Notice of Hearing upon receipt of an application for a conditional use of keeping animals

Notice is hereby given that a hearing will be held before the Crooks City Council at 7:00pm/CST on the 12th day of December 2022 at the Crooks Community Center (701 S West Ave, Crooks, SD, 57020) upon receipt of an application for a conditional use by Tracy Pepin for 209 E. 6th St., Crooks, SD (Legal description: Lot 6 in block 5 in Johnsons 1st Addition to the City of Crooks; County parcel: 019928). The conditional use application is requesting a permit to keep more than four domestic pets pursuant to the conditions outlined in Ordinance #174.

Notice is further given that at the time and place of aforesaid any person may appear and be heard upon all matters pertaining to said conditional use. Interested parties may appear personally or through their designated agent(s), attorney(s), or representative(s). Anyone unable to attend may submit written comments prior to the hearing.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Crooks Finance Officer at (605) 543-5238. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

/s/Tobias Schantz
City Administrator/Finance Officer

Published: 11/18/2022

Published once at the approximate cost of: \$15.12

BEN AND TRACY PEPIN 209 EAST 6TH STREET CROOKS, SD

TIMELINE OF ANIMAL CONTROL INCIDENTS AS IT RELATES TO THE CITY ORDINANCES.

8/26/12 Bite report taken. Nine-year boy bit by a Dachshund that was being fostered by the Pepins from Dakota Dachshund Rescue. Diane Wade, of Dakota Dachshund Rescue, reclaimed the dog after the quarantine period.

12/18/18 Crooks resident presented the City with pictures from a Facebook post from Tracy Pepin. Tracy was advertising husky puppies for sale. City letter (posted to Pepin front door) sent to Pepins requesting \$250 for a litter permit. 12/22/18 still no response from Pepin's on breeding Huskies. FB posting of puppies for sale continued. 12/27/18 I placed a phone call to Tracy's cell. Her response was that she didn't agree with our ordinance on dog breeding. Still no mention on when she would pay the \$250. 12/29/18 FB posting of puppies continued.

1/5/19 Andy O, from Sioux Falls Area Humane Society visited the Pepin's. She collected the litter permit of \$250 and the City issued them a "litter permit" on 1/5/2019.

3/25/20 Pepin neighbors complaining that Pepins had 5 dogs (4 Huskies and 1 Dalmatian) letter sent certified. Letter was picked up by Pepin on 3/26/20. Angry call from Tracy Pepin. She mentioned several times that she worked for an attorney. Said the Dalmatian was an elderly dog (neighbor's confirmed this to be true). 3/27/20 another letter sent to Pepins as a follow up from our conversation on the 26th. Conditional Use permit form sent to Pepin's on 4/14/20. Tracy Pepin informed City staff that the Dalmatian was deceased.

Summer 2022 I received various comments from folks on the south side of Crooks that Pepin's once again had 5 dogs. I did not act on this because the reporting parties did not see the 5 dogs but rather heard it from direct neighbors of the Pepins.

9/30/22 I was approached by a neighbor whose yard is adjacent to the Pepins. It was reported that yes there are 5 dogs over there and that the Pepin's let them out in shifts of 2 or 3 at a time so no one would see all 5 at once. Letter was sent to the Pepins the same day. Tracy Pepin came in the City office a day or two later and asked how to go about requesting a conditional use permit for the 5 dogs. I was told that the Dalmatian belonged to one of her sons.

City of Crooks
Notice of Hearing upon an application for an initial on-sale liquor license

NOTICE IS HEREBY GIVEN that the City Council for the City of Crooks, South Dakota, will hold a hearing upon receipt of an application for the initial licensing of on-sale retail liquor license to operate within the municipality for the licensing period ending December 31, 2023. The hearing will be held on the 12th day of December, 2022, at 7:00 pm/C.S.T. at the Crooks Community Center (701 S West Ave, Crooks, SD, 57020).

Applicant:

Winter-Green Acres Event Venue LLC
100 Spruce Dr
Crooks, SD, 57020

Notice is further given that at the time and place of aforesaid any person may appear and be heard upon all matters pertaining to said application. Interested parties may appear personally or through their designated agent(s), attorney(s), or representative(s). Anyone unable to attend may submit written comments prior to the hearing.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Crooks Finance Officer at (605) 543-5238. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Dated this 16th day of November, 2022.

/s/Tobias Schantz
City Administrator/Municipal Finance Officer
City of Crooks, South Dakota

Published: 11/18/2022

Published once at the approximate cost of: \$15.68

Date Received _____
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Ryan & Tammy Winter
46820 256th St
Crooks, SD, 57020

Owner's Telephone #: 605-864-9719

B. Business Name and Address

Winter-Green Acres Event Venue LLC
100 Spruce Dr
Crooks, SD, 57020

Business Telephone #: 605-864-9719

Place of business is located in a municipality? ☒ Yes ☐ No

County: Minnehaha

Do you own or lease this property? ☒ Own ☐ Lease

Are real property taxes paid to date? ☒ Yes ☐ No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- ☒ Retail (on-sale) Liquor
☐ Retail (on-sale) Liquor - Restaurant
☐ Convention Center (on-sale) Liquor
☐ Package (off-sale) Liquor
☐ Retail (on-off sale) Wine and Cider
☐ Retail (on-off sale) Malt Beverage & SD Farm Wine
☐ Package Delivery
☐ Hunting Preserve
☐ Other _____

Is this license in active use? ☒ Yes ☐ No

Do you or any officers, directors, partners, or stockholders
hold any other alcohol retail, manufacturing, or
wholesaler licenses?

☐ Yes ☒ No If Yes, please list on the back page.

D. Legal description of licensed premise:

Tract 1 Winter Acres Addition to the City of Crooks

Have you ever been convicted of a felony? ☐ Yes ☒ No

E. State Sales Tax Number _____

F. New license ☒ Transfer? (\$150) ☐ Re-issuance ☐

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 10/27/2022

Print Name Tammy Winter

Signature



H. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on _____. Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held ☐

Amount of fee collected with application \$ 1,362

Amount of fee retained \$ _____

Forwarded with application \$ _____

For Local Government Use

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL _____ REVIEW _____

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Please complete the reverse side if applicable

City of Crooks
Notice of Hearing
On the Addendum to Tax Increment Finance District #2

Notice is hereby given pursuant to § 11-9-3 of the South Dakota Codified Laws, that a public hearing shall be conducted at City of Crooks, Crooks Community Center, 701 S. West Avenue, Crooks, South Dakota, on December 12 at 7:00 PM or as soon thereafter as can be heard by the Crooks City Council on the question of whether to recommend the addendum to the formation of a tax incremental district. The real property to be located within the Tax Increment District is within City of Crooks, described as follows:

- Tract 1 of Benson's 3rd Addition, except Lot 1 and Tract 1 of Tri-Valley Addition, an addition in the Northeast Quarter and the Southeast Quarter of Section 10, Township 102 North, Range 50 West of the 5th Principal Meridian, Minnehaha County, South Dakota

The Tax Increment District would be created to promote economic development and accomplish the City's development objectives for improving the continued viability by promoting economic development with additional job creation and housing opportunities within the City of Crooks.

At said time and place, the Crooks City Council shall give all parties who appear or submit written comments an opportunity to express their views with respect to the proposal creation of the District and its proposed location. Written comments will be received at the Crooks Municipal Office (701 S West Ave, Crooks, SD) until the date and time set for the public hearing.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Crooks Finance Officer at (605) 543-5238. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Tobias Schantz
City Administrator/Finance Officer
City of Crooks, SD

Published: 11/25/2022 & _____
Published twice at the approximate cost of: \$39.13 &

CITY OF CROOKS
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Crooks will hold a Public Hearing on Monday, December 12, 2022, regarding the Water Tower and Water System Infrastructure Improvements project. The purpose of the public hearing is to discuss the proposed project, the proposed financing, and the source of repayment for any loans. The public is invited to attend and comment on the project.

The City expects to apply for up to \$3,200,000 for the Water Tower and Water System Infrastructure Improvements project.

The City is seeking project funding from the Board of Water and Natural Resources. The funds could be a grant from the state Consolidated Water Facilities Construction Program and/or a loan from the Drinking Water State Revolving Fund (SRF) Program. The expected Drinking Water SRF loan terms are 3.25 percent for 30 years, and the Board of Water and Natural Resources may forgive all or a portion of the loan principal.

This public hearing will be held at the following time, date, and location:

7:00 PM
Monday, December 12, 2022
Crooks Community Center
701 S. West Ave.
Crooks, SD 57020

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Crooks City Office at (605) 543-5238. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

/s/Tobias Schantz
City Administrator/Finance Officer

Published: 11/25/2022.
Published once at the approximate cost of \$17.36.

Commercial Building Official

Building Type Responsibility Defined:

The **Commercial Building Official (CBO)** is responsible for the compliance of the building code as it applies to certain structure within the city of Crooks. These structures are required to comply with the 2021 International Building Code as adopted by the City of Crooks.

The City of Crooks has two Building Officials. One is responsible for the residential building activities within the city and the other is responsible for the commercial building activities within the city. By definition, the 2021 IBC will be used as the guide to defining which building official will have which type of project. The breakdown is as follows:

Commercial Building Official Responsibilities:

1. Assembly (see Section 303): Groups A-1, A-2, A-3, A-4 and A-5.
2. Business (see Section 304): Group B.
3. Educational (see Section 305): Group E.
4. Factory and Industrial (see Section 306): Groups F-1 and F-2.
5. High Hazard (see Section 307): Groups H-1, H-2, H- 3, H-4 and H-5.
6. Institutional (see Section 308): Groups I-1, I-2, I-3 and I-4.
7. Mercantile (see Section 309): Group M.
- 8a. Residential (see Section 310): Groups R-1 defined as:
 - Boarding houses (transient) with more than 10 occupants
 - Congregate living facilities (transient) with more than 10 occupants
 - Hotels (transient)
 - Motels (transient)
- 8b. Residential (see Section 310) R-2 defined as:
Residential Group R-2 occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature.
 - Apartment houses
 - Congregate living facilities (nontransient) with more than 16 occupants
 - Boarding houses (nontransient)
 - Convents
 - Dormitories
 - Fraternities and sororities
 - Monasteries
 - Hotels (nontransient)
 - Live/work units
 - Motels (nontransient)
 - Vacation timeshare properties if the size fall outside of R-3 or R-4 requirements

The **Residential Building Official (RBO)** is responsible for the compliance of the building code as it applies to certain residential structure within the city of Crooks. These residential structures are required to comply with the 2021 International Building Code as adopted by the City of Crooks.

Residential Building Official Responsibilities include:

9. Residential (see Section 310) R-3 as defined as:

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two dwelling units
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient) with 16 or fewer occupants
- Boarding houses (nontransient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries
- Congregate living facilities (transient) with 10 or fewer occupants
- Boarding houses (transient)
- Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants

10. Residential (see Section 310) R-4 as defined as:

Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care.

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

South Dakota Licensure Requirements

Under South Dakota State law, certain project require design professionals for the design, production of documents and construction observations. These duties are specifically defined in Chapter 36-18A of the SD Codified Laws. This chapter defines who is exempt from licensing requirements. A breakdown of these requirements are as follows:

36-18A-9. Certain persons exempt from provisions of chapter.

This chapter does not apply to:

- (1) Any person engaged in military engineering while rendering service exclusively for any of the armed forces of the United States or this state;
- (2) Any person engaged in the practice of engineering, architecture, landscape architecture, or land surveying in the employ of the United States government but only while exclusively engaged as a United States government employee on such government project or projects which lie within federally-owned land;
- (3) Any person engaged in the practice of engineering, architecture, landscape architecture, or land surveying in the employ of the state and any of its political subdivisions but only while rendering service exclusively to such employer. Any building project resulting from the practice of engineering, architecture, landscape architecture, or land surveying under this subdivision is subject to the size limitation imposed under the exemptions in subdivision (8) of this section;
- (4) Any employee who prepares technical submissions or administers construction contracts for a person or organization lawfully engaged in the practice of engineering, architecture, landscape architecture, or land surveying, if the employee is under the direct supervision of a registered professional engineer, architect, landscape architect, or land surveyor;
- (5) Any full-time employee of a corporation, partnership, firm, business entity, or public utility while exclusively doing work for the corporation, partnership, firm, business entity, or public utility, if the work performed is in connection with the property, products, and services utilized by the employer and not for any corporation, partnership, firm, or business entity practicing or offering to practice architectural, engineering, landscape architecture, or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure if the primary use is occupancy by the public;
- (6) Any person engaged in the preparation of plans and specifications for the erection, enlargement, or alteration of any of the following buildings:
 - (a) Any dwelling for a single family, and any outbuilding in connection therewith, such as a barn or private garage;
 - (b) Any two, three, or four family dwelling;
 - (c) Any five to sixteen family dwelling, inclusive, located in a governmental subdivision of this state which provides a detailed building code review of building projects by a building inspection department which is a governmental member of the International Code Council (ICC) or an ICC certified plans examiner;
 - (d) Any farm or ranch building or accessory thereto except any building regularly used for public purposes; or

- (e) Any temporary building or shed used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;
- (7) Any person who prepares detailed or shop plans required to be furnished by a contractor to a registered professional engineer or architect, and any construction superintendent supervising the execution of work designed by an architect or professional engineer registered in accordance with this chapter;
- (8) Any person engaged in the preparation of plans and specifications for the new construction, the enlargement or the alteration of any of the following buildings:
 - (a) Any building occupied as a hospital, hotel, motel, restaurant, library, medical office, nursing facility, assisted living facility, jail, retirement home, or mortuary, if the gross square footage of the new construction, the enlargement, or the alteration is four thousand square feet or less;
 - (b) Any building occupied as an auditorium, church, school, or theater if the gross square footage of the new construction, the enlargement, or the alteration is five thousand square feet or less;
 - (c) Any building occupied as a bowling alley, office, shopping center, bank, fire station, service station, or store if the gross square footage of the new construction, the enlargement, or the alteration is seven thousand square feet or less;
 - (d) Any building occupied as an industrial plant or public garage if the gross square footage of the new construction, the enlargement, or the alteration is eleven thousand square feet or less;
 - (e) Any building occupied as a warehouse if the gross square footage of the new construction, the enlargement, or the alteration is twenty thousand square feet or less;
 - (f) Any building with an occupancy other than those listed in subsections (a) to (e), inclusive, of this subdivision if the gross square footage of the new construction, the enlargement, or the alteration is four thousand square feet or less; or
 - (g) Any preengineered or predesigned building, or any preengineered or predesigned building with a predesigned system, designed for the intended use of that building, including building structure, electrical, plumbing, and mechanical systems, if the buildings and systems are supplied directly, or indirectly, by a company engaged in the business of designing and supply such buildings and systems and if the company has in its employ one or more engineers or architects licensed in South Dakota, who prepare all designs for such buildings and systems.

No person exempted may use the title of professional engineer, architect, landscape architect, or land surveyor, or any other word, words, letters, or signs in connection with the person's name that may falsely convey the impression that the person is a licensed professional engineer, architect, landscape architect, or land surveyor.

Source: SL 1999, ch 195, § 9; SL 2007, ch 219, § 7; SL 2016, ch 195, § 3.

Commercial Building Submittal Process

As defined in the 2021 IBC, the building official is authorized and directed to enforce the provisions of the code. The building official shall have the authority to render interpretations of the code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the code.

For the City of Crooks, the procedure that has been established for the varies duties has been defined as follows:

1. The City Administrator shall receive applications and fees. It has been established that the building permit fee shall be divided with 20% of the fee going to the City of Crooks and 80% of the fee going to the CBO.

Along with a completed permit application, the following documents are required for a plan submittal:

- Site plan drawn to scale showing property boundary lines, zoning setbacks on all sides, building location dimensioned to property lines, and all required parking and paved and unpaved surface areas.
 - Building floor plan drawn to a minimum scale of 1/8" = 1'-0".
 - All areas within the plan must be dimensioned.
 - List the total building area
 - List the construction type
 - Building exterior elevations with dimensions and materials noted.
 - A minimum of (1) one building cross section
 - A minimum of (1) one wall section with all materials and R-values noted.
 - Highlighted fire walls if required
 - Highlighted fire suppression if required
 - If required by SD Law, stamped, signed and dated professional seals for all disciplines including architectural, civil, structural, mechanical and electrical disciplines.
2. The CBO shall review construction documents and provide an approval notice to the City Administrator of the acceptability of a project for a building permit.

The approval process involves two components.

First, submitted plans are submitted to Crooks Planning and Zoning for a review and authorization that the project meets the City P & Z requirements. In cases where a resubmittal of documents is required, the applicant shall resubmit documents or corrections to verify compliance. Once the City P & Z Official has approved the documents, a notification shall be submitted to the CBO. The CBO shall include this notice when the plan analysis is completed.

Second, the submitted plans will undergo a plan analysis to determine the compliance with the adopted code. This plan analysis (typically a 7 – 15 page document), when completed, will be returned to the applicant with any non-compliant issues noted. In cases where a resubmittal of documents is required, the applicant shall resubmit documents or corrections to verify compliance. Once the submittal is approved, the CBO will send a written notice to the City Administrator of the approval of the plans, including the approval of the P & Z Official.

2. The City Administrator shall then issue permits for the various projects. Note that a commercial building permit cannot be issued without authorization of Planning & Zoning and the Commercial Building Official.
3. The CBO shall observe the project at various stages of the construction. Observations that will be completed per the IBC include:
 - Footings and foundations
 - Concrete slab and underfloor
 - Lowest floor
 - Framing
 - Heavy timber (if applicable)
 - Interior wall surfaces prior to finishing
 - Exterior weather exposure and waterproofing
 - Fire and smoke separations and penetrations
 - Energy efficiencies

The CBO shall also observe the premises for which such permits have been issued and enforce compliance with the provisions of the adopted building code.

There is a specific list of special inspections required by Chapter 17 of the IBC. These “inspections” will be provided by the design professionals or a contracted agent by the applicant or his agent.

5. Upon notification by the permit holder, the CBO review the final project including all life safety areas. Upon acceptance, the CBO will provide an approval to the City Administrator to issue a Certificate of Occupancy.

Additional Items

The CBO shall issue necessary notices or orders to ensure compliance with this code.

The CBO shall make the required observations, and may accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

The building official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the City of Crooks.

Where it is necessary for the CBO to make an inspection to enforce the provisions of this code, or where the CBO has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of the code that makes the structure or premises unsafe, dangerous or hazardous, the CBO is authorized to enter the structure or premises, with prior notice sent to the owner, design professional and contractor.

Entrance must be done at reasonable times and in the presence of the owner, design professional or contractor. Specific access for cause shall be to inspect or to perform the duties imposed by this code.

If such structure or premises be occupied, notice shall be sent to the owner and credentials must be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first provide notice and make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry.

If entry is refused, the CBO shall report such refusal to the City Administrator and the City of Crooks shall have recourse to the remedies provided by law to secure entry. Note that the CBO is an agent for the City of Crooks.

The CBO charged with the enforcement of the code, while acting for the City of Crooks in good faith and without malice in the discharge of the duties required by the code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally, and by adoption of the code, is relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

It is important to note that since commercial projects typically always have design professionals involved who have specific liabilities and responsibilities for their projects, the City of Crooks does not do "inspections" of projects but does periodic "observations" of projects.

Where there are practical difficulties involved in carrying out the provisions of this code, the CBO shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the CBO shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the project file at the City of Crooks.

End of Document.

APPLICATION AND RECOMMENDATION FOR PAYMENT

Contract for Crooks, Eastside Lift Station Improvements DGR Project No. 671125

Application No. 2 Dated December 7, 2022

For work accomplished through the date of December 2, 2022

Contractor H&W Contracting, LLC 3416 Hovland Drive, Sioux Falls, SD 57107

Original Contract Price	<u>\$1,000,867.50</u>	Amount Due to Date	<u>\$474,710.20</u>
Net Change Orders		Materials Stored	<u>\$0.00</u>
No. <u>1</u> through <u>1</u>	<u>\$116,820.00</u>	Less Retainage (<u>10</u> %)	<u>\$47,471.02</u>
Current Contract Price	<u>\$1,117,687.50</u>	Less Previous Payments	<u>\$71,325.00</u>
		Amount Due This Application	<u>\$355,914.18</u>

Contractor's Certification

The undersigned Contractor certifies that (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of Contractor incurred in connection with Work covered by prior Application and Recommendation for Payments numbered 1 through 2 inclusive; and (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by this Application will pass to Owner at time of payment free and clear of all liens, claims, security interests or encumbrances (except such as are covered by Bond acceptable to Owner).

