Agenda
Elk Point City Council
Regular Meeting
Monday, January 5, 2015 @ 7:00pm
Elk Point City Hall

(1) Call to Order and Roll Call
(2) Approve Agenda
(3) Approve Minutes
(4) Approve Payment of Bills
(5) Public Forum
(6) Unfinished Business
- Second Reading to Ordinance No. 373, an Ordinance of the City of Elk Point, SD, Amending the Revised Municipal Ordinances of the City of Elk Point by Amending Chapter 3.01, Nuisances.

(7) New Business
- Operation of Governmental Powers of a Joint Public Library agreement.
- Motion to approve the 2014 Audit Firm.
- 2015 Lawn Care estimate
- Motion to advertise for seasonal help.
- Motion to hold joint Municipal/School election on April 14, 2015.
- Contract with the Siouxland Humane Society.
- Declare Digger Derrick surplus property
- Declare the Black 2000 Ford 250 pickup surplus property
- Merit increase for Corey Trudeau
- PUC Electric Service Territory Agreement

(8) Department Head Reports
- City Administrator
- Finance Officer
- Public Works Director
- Police Chief

(9) Information Items
- January 2015 Calendar
- Overtime Report
- 2015 Municipal Government Day at the Legislature

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- Second Reading to Ordinance No. 373, an Ordinance of the City of Elk Point, SD, Amending the Revised Municipal Ordinances of the City of Elk Point by Amending Chapter 3.01, Nuisances.

Revisions pertain to fine and administrative fee structure for tall grass and weeds. A motion is required to approved proposed revisions.

(7) New Business

- Operation of Governmental Powers of a Joint Public Library agreement.

The joint library agreement was updated and old language no longer applicable was eliminated. Requires a motion to approve the joint agreement.

- Motion to approve the 2014 Audit Firm.

Recommendation to hire Qualm & Berglin. The costs are $22,350.00. Requires a motion.

- 2015 Lawn Care estimate

Jeff's Lawn Care costs is $228.00 for fertilizer lawn application on City Hall property. Requires a motion.

- Motion to advertise for seasonal help.

This is to advertise for Parks and Swimming Pool seasonal help. Requires a motion.

- Motion to hold joint Municipal/School election on April 14, 2015.
- Contract with the Siouxland Humane Society.

Requires a motion to approve the contract. Same fees as last year.

- Declare Digger Derrick surplus property

Takes a motion to declare the old digger derrick surplus property.

- Declare the Black 2000 Ford 250 pickup surplus property

Requires a motion to declare the pickup surplus property.

- Merit increase for Corey Trudeau

Requires a motion to grant a merit increase. See attached Chief of Police recommendation.

- PUC Electric Service Territory Agreement

The PUC has submitted the information attached in your packet. Need to have a motion to accept, reject or modify the proposed agreement. It hasn't been updated for many years. The PUC wants to get all service territory agreements mapped. I checked with other SD municipalities and they received the same thing. City Attorney Thompson, Mayor Trobaugh, Jerry Buum, and myself had a conference call with PUC analyst Henry and he assured us this is for updating prior agreements and to have a GIS mapping program. City Attorney Thompson will make revisions to the agreement and sent to the PUC.

(8) Department Head Reports
- City Administrator
- Finance Officer
- Public Works Director
- Police Chief

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UNAPPROVED MINUTES OF THE REGULAR MEETING OF THE ELK POINT CITY COUNCIL

The Elk Point City Council met in regular session on Monday, December 1, 2014 at 7:00pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor Trobaugh presiding and these members present: Leitru, Honomichl, McCreary, Verros, Zevenbergen and Buum. Also present were: City Attorney Thompson, City Engineer McLaury, City Administrator Nelsen, Public Works Director Buum and Finance Officer Hammitt. Absent was: Police Chief Fleek.

Motion made by Verros, seconded by Zevenbergen to approve the agenda. All in favor.

Honomichl moved and McCreary seconded a motion to approve the minutes from the November 3, 2014 council meeting. Unanimous.

Motion and second, Honomichl/Buum to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: $47,465.54; Enterprise Fund: $23,269.45; Fringe Benefits: General Fund: $10,421.82; Enterprise Fund: 5,776.59; Bills: Analytical & Consulting-repairs: $94.25; Antonson, Mike-utilities: $120.00; Barkley Asphalt, Inc.-street repairs: $1,763.09; Bomgaars-uniforms: $190.25; Border States Electric Supply-supplies: $1,853.50; Business Forms and Accounting-office expense: $130.00; Campbell Supply-supplies: $18.99; Cardmember Services-supplies: $3,231.66; Casey's General Store-DARE supplies: $58.95; City of Vermillion-tipping fees: $3,117.20; Coast to Coast Solutions-supplies: $3,664.97; Craig K. Thompson, Atty.-professional services: $1,457.13; Dakota Pump, Inc.-repairs: $1,509.78; Dakota Supply Group-supplies: $1,338.71; Fanta-C Auto-repairs: $80.00; First National Bank-bonds payable: $91,298.34; Frye, Kyle-utilities: $80.00; Gary's Tree Service-maintenance: $750.00; Gates, Todd-utilities: $120.00; GCR Tire Center-auto expense: $194.30; Hach Company-supplies: $239.00; Hammitt, Erika-travel and conference: $58.00; Hanson, Mark-utilities: $20.00; Hawkins, Inc.-supplies: $675.45; Ingram Library Services-library books: $315.15; Jones' Food Center-supplies: $50.62; Leader-Courier-publishing: $85.16; Limoges, Jacob-utilities: $80.00; MC&R Pools-winterize pool: $935.00; Menards-supplies: $59.97; Metering & Technology Solutions-supplies: $53.73; Michael Todd & Company, Inc.-repairs: $708.90; MidAmerican Energy-utilities: $150.97; Midwest Alarm Company, Inc.-monitoring services: $64.50; Midwest Oil Company-repairs: $650.80; Midwest Ready Mix-supplies: $873.00; Nygren's True Value-supplies: $396.81; Office of Fire Marshal-Boiler-inspections: $120.00; Ollie's Drive Inn-DARE graduation: $50.00; O'Reilly Auto Parts-supplies: $4.49; Per Mar Security Systems-professional services: $288.00; Perkins Office Solutions-office expense: $170.23; Pioneer Drug-supplies: $10.69; SD Water & Wastewater Assoc.-dues: $20.00; Sheehan Mack Sales & Equipment-repairs: $256.38; South Dakota One Call-locate tickets: $28.35; Southeast Farmer Elevator Coop.-auto expenses: $2,498.04; Stan Houston-supplies: $38.85; Standard Battery, Inc.-snow removal: $169.90; Steves Heating & AC, Inc.-repairs: $87.45; Sturdevant's Auto Parts-repairs: $1,567.79; Taylor, Stacy-reimbursement for Eagle Scout project: $1,508.82; Team Laboratory Chemical Corp.-street repairs: $845.00; Trudeau, Corey-utilities: $80.00; Tudog's Computing, LTD-professional services: $130.00; Union County Electric Coop.-utilities: $1,683.35; Union County Register of

Deeds-filing fees: $30.00; US Bank Equipment Finance-copier lease: $162.47; Van Roekel, Troy-utilities: $20.00; Verizon Wireless-utilities: $297.80; Welch, Jason-utilities: $20.00

A public hearing was held at 7:00pm for the Retail on-sale Liquor license transfer from the American Legion to MJC Investments, LLC. The public