H&W Contracting, LLC
Contractor

Dated: _____ By: _____

This application meets the requirements of the Contract Documents.
In accordance with the contract, the undersigned recommends payment to the contractor of the amount due as shown above.

DGR Engineering
Engineer

Dated: _____ By: _____

The Owner concurs with this application for payment.

City of Crooks
Owner

Dated: _____ By: _____

APPLICATION FOR PAYMENT DETAIL SHEET

APPLICATION DATE: December 7, 2022

APPLICATION NO. 2

PROJECT: Crooks, Eastside Lift Station Improvements

CONTRACTOR: H&W Contracting, LLC

ENGINEER: DGR Engineering

APPLICATION PERIOD

FROM: November 1, 2022

THRU: December 2, 2022

ITEM NO.	ITEM DESCRIPTION	PLAN QTY	UNIT	UNIT PRICE	CONTRACT PRICE	PAST APPLICATION		THIS APPLICATION		TOTAL TO DATE		REMARKS
						QTY	EARNED	QTY	EARNED	QTY	EARNED	
1	Mobilization	1	LS	119,800.00	119,800.00	0.25	29,950.00	0.25	29,950.00	0.50	59,900.00	
2	Unclassified Excavation	9,560	CY	4.50	43,020.00	1,000.00	4,500.00			1,000.00	4,500.00	
3	Strip, Salvage, & Place Topsoil	3,260	CY	4.00	13,040.00	1,500.00	6,000.00			1,500.00	6,000.00	
4	Scarify & Recompact Subgrade	2,530	SY	1.00	2,530.00							
5	Aggregate Base Course	1,160	TON	27.30	31,668.00							
6	Asphalt Concrete Composite	400	TON	128.00	51,200.00							
7	Gravel Surfacing	730	TON	30.50	22,265.00							
8	Remove & Salvage Pipe Culvert	161	LF	10.00	1,610.00							
9	Remove Fence	236	LF	2.20	519.20							
10	Tubular Frame Gate	1	LS	1,080.00	1,080.00							
11	Permanent Seed Mix	720	LB	7.40	5,328.00							
12	Fertilizer	1,310	LB	0.95	1,244.50							
13	Mulch	8.8	TON	216.00	1,900.80							
14	Soil Stabilizer	4.4	AC	325.00	1,430.00							
15	Silt Fence	1,220	LF	3.35	4,087.00			1,220.00	4,087.00	1,220.00	4,087.00	
16	Horseshoe Filter	1	EA	2,500.00	2,500.00							
17	Type B Drainage Fabric	225	SY	3.00	675.00							
18	Class B Rip Rap	190	TON	45.00	8,550.00							
19	6" C900 PVC Force Main w/ Bedding	2,051	LF	45.00	92,295.00	800.00	36,000.00	1,251.00	56,295.00	2,051.00	92,295.00	
20	6" MJ Bend 22.5/45	7	EA	700.00	4,900.00	3.00	2,100.00			3.00	2,100.00	
21	6" MJ Sleeve	1	EA	700.00	700.00	1.00	700.00	1.00	700.00	2.00	1,400.00	
22	8" PVC Sanitary Sewer Pipe w/ Bedding	1,265	LF	52.00	65,780.00			1,265.00	65,780.00	1,265.00	65,780.00	
23	10" PVC Sanitary Sewer Pipe w/ Bedding	14	LF	60.00	840.00			14.00	840.00	14.00	840.00	
24	10" PVC Sewer Cap/Plug	1	EA	250.00	250.00			1.00	250.00	1.00	250.00	
25	12" PVC Sanitary Sewer Pipe w/ Bedding	30	LF	70.00	2,100.00			30.00	2,100.00	30.00	2,100.00	
26	48" Manhole (8'-10' Deep)	1	EA	3,450.00	3,450.00			1.00	3,450.00	1.00	3,450.00	
27	48" Manhole (10'-12' Deep)	2	EA	3,700.00	7,400.00			2.00	7,400.00	2.00	7,400.00	
28	48" Manhole (14'-16' Deep)	1	EA	4,500.00	4,500.00			1.00	4,500.00	1.00	4,500.00	
29	48" Manhole (18'-20' Deep)	1	EA	5,600.00	5,600.00			1.00	5,600.00	1.00	5,600.00	
30	Manhole Drop Section	1	EA	1,500.00	1,500.00							
31	Air Release Manhole	2	EA	17,500.00	35,000.00			2.00	35,000.00	2.00	35,000.00	
32	Manhole Frame & Cover (Frost)	2	EA	1,400.00	2,800.00							
33	Manhole Frame & Cover (Bolt Down)	5	EA	700.00	3,500.00							
34	Manhole Marker - Type 2	4	EA	250.00	1,000.00							
35	Tracer Wire Terminal Box	3	EA	225.00	675.00							
36	Manhole Exfiltration/Vacuum Test	7	EA	200.00	1,400.00							
37	PVC Sewer Pipe Deflection Test	1,309	LF	1.00	1,309.00							
38	PVC Sewer Pipe Exfiltration Test	1,309	LF	1.00	1,309.00							
39	PVC Sewer Pipe Post Cleaning & Televising	1,309	LF	2.00	2,618.00							
40	12" Extra Depth Bedding Material	400	LF	8.00	3,200.00							
41	Trench Stabilization Material	100	TON	30.00	3,000.00							
42	Dewatering	1	LS	1.00	1.00			1.00	1.00	1.00	1.00	
43	Locating Utilities	2	EA	150.00	300.00							
44	Incidental Work	1	LS	1,500.00	1,500.00							
45	42" RCAP, Class 3, Furnish	80	LF	158.85	12,708.00			80.00	12,708.00	80.00	12,708.00	
46	42" RCAP, Install	80	LF	50.00	4,000.00			80.00	4,000.00	80.00	4,000.00	
47	48" RCAP, Class 3, Furnish	120	LF	197.80	23,736.00			104.00	20,571.20	104.00	20,571.20	
48	48" RCAP, Install	120	LF	50.00	6,000.00			104.00	5,200.00	104.00	5,200.00	
49	42" Storm Pipe Bedding Material	80	LF	9.50	760.00			80.00	760.00	80.00	760.00	
50	48" Storm Pipe Bedding Material	120	LF	10.50	1,260.00			104.00	1,092.00	104.00	1,092.00	
51	42" RCAP, Flared End, Furnish & Install	4	EA	2,000.00	8,000.00			4.00	8,000.00	4.00	8,000.00	
52	48" RCAP, Flared End, Furnish & Install	2	EA	2,300.00	4,600.00			1.00	2,300.00	1.00	2,300.00	
53	Lift Station, Including Controls	1	LS	249,752.00	249,752.00			0.50	124,876.00	0.50	124,876.00	
54	Control Building, Including Electrical	1	LS	44,100.00	44,100.00							
55	Standby Generator, Including Foundation	1	LS	65,100.00	65,100.00							
56	Chain Link Fence	347	LF	51.00	17,697.00							
57	Chain Link Sliding Gate (15')	1	EA	3,780.00	3,780.00							
CCO1-1	On-Site Borrow Excavation for Pipe Embankment	25,960	CY	4.50	116,820.00							
TOTAL CONTRACT PRICE:					1,117,687.50							
TOTAL IMPROVEMENTS:						79,250.00		395,460.20		474,710.20		
MATERIALS STORED:						-		-		-		
RETAINAGE:						(7,925.00)		(39,546.02)		(47,471.02)		

ITEM NO.	ITEM DESCRIPTION	PLAN QTY	UNIT	UNIT PRICE	CONTRACT PRICE	<u>PAST APPLICATION</u>		<u>THIS APPLICATION</u>		<u>TOTAL TO DATE</u>		REMARKS
						QTY	EARNED	QTY	EARNED	QTY	EARNED	
	LIQUIDATED DAMAGES:						-		-		-	
	TOTAL DUE:						71,325.00		355,914.18		427,239.18	

CITY OF CROOKS
ORDINANCE #312

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, ADOPTING AND PROVIDING FOR DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS AND STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS WITHIN THE CITY OF CROOKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA, THAT:

Section 1. Design Standards for Public Improvements and Standard Specifications for Public Improvements. The documents attached titled Design Standards for Public Improvements and Standard Specifications for Public Improvements are hereby adopted by reference and are hereby approved as the official design standard regulations and standard specifications for the City of Crooks, South Dakota.

Section 2. Ordinances repealed. All ordinances or parts thereof in conflict herewith are repealed. Ordinance #146 is specifically repealed.

Ayes:

Nays:

Abstain:

Adopted this ____ day of _____, 2022.

F. Butch Oseby, Mayor

ATTEST:

Tobias Schantz,
Municipal Finance Officer

(MUNICIPAL SEAL)

Legislative History

Hearing Date: 11/14/2022

First Reading: 11/14/2022

Second Reading:

Passage & Adoption:

Publication Date:

Effective Date:

Published once at the approximate cost of: \$

City of Crooks
Ordinance #313
Supplemental Appropriations Ordinance

Be it ordained by the City of Crooks that the following sum is supplementally appropriated to meet the obligations of the municipality for the fiscal year of 2022.

Section 1.

	101	201	272	604
	General	Special	Federal	Sewer
	Fund	Park	Grant Fund	Fund
		Fund		
410 General Government				
414.1 Legal				
422.0 Services and Fees	\$ 2,000.00			
414.2 Finance Office				
411.0 Salaries & Wages	\$ 11,000.00			
412.1 Social Security	\$ 700.00			
412.2 Medicare	\$ 160.00			
413.0 Retirement	\$ 660.00			
421.0 Insurance	\$ 375.00			
422.0 Services and Fees	\$ 500.00			
423.0 Publishing	\$ 45.00			
424.0 Rentals	\$ 47.00			
426.11 General Supplies	\$ 1,000.00			
427.0 Travel & Conference	\$ 600.00			
419.2 General Government Buildings				
411.0 Salaries & Wages	\$ 2,500.00			
412.1 Social Security	\$ 155.00			
412.2 Medicare	\$ 37.00			
413.0 Retirement	\$ 150.00			
415.0 Group Insurance	\$ 250.00			
422.0 Services and Fees	\$ 650.00			
424.0 Rentals	\$ 500.00			
425.0 Repairs & Maintenance	\$ 25,500.00			
426.11 General Supplies	\$ 4,000.00			
420 Public Safety				
423.2 Building Inspection				
411.0 Salaries & Wages	\$ 5,000.00			
412.1 Social Security	\$ 310.00			
412.2 Medicare	\$ 100.00			
422.0 Services and Fees	\$ 20,000.00			
426.11 General Supplies	\$ 1,000.00			
427.0 Travel & Conference	\$ 500.00			
429.0 Other current expense	\$ 220.00			
430 Public Works				
4311.1 Highway & Streets				
433.0 Improvements Other Than Buildings	\$ (169,500.00)			
434.4 Machinery	\$ 17,000.00			
432 Sanitation				
433.0 Improvements Other Than Buildings				\$ 237,302.92
434.4 Machinery				\$ 10,000.00
440 Health and Welfare				
441.00 Code Inspection				
422.0 Services and Fees	\$ (2,000.00)			
441.15 City Clean-Up				

422.0 Services and Fees	\$	2,000.00		
428.0 Utilities	\$	2,000.00		
450 Culture-Recreation				
452 Parks				
411.0 Salaries & Wages	\$	3,500.00		
412.1 Social Security	\$	220.00		
412.2 Medicare	\$	51.00		
413.0 Retirement	\$	210.00		
421.0 Insurance	\$	400.00		
422.0 Services and Fees	\$	2,800.00		
425.0 Repairs & Maintenance	\$	3,840.00		
426.1 General Supplies	\$	3,500.00		
426.12 Energy	\$	4,500.00		
427.0 Travel & Conference	\$	100.00		
429.0 Other current expense	\$	22.00		
431.0 Land	\$	42,963.00		
434.4 Machinery	\$	17,000.00		
460 Conservation and Development				
465.3 Promoting the City				
422.0 Services and Fees	\$	150.00		
510 Other Financing Uses				
511 Transfer out			\$ 22,200.00	\$ 237,302.92
	\$	6,715.00	\$ 22,200.00	\$ 237,302.92
			\$ 247,302.92	

Sources of Funding / Means of Finance

253.9 Unrestricted Net Position				\$ 10,000.00
264 Restricted Fund Balance		\$ 22,200.00	\$ 237,302.92	
267 Unassigned Fund Balance	\$ (62,037.00)			
339 Other Intergovernmental Revenue				
313.00 General Sales & Use Tax	\$ 40,282.00			
331.00 Federal Grants (CFDA #21.027)				\$ 237,302.92
32.004 Building Permits	\$ 27,130.00			
367 Contributions and Donations from Private Sources	\$ 1,340.00			

Total means of finance	\$	6,715.00	\$ 22,200.00	\$ 237,302.92	\$ 247,302.92
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Section 2.

The Finance Officer is hereby directed to transfer the said amount and to show such action on the proper records of the City.

F. Butch Oseby, Mayor

Attest:

Tobias Schantz, Finance Officer

First reading: 11/14/2022

Amendment:

Second reading:

Adopted & Passed:

Published:

Published once at the approximate cost: \$

Effective:

City of Crooks
Ordinance #313
Supplemental Appropriations Ordinance - Proposed amendment

		# = add (#) = deduct		
Section 1.		After amendment	101	101
		101	General	101
		General	Fund	General
		Fund	Amendment	Fund
410 General Government				
414.1 Legal				
422.0 Services and Fees	\$	2,000.00		\$ 2,000.00
414.2 Finance Office				
411.0 Salaries & Wages	\$	11,000.00		\$ 11,000.00
412.1 Social Security	\$	700.00		\$ 700.00
412.2 Medicare	\$	160.00		\$ 160.00
413.0 Retirement	\$	660.00		\$ 660.00
421.0 Insurance	\$	375.00		\$ 375.00
422.0 Services and Fees	\$	500.00		\$ 500.00
423.0 Publishing	\$	45.00		\$ 45.00
424.0 Rentals	\$	47.00		\$ 47.00
426.11 General Supplies	\$	1,000.00		\$ 1,000.00
427.0 Travel & Conference	\$	600.00		\$ 600.00
419.2 General Government Buildings				
411.0 Salaries & Wages	\$	2,500.00		\$ 2,500.00
412.1 Social Security	\$	155.00		\$ 155.00
412.2 Medicare	\$	37.00		\$ 37.00
413.0 Retirement	\$	150.00		\$ 150.00
415.0 Group Insurance	\$	250.00		\$ 250.00
422.0 Services and Fees	\$	650.00		\$ 650.00
424.0 Rentals	\$	500.00		\$ 500.00
425.0 Repairs & Maintenance	\$	25,500.00		\$ 25,500.00
426.11 General Supplies	\$	4,000.00		\$ 4,000.00
420 Public Safety				
423.2 Building Inspection				
411.0 Salaries & Wages	\$	5,000.00		\$ 5,000.00
412.1 Social Security	\$	310.00		\$ 310.00
412.2 Medicare	\$	100.00		\$ 100.00
422.0 Services and Fees	\$	20,000.00		\$ 20,000.00
426.11 General Supplies	\$	1,000.00		\$ 1,000.00
427.0 Travel & Conference	\$	500.00		\$ 500.00
429.0 Other current expense	\$	220.00		\$ 220.00
430 Public Works				
4311.1 Highway & Streets				
433.0 Improvements Other Thar	\$	(169,500.00)		\$ (169,500.00)
434.4 Machinery	\$	17,000.00		\$ 17,000.00
432 Sanitation				
433.0 Improvements Other Than Buildings				
434.4 Machinery				
440 Health and Welfare				
441.00 Code Inspection				
422.0 Services and Fees	\$	(2,000.00)		\$ (2,000.00)
441.15 City Clean-Up				
422.0 Services and Fees	\$	2,000.00		\$ 2,000.00
428.0 Utilities	\$	2,000.00		\$ 2,000.00
450 Culture-Recreation				
452 Parks				
411.0 Salaries & Wages	\$	3,500.00		\$ 3,500.00
412.1 Social Security	\$	220.00		\$ 220.00
412.2 Medicare	\$	51.00		\$ 51.00
413.0 Retirement	\$	210.00		\$ 210.00
421.0 Insurance	\$	400.00		\$ 400.00
422.0 Services and Fees	\$	2,800.00		\$ 2,800.00
425.0 Repairs & Maintenance	\$	3,840.00		\$ 3,840.00
426.1 General Supplies	\$	3,500.00		\$ 3,500.00
426.12 Energy	\$	4,500.00		\$ 4,500.00
427.0 Travel & Conference	\$	100.00		\$ 100.00
429.0 Other current expense	\$	22.00		\$ 22.00
431.0 Land	\$	42,930.00	\$ (33.00)	\$ 42,963.00
434.4 Machinery	\$	17,000.00		\$ 17,000.00
460 Conservation and Development				
465.3 Promoting the City				
422.0 Services and Fees	\$	290.00	\$ 140.00	\$ 150.00
		\$ 6,822.00	\$ 107.00	\$ 6,715.00

Sources of Funding / Means of Finance				
267	Unassigned Fund Balance	\$ (62,070.00)	\$ (33.00)	\$ (62,037.00)
313.00	General Sales & Use Tax	\$ 40,422.00	\$ 140.00	\$ 40,282.00
32.004	Building Permits	\$ 27,130.00		\$ 27,130.00
367	Contributions and Donations	\$ 1,340.00		\$ 1,340.00
Total m		\$ 6,822.00	\$ 107.00	\$ 6,715.00

**CITY OF CROOKS
ORDINANCE #314**

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, REGULATING THE DISCHARGE AND USE OF DANGEROUS WEAPONS IN THE CITY OF CROOKS, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA, THAT:

Section a – Regulation regarding discharge and use of dangerous weapon. No person shall discharge any species of firearm, air gun or other weapon, or throw any missile in the city. The following uses are exempt from this section:

- 1) Proper use of weapons in a licensed shooting gallery;
- 2) Use by law enforcement or animal control officers in the discharge of their official duties, or to persons who are authorized by law enforcement and have been issued a special access permit by the state department of game, fish and parks for a specific area being hunted;
- 3) Use by persons at field archery courses on city property that conform to target course and safety requirements of the National Field Archery Association.
- 4) Fireworks in accordance with City of Crooks ordinances 205 and 72 are exempted from missile regulation in point 2

Section b – Assertion against offense. It shall be a defense to a charge of violation of this section that a person was engaged in lawful self-defense, as set forth in SDCL 22-5-1, SDCL 22-5-9 and SDCL 22-18-4.

Section c – Violation and penalty. Any person guilty of having violated Section a. shall be guilty of a class 2 misdemeanor and fined two-hundred dollars (\$200.00) per violation. Each violation of Section a. shall constitute a separate offence.

Section d. – Ordinances in conflict. All ordinances or parts thereof in conflict herewith are repealed. Ordinance #264 is specifically repealed.

Aye:

Nay:

Abstain:

Adopted this _____ day of _____, 202_.

Mayor

(SEAL)

Attest:

Finance Officer

Legislative History:

First reading: 11/14/2022

Second reading:

Amendment:

Additional reading due to substantial amendment:

Passage & adoption:

Publication date:

Effective date:

Published once at the approximate cost of:

**City of Crooks
Ordinance #315**

An Ordinance of the City of Crooks, South Dakota, providing for a change of the water and sewer rates for customers connected to the City of Crooks's water and sewer system. Be it ordained by the City Council of the City of Crooks, South Dakota, that:

Section 1 – Rates. The Crooks City Council shall establish rates and the base rate for the water consumers and sewer user connected to the municipal water and sewer systems of the City by resolution. Sewer metered gallons shall be based on water metered gallons.

Section 2 – Surcharges:

Clean Water – 04 (“CW-04”): In addition to the normal sewer system user fee, the City hereby establishes a surcharge of \$9.20 payable by all users of the Sewer System for the project financed by CW-04 loan with the borrower bond Series 2021. The collection of the surcharge shall start on September 10, 2021. The surcharge shall remain in effect until such time as the borrower bond is paid in full, it shall be collected at the same time as other charges of the system, and establish a surcharge account to segregate the income from other system income for bookkeeping purpose to be pledged to the South Dakota Conservancy District. The surcharge shall be reviewed from year to year and modified in order to provide the required 110 percent debt coverage.

Clean Water – 05 (“CW-05”): In addition to the normal sewer system user fee, the City hereby establishes a surcharge of \$4.00 payable by all users of the Sewer System for the project financed by CW-05 loan with the borrower bond Series 2022. The collection of the surcharge shall start on August 5, 2022. The surcharge shall remain in effect until such time as the borrower bond is paid in full, it shall be collected at the same time as other charges of the system, and establish a surcharge account to segregate the income from other system income for bookkeeping purpose to be pledged to the South Dakota Conservancy District. The surcharge shall be reviewed from year to year and modified in order to provide the required 110 percent debt coverage.

Section 3 - Base rate charged. The base rate shall be charged regardless of metered gallons. The base charge shall apply to each unit in those structures with multiple units.

Section 4 – CPI and commodity cost adjustments. The water and sewer rates shall be adjusted annually in conjunction with the State of South Dakota consumer price index (CPI). The water and sewer rates shall be adjusted annually for increases in cost for the base commodity as communicated by the City’s water supplier(s); the increase shall be added to the metered gallons

Section 5 - Ordinances in conflict. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Legislative History:

Public hearing: ---

First reading:

Second reading:

Amendment:

Additional reading due to substantial amendment:

Passage & adoption:

Publication date:

Effective date:

Published once at the approximate cost of:

**City of Crooks
Ordinance #316**

An ordinance establishing the water and sewer system connection fee for the Municipality of Crooks, Minnehaha County, South Dakota.

Be it ordained by the City of Crooks, South Dakota, that:

Section 1. PURPOSE.

The purpose of this Ordinance is to establish a fee for new connections to the City of Crooks Municipal Water and Sewer System.

Section 2. FEE AND FEE COLLECTION.

The fee per connection to the municipal water and sewer system shall be set by resolution as determined by the City Council. The fee shall be collected upon issuance of a building permit for a new structure and in instances of currently existing structures without a connection prior to the connection. The fee shall be deposited fifty percent (50%) into the Water (602) fund and fifty percent (50%) into the Sewer (604) fund.

Section 3. FEE PER CONNECTION.

The fee established by Section 2 shall be established per connection to the water and sewer systems. In cases of single-family residential or small businesses with only one connection, only one fee will be assessed. In instances of buildings/facilities with multiple units, each having their own connections, the fee established by Section 2 shall be assessed per unit.

Section 4 . INTERPRETATION.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5 . USE OF REVENUE.

Any revenues received under Section 2 of this ordinance may be used for capital expansions or replacements of the water or sewer system, major repairs and maintenance of the water or sewer system, and debt service payments made out of the of the Water (602) fund or Sewer (604) fund.

Section 6 . SEPARABILITY.

If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstances held invalid, the constitutionality of the remainder of the ordinance, and applicability thereof to other persons or circumstances shall not be affected thereby; furthermore, any ordinance or provisions of ordinances herewith in conflict shall be repealed.

Ayes:

Nays:

Abstain:

Adopted this ____ day of _____, 202__

Attest:

F. Butch Oseby, Mayor

(Municipal Seal)

Tobias Schantz, Finance Officer

Legislative History:

Public hearing: ---

First reading:

Second reading:

Amendment:

Additional reading due to substantial amendment:

Passage & adoption:

Publication date:

Effective date:

Published once at the approximate cost of:

City of Crooks
Ordinance #317
Supplemental Appropriations Ordinance

Be it ordained by the City of Crooks that the following sum is supplementally appropriated to meet the obligations of the municipality for the fiscal year of 2022.

Section 1.

	101 General Fund
	<hr/>
450 Culture-Recreation	
452 Parks	
431.0 Land	\$ 224,914.00
470 Debt Service	
441.0 Principal	\$ 42,718.19
442.0 Interest	\$ 211.81
Total appropriations	<hr/> \$ 267,844.00 <hr/>

Sources of Funding / Means of Finance

391.29 Other long term debt issued	\$ 267,844.00
Total means of finance	<hr/> \$ 267,844.00 <hr/>

Section 2.

The Finance Officer is hereby directed to transfer the said amount and to show such action on the proper records of the City.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

First reading:

Amendment:

Second reading:

Adopted & Passed:

Published:

Published once at the approximate cost: \$

Effective:

**CITY OF CROOKS
RESOLUTION #2022-23**

**A RESOLUTION CREATING A MODIFICATION TO TAX INCREMENT DISTRICT
NUMBER TWO, CITY OF CROOKS, AND THE ASSOCIATED PROJECT COSTS**

WHEREAS, the City of Crooks requests a modification to the allowable project costs associated with the creation of a tax increment financing district for purpose of developing a currently undeveloped property to augment the multi-family residential housing, commercial presence, as well as a senior living facility in the City of Crooks.

WHEREAS, the City of Crooks passed a resolution consenting to creating “Tax Increment Financing District Number Two, City of Crooks” on May 31st, 2022 (hereinafter “TIF District #2”).

WHEREAS, the City of Crooks submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #2 with total project costs of \$5,495,224; and,

WHEREAS, the City of Crooks adopted Tax Increment Plan Number Two on May 31st, 2022; and,

WHEREAS, City of Crooks is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL § 11-9-23.

WHEREAS, Pursuant to SDCL § 11-9-23, redetermination of tax increment base when project costs increased by amendment of plan; if the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

WHEREAS, amendments to the Project Plan dated December 12th, 2022 have been updated to reflect the new amount of the total amount to be reimbursed and no expenditure may be provided for in the plan more than five (5) years after a district is created unless an amendment is adopted by the governing body pursuant to SDCL § 11-9-23.

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The City Council of Crooks approves the increased Project Plan Costs from Tax Increment District Two Project Plan dated December 12th, 2022, in the original amount of \$4,000,000 to the new amount of \$5,000,000.
2. The City Council of Crooks approves the Developer's Agreement, dated December 12th, 2022, among the City of Crooks and DWBP to reflect the increased Project Plan in the amount of \$5,000,0000.
3. The City Council of Crooks makes the following findings:
 - a. Less than five (5) years have passed since creation of the district
 - b. The additional project costs are less than 35%, and thus do not constitute a redetermination of the tax increment base
 - c. The additional project plan costs are associated with implementing the economic development goals of the City.

Ayes:

Nays:

Abstains:

Dated this ____th day of _____, 202____.

Mayor

ATTEST:

(SEAL)

Finance Officer

Passed:

Published:

Effective:



TAX INCREMENT FINANCE DISTRICT #2

**Submitted by:
DWBP, LLC**

Revised December 2022

**Prepared by Tobin Morris
Colliers Securities LLC
124 W. Dakota Avenue | Pierre, SD 57501
tobin.morris@colliers.com**

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INTRODUCTION – THE PROJECT

Tax Increment Financing (TIF) is an incentive utilized by local governments to attract private development and investment. New investment equals new jobs, more customers, and in turn, more investment opportunity. The incentive can also help attract and retain existing businesses and workers that might otherwise find more attractive options elsewhere. The jobs and additional investment, both private and public, mean more money for the community. Tax Increment Financing helps to overcome costs that often prevent redevelopment and private investment from occurring in the community. As a result, the TIF area itself improves and property values increase.

Specifically, money for improvements and other incentives comes from the growth in property valuations and the corresponding property tax revenues — the tax increment. A tax increment is the difference between the amount of property valuation present within the TIF district before TIF district designation and the amount of property valuation increase due to the creation of a TIF district. Property taxes collected on the original valuation existing in the TIF at the time of its designation continue to be distributed to the city, school district, county and all other taxing districts in the same manner as if the TIF district did not exist. Only property taxes collected as a result of the incremental increase in the value of these properties after formation of the TIF district are available for use by the counties or cities to fund projects costs in the TIF district.

In addition to increasing property valuation, creating a Tax Increment District for the benefit of economic development can mean retaining and creating more jobs. Today's business climate allows corporations the flexibility to call any state in the union their home. It is up to local communities to attract and retain companies to their communities. Using Tax Increment Financing is one of the most powerful economic development tools to help communities achieve their goals.

A local government, per South Dakota Codified Law, Chapter 11-9, can designate a specific area within its boundaries as a redevelopment area appropriate for a TIF district and prepare a plan for development. TIF projects must be recommended for approval by the County or City Planning Commission and the County or City Commission/Council.

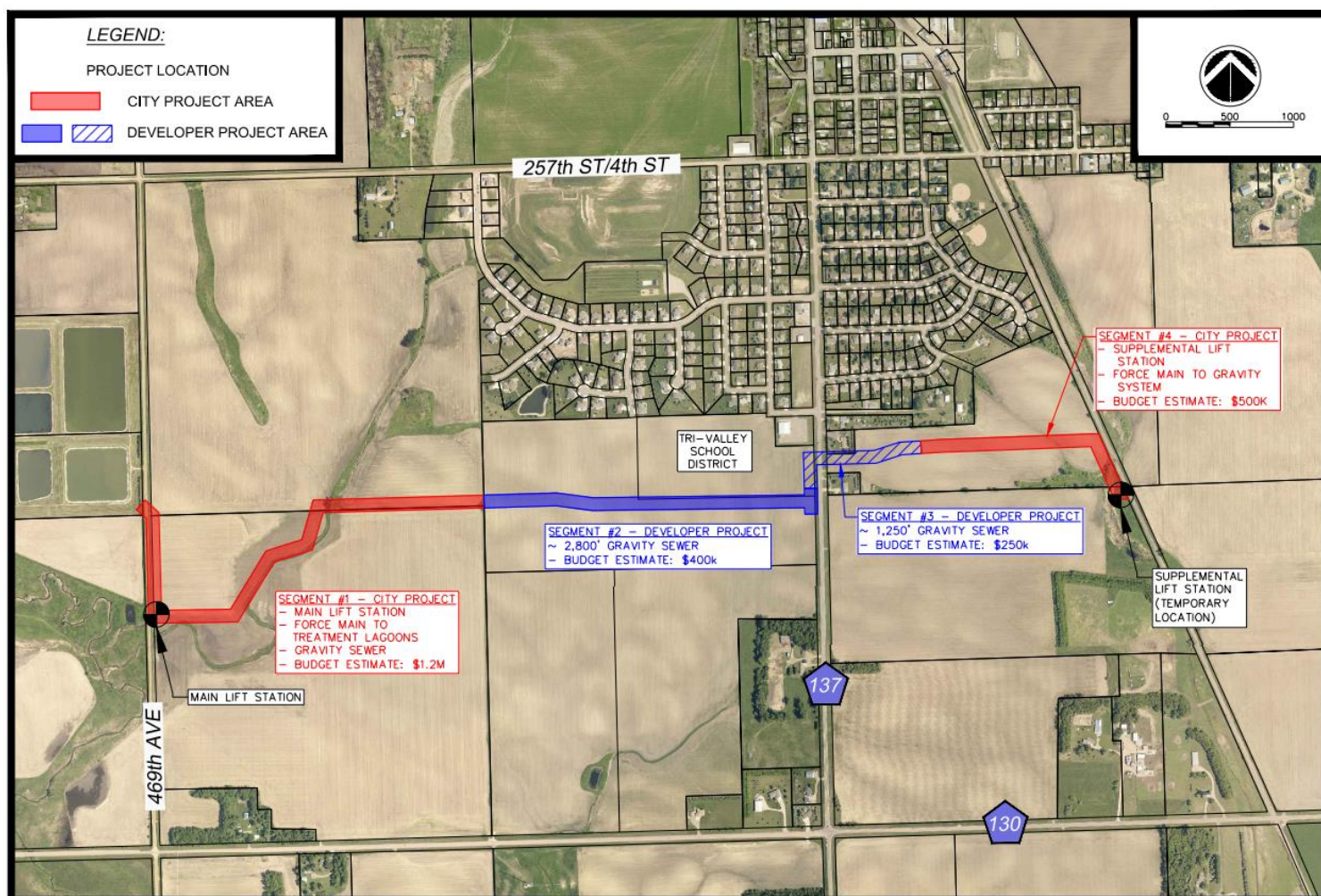
The primary objective of TIF #2 is to develop a currently undeveloped property to augment the multi-family residential housing and commercial presence. The property will abut the area that is currently under construction for the Tri-Valley School District. Once developed, 6 acres will be the site of various retail and commercial properties. Not only will these businesses draw additional sales tax revenue to the city, but they will help create job opportunities in the City of Crooks.

The addition to the TIF plan is SLH Holdings. The primary focus of SLH in real property is Senior Living, Multi-Family and Residential. HME manages all property, marketing, design, construction. Financing, accounting administrative and human relation functions for SLH Holdings and the entities. HME Development has focused its talents and substantial resources on supplying that segment of the population unique sites that will keep residents with their families and friends.

Historically, a majority of the population of the southeastern region has been concentrated within Sioux Falls. However, there has been a dramatic increase in housing construction in the neighboring cities. Crooks is expected to experience a strong population growth over the next decade due to the proximity to Interstate 29, along with other important growth indicators, such as urban services and employment opportunities. A healthy mix of housing options ensures opportunities for all individuals to improve their economic situation and contribute to their communities.

It must be noted that the TIF will not directly benefit the residential housing development that will be established in the western portion of the Project area. Rather, it will be the increment from these single-family properties that will be used to make the needed infrastructure improvements to develop the area into a commercial area.

Growth presents an abundance of opportunities, but it comes with a certainty of change. A portion of this TIF will go toward updating and expanding the area sanitary district to eliminate groundwater contamination and health risks. The project includes a main sanitary sewer lift station, a supplemental lift station and expansion of project segments.



PURPOSE & GENERAL DEFINITIONS

The property upon which this Tax Incremental District (TID) is proposed to be implemented is located within the City of Crooks, South Dakota.

As such, the creation of City of Crooks TIF #2 shall be conditioned upon the creation of the District by resolution, and the establishment of the TID boundaries and recommendation of the TID Project plan by the City of Crooks Planning and Zoning Commission.

The purpose of this Plan, to be implemented by City of Crooks, South Dakota is to satisfy the requirements for a Tax Increment District Number 2 as specified in SDCL Chapter 11-9. The principal purpose of the Plan is to define eligible property and to define a Tax Increment Plan for funding eligible activities in an eligible area of the City. The Plan will describe the boundary, estimated costs, feasibility and fiscal impact of the District.

This Plan was prepared for adoption by the City Council in recognition that the area requires a coordinated, cooperative strategy, with financing possibilities, to promote economic development and accomplish the City's development objectives for improving the continued viability by promoting economic development within the City.

The driving interest in the establishment of this Plan is to offer tax increment financing as a tool to stimulate and leverage private sector development and redevelopment, and to promote economic development throughout the District.

The intention of this TIF Project is to increase the economic vitality of the community by creating multi-family housing, commercial area, and a senior living facility near the site of a future school. Access to various housing options, commercial opportunities, and the implementation of a senior living facility improves a community's ability to attract and retain residents and remain competitive in the global economy.

General Definitions

The following terms found in this Plan are defined as the following:

"Base" or "Tax Incremental Base" means the aggregate assessed value of all taxable property located within a Tax Incremental District on the date the district is created, as determined by SDCL § 11-9-20.

"Blighted or Economic Development" SDCL § 11-9-8.

- (1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and or
- (2) The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

"City Council" means the City Council of Crooks, South Dakota.

"Calendar Year" means the starting date of January 1 to an ending date of December 31st.

"Department of Revenue" means the South Dakota Department of Revenue.

"Developer" means DWBP, LLC.

"Developer's Agreement" means the agreement between Developer and City of Crooks concerning this Tax Incremental District.

"District" means the Tax Incremental District.

"Economic Development" means all powers expressly granted and reasonably inferred pursuant to SDCL § 9-54.

"Fiscal year" means that fiscal year for City of Crooks.

"Generally Applicable Taxes" shall have the same meaning as set forth in 26 CFR § 1.141-4(e).

"Governing body" means the City of Crooks Council, South Dakota.

"Grant" means the transfer for a governmental purpose of money or property to a transferee that is not a related party to or an agent of the municipality;

"Infrastructure Improvements" means a street, road, sidewalk, parking facility, pedestrian mall, alley, bridge, sewer, sewage treatment plant, property designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, waterway, waterline, water storage facility, rail line, utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, for the benefit of or for the protection of the health, welfare, or safety of the public generally.

"Planning Commission" means the City of Crooks Planning and Zoning Commission

"Plan" means this Project Plan.

"Project Costs" means any expenditure or monetary obligations by City of Crooks, whether made, estimated to be made, incurred or estimated to be incurred, which are listed as Project Costs herein will include any costs incidental thereto but diminished by any income, special assessments, or other revenues, other than tax increments, received, or reasonably expected to be received, by City of Crooks in connection with the implementation of this Plan.

"Project Plan" means a properly approved Plan for the development or redevelopment of a tax incremental district including all properly approved amendments thereto as recommended pursuant to SDCL § 11-9-13.

"Public Works" means the infrastructure improvements, the acquisition by purchase or condemnation of real and personal property within the Tax Incremental District and the sale, lease, or other disposition of such property to private individuals, partnerships, corporations, or other entities at a price less than the cost of such acquisition which benefit or further the health, safety, welfare and economic development of the City and Project Costs.

"Taxable Property" means all real taxable property located in a Tax Incremental District.

"Tax Incremental District" means a contiguous geographic area within a city defined and created by resolution of the governing body and named City of Crooks Tax Incremental District #2.

"Tax Increment Valuation" is the total value of the Tax Incremental District minus the tax incremental base pursuant to § 11-9-19.

"Tax Increment Law" means South Dakota Codified Laws Chapter 11-9.

CREATION OF CITY OF CROOKS TAX INCREMENT DISTRICT #2

Representatives of the Developer have approached officials of City of Crooks regarding the possibility of creating a Tax Incremental Financing District ("TID") to assist in the Project Costs within the Plan on land located within City of Crooks.

The TID will consist of creating a new development in the City of Crooks and all necessary infrastructure needed in an undeveloped area that is currently on the southern area of the city. Sanitary sewer expansion is required to accommodate the increase of residential housing, multi-family housing, commercial growth and the addition of a senior living facility throughout the area.

Once developed, the area will be the site of a various commercial properties, apartment buildings and a senior living facility. The concept is the City's vision to add attractive facilities and services for its residents. Investing in the community and its infrastructure will make Crooks desirable to live in and will become key components to the city's long-term success and viability.

Property Within Tax Increment #2

The real property to be located within the Tax Increment District is within the City of Crooks, described as follows:

- Tract 1 of Benson's 3rd Addition, except Lot 1 and Tract 1 of Tri-Valley Addition, an addition in the Northeast Quarter and the Southeast Quarter of Section 10, Township 102 North, Range 50 West of the 5th Principal Meridian, Minnehaha County, South Dakota

TAXABLE VALUE OF CITY OF CROOKS

State law requires that tax increment districts cannot exceed ten percent of the taxable value of a municipality. The 2021 Taxes Payable value for City of Crooks is \$95,778,836. The base value of the taxable property for inclusion into this Tax Incremental District #2, as estimated but not yet verified by Minnehaha County Director of Equalization, is \$136,700.

11-9-7. Maximum percentage of taxable property in municipality permitted in districts. In order to implement the provisions of this chapter, the resolution required by § 11-9-5 shall contain a finding that the aggregate assessed value of the taxable property in the district plus the **tax incremental base of all other existing districts does not exceed ten percent** of the total assessed value of taxable property in the municipality.

CITY OF CROOKS

Tax Increment District	Base Value
1	\$109,900
2	\$136,700
TOTAL	\$246,600

Crooks City Current Taxable Value	95,778,836
All TIF Base Value must be less than 10%	9,577,884

The total value of all active TIF districts in City of Crooks is less than ten (10) percent of total taxable value in the city. Using the estimates provided for TID #2, the value of all existing Tax Incremental Districts combined is 1% of the total 2021 Taxable Valuation.

KIND, NUMBER, LOCATION, AND DETAILED COSTS OF PROPOSED PUBLIC WORKS AND IMPROVEMENTS – SDCL § 11-9-13(1)

In order to implement the provisions of SDCL Chapter 11-9, the following are Project Costs and expenditures made or estimated to be made and the monetary obligations incurred or estimated to be incurred. The Project Costs include capital costs, financing costs, real property assembly costs, professional fee costs, imputed administration costs, relocation costs, organizational costs, discretionary costs and grants, plus any costs incidental thereto.

All Project Costs are found to be necessary and convenient to the creation of the Tax Incremental District and its implementation. The project constitutes economic development which is a proper public purpose of the City. The City exercises the powers expressly stated in and reasonably inferred by SDCL §11-9-15 and Chapter 9-54. The City shall enter into all contracts in accordance with South Dakota Law.

Costs of Public Works and Improvements

In accordance with SDCL § 11-9-14 the following is the kind, number, location and dollar amount of estimated Project Costs, costs of public works and improvements.

The following are estimated costs of the Project:

Kind of Project	Location ¹	Amount	Reference ²
Capital Costs (Street, Water & Sewer) (cleaning & grading of land & associated costs) ²	District		11-9-15(1)
Financing Costs	District		11-9-15(2)
Real Property Assembly	District		11-9-15(3)
Professional Fees	District		11-9-15(4)
Administrative Costs	District	\$1,000,000	11-9-15(5)
Relocation Costs	District		11-9-15(6)
Organizational Costs	District		11-9-15(7)
Discretionary Costs and Grants	District	\$4,000,000	11-9-15(8)
Eligible Project Costs		\$5,000,000	

A detailed list of preliminary costs are itemized in Schedule 1 of the TIF Plan

The above are estimates of the costs involved in the project; the final total may be greater or smaller. An itemized listing of the estimated costs is set forth on Schedule 1. Because the cost estimates are only projected expenditures, the total authorized TID costs is expected to be \$5,000,000. This amount is the controlling value with respect to authorized TID Project Costs rather than the particular line item amounts contained in the above Chart and Schedule 1. The line item categories proposed are for guidance only, and actual costs will be determined upon completion of the improvements. The above total represents eligible Project Costs. Only such amounts as are feasible will be allowed by the City or by monetary obligation.

¹District shall mean the Tax Increment District.

²SDCL §11-9-15 (1) Capital costs, including the actual costs of the construction of public works or improvements, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; the clearing and grading of land; and the amount of interest payable on tax incremental bonds or notes issued pursuant to this chapter until such time as positive tax increments to be received from the district, as estimated by the Project Plan, are sufficient to pay the principal of and interest on the tax incremental bonds or notes when due; (2) Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for Project Costs, any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity and a reserve for the payment of principal of and interest on such obligations in an amount determined by the governing body to be reasonably required for the marketability of such obligations; (3) Real property assembly costs, including the actual cost of the acquisition by a municipality of real or personal property within a tax incremental district less any proceeds to be received by the municipality from the sale, lease, or other disposition of such property pursuant to a Project Plan; (4) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services; (5) Imputed administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a Project Plan; (6) Relocation costs; (7) Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public of the creation of tax incremental districts and the implementation of project plans; and (8) Payments and Grants made, at the discretion of the governing body, which are found to be necessary or convenient to the creation of tax incremental districts or the implementation of project plans.

Conditions of the Developer Agreement relating to Constitutional Debt

It is specifically a condition of the proposed Developer's Agreement that the City's obligation to pay is limited to the proceeds of the positive tax increment from the TID receipted into the TIF Fund. The obligation of the City to pay pursuant to the proposed Agreement does not constitute a general indebtedness of the City or a charge against the City's general taxing power. The provisions of SDCL 11-9-36 are specifically incorporated within the Agreement by reference. It is also to be specifically agreed that the City has made no representation that the proceeds from such Fund shall be sufficient to retire any indebtedness incurred by Developer. The parties further acknowledge that SDCL 11-9-25 limits the duration of allocation of the positive tax increment payments and the fund created by the TID.

Additionally, the City's obligations to make the payments set forth in the proposed Agreement shall be lawfully made from funds to be budgeted and appropriated on an ANNUAL BASIS for that purpose during the City's then current fiscal year, thus not counting towards Constitutional Debt. If at any time during the term of this Agreement, the governing body of the City shall fail or refuse to approve or authorize the funds due hereunder, then the Agreement shall terminate upon the end of the fiscal year for which funds were approved or authorized, without penalty to the City. The City's obligation hereunder shall not in any way be construed to be a debt of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the City, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the City. Notwithstanding anything to the contrary contained in the proposed Agreement, the City hereby acknowledges and agrees that the obligations of the City under this Agreement are a material inducement for Developer to incur various development and construct improvements upon the TID property and the failure to pay tax increment to Developer will be financially detrimental to future improvements on said property.

The Developer anticipates the project costs in acquiring, developing, financing and preparing the TIF Property for sale, lease and/or development will meet or exceed Five Million Dollars (\$5,000,000). Certain of these costs would be considered TIF-eligible costs within the meaning of SDCL § 11-9-14 and SDCL § 11-9-15. It is also anticipated that the City's cost for the portion of the sanitary sewer line to be installed by the City on the Property will exceed One Million Dollars (\$1,000,000), and also be considered TIF-eligible costs as an administrative fee. Developer anticipates requesting reimbursement of those eligible reimbursement costs that relate to site work, street and utility build-out, and engineering, together with financing costs. It is anticipated the City will seek reimbursement of the TIF-eligible sewer project costs, and that the parties would allocate increment payments arising from the TIF 50% to Developer and 50% to the City.

It is further understood that the amount of \$5,000,000 will be the maximum amount the City will ever pass on acting as a conduit for TIF #2. This amount will include any and all interest associated with the debt and the controlling value of the TIF will never pay more than \$5,000,000. The City of Crooks and the Developer will share a 50/50 revenue split until the City receives \$1,000,000. The Developer will receive the remaining Tax Increment Revenue thereafter or 20 years from the year of creation, whichever happens first.

The payment of tax increment funds under this Agreement is a Grant under Chapter 11-9 of the South Dakota Codified Laws (the “Grant”). The Grant is a personal property right vested with the Developer on the effective date of this Agreement. The City will Grant this amount to the Developer and thus not have to account for any assets on the City’s financial statement. The Developer will be responsible for obtaining their financing and the City will not be liable for any Developer debt.

Upon completion of the construction of the infrastructure improvements, the Developer shall certify to the City’s Finance Officer the costs of construction, including capital costs, Professional Fees, and contingency costs. The Developer must provide contractor/supplier invoices or other supporting documentation upon request of the Finance Officer. Upon certification and verification of costs, the City shall pay all available tax increment fund revenues not to exceed \$4,000,000 to the Developer.

Expenditures Exceeding Estimated Cost

Any expenditures, which in sum would exceed the total amount of the TID amount of \$5,000,000, will require an amendment of this Plan. All amendments would be undertaken pursuant to SDCL §11-9-23.

When the expenditures within the Plan are increased in excess of more than 35 percent of the total above, the Department of Revenue will be required to reset the base, in accordance with SDCL §11-9-23.

If the Project Costs are not provided for in the original plan, the governing body would be required to amend the plan which requires the South Dakota Department of Revenue to re-determine the tax increment base when additional Project Costs are added to a plan. SDCL §11-9-23.

Detailed List of Estimated Project Costs

Attached as Schedule 1 is a detailed list of estimated Project Costs for the project as per SDCL § 11-9-13(3). No expenditure for Project Costs is provided for more than five years after the District is created.

Feasibility Study, Economic Development Study, and Fiscal Impact Statement

Feasibility Study

An economic feasibility study per SDCL § 11-9-13(2) is attached as Schedule 2.

Economic Development Study

Attached is Schedule 3 a Fiscal Impact Statement showing the impact of the Tax Increment District, until and after the bonds are repaid, upon all entities levying property taxes in the district. Required as per SDCL § 11-9-13(4).

Fiscal Impact Statement

Attached is Schedule 4 a Fiscal Impact Statement showing the impact of the Tax Increment District, until and after the bonds are repaid, upon all entities levying property taxes in the district. Required as per SDCL § 11-9-13(4).

METHOD OF FINANCING, TIMING OF COSTS AND MONETARY OBLIGATIONS

The payment of Project Costs is anticipated to be made by the City to Developer from the special fund of the Tax Incremental District. SDCL § 11-9-13(5). Pursuant to the Developer's Agreement, the City and the developer will share a 50/50 revenue split until the City receives \$1,000,000. The Developer will receive the remaining Tax Increment Revenue thereafter.

Maximum Amount of Tax Increment Revenue

The maximum amount of tax increment revenue bonds or monetary obligations to be paid through Tax Increment District #2 shall be the amount sufficient to reimburse the City for the payments made for Project Costs and pay all tax increment bonds or monetary obligations in an amount not to exceed \$5,000,000 principal and interest or such lesser amount as may be feasible with the estimated revenue generated by the Tax Increment District. The final terms and conditions will be set forth in the Developer's Agreement.

Duration of Tax Increment Plan

The duration of the Plan will extend to the number of years it will take for the reimbursement of the City, the extinguishment of bonds and the monetary obligation except that the Plan duration **shall not exceed 20 calendar years** of revenue from the year of creation of the District.

ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS

The site will generate taxes to the local jurisdictions at or above the assessed value of the base. All taxing districts shall receive the taxes from that base which will be the value set for the 2021 assessment year for taxes payable in 2022. The tax increment will be available to the taxing jurisdictions after dissolution, which is at or before twenty years after the creation of the District. Schedule 5 details the tax capture implications to each of the local taxing jurisdictions. After the repayment of all bonds and monetary obligations, taxing entities will receive their proportionate share of tax dollars for the base value and the tax incremental values.

GENERAL FUND

Mechanisms are built within State Codified Law to ensure that school districts are held harmless by TIF districts for their General Fund. For these purposes, law (SDCL 13-13-10.2) defines three classifications of TIFs:

- Economic Development - Any area where there is or will be one or more businesses engaged in any activity defined as commercial or industrial by the governing body that has zoning authority over the land contained within the tax incremental district
- Industrial - Any factory or any business engaged primarily in the manufacturing or assembly of goods, the processing of raw materials, and the wholesale distribution of products for resale
- Affordable Housing - Includes an area where: 1. The original selling price of any house in the district will be at or below the first-time homebuyer purchase price limit being used by the South Dakota Housing Development Authority as of the date the house is sold; OR 2. The monthly rental rate of all multifamily housing units in the district will be at or below the calculated rent for the state's eighty percent area median income as of the date the district is created, for a minimum of five years following the date of first occupancy.
- Local - Any tax incremental districts that do not fall under Economic Development or Industrial

Public school districts are generally funded through the State Aid to Education formula. The two primary channels of the formula are State Aid and Local Effort. Multiple agencies of the State of South Dakota calculate the amount of General Fund monies to be distributed to school districts each year through the State portion. Local effort is considered the amount of revenue that is generated by local property taxes at maximum levies.

If a TIF is classified as Economic Development, Industrial, or Affordable Housing, the school funding that would be generated by the increment valuation is considered lost local effort and is paid through the State Aid side of the formula. If a TIF is classified as Local, the affected school district funding must be recouped through local effort in the form of an additional levy added to the General and Special Education Funds. In either scenario, the school district receives the financial need associated with the increment valuation.

City of Crooks TIF #2 has already received the preliminary classification from the Department of Revenue. The TIF is considered Economic development; therefore, any lost local effort of the General Fund will be covered through the State Aid to Education Formula.

CAPITAL OUTLAY FUND

The impact of a TIF to the Capital Outlay Fund is minimal. Starting on July 1, 2020, a school district is limited to the amount of capital outlay dollars they can receive by either:

- A. the previous year's maximum allowable can be increased by a growth factor plus 3%
- Or
- B. a per student amount.

The primary impact would be to the first scenario; a TIF would delay annual growth until the TIF is completed. However, once the TIF is dissolved, all increment value would be considered new growth for the school district.

If a school district falls under a per student limitation, they will see no impact to their funding due to the TIF.

SPECIAL EDUCATION FUND

The Special Ed Fund has the potential to see the greatest negative impact from the creation of a TIF district.

If the school district requests their special education monies in the form of a levy, then the exclusion of the TIF increment in the tax base would mean the school district is not receiving as much as it could.

If the school district submits their request in a dollar amount, then the fund would see no impact from a TIF district.

BOND REDEMPTION FUND

The school district is always able to ask for the needed money for the principal and interest of their bond repayment. The only impact a TIF would have on this fund is by holding back the increment value, lowering tax base for the spreading of the tax burden and creating a slightly higher levy for the local taxpayers.

MAPS

The Conditions map, SDCL § 11-9-16(1), is included as Attachment 2.

The Improvements map, SDCL § 11-9-16(2), is included as Attachment 3.

The Zoning Map, SDCL § 11-9-16(3), is included as Attachment 4.

SUPPLEMENTARY FINDINGS

CHANGES TO CITY COMPREHENSIVE /MASTER PLAN MAP, BUILDING CODES & CITY ORDINANCES PER SDCL §11-9-16 (4)

No changes to City ordinances nor the City Master Plan are required.

LIST OF ESTIMATED NON-ELIGIBLE PROJECT COSTS

The following is an estimated list of the non-Project Costs per SDCL § 11-9-16(5). All costs are listed as taxable value; actual non-project costs will exceed the following amounts.

Item	Amount
Town Homes, Commercial Businesses, Senior Living Facility	\$25,000,000+
TOTAL ESTIMATED	\$25,000,000+

STATEMENT OF DISPLACEMENT AND RELOCATION PLAN

No residents or families will be displaced by the Project. SDCL § 11-9-16(6)

PERFORMANCE BOND, SURETY BOND OR OTHER GUARANTY

As security for its fulfillment of the agreement with the governing body, a purchaser or lessee of redevelopment property may furnish a performance bond, with such surety and in such form and amount as the governing body may approve or make such other guaranty as the governing body may deem necessary in the public interest. This additional security may be provided for in a Developer's Agreement.

LIST OF SCHEDULES

SCHEDULE 1 - Estimated Project Cost

SCHEDULE 2 - Economic Feasibility Study & Estimated Captured Taxable Values

SCHEDULE 3 - Economic Development Study

SCHEDULE 4 - Fiscal Impact Statement

LIST OF ATTACHMENTS

Attachment 1 - Descriptions of Real Property

Attachment 2 - Conditions map, SDCL § 11-9-16(1)

Attachment 3 - Improvements map, SDCL § 11-9-16(2)

Attachment 4 - Zoning Change Map SDCL § 11-9-16(3)

SCHEDULE 1

DETAIL OF PROJECT COSTS

The following are estimate TIF eligible costs for the project as provided by the Project Engineers.

ENGINEER'S ESTIMATE OF PROBABLE COST WILLOW CREEK RIDGE ADDITION GRADING AND EROSION CONTROL - COMMERCIAL TIF

ITEM NO.	SF BID ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QUANTITY	UNIT PRICE	TOTAL
		GENERAL				
1	9.0010	Mobilization	LS	1.0	\$ 35,000.00	\$ 35,000.00
2	120.0010	Unclassified Excavation	CuYd	127,050.0	\$ 2.75	\$ 349,387.50
3	120.0100	Unclassified Excavation, Digouts	CuYd	200.0	\$ 8.00	\$ 1,600.00
4	120.6100	Water for Embankment	MGal	1,778.7	\$ 1.50	\$ 2,668.05
5	230.0010	Placing Topsoil	CuYd	13,560.0	\$ 4.00	\$ 54,240.00
6	230.0300	Salvage Topsoil	CuYd	18,450.0	\$ 2.00	\$ 36,900.00
7	950.5700	Locating Utility	Each	1.0	\$ 200.00	\$ 200.00
8	950.5710	Verify Utility	Each	1.0	\$ 200.00	\$ 200.00
		STORM SEWER				
9	450.0193	42" RCP Class 3, Furnish	Ft	465.0	\$ 38.00	\$ 17,670.00
10	450.0200	42" RCP, Install	Ft	465.0	\$ 26.00	\$ 12,090.00
11	450.2024	42" RCP Flared End, Furnish	Each	1.0	\$ 525.00	\$ 525.00
12	450.2025	42" RCP Flared End, Install	Each	1.0	\$ 300.00	\$ 300.00
13	700.0110	Class B Rip Rap	Ton	180.0	\$ 26.00	\$ 4,680.00
14	831.0110	Type B Drainage Fabric	SqYd	260.0	\$ 3.00	\$ 780.00
15	110.5510	Salvage Pipe End Section	Each	1.0	\$ 200.00	\$ 200.00
16	450.9001	Reset Pipe End Section	Each	1.0	\$ 300.00	\$ 300.00
17	462.0100	Class M6 Concrete	CuYd	8.2	\$ 850.00	\$ 6,970.00
18	480.0100	Reinforcing Steel	Lb	599.0	\$ 2.00	\$ 1,198.00
19	670.1400	Frame and Cover-Type 1 Junction Box	Each	2.0	\$ 670.00	\$ 1,340.00
		TRAFFIC CONTROL				
20	634.0100	Traffic Control	Unit	220.0	\$ 3.50	\$ 770.00
21	634.0120	Traffic Control, Miscellaneous	LS	1.0	\$ 300.00	\$ 300.00
		EROSION CONTROL				
22	730.0251	Permanent Seed Mixture 1	LB	603.1	\$ 7.00	\$ 4,221.83
23	730.0252	Permanent Seed Mixture 2	LB	55.0	\$ 15.00	\$ 825.00
24	731.0100	Fertilizing	LB	1,876.0	\$ 0.80	\$ 1,500.78
25	731.0210	Weed Control - Project	LS	1.0	\$ 1,500.00	\$ 1,500.00
26	732.0100	Mulching	TON	37.5	\$ 200.00	\$ 7,503.90
27	734.0151	9" Diameter Erosion Control Wattle	LF	80.0	\$ 6.00	\$ 480.00
28	734.5010	Sweeping	Hour	8.0	\$ 150.00	\$ 1,200.00
29	734.6001	Temporary Vehicle Tracking Control	EA	1.0	\$ 1,200.00	\$ 1,200.00
30	734.6005	Temporary Diversion Dike	Ft	2,265.0	\$ 1.50	\$ 3,397.50
31	Special	Temporary Silt Ditch	Ft	1,385.0	\$ 2.50	\$ 3,462.50
32	Special	Initial Erosion Control Sediment Trap Berm	EA	1.0	\$ 2,500.00	\$ 2,500.00
33	Special	Sediment Trap	EA	4.0	\$ 3,000.00	\$ 12,000.00

Subtotal: \$ 570,000.00

with Engineering/Testing/Staking @ 10% \$57,000.00

Contingency @ 10% \$57,000.00

Total: \$ 680,000.00

STREET and UTILITY IMPROVEMENTS - COMMERCIAL TIF

ITEM NO.	SF BID ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QUANTITY	UNIT PRICE	TOTAL
		GENERAL				
1	9.0010	Mobilization	LS	1.0	\$ 60,000.00	\$ 60,000.00
2	110.0300	Remove Concrete Curb & Gutter	Ft	12.0	\$ 18.00	\$ 216.00
3	110.1010	Remove Asphalt Concrete Pavement	SqYd	65.0	\$ 20.00	\$ 1,300.00
4	110.8100	Saw Existing Asphalt	LF	64.0	\$ 5.00	\$ 320.00
5	110.8110	Saw Existing PCC Concrete	LF	10.0	\$ 11.00	\$ 110.00
6	120.0010	Unclassified Excavation	CuYd	350.0	\$ 6.00	\$ 2,100.00
7	120.0100	Unclassified Excavation, Digsouts	CuYd	100.0	\$ 8.00	\$ 800.00
8	120.0480	Scarify & Recompact Subgrade	SqYd	9,630.0	\$ 1.00	\$ 9,630.00
9	230.0010	Placing Topsoil	CuYd	1,420.0	\$ 4.00	\$ 5,680.00
10	250.0020	Incidental Work, Grading	LS	1.0	\$ 2,500.00	\$ 2,500.00
11	250.0040	Incidental Work, Utilities	LS	1.0	\$ 2,500.00	\$ 2,500.00
12	260.7010	Trench Stabilization Material	Ton	50.0	\$ 28.00	\$ 1,400.00
13	260.7020	Select Fill	Ton	250.0	\$ 17.00	\$ 4,250.00
14	950.5700	Locating Utility	Each	2.0	\$ 200.00	\$ 400.00
15	950.5710	Verify Utility	Each	2.0	\$ 200.00	\$ 400.00
		SURFACING				
16	120.6200	Water for Granular Material	MGal	42.3	\$ 10.00	\$ 422.98
17	651.0860	6" Accessible Curb Ramp Sidewalk	SqFt	1,190.0	\$ 18.00	\$ 21,420.00
18	831.0050	Geotextile Fabric For Subgrade Stabilization	SqYd	9,630.0	\$ 3.50	\$ 33,705.00
19	260.1010	Aggregate Base Course	Ton	7,049.6	\$ 18.00	\$ 126,893.25
20	320.1210	Asphalt Concrete Composite, PG58-28	Ton	2,136.3	\$ 86.00	\$ 183,725.03
21	380.4010	6" PCC Fillet Section	SqYd	125.6	\$ 90.00	\$ 11,300.00
22	650.7000	Concrete Curb & Gutter Type SF66	Ft	4,220.0	\$ 18.00	\$ 75,960.00
23	650.8000	Concrete Valley Gutter 6" Thick	SqYd	60.6	\$ 90.00	\$ 5,450.00
		STORM SEWER				
24	450.0123	18" RCP Class 3, Furnish	Ft	101.0	\$ 18.00	\$ 1,818.00
25	450.0130	18" RCP, Install	Ft	101.0	\$ 20.00	\$ 2,020.00
26	450.0143	24" RCP Class 3, Furnish	Ft	84.0	\$ 26.00	\$ 2,184.00
27	450.0150	24" RCP, Install	Ft	84.0	\$ 24.00	\$ 2,016.00
28	462.0100	Class M6 Concrete	CuYd	20.5	\$ 1,000.00	\$ 20,493.00
29	480.0100	Reinforcing Steel	Lb	3,388.0	\$ 2.00	\$ 6,776.00
30	671.1100	Type Y Manhole Frame and Lid	Each	6.0	\$ 425.00	\$ 2,550.00
		WATER MAIN				
31	900.0201	6" C900 DR18 PVC Watermain	Ft	46.0	\$ 22.00	\$ 1,012.00
32	900.0202	8" C900 DR18 PVC Watermain	Ft	2,334.0	\$ 22.00	\$ 51,348.00
33	900.0402	6" MJ Gate Valve with Box	Each	4.0	\$ 1,100.00	\$ 4,400.00
34	900.0403	8" MJ Gate Valve with Box	Each	4.0	\$ 1,500.00	\$ 6,000.00
35	900.0450	Valve Box Adjustment	Each	8.0	\$ 150.00	\$ 1,200.00
36	900.0502	8" MJ Elbow 45 Degree	Each	4.0	\$ 360.00	\$ 1,440.00
37	900.0704	8"x6" MJ Tee	Each	4.0	\$ 420.00	\$ 1,680.00
38	900.0705	8"x8" MJ Tee	Each	1.0	\$ 500.00	\$ 500.00
39	900.0802	8"x6" MJ Reducer	Each	1.0	\$ 350.00	\$ 350.00
40	900.0905	8"x8" MJ Cross	Each	1.0	\$ 600.00	\$ 600.00
41	900.1002	8" MJ Plug	Each	3.0	\$ 150.00	\$ 450.00
42	900.1202	8" MJ Long Sleeve	Each	1.0	\$ 375.00	\$ 375.00
43	900.1401	6" MJ Retainer Gland	Each	16.0	\$ 55.00	\$ 880.00
44	900.1402	8" MJ Retainer Gland	Each	36.0	\$ 70.00	\$ 2,520.00
45	900.1502	Fire Hydrant	Each	4.0	\$ 3,200.00	\$ 12,800.00
46	900.1750	Connect to Existing Watermain	Each	2.0	\$ 500.00	\$ 1,000.00
47	900.6000	Water Service Trench Excavating and Backfilling	Ft	138.0	\$ 24.00	\$ 3,312.00
48	SPECIAL	City Fee for Water Service Connection (1" Service on PVC)	Each	6.0	\$ 50.00	\$ 300.00
49	900.8001	6" Watermain Bedding Material	Ft	46.0	\$ 5.00	\$ 230.00
50	900.3120	8" x 1" Water Service Tap	Each	6.0	\$ 235.00	\$ 1,410.00
51	900.3400	1" Copper Water Service Piping	Ft	138.0	\$ 10.00	\$ 1,380.00
52	900.3200	1" Water Service Curb Stop	Each	6.0	\$ 157.00	\$ 942.00
53	900.8002	8" Watermain Bedding Material	Ft	2,334.0	\$ 5.00	\$ 11,670.00
54	900.8100	Water Service Bedding Material	Ft	138.0	\$ 2.00	\$ 276.00
		SANITARY SEWER				
55	950.0103	8" Sanitary Sewer Pipe 10' to 12' Deep	Ft	636.0	\$ 24.00	\$ 15,264.00
56	950.2000	8" Sanitary Sewer Pipe Bedding Material	Ft	636.0	\$ 6.50	\$ 4,134.00
57	950.3002	8"x4" Sewer Wye/Tap	Each	6.0	\$ 150.00	\$ 900.00
58	Special	8"x6" Inserta-Tee	Each	6.0	\$ 200.00	\$ 1,200.00
59	950.3200	4" Sewer Caps/Plugs	Each	6.0	\$ 25.00	\$ 150.00
60	950.3201	6" Sewer Caps/Plugs	Each	6.0	\$ 35.00	\$ 210.00
61	950.4003	48" Manhole 10'-12' Deep	Each	2.0	\$ 3,500.00	\$ 7,000.00
62	950.4802	8" Boots for Manhole	Each	3.0	\$ 130.00	\$ 390.00
63	950.4950	4" Sanitary Sewer Service	Ft	198.0	\$ 22.00	\$ 4,356.00
64	950.4960	6" Sanitary Sewer Service	Ft	240.0	\$ 25.00	\$ 6,000.00
65	950.5000	Adjust Manhole	Each	2.0	\$ 330.00	\$ 660.00
66	950.5300	Manhole Frame and Cover	Each	2.0	\$ 400.00	\$ 800.00
67	950.5410	Manhole Construction Plate Marker	Each	2.0	\$ 150.00	\$ 300.00
68	950.5600	Manhole Exfiltration/Vacuum Test	Each	2.0	\$ 200.00	\$ 400.00
69	950.5610	Sanitary Sewer Exfiltration Testing	Ft	636.0	\$ 0.80	\$ 508.80
70	950.5620	PVC Sewer Pipe Deflection Test	Ft	636.0	\$ 0.80	\$ 508.80
		TRAFFIC CONTROL				
71	634.0100	Traffic Control	Unit	220.0	\$ 3.50	\$ 770.00
72	631.0120	Traffic Control, Miscellaneous	LS	1.0	\$ 300.00	\$ 300.00

ITEM NO.	SF BID ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QUANTITY	UNIT PRICE	TOTAL
		EROSION CONTROL				
73	730.0300	Arterial and Collector Seed Mix	LB	530.0	\$ 12.00	\$ 6,360.00
74	731.0100	Fertilizing	LB	180.0	\$ 1.00	\$ 180.00
75	731.0200	Weed Control	SqYd	8,525.0	\$ 0.10	\$ 852.50
76	731.0210	Weed Control - Project	LS	1.0	\$ 500.00	\$ 500.00
77	732.0200	Fiber Mulching	TON	1.8	\$ 1,000.00	\$ 1,800.00
78	734.0850	Temporary Inlet Protection	Each	8.0	\$ 100.00	\$ 800.00
79	734.5010	Sweeping	Hour	6.0	\$ 150.00	\$ 900.00
80	734.6001	Temporary Vehicle Tracking Control	Each	1.0	\$ 2,400.00	\$ 2,400.00
81	734.6006	Concrete Washout Area	Each	1.0	\$ 250.00	\$ 250.00
		LIGHTING				
82	Special	Street Lighting	Each	10.0	\$ 3,500.00	\$ 35,000.00

Subtotal: \$ 790,000.00

with Engineering/Testing/Staking @ 10% \$79,000.00

Contingency @ 10% \$79,000.00

Total: \$ 950,000.00

A	Special	School District Reimbursement (Half of Dianne & Hannah)	LF	1714.0	\$ 210.27	\$360,000.00
B	Special	Developer Reimbursement For Dianne Street Adjacent to School	LF	460.0	\$ 210.27	\$100,000.00

After School District Reimbursement and Developer Payment for School Constructed Street: \$ 690,000.00

Alternate 1 - Sanitary Trunk Sewer						
ITEM NO.	SF BID ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX. QUANTITY	UNIT PRICE	TOTAL
83	950.4003	48" Manhole 10'-12' Deep	Each	2.00	\$ 3,800.00	\$ 7,600.00
84	950.4005	48" Manhole 14'-16' Deep	Each	2.00	\$ 4,200.00	\$ 8,400.00
85	950.3202	8" Sewer Caps/Plugs	Each	4.00	\$ 150.00	\$ 600.00
86	950.4802	8" Boots for Manhole	Each	4.00	\$ 150.00	\$ 600.00
87	950.4803	10" Boots for Manhole	Each	7.00	\$ 175.00	\$ 1,225.00
88	950.0103	8" Sanitary Sewer Pipe 10' to 12' Deep	Ft	40.00	\$ 26.00	\$ 1,040.00
89	950.0105	8" Sanitary Sewer Pipe 14' to 16' Deep	Ft	120.00	\$ 30.00	\$ 3,600.00
90	950.0203	10" Sanitary Sewer Pipe 10' to 12' Deep	Ft	154.00	\$ 51.00	\$ 7,854.00
91	950.0204	10" Sanitary Sewer Pipe 12' to 14' Deep	Ft	340.00	\$ 56.00	\$ 19,040.00
92	950.0205	10" Sanitary Sewer Pipe 14' to 16' Deep	Ft	644.00	\$ 60.00	\$ 38,640.00
93	950.1000	8" Sanitary Sewer Pipe Bedding Material	Ft	160.00	\$ 10.00	\$ 1,600.00
94	950.2000	10" Sanitary Sewer Pipe Bedding Material	Ft	1138.00	\$ 6.50	\$ 7,397.00
95	950.5300	Manhole Frame and Cover	Each	4.00	\$ 500.00	\$ 2,000.00
96	950.5410	Manhole Construction Plate Marker	Each	4.00	\$ 100.00	\$ 400.00
97	950.5600	Manhole Exfiltration/Vacuum Test	Each	4.00	\$ 200.00	\$ 800.00
98	950.5000	Adjust Manhole	Each	4.00	\$ 330.00	\$ 1,320.00
99	950.5610	Sanitary Sewer Exfiltration Testing	Ft	1138.00	\$ 1.00	\$ 1,138.00
100	950.5620	PVC Sewer Pipe Deflection Test	Ft	1138.00	\$ 1.25	\$ 1,422.50

Subtotal: \$ 105,000.00

with Engineering/Testing/Staking @ 10% \$10,500.00

Contingency @ 10% \$10,500.00

Total Construction Estimate: \$ 126,000.00

Summary of Estimated Costs

Hanna Trail 1275' Long, 28' Wide, 66' ROW, 4" Asphalt, 6" Gravel (+6 for total 12"), Fabric, Sanitary Sewer, Watermain, Storm Sewer
Dianne St. 984' Long, 34' Wide, 80' ROW, 5" Asphalt, 9" Gravel (+3 for total 12"), Fabric, Sanitary Sewer, Watermain

The following table shows the original project costs for the City of Crooks TIF #2 in June 2022.

Crooks - Willow Creek Ridge Addition

Developer Expenses	Allowable TIF Expenses	TIF Requested
Sanitary	\$126,000	\$ 126,000
Land (Purchase Price - 49.3 acres @ \$19,500)	\$961,350	\$ 214,000
Grading & Erosion Control	\$757,686	\$ 680,000
Street & Utilities	\$2,675,188	\$ 1,680,000
Engineering (includes soil tests)	\$150,000	\$ -
Legal	\$25,000	\$ -
Interest (Bank Loan)	\$300,000	\$ 300,000
Closing Costs/Insurance/Contingency	\$500,000	
	\$5,495,224	\$ 3,000,000
Administrative Fee - Payable to City of Crooks	\$1,000,000	\$ 1,000,000

The Following table shows the revised project costs for the City of Crooks TIF #2 in December 2022.

Developer Expenses	Allowable TIF Expenses	TIF Requested
Sanitary	\$ 126,000	\$ 126,000
Land (Purchase Price - 49.3 acres @ \$19,500)	\$ 961,350	\$ 214,000
Grading & Erosion Control	\$ 757,686	\$ 685,000
Street & Utilities	\$ 2,675,188	\$ 2,675,000
Engineering (Includes soil tests)	\$ 150,000	
Legal	\$ 25,000	
Interest (Bank Loan)	\$ 300,000	\$ 300,000
Closing Costs/Insurance/Contingency	\$ 500,000	
	\$ 5,495,224	\$ 4,000,000
Administrative Fee - Payable to the City of Crooks	\$ 1,000,000	\$ 1,000,000

It should be noted in the reimbursement expenses, the Developer has calculated the cost associated with the School District expense related to Diane Street, and the Developer will complete those improvements, or reimburse to the School their costs associated with the improvements from the proceeds of the Tax Increment District #2.

The City and the Developer will share a 50/50 revenue split until the City receives \$1,000,000. The Developer will receive the remaining Tax Increment Revenue thereafter. At no time shall the TIF Revenue exceed 20 years from the year of creation.

Estimates TID Eligible of Project Costs Requested

The City of Crooks has determined that this will be an economic development Tax Increment District, thus the eligible cost will be in the form of an infrastructure Grant that will not exceed \$5,000,000. This is a permitted use under SDCL 11-9-15.

11-9-15. Specific items included in project costs. Project costs include:

- (1) Capital costs, including the actual costs of the construction of public works or improvements, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, permanent fixtures; the acquisition of equipment; the clearing & grading of land; & the amount of interest payable on tax incremental bonds issued pursuant to this chapter until such time as positive tax increments to be received from the district, as estimated by the project plan, are sufficient to pay the principal of & interest on the tax incremental bonds when due;
- (2) Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for project costs, any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity and a reserve for the payment of principal of and interest on such obligations in an amount determined by the governing body to be reasonably required for the marketability of such obligations;
- (3) Real property assembly costs, including the actual cost of the acquisition by a municipality of real or personal property within a tax incremental district less any proceeds to be received by the municipality from the sale, lease, or other disposition of such property pursuant to a project plan;
- (4) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;
- (5) Imputed administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;
- (6) Relocation costs;
- (7) Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public of the creation of tax incremental districts and the implementation of project plans; and

- (8) Payments and grants made, at the discretion of the governing body, which are found to be necessary or convenient to the creation of tax incremental districts, the implementation of project plans, or to stimulate and develop the general economic welfare and prosperity of the state.

SCHEDULE 2

ECONOMIC FEASIBILITY STUDY & TAXABLE VALUE

The City has been asked to create a Tax Increment District to help offset the expansion associated with this project. This feasibility study provides that the Project Costs can be financed through tax increment financing under South Dakota Tax Incremental District Law (South Dakota Codified Laws Chapter 11-9). Tax increment financing is an indispensable self-financing tool used throughout the United States to help local governments successfully develop and redevelop areas and encourage economic development.

In tax increment financing, the current real property tax assessed value of all properties in a designated project area ("tax increment financing district") is established as the "base value." As development in the tax increment financing district increases the assessed values of the redeveloped properties, a portion of the additional tax revenue generated by the increase in assessed value over the base value is set aside and committed by the City to the reimbursement of approved project costs.

Tax increment financing is permitted only in connection with a "Project Plan" duly adopted by the City. The property is currently estimated to have a taxable value of \$136,700. The improvements to be made to the property are estimated to add to the assessed valuation. The estimated increment resulting from the improvements would be approximately \$25,000,000+ in new value once fully developed. Since only positive tax increment will be applied, the proposed project is feasible.

All of the project costs are found to be necessary and convenient to the creation of the Tax Incremental District and the implementation of the project.

For purposes of this Project Plan, the Developer is projecting that the infrastructure and site improvements will be built through up to potentially 4 phases and fully developed by calendar year 2025.

The City's role is to simply act as a conduit for the revenue and pass on all positive increment to the Developer and to reimburse the City for their expenses, of which, will never exceed \$5,000,000 in total payments, or 20 years, whichever comes first.

It is assumed that all obligations incurred would be adequately secured as to allow the payment of principal and interest when due, whether by means of a taxable bond or loan. The actual repayment schedule may change, but all principal and interest shall be paid within the life of the TID. Utilizing the information regarding expected increment valuation and tax generation, it is possible to estimate an expected revenue stream that can be utilized to retire debt that will be created as a result of implementing the Project Plan.

City of Crooks TID #2 is proven feasible based upon the projections made by the Developer, projecting a total in excess of \$5,000,000 in tax revenue during the life of the 20-year TIF.

The calculations of the estimated tax increment valuation and tax generated for the TID can be found in the following tables. For purposes of this Project Plan, it is anticipated no increment generated by City TID #2 will be available until the earliest of calendar year 2024 and thereafter.

TID Tax Revenue Estimates Available for City of Crooks

This project will have properties that are classified as Non-Ag Other. Listed below is a preliminary projection of the potential of the development and the increment

Date		11/7/2022			
Year	TIF Revenue/ Annual	Developer	Cumulative	City	
2025	\$ 264,378.15	\$ 132,189.08	\$ 132,189.08	\$	132,189.08
2026	\$ 326,480.40	\$ 163,240.20	\$ 295,429.28	\$	163,240.20
2027	\$ 422,295.30	\$ 211,147.65	\$ 506,576.93	\$	211,147.65
2028	\$ 520,771.73	\$ 260,385.86	\$ 766,962.79	\$	260,385.86
2029	\$ 621,909.68	\$ 388,872.46	\$ 1,155,835.25	\$	233,037.21
2030	\$ 621,909.68	\$ 621,909.68	\$ 1,777,744.93	\$	1,000,000.00
2031	\$ 621,909.68	\$ 621,909.68	\$ 2,399,654.60		
2032	\$ 621,909.68	\$ 621,909.68	\$ 3,021,564.28		
2033	\$ 621,909.68	\$ 621,909.68	\$ 3,643,473.95		
2034	\$ 621,909.68	\$ 621,909.68	\$ 4,265,383.63		
2035	\$ 621,909.68	\$ 621,909.68			
2036	\$ 621,909.68	\$ 621,909.68			
2037	\$ 621,909.68	\$ 621,909.68			
2038	\$ 621,909.68	\$ 621,909.68			
2039	\$ 621,909.68	\$ 621,909.68			
2040	\$ 621,909.68	\$ 621,909.68			
2041	\$ 621,909.68	\$ 621,909.68			
2042	\$ 621,909.68	\$ 621,909.68			
Total	\$ 10,862,570.70	\$ 9,240,661.03			

Projections are based on the following
 Assisted Living assessed at \$11,500,000
 10 homes built a year for 5 years
 Valuation of homes at \$340,000 and increasing every year

SCHEDULE 3

ECONOMIC DEVELOPMENT STUDY

Introduction

The City of Crooks has been approached concerning the creation of a tax increment district (TID) located within the City's limits. Per South Dakota Codified Law 11-9-8, the governing body must make a finding that not less than 50%, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the State through the promotion and advancement of industrial, commercial, manufacturing, agricultural and natural resources, and the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

Study Area Boundary

The Project boundaries are described and depicted on the maps in Attachments 1 and 2 of this Plan.

Establishing Economic Development

South Dakota law describes economic development as activity that stimulates and develops the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources. The definition of Economic Development for State Aid to Education Formula purpose is any area where there is or will be one or more businesses engaged in any activity defined as commercial or industrial. The proposed City of Crooks TID #2 meets both of these criteria.

The area within the boundaries of the TIF is generally located southern edge of the City of Crooks, west of Highway 137. The project includes 49.3 acres of agricultural land to be development into a multi-family, single family residential, commercial area, and a senior living facility.

The infrastructure of the project is expected to be completed by 2022 calendar year.

Finding That the Improvements to the Area Are Likely to Enhance Significantly the Value of Substantially All of The Other Real Property in The District

It is definitively found that once the improvements set forth within the Project Plan are initiated, the improvements will enhance significantly the value of substantially all of the other real property in the district. The City of Crooks TID #2 will have a tremendous economic impact on the region's infrastructure advancement and the labor force.

Conditions Within the Study Area; Land Use and Planning Land Use, Planning and Comprehensive Plan

The City of Crooks Comprehensive Plan is consistent with the proposed use of the District.

Findings within the Project Area Analysis

It is found that not less than 50%, by area, of the real property within the District will stimulate and develop the general economic welfare and prosperity of the State of South Dakota through the promotion and advancement of industrial, commercial, manufacturing, agricultural, and natural resources. It is also found that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District in accordance with SDCL 11-9-8.

The Project area is 49.3-acre tract of land in Benson's 3rd Addition in the City of Crooks. The Tax Increment will be used to offset the necessary infrastructure improvements related to sanitary, water and streets. These improvements will lead to the development of a multi-family project, commercial development, and a senior living facility

The investment in the Project area will stimulate and develop the general economic welfare and prosperity of the region through the promotion of employment by providing multi-family affordable housing and commercial development.

Schedule 4

FISCAL IMPACT STATEMENT FOR CITY OF CROOKS TID #2

Introduction

A fiscal impact statement shows the impact of the TID, both until and after the bonds or obligations are repaid, upon all entities levying taxes upon property in the District. The following fiscal impact statement is intended to provide only a brief analysis of the estimated impact of the Tax Increment District to the public pursuant to SDCL § 11-9-13(4). It is not intended to challenge a more detailed, complete financial analysis.

Definitions

“Assumptions” means factors or definitions used in the fiscal analysis. Assumptions may include facts and figures identified by the District and educated guesses that are sometimes necessary when not all of the information is available. Assumptions are often used to extrapolate an estimate. Assumptions may include an estimate of tax levies of each taxing entity, the school aid formula contribution, the value of the real property, etc.

“Base Revenues” means the taxes collected on the base value.

“Fiscal Impact” means the increase or decrease in revenues and generally refers to an impact to revenues caused by the district.

“Revenue” means ad valorem taxes.

“Tax Increment District” means City of Crooks Tax Increment District Number 2.

“Taxing Districts” means all political subdivisions of the state which have ad valorem taxing power over property within the boundaries of the Tax Increment District.

“Tax Increment Revenues” means all revenues above the Base Revenues.

Assumptions

1. The property will have improvements, which at completion, are estimated at taxable purposes up to \$25,000,000+
2. The average tax levy of all taxing districts will be \$19.715 per thousand dollars of taxable valuation.
3. Tax increment will start to be collected in 2025 and end prior to 2042.
4. The discretionary formula will be waived by Developer.

SCHEDULE 5

ESTIMATED CAPTURED TAXABLE VALUES

For purposes of this Project Plan, Developer assumes that **Developer will elect not to use the real property tax discretionary formula** currently utilized in City of Crooks, South Dakota, pertaining to payment of real property taxes (i.e., 20% Year 1; 40% Year 2; 60% Year 3; 80% Year 4; and 100% Year 5).

* Actual valuation shall depend upon the value determined by the Minnehaha County Director of Equalization when assessed, with the application of dollars-per-thousand from local taxes. All tax increment revenues shall be from Generally Applicable Taxes attributable to the improvements to be constructed in the TID. The potential for total increment collections are estimated to be at the maximum range of \$4,000,000 covering a span of captured tax years not to exceed 20. Collection is anticipated to begin in 2021, and the schedule carries out the tax captured 20 years from the date of Plan adoption.

The following dollars-per-thousand rates are the current taxing rates of the local taxing jurisdictions for Non-AG Other property types:

2022 Property Tax Rate

2021 Payable in 2022	\$ per \$1,000 assessed
City of Crooks	\$ 2.671
Minnehaha County	\$ 3.322
Water District	\$ 0.023
Rural Fire	\$ 0.138
Rural Library	\$ 0.301
<u>School District "00"</u>	<u>\$ 13.260</u>
Total Tax Levy	\$19.715

Utilizing the information regarding expected increment valuation and tax generation, it is possible to generate an expected revenue stream that can be utilized to retire debt that will be created as a result of implementing the Project Plan.

ATTACHMENT 1

DESCRIPTIONS OF REAL PROPERTY:

- Tract 1 of Benson's 3rd Addition, an addition in the Northeast Quarter and the Southeast Quarter of Section 10, Township 102 North, Range 50 West of the 5th Principal Meridian, Minnehaha County, South Dakota, except Lots H-1, H-2 and H-4 contained therein and except Lot 1 of Tri-Valley Addition

ATTACHMENT 2

Conditions picture for City of Crooks Tax Incremental District #2, SDCL § 11-9-16(1)

The following is a picture showing the current conditions of the proposed location of TIF #2



ATTACHMENT 3

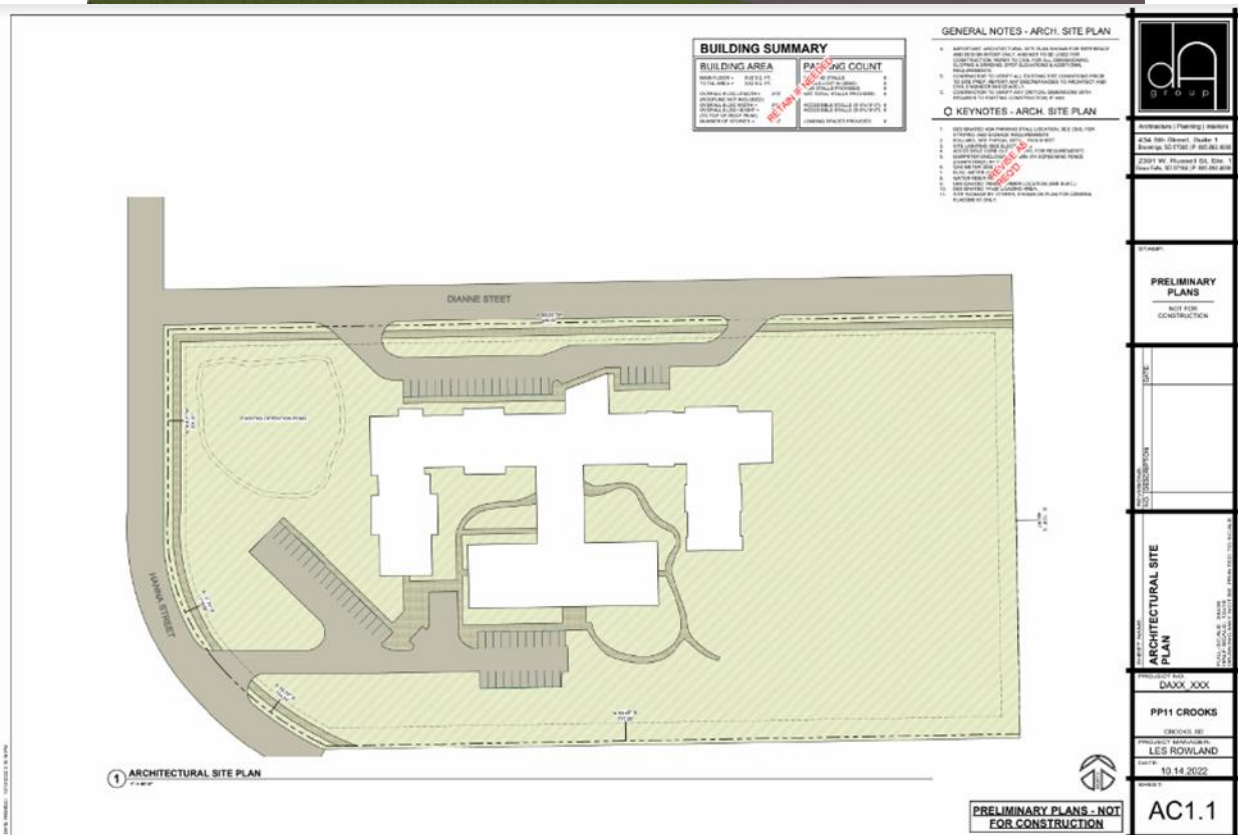
Improvements map for City of Crooks Tax Incremental District #2, SDCL § 11-9-16(2).

The following is a plat map of the Tax Increment District 2. This area represents where the Developer will install the public utilities for a potential multi-family / townhome development along with Commercial property.



The following concept is just a concept to show the total area of the TIF in the legal description. The School is not located in the legal boundaries but is shown for a global view of how the planned development could potentially be developed.

Preliminary Rendering of Crooks



ATTACHMENT 4

Zoning Map for City of Crooks Tax Incremental District #2, SDCL § 11-9-16(2).

Crooks Official Zoning Map

Updated: Oct 26, 2022

Zoning Districts:

- A1 (County Zone)
- NRC Natural Resource Conservation
- R-1 Single Family Residential
- R-2 Multi-Family Residential
- CB Central Business
- GB General Business
- LI Light Industrial
- HI Heavy Industrial
- City Limits

0 5501,100 2,200
Feet



This is to certify that this is the Official Zoning Map referred to in Section _____ of Ordinance No. _____ of Crooks, South Dakota.

Adopted this ____ day of _____

Signed: Mayor _____

Attest: Planning Offices _____

Public Hearing held by Planning Commission: _____

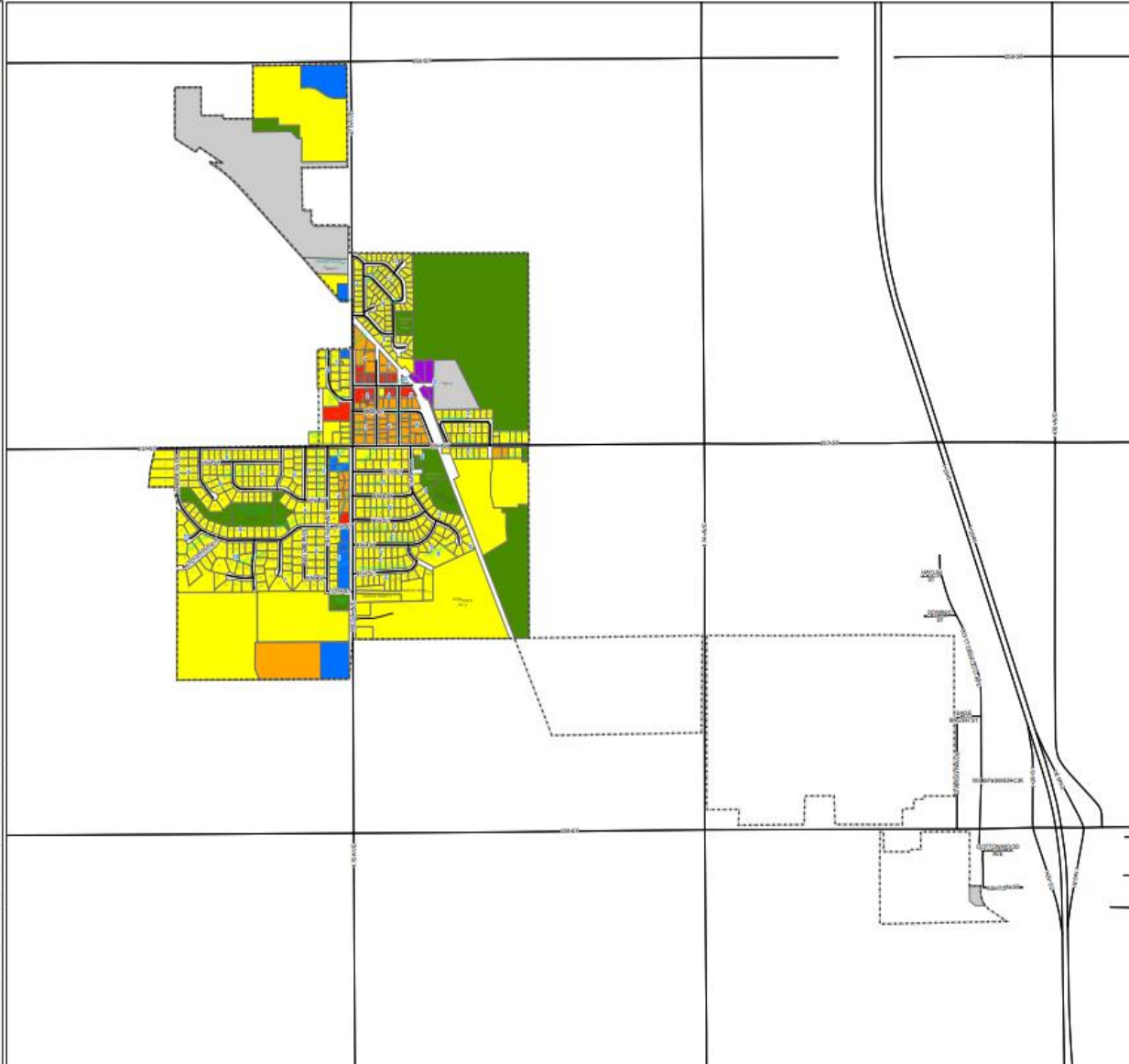
Public Hearing/1st reading held by City Council: _____

Second Reading and Adoption by City Council: _____

Publication Dates: _____

Effective Date: _____

Ordinance No.	Effective Date	Comments
214	June 12, 2017	Lots 12-15 Blk 4 Orig Addn, Rezoned from CB to R-1
217	July 10, 2017	Lots 11-16 Blk 3 Orig Addn, Rezoned from R-1 to CB
Res 2018-02-02	March 21, 2018	Annexation of Lot 1 Trs-Valley Addn, Retains County zoning
257	February 27, 2020	Tract 1A LKW Addn from R-1 to CB
261	June 8, 2020	(EX N90) Lot 3A Blk 1 Allantowne Addn from R-1 to GB
262	June 8, 2020	N90 W130.18 Lot 3A Blk 1 Allantowne Addn from R-1 to GB
267	September 5, 2020	Lot 1 Trs-Valley Addn from A-1 to R-1
276	June 14, 2021	Johnson's Tract 4 & NW1/4 11 102 50 from NRC to R-1
278	July 12, 2021	Tract 2A of CDC North Addition From NRC to LI
291	December 27, 2021	Tract 1 of Benson's 3rd Addition From AG/NRC to R-1, R-2 & GB
295	May 9, 2022	Parcel 10, Tract 1 of Benson's 3rd Addition From AG/NRC to R-1, R-2 & GB
301	July 14, 2022	Lot 4 Blk 1 of Benson's 2nd Addition From AG/NRC to LI





SOUTH DAKOTA DEPARTMENT OF REVENUE

445 East Capitol Avenue • Pierre, SD 57501
(605) 773-3311 • dor.sd.gov

TO: City of Crooks
FROM: Property Tax Division, Wendy Semmler
RE: City of Crooks TIF #2
DATE: November 28, 2022

This office has received notification of a pending amendment to the City of Crooks TIF #2. SDCL 11-9-23 allows for amendments to original project plans. The certified base value will not be re-established under the condition that the increase in project costs is thirty-five percent or less than the amount approved in the original project plan.

11-9-23. Redetermination of tax increment base when project costs increased by amendment of plan.

If the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

Counties and municipalities are responsible for oversight of Tax Increment Financing Districts. The Department of Revenue is a resource to assist with the understanding statute.

In the event you approve a resolution making changes to the original TIF project plan, please forward notification of those changes to our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'WJS', is written over a light blue circular stamp.

Wendy Semmler, Director

Property Tax Division

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “*Agreement*”) is entered into as of this _____ day of December, 2022, by and between the **CITY OF CROOKS**, a South Dakota municipality (the “*City*”), and **DWBP, LLC**, a South Dakota limited liability company (the “*Developer*”).

WITNESSETH:

WHEREAS, the City has an interest in promoting economic development within its city limits and is authorized, pursuant to SDCL Chapter 11-9 (the “*Act*”), to create tax increment financing districts for the purpose of funding economic development projects in a municipality;

WHEREAS, the Act authorizes the expenditure of funds generated by a tax increment district for payment of Project Costs (defined hereunder) related to economic development projects with tax increment financing districts;

WHEREAS, the Developer previously submitted application to the Planning and Zoning Commission of the City of Crooks, for the proposed creation of a tax increment financing district on real property within the boundaries of the City of Crooks, which is described as follows:

TRACT 1 OF BENSON’S 3RD ADDITION, EXCEPT LOT 1 AND TRACT 1 OF TRI-VALLEY ADDITION, AN ADDITION IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 102 NORTH, RANGE 50 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA;

(the “*Property*”);

WHEREAS, following the properly submitted required notices by the City, a hearing was held on January 31st, 2022 for the purpose of allowing all interested parties reasonable opportunity to be heard on Developer’s proposed plan to create the tax increment financing district;

WHEREAS, the Planning and Zoning Commission of the City of Crooks, at a hearing held on May 31, 2022, adopted the plan for Tax Increment Financing District Number Two, City of Crooks, and recommended that the City Council of Crooks also adopt the plan for Tax Increment Financing District Number Two, City of Crooks;

WHEREAS, pursuant to the City of Crooks Resolution 2022-12, the City Council of Crooks approved the creation of Tax Increment Financing District Number Two, City of Crooks as further described by the resolution attached hereto as **Exhibit A-1**, and following an additional hearing held on December 12, 2022, the City Council of Crooks approved certain amendments to the Tax Increment Financing District Number Two, City of Crooks as further described by adopted Resolution **2022-_____**, which is attached hereto as **Exhibit A-2**;

WHEREAS, in accordance with the Act, the Developer and the City desiring to enter into this Agreement to more effectively effectuate the purpose of the Project Plan (defined hereunder).

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises, covenants, obligations, apportionment and benefits contained in this Agreement, the City and Developer hereby agree as follows:

ARTICLE I

Definitions

Unless the context otherwise requires, the capitalized terms used in this Agreement shall have the meanings set forth in this Article I; provided, however, that any capitalized terms not defined in this Agreement shall have the meanings given to them in SDCL Chapter 11-9 and the Project Plan (defined hereunder). Words used herein in the singular, where the context so permits, also includes the plural and vice versa, unless otherwise specified. To the extent that any of the defined terms in this Agreement contradict the defined terms within the the Act, then meanings set forth in the Act shall control. Subject to the foregoing, the following definitions shall apply within this Agreement:

“Act” shall mean Chapter 11-9 of the South Dakota Codified Laws, as defined above and as may be amended from time to time.

“Base Revenues” means the taxes collected on the Base Value.

“Base Value” means the value of the Taxable Property at the time of the creation of the District, as certified by the South Dakota Secretary of Revenue.

“Construction Schedule” means the timetable for constructing the improvements specified in Section 2.08.

“City” and **“Developer”** shall have the meanings specified above.

“Effective Date” shall mean the twentieth (20th) day after publication by the City’s City Council of the resolutions authorizing the execution of this Agreement by the City.

“Grant” shall mean the transfer of money or property to a transferee for a governmental purpose that is not a related party to or an agent of the municipality; and within the context of this Agreement, shall further mean the total amount not to exceed \$5,000,000, payable through the use of Tax Increment Revenues from the District.

“Project Costs” means any expenditures made or estimated to be made, or monetary obligations incurred or estimated to be incurred, by a municipality that are listed in the Project Plan as grants or costs of public works or Improvements within the District, plus any incidental costs diminished by any income, special assessments, or other revenues, other than tax increments, received, or reasonably expected to be received, by the City in connection with the implementation of the plan.

“Project Plan” shall have the meaning specified in the Act, as further described by the approved plan for the development or redevelopment of the property making up Tax Increment Financing District Number Two of the City of Crooks including approved amendments thereto, which is attached hereto as **Exhibit B**.

“Improvements” means the engineering and construction of **“Public Works”** and **“Infrastructure Improvements”** as defined in the Project Plan and the related infrastructure and site work for the preparation of the Property for development consistent with the Project Plan.

“Tax Increment Revenues” means all tax revenues of the Taxable Property in excess of the Base Revenues.

“**TID**” or “**District**” means the Property, which is a contiguous geographic area within the City of Crooks, as further defined by Tax Increment Financing District Number Two and created by the resolutions of the Crooks City Council, which are attached hereto as Exhibit A-1 and Exhibit A-2.

“**Taxable Property**” means all real taxable property located in the District.

ARTICLE II

Obligation and Representations

2.01 Remittance of Tax Increment Revenues; City Expenses. The City agrees to pay to Developer through a Grant, solely funded by Tax Increment Revenues, a sum not to exceed \$4,000,000 in total over the life of the District, which equates to approximately eighty percent (80%) of the total project cost. The remaining twenty percent (20%) of the Grant, being \$1,000,000, shall be paid to the City through the Tax Increment Revenues as an administrative fee. The Tax Increment Revenues shall be allocated equally to City and Developer, fifty percent (50%) each, commencing on the date when the District is created and lasting until the City has been reimbursed in the amount of \$1,000,000. Following reimbursement of \$1,000,000 to the City, Developer shall receive one hundred percent (100%) of the Tax Increment Revenues until the earliest of the following to occur: (i) Developer’s receipt of \$4,000,000, or (ii) the date which is twenty (20) years from the calendar year in which the District was created. In no event may the Tax Increment Revenues be allocated longer than twenty (20) years after the calendar year of creation.

2.02 Grant of Tax Increment Revenues. The parties acknowledge that Developer’s right to receive the Tax Increment Revenues hereunder is a grant under the Act, and a personal property right vested with Developer upon the commencement of the term of this Agreement pursuant to Article V hereunder.

2.03 No Certificated Tax Increment Revenue Bonds. City will have no obligations to the Developer except as set forth in this Agreement, and will not issue any certificated tax increment revenue bonds to evidence its obligations.

2.04 Developer’s Representations. Developer represents to City as follows:

- (a) Developer is a limited liability company duly organized and existing under the laws of the State of South Dakota;
- (b) Developer has the authority to enter into this Agreement and to perform the requirements of this Agreement;
- (c) Developer’s performance under this Agreement will not violate any applicable judgment, order, law or regulation;
- (d) Developer’s performance under this Agreement will not result in the creation of any claim against City for money or performance, any lien, charge, encumbrance or security interest upon any asset of City;
- (e) Developer will have sufficient capital to perform all of its obligations under this Agreement, and Developer currently owns the Taxable Property;
- (f) Developer waives its right to participate in a City or County property tax reduction program, if applicable, as further described in the Project Plan; and

- (g) Developer agrees to include provisions within all purchase agreements involving new commercial development with respect to the Taxable Property, which are not built by Developer, that such persons or entities entering into a purchase agreement for the Taxable Property must also agree to waive the right to participate in a City or County property tax reduction program, if applicable,

2.05 Approvals. The City's obligations pursuant to this Agreement are specifically conditioned upon the resolutions and ordinances implementing Tax Incremental District #2 becoming effective.

2.06 Payment of Tax Increment Revenues. The City will make eligible payments due to Developer within a reasonable time, not to exceed 45 days from the County's receipt of real estate tax payments semi-annually.

2.07 Continued Cooperation. City and Developer each represent to the other that they shall make all reasonable efforts to expedite the purposes and subject matters herein contemplated and acknowledge that the successful performance of the Project Plan and this Agreement requires the continued cooperation by both parties.

2.08 No General Obligation of the City. The City's obligations hereunder are limited obligations payable to Developer solely out of the Tax Increment Revenues and are not payable from any other revenues of City, nor a charge against its general taxing power. Developer shall bear all risks that such Tax Increment Revenues may be insufficient to pay the maximum amounts specified in Section 2.01. This Agreement is expressly conditioned upon there being no obligation of the City to make payments to Developer which constitute general indebtedness of the City, or by a charge against the City's general taxing power. The provisions of SDCL § 11-9-36 are specifically incorporated herein by reference. It is further expressly acknowledged that the City has made no representation that the proceeds from the Tax Increment Revenues shall be sufficient to retire any indebtedness incurred by Developer. It is further expressly acknowledged that SDCL § 11-9-25 limits the duration of allocability of the positive tax increment payments and the fund created by the District. SDCL § 11-9-25, in its entirety, is expressly incorporated herein by this reference.

The City's obligations to make the payments set forth in this Agreement shall be lawfully made from funds to be budgeted and appropriated for such purpose during the City's then-current fiscal year. If at any time during the term of this Agreement, the governing body of the City shall fail or refuse to approve or authorize the funds due hereunder, then this Agreement shall terminate upon the end of the fiscal year for which funds were approved or authorized, without penalty to the City. The City's obligation hereunder shall not in any way be construed to be a debt of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the City, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of the City. Notwithstanding anything to the contrary contained in this Agreement, the City hereby acknowledges and agrees that the obligations of the City under this Agreement are a material inducement for Developer to construct improvements upon the Taxable Property and the failure to pay tax increment to Developer will be financially detrimental to Developer's ability to construct Improvements on the property.

2.09 Assignment of Payments. Upon written notice to the City, Developer may assign its rights to any payments it is due pursuant to this Agreement for the purpose of financing any obligations Developer has agreed to perform; provided, however, that Developer's right to assign such payments shall at all times remain subject to all other limitations of this Agreement. Any such assignment by Developer shall be memorialized by an Assignment Agreement, the form of which is attached hereto as **Exhibit C** and incorporated herein by this reference.

ARTICLE III

Improvements

3.01 Improvements. The Project Plan consists of total eligible costs in an amount over \$5,000,000 for the Improvements and other costs related to the development of the Property, as further described by the Project Plan. Developer shall diligently work to complete the Improvements in accordance with the Project Plan.

3.02 Construction of the Improvements. The Developer shall cause the Improvements to be constructed either by Developer or by private contract, and the City shall not bid, nor contract for, the construction related to the Improvements as described in this Agreement and the Project Plan. Developer shall ensure all Improvements are constructed to standards and specifications required by the City of Crooks.

3.03 Financing of Project and Improvements. Payment of all Project Costs will be made from Developer's own capital and from sources obtained solely by Developer. Developer may use all or any portion of the Taxable Property as collateral for any such loans which may be required to pay the Project Costs.

3.04 School District Expense Related to Diane Street. With respect to the portion of the Tri Valley School District (the "***School District***") property which is adjacent to Taxable Property, which is also adjacent to Dianne Street and Hannah Trail (the "***School Property***"), the City acknowledges that Developer has entered into certain agreements with the School District, whereby Developer and the School District have agreed that Developer has calculated the cost associated with the School District's expense related to its Improvements of Diane Street, and that Developer will either complete such Improvements, or reimburse the School District all costs associated with the respective Improvements from the Tax Increment Revenues.

ARTICLE IV **Developer Covenants**

4.01 Duties and Obligations of Developer. Developer hereby agrees to perform the following: (a) complete, or cause to be completed, all Improvements described in the Project Plan and this Agreement; (b) provide, or cause to be provided, all materials, labor, and services for completing the Project Plan; (c) obtain or cause to be obtained, all necessary permits and approvals from City and/or all other governmental agencies having jurisdiction over the construction of Improvements; (d) provide the City all necessary information, including documentation of actual expenses incurred for reimbursement of Project Costs; and (e) submit written annual reports, starting no later than thirty (30) days following the end of the fiscal year in which the District was created, detailing the amount of Tax Increment Revenues.

4.02 Insurance. Developer shall maintain a policy of liability insurance, acceptable to City, with liability limits of at least One Million Dollars (\$1,000,000), which shall name the City as an additional insured. Such a policy must remain in full force and effect until City of Crooks accepts the Developer's completion of the Improvements. The City shall provide no insurance with respect to the Improvements.

4.03 Indemnification. Developer will without a determination of liability or payment being made FULLY INDEMNIFY, DEFEND, and HOLD HARMLESS, City (and the elected officials, employees, officers, directors, and representatives of City) from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal injury or death and property damage, made upon City directly or indirectly arising out of, resulting from or related to Developer's negligence, willful misconduct or criminal conduct in Developer's activities under this Agreement, including any such acts or

omissions of Developer, its Members, Managers, any agent, officer, director, representative, employee, consultant or subconsultants of Developer, and their respective officers, agents, employees, directors and representatives while in the exercise or performance of the rights or duties under this Agreement, all without, however, waiving any governmental immunity available to City under South Dakota law and without waiving any defenses of the parties under South Dakota law. The provisions of this INDEMNIFICATION are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. Developer will promptly advise City in writing of any claim or demand against City related to or arising out of Developer's activities under this Agreement and will see to the investigation and defense of such claim or demand at Developer's cost to the extent required in this paragraph. City will have the right, at its option and expense, to participate in such defense with attorneys of its choice, without relieving Developer of any of its obligations under this paragraph.

4.04 Liability. Developer will be solely responsible for compensation and taxes payable to any employee or contractor of Developer, and none of Developer's employees or contractors will be deemed to be employees or contractors of City. No elected official, director, officer, employee, representative or agent of City shall be personally responsible for any liability arising out of or resulting from this Agreement.

4.05 Taxes and Licenses. Developer will pay, on or before their respective due dates, to the appropriate collecting authority all Federal, State, and local taxes and fees that are now or may hereafter be levied upon the Taxable Property or upon Developer or upon the business conducted on the Taxable Property, or upon any of Developer's property used in connection therewith, including employment taxes; and Developer shall maintain in current status all federal State, and local licenses and permits required for the operation of the business conducted by Developer.

4.06 Examination of Records. Developer shall allow City to conduct examinations perform copying of the books and records related to the Project Plan and this Agreement at any reasonable time during regular business hours; provided, however, that the City first submits notice to Developer no less than 48 hours prior to such examination.

ARTICLE V

Term and Termination

5.01 Term. This Agreement shall commence upon the date on which the resolutions and/or ordinances approving this Agreement become effective. Unless otherwise terminated in accordance with this Agreement, this Agreement shall continue in full force and effect until the earlier of the following occurs:

- (a) the date on which the amount payable pursuant to Section 2.01 of this Agreement has been paid in full to Developer;
- (b) the date on which this Agreement is terminated as provided in Section 5.02 below; or
- (c) the date on which is the 20th anniversary of the effective date of the District.

5.02 Default and Termination. Should Developer fail to commence and complete construction substantially in accordance with time periods described within the Project Plan, the City may terminate this Agreement; provided, however, that following receipt of notice from the City, the Developer fails to cure such default within sixty (60) calendar days after receipt of written notice from the City. Upon the termination of this Agreement in accordance with this Article V, all of the City's obligations herein shall be deemed fully discharged.

ARTICLE VI

Miscellaneous

6.01 Non-waiver. Provisions of this Agreement may be waived only in writing. No course of dealing on the part of City, or Developer nor any failure or delay by City or Developer in exercising any right, power, or privilege under this Agreement shall operate as a waiver of any right, power or privilege owing under this Agreement.

6.02 Entire Agreement. This Agreement embodies the final and entire agreement between the parties hereto concerning the subject matter herein. The Exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that if there is a conflict between any such Exhibit and a provision of this Agreement, the provision of this Agreement will control.

6.03 Amendments. All amendments to this Agreement and the Project Plan may only be made in a writing executed by City and Developer, after obtaining all necessary approvals.

6.04 Severability. If any clause or provision of this Agreement is held invalid or unenforceable, such holding will not invalidate or render unenforceable any other provision hereof.

6.05 Venue and Governing Law. This Agreement shall be construed under and in accordance with the laws of the state of South Dakota. Any legal action or proceeding brought or maintained, directly or indirectly, as a result of this Agreement shall be heard and determined in Minnehaha County, South Dakota.

6.06 Notice. Any notice required to be sent under this Agreement shall be in writing and mailed via U.S. certified mail, return receipt requested, or delivered personally to an agent or officer of the receiving party at the following addresses:

If to the City of Crooks:

City of Crooks
Attn: Tobias Schantz
701 S Western Avenue
Crooks, SD 57020

With a copy to:

Meierhenry Sargent LLP
Attn: Patrick J. Glover
315 S. Phillips Avenue
Sioux Falls, SD 57104

If to Developer:

DWBP, LLC
Attn: Marwin Hofer
PO Box 1030
Aberdeen, SD 57402

With a copy to:

Cutler Law Firm, LLP
Attn: Trent A. Swanson
PO Box 1400
Sioux Falls, SD 57101

Any of the above parties may, by notice given hereunder, designate any additional or different addresses to which subsequent notices, certificates, or other communications may be sent.

6.08 Captions. The captions and headings used herein are only for the convenience of reference and shall not be construed to have any effect or meaning as to the agreement between the parties hereto.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
WITH SIGNATURE PAGE AND EXHIBITS TO FOLLOW]*

IN WITNESS THEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first written above.

ATTEST:

CITY OF CROOKS

City Clerk

F. Butch Oseby, Mayor

[SEAL]

DWBP, LLC

Counter Signed Resident Attorney

By: Marwin Hofer
Its: Authorized Member

EXHIBIT A-1

**CITY OF CROOKS
RESOLUTION 2022-12
A RESOLUTION APPROVING AND RECOMMENDING OF TAX INCREMENTAL
DISTRICT PLAN NUMBER TWO,
CITY OF CROOKS**

WHEREAS, the Planning and Zoning Commission of the City of Crooks, South Dakota, received an application to create a tax increment financing district and thereafter prepared a Notice of Hearing, held on January 31st, 2022, advising interested parties that they were being given a reasonable opportunity to express their views on the proposed creation of a tax increment financing district on real property consisting of the following parcels:

District Legal Description:

The real property to be located within the tax increment financing district is within the boundaries of the City of Crooks and described as follows:

- Tract 1 of Benson's 3rd Addition, except Lot 1 and Tract 1 of Tri-Valley Addition, an addition in the Northeast Quarter and the Southeast Quarter of Section 10, Township 102 North, Range 50 West of the 5th Principal Meridian, Minnehaha County, South Dakota

WHEREAS, such Notice was published in the official newspapers in City of Crooks not less than ten (10) nor more than thirty (30) days from the date of the hearing which was held on January 31st, 2022; and

WHEREAS, a copy of the Notice was sent prior to publication by first-class mail to the Chief Executive Officers of the following taxing entities:

City of Crooks
Minnehaha County
Tri-Valley School District 49-6
East Dakota Water Development District
Minnehaha County Rural Fire District
Minnehaha County Rural Library District

WHEREAS, a hearing was held on January 31st, 2022, as provided in such Notice, and all interested parties were allowed a reasonable opportunity to be heard on the proposed plan for Tax Increment Financing District Number Two, City of Crooks, South Dakota; and

WHEREAS, at the May 31, 2022, meeting the Planning and Zoning Commission of the City of Crooks, South Dakota, adopted the plan for Tax Increment Financing District Number Two, City of Crooks, South Dakota, and recommended the City Council of Crooks, South Dakota also adopt the plan for Tax Increment Financing District Number Two, City of Crooks, South Dakota.

NOW THEREFORE, IT IS HEREBY RESOLVED:

1. **Authority and Declaration of Necessity.** The City Council of Crooks, South Dakota declares the necessity for the approval of the plan for Tax Increment Financing District Number Two, City of Crooks, South Dakota (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9, and finds that the improvements of the area within the District are likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within Minnehaha County and the City of Crooks.
2. **Findings.** The City Council hereby finds the following:
 - A. The Crooks City Council has statutory authority to adopt this resolution creating Tax Increment Financing District Number Two, City of Crooks, South Dakota;
 - B. All notice requirements have been met;
 - C. The aggregate assessed value of the taxable property in the District plus tax increment base of all other existing districts does not exceed ten percent (10%) of the total assessed value of all taxable property in the City of Crooks, South Dakota;
 - D. The proposed improvements will create new jobs and diversify the overall economic base of the City of Crooks;
 - E. The South Dakota Department of Revenue has reviewed the TIF Plan and classified Tax Increment Financing District Two, City of Crooks, South Dakota to be Economic Development.
 - F. Not less than twenty-five percent (25%), by area, of the real property within the District is a blighted area as defined under SDCL § 11-9-11;
 - G. At least fifty percent (50%) of the real property within the District will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development;
 - H. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the District; and
 - I. Tax Increment Financing District Number Two, City of Crooks, South Dakota is feasible and in conformity with the master plan, if any, of the City of Crooks.
3. **Creation of District.** There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment Financing District Number Two, City of Crooks, South Dakota. The District is hereby created on the day this resolution becomes effective which shall be twenty (20) days after publication of this resolution
4. **Boundaries of District.** The Boundaries of the District are determined to be as follows:
 - Tract 1 of Benson's 3rd Addition, except Lot 1 and Tract 1 of Tri-Valley Addition, an addition in the Northeast Quarter and the Southeast Quarter of

1

2

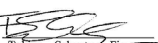
Section 10, Township 102 North, Range 50 West of the 5th Principal Meridian, Minnehaha County, South Dakota

5. **Adoption of Tax Increment Plan.** The City Council of the City of Crooks does hereby adopt the plan for Tax Increment Financing District Number Two, City of Crooks, South Dakota as presented.
6. **Annual Appropriation.** The City Council of the City of Crooks does hereby designate Tax Increment Financing District Number 2, City of Crooks, South Dakota as an Annual Appropriation TIF and does not count towards Constitutional Debt.

Aye: Beyer, Harstad, Richardson
Nay:
Abstain:

Passed this 31st day of May 2022

ATTEST:


Tobias Schantz, Finance
Officer

Published: 06/17/2022
Published once at the approximate cost of: \$53.76



3

**[insert signed Crooks City Council
Resolution No. 2022-
anticipated adoption on December 12, 2022]
EXHIBIT A-2**

**A RESOLUTION CREATING A MODIFICATION TO TAX INCREMENT
DISTRICT NUMBER TWO AND THE ASSOCIATED PROJECT COSTS,
CITY OF CROOKS**

WHEREAS, the City of Crooks requests a modification to the allowable project costs associated with the creation of a tax increment financing district for purpose of developing a currently undeveloped property to augment the multi-family residential housing, commercial presence, as well as a senior living facility in the City of Crooks.

WHEREAS, the City of Crooks passed a resolution consenting to creating "Tax Increment Financing District Number Two, City of Crooks" on May 31st, 2022 (hereinafter "TIF District #2").

WHEREAS, the City of Crooks submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #2 with total project costs of \$5,495,224; and

WHEREAS, the City of Crooks adopted Tax Increment Plan Number Two on May 31st, 2022; and

WHEREAS, City of Crooks is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL 11-9-23

WHEREAS, SDCL 11-9-23 **Redetermination of tax increment base when project costs increased by amendment of plan.** If the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

WHEREAS, amendments to the Project Plan dated December 12th, 2022 have been updated to reflect the new amount of the total amount to be reimbursed and no expenditure may be provided for in the plan more than five years after a district is created unless an amendment is adopted by the governing body pursuant to § 11-9-23.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF CROOKS BOARD OF COMMISSIONERS HEREBY:

1. Approves the increased Project Plan Costs from Tax Increment District Two Project Plan dated December 12th, 2022, in the original amount of \$4,000,000 to the new amount of \$5,000,000.
2. Approves the Developer's Agreement, dated December 12th, 2022, among the City of Crooks and DWBP to reflect the increased Project Plan in the amount of \$5,000,000.
3. Makes the following findings:
 - a. Less than 5 years have passed since creation of the district
 - b. The additional project costs are less than 35%, and thus do not constitute a redetermination of the tax increment base
 - c. The additional project plan costs are associated with implementing the economic development goals of the City.

This resolution shall take effect on the twentieth day after publication.

Dated this _____

Chairman

Finance Officer

**A RESOLUTION CREATING A MODIFICATION TO TAX INCREMENT
DISTRICT NUMBER TWO AND THE ASSOCIATED PROJECT COSTS,
CITY OF CROOKS PLANNING COMMISSION**

WHEREAS, the Developer requests a modification to the allowable project costs associated with the creation of a tax increment financing district for purpose of developing a currently undeveloped property to augment the multi-family residential housing, commercial presence, as well as a senior living facility in the City of Crooks.

WHEREAS, the City of Crooks passed a resolution on May 31st, 2022, consenting to creating "Tax Increment Financing District Number Two, City of Crooks" (hereinafter "TIF District #2").

WHEREAS, the City of Crooks submitted a project plan complying with the requirements of SDCL chapter 11-9 for the creation of TIF District #2 with total project costs of \$5,495,224; and

WHEREAS, the City of Crooks adopted Tax Increment District Number Two on May 31st, 2022; and

WHEREAS, due to inflation and unforeseen project costs, the City of Crooks is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL 11-9-23

WHEREAS, SDCL 11-9-23 **Redetermination of tax increment base when project costs increased by amendment of plan.** If the municipality adopts an amendment to the original project plan for any district that includes additional project costs for which tax increments may be received by the municipality, the tax increment base for the district shall be redetermined pursuant to § 11-9-20. The tax increment base as redetermined under this section is effective for the purposes of this chapter only if it exceeds the original tax increment base determined pursuant to § 11-9-20. The provisions of this section do not apply if the additional project costs are thirty-five percent or less than the amount approved in the original project plan and the additional project costs will be incurred before the expiration of the period specified in § 11-9-13.

WHEREAS, SDCL 11-9-14 For the purposes of this chapter, the term, project costs, are any expenditures made or estimated to be made, or monetary obligations incurred or estimated to be incurred, by a municipality that are listed in a project plan as grants or costs of public works or improvements within a district, plus any incidental costs diminished by any income, special assessments, or other revenues, other than tax increments, received, or reasonably expected to be received, by the municipality in connection with the implementation of the plan.

WHEREAS, amendments to the Project Plan dated December 12th, 2022 have been updated to reflect the new amount of the total amount to be reimbursed and no expenditure may be provided

for in the plan more than five years after a district is created unless an amendment is adopted by the governing body pursuant to § 11-9-23

NOW, THEREFORE, BE IT RESOLVED, THE CITY OF CROOKS PLANNING COMMISSION HEREBY:

1. **Authority and Declaration of Necessity.** The Planning Commission declares the necessity for the approval of amending Tax Incremental District Number Two plan, City of Crooks, Minnehaha County, pursuant to SDCL Chapter 11-9, and finds it necessary, to achieve the economic development goals of the City of Crooks, and thus is requesting an increase of \$1,000,000 to the project plan to an amount of \$5,000,000 which is less than 35% of the original amount approved, per SDCL 11-9-23
2. **Findings.** The Planning Commission finds that there is statutory authority to refer said amendment to Tax Increment District Number Two to the Crooks City Council for their consideration.
 - a. Less than 5 years have passed since creation of the district
 - b. The additional project costs are less than 35% and thus do not constitute a redetermination of the tax increment base.
 - c. Taxing entities have been notified by First Class Mail.
 - d. South Dakota Department of Revenue has issued a letter stating the Base Value will not be changed.
3. **Recommendation of Amending Tax Increment Plan.** The Planning Commission of the City of Crooks does hereby adopt the amendment of Tax Increment Plan Number Two and recommends to the City of Crooks City Commission.

Chairman

Finance Officer

EXHIBIT B

[INSERT PROJECT PLAN]

DRAFT

EXHIBIT C

[INSERT FORM ASSIGNMENT AGREEMENT]

DRAFT

**CITY OF CROOKS
RESOLUTION #2022-24**

A RESOLUTION OF THE CITY OF CROOKS TO PURCHASE REAL PROPERTY AS PROVIDED FOR IN SDCL § 9-12-1.

WHEREAS, SDCL § 9-12-1 provides that the City of Crooks (hereinafter “City”) has the power to purchase real property in its corporate name within or without of its corporate limits; and

WHEREAS, the City deems it desirable and in the best interest of the City to acquire that certain real property located in Minnehaha County, South Dakota, to be legally described as:

Tract 1 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5TH P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.,

NOW, THEREFORE, BE IT RESOLVED THAT; that the City offers to acquire the above-described real property for such price and upon such terms and conditions as stated in the attached Real Estate Purchase Agreement.

Ayes:
Nays:
Abstains:

Dated this ____th day of _____, 202 ____.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed:
Published:
Effective:

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2022, by and between Dale Benson and Pat Benson, General Partners of the Dale and Pat Benson Family Land, LLLP, a South Dakota limited liability limited partnership, 47056 258th Street, Sioux Falls, South Dakota 57107 (referred to herein as “Seller”), and the City of Crooks, South Dakota, a South Dakota municipal corporation, 701 S. West Avenue, PO Box 785, Crooks, South Dakota 57020 (referred to herein as “Buyer”).

W I T N E S S E T H:

WHEREAS, Seller is the owner of certain real property that will be platted and legally described as:

Tract 1 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof,

which real property is hereinafter referred to as the “Property”; and

WHEREAS, attached hereto as Exhibit A is the proposed and intended future plat of the Property; and

WHEREAS, Seller desires to sell and transfer the Property, to Buyer, and Buyer desires to purchase the Property from Seller;

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

1. Conveyance. Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase from Seller, the Property, together with all improvements located thereon and all appurtenances attached thereto.

2. Earnest Money Deposit. Buyer shall deliver to Seller, Earnest Money in the amount of Zero Dollars (\$0.00) upon acceptance of this offer.

3. Purchase Price. In consideration of the conveyance of the Property by Seller, Buyer agrees to pay to Seller the sum of twenty-two thousand and five hundred dollars (\$22,500.00). After earnest money herein is credited, the remaining balance is to be paid by Buyer at closing.

4. Covenants of Seller. Seller covenants, warrants and represents as follows:

- (a) Seller is the owner of all right, title and interest in and to the Property and has the legal right and ability to transfer and convey all such right, title and interest in and to the Property, free and clear of any homestead interests;
- (b) Seller shall, at closing, convey the Property to Buyer in fee simple, by good and sufficient warranty deed, free and clear of all encumbrances except easements, covenants, conditions and restrictions of record which do not impair the Property’s use as a residence, and Seller shall relinquish all rights of dower, homestead and distributive share; and

- (c) Seller shall furnish to Buyer, at closing, a policy of title insurance evidencing good and merchantable title of record, free and clear of all encumbrances except as stated in subsection 4(b) above. The cost of title insurance shall be the Buyer's responsibility.

5. Covenants of Buyer. Buyer covenants, warrants and represents as follows:

- (a) Buyer has the legal authority to enter into this Agreement.

6. Real Estate Taxes. Seller shall be responsible for and shall pay all real estate taxes of record which were assessed for the year 2022 (payable in 2023), and for all prior years. Real estate taxes assessed for the year 2023 (payable in 2024) shall be prorated to the date of closing. It is agreed that the proration of the real estate taxes assessed in 2023 (payable in 2024) shall be based upon the real estate taxes assessed in 2022 (payable in 2023), provided however, if at the time of closing the 2023 taxes have been determined by the applicable taxing authority, the proration will be based upon the actual 2023 taxes.

7. Assessments. Any assessments which are legally levied upon the Property, or which will be levied upon the Property, for improvements or betterments which are completed but not entered on the books of the local assessing authority as of the date of closing, shall be paid by Seller.

8. Personal Property. No personal property is being sold by Seller or purchased by Buyer.

9. Closing Date; Possession. The date of closing of this Agreement shall be on or before December 31, 2023, unless the parties agree to an earlier date. Buyer shall be entitled to possession of the Property immediately upon the closing of this Agreement. Closing shall take place at the office of Land Title Guaranty Co.

10. Sale of Buyer's Property. This offer is not contingent upon the sale or close of property owned by Buyer.

11. Expenses of Closing. Except as otherwise specifically provided in this Agreement, all costs, fees and other expenses in connection with the transaction contemplated by this Agreement, shall be shared equally by the parties. Notwithstanding the foregoing, the parties agree to the following allocation of costs:

Closing Costs	100% Buyer
Title Insurance	100% Buyer
Transfer Fee	100 % Buyer
Deed Recording Fee	100 % Buyer
Attorney Doc Prep Fee	100 % Buyer
Buyer's Bank and Loan Fees	100% Buyer
Survey	100% Buyer

Notwithstanding the foregoing, Seller shall pay the cost of recording all documents necessary to place record title in Seller in the condition warranted by Seller and otherwise consistent with the terms of this Agreement.

12. Default. If this Agreement and transfer of the Property is not consummated due to the fault of Buyer, Seller may pursue any remedies available to Seller at law or in equity. If this Agreement and transfer of the Property is not consummated due to the fault of Seller, Buyer may seek and recover from Seller damages for nonperformance or specific performance of this Agreement along with any other remedies available to Buyer at law or at equity.

13. Benefit. This Agreement shall inure to the benefit of and be binding upon the parties and also upon their respective heirs, representatives, successors and assigns.

14. No Brokers. Buyer and Seller both acknowledge and agree that neither party has engaged a broker or real estate agent in connection with this transaction and neither party will be liable for payment of a broker's or agent's fee in connection herewith.

15. Agreement to Mediate. Any dispute or claim arising out of or relating to this contract will be submitted to mediation, if available, in accordance with the rules and procedures of the Sellers/Purchasers Dispute Resolution System of the South Dakota Real Estate Commission. Otherwise, mediation will be submitted to a private mediation service. Any costs of mediation will be shared equally between Buyer and Seller.

16. Counterparts. This Agreement may be executed in duplicates hereof and, upon such execution, shall fully bind each party executing the same. Each duplicate original shall be deemed to constitute a fully binding agreement of the parties.

17. Risk of Loss. All risk of material uninsured loss to the Property shall remain with Seller until the Closing Date.

18. Time is of the Essence. This offer shall be accepted by Seller on or before 5:00 p.m. December 31, 2022. If not accepted on or before such time, this offer shall automatically terminate and be of no force or effect.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the date and year first above written.

BUYER:

City of Crooks, South Dakota

ATTEST:

Butch Oseby, Mayor

Tobias Schantz
Municipal Finance Officer

(SEAL)

Accepted and agreed to this ____ day of _____, 2022.

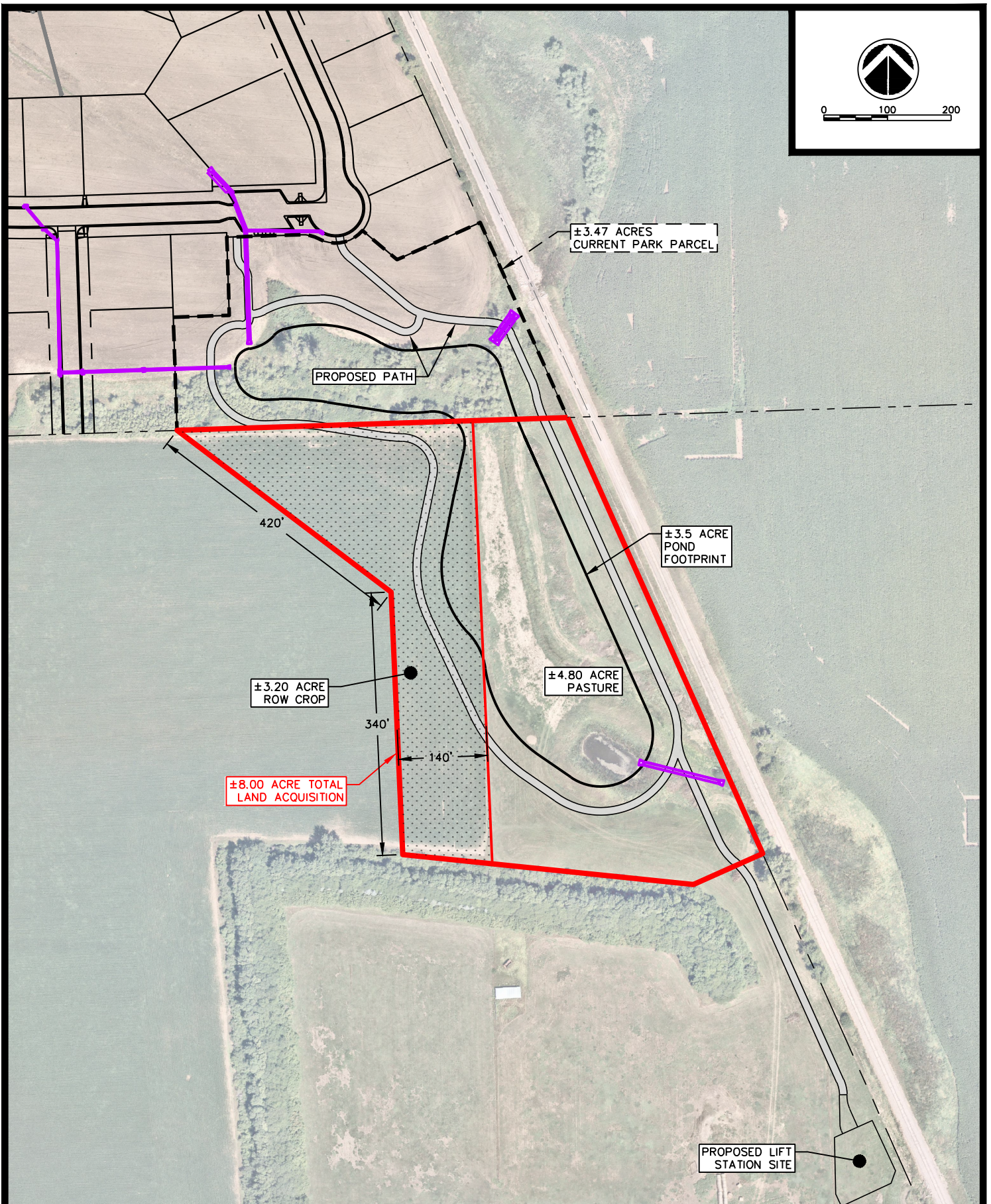
SELLER:

Dale and Pat Benson Family Land, LLLP

Dale Benson, Partner

Pat Benson, Partner

Exhibit A – proposed plat of Property



Heritage Pond Park
Crooks, South Dakota



DGR ENGINEERING
2909 E. 57TH STREET, SUITE 101
SIOUX FALLS, SD 57108
(605) 339-4157 office
(605) 339-4175 fax
dgr.com

**CITY OF CROOKS
RESOLUTION #2022-25**

A RESOLUTION OF THE CITY OF CROOKS TO PURCHASE REAL PROPERTY AS PROVIDED FOR IN SDCL § 9-12-1.

WHEREAS, SDCL § 9-12-1 provides that the City of Crooks (hereinafter “City”) has the power to purchase real property in its corporate name within or without of its corporate limits; and

WHEREAS, the City deems it desirable and in the best interest of the City to acquire that certain real property located in Minnehaha County, South Dakota, to be legally described as:

Tract 2 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5TH P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.,

NOW, THEREFORE, BE IT RESOLVED THAT; that the City offers to acquire the above-described real property for such price and upon such terms and conditions as stated in the attached Real Estate Purchase Agreement.

Ayes:

Nays:

Abstains:

Dated this ____th day of _____, 202____.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed:

Published:

Effective:

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2022, by and between Dale Benson and Pat Benson, General Partners of the Dale and Pat Benson Family Land, LLLP, a South Dakota limited liability limited partnership, 47056 258th Street, Sioux Falls, South Dakota 57107 (referred to herein as "Seller"), and the City of Crooks, South Dakota, a South Dakota municipal corporation, 701 S. West Avenue, PO Box 785, Crooks, South Dakota 57020 (referred to herein as "Buyer").

W I T N E S S E T H:

WHEREAS, Seller is the owner of certain real property that will be platted and legally described as:

Tract 2 of Heritage Pond 2nd Addition in the North 1/2 of the South 1/2 of Section 11, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof,

which real property is hereinafter referred to as the "Property"; and

WHEREAS, attached hereto as Exhibit A is the proposed and intended future plat of the Property; and

WHEREAS, Seller desires to sell and transfer the Property, to Buyer, and Buyer desires to purchase the Property from Seller;

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

1. Conveyance. Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase from Seller, the Property, together with all improvements located thereon and all appurtenances attached thereto.

2. Earnest Money Deposit. Buyer shall deliver to Seller, Earnest Money in the amount of Zero Dollars (\$0.00) upon acceptance of this offer.

3. Purchase Price. In consideration of the conveyance of the Property by Seller, Buyer agrees to pay to Seller the sum of one hundred fifteen thousand and eight hundred dollars (\$115,800). After earnest money herein is credited, the remaining balance is to be paid by Buyer at closing.

4. Covenants of Seller. Seller covenants, warrants and represents as follows:

- (a) Seller is the owner of all right, title and interest in and to the Property and has the legal right and ability to transfer and convey all such right, title and interest in and to the Property, free and clear of any homestead interests;
- (b) Seller shall, at closing, convey the Property to Buyer in fee simple, by good and sufficient warranty deed, free and clear of all encumbrances except easements, covenants, conditions and restrictions of record which do not impair the Property's use as a residence, and Seller shall relinquish all rights of dower, homestead and distributive share; and

- (c) Seller shall furnish to Buyer, at closing, a policy of title insurance evidencing good and merchantable title of record, free and clear of all encumbrances except as stated in subsection 4(b) above. The cost of title insurance shall be the Buyer's responsibility.

5. Covenants of Buyer. Buyer covenants, warrants and represents as follows:

- (a) Buyer has the legal authority to enter into this Agreement.

6. Real Estate Taxes. Seller shall be responsible for and shall pay all real estate taxes of record which were assessed for the year 2022 (payable in 2023), and for all prior years. Real estate taxes assessed for the year 2023 (payable in 2024) shall be prorated to the date of closing. It is agreed that the proration of the real estate taxes assessed in 2023 (payable in 2024) shall be based upon the real estate taxes assessed in 2022 (payable in 2023), provided however, if at the time of closing the 2023 taxes have been determined by the applicable taxing authority, the proration will be based upon the actual 2023 taxes.

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Transfer Fee	100 % Buyer
Deed Recording Fee	100 % Buyer
Attorney Doc Prep Fee	100 % Buyer
Buyer's Bank and Loan Fees	100% Buyer
Survey	100% Buyer

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12. Default. If this Agreement and transfer of the Property is not consummated due to the fault of Buyer, Seller may pursue any remedies available to Seller at law or in equity. If this Agreement and transfer of the Property is not consummated due to the fault of Seller, Buyer may seek and recover from Seller damages for nonperformance or specific performance of this Agreement along with any other remedies available to Buyer at law or at equity.

13. Benefit. This Agreement shall inure to the benefit of and be binding upon the parties and also upon their respective heirs, representatives, successors and assigns.

14. No Brokers. Buyer and Seller both acknowledge and agree that neither party has engaged a broker or real estate agent in connection with this transaction and neither party will be liable for payment of a broker's or agent's fee in connection herewith.

15. Agreement to Mediate. Any dispute or claim arising out of or relating to this contract will be submitted to mediation, if available, in accordance with the rules and procedures of the Sellers/Purchasers Dispute Resolution System of the South Dakota Real Estate Commission. Otherwise, mediation will be submitted to a private mediation service. Any costs of mediation will be shared equally between Buyer and Seller.

16. Counterparts. This Agreement may be executed in duplicates hereof and, upon such execution, shall fully bind each party executing the same. Each duplicate original shall be deemed to constitute a fully binding agreement of the parties.

17. Risk of Loss. All risk of material uninsured loss to the Property shall remain with Seller until the Closing Date.

18. Time is of the Essence. This offer shall be accepted by Seller on or before 5:00 p.m. December 31, 2022. If not accepted on or before such time, this offer shall automatically terminate and be of no force or effect.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement on the date and year first above written.

BUYER:

City of Crooks, South Dakota

ATTEST:

Butch Oseby, Mayor

Tobias Schantz
Municipal Finance Officer

(SEAL)

Accepted and agreed to this ____ day of _____, 2022.

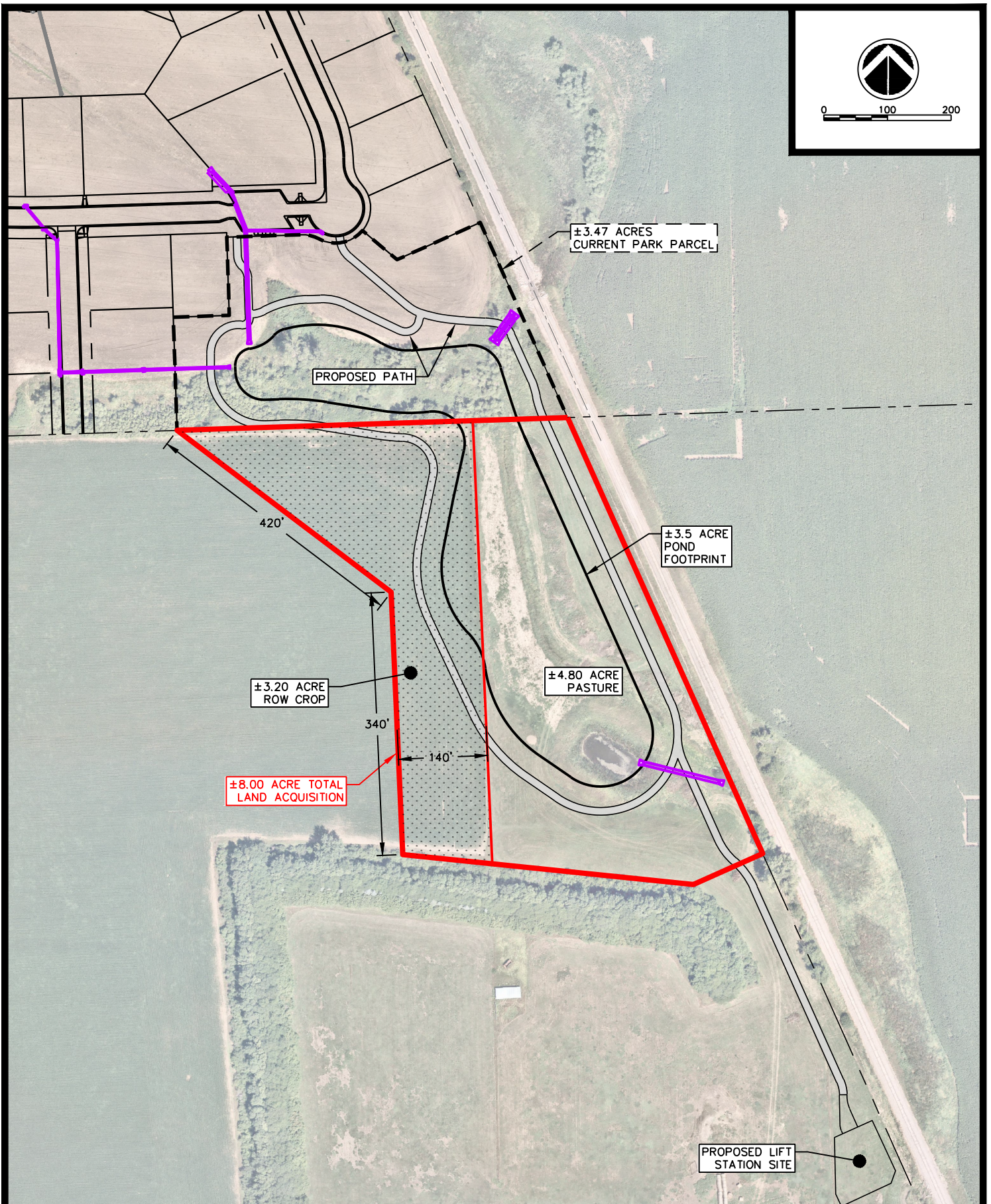
SELLER:

Dale and Pat Benson Family Land, LLLP

Dale Benson, Partner

Pat Benson, Partner

Exhibit A – proposed plat of Property



Heritage Pond Park
Crooks, South Dakota



DGR ENGINEERING
2909 E. 57TH STREET, SUITE 101
SIOUX FALLS, SD 57108
(605) 339-4157 office
(605) 339-4175 fax
dgr.com

**CITY OF CROOKS
RESOLUTION #2022-26**

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

WHEREAS, the City of Crooks (the “City”) has determined it is necessary to proceed with Water Storage Improvements (the “Project”); and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$3,200,000 to the Board for the Project.

2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Ayes:

Nays:

Abstains:

Adopted this ____th day of _____, 202____.

F. Butch Oseby, Mayor

(SEAL)

Attest:

Tobias Schantz, Finance Officer

Passed:
Published:
Effective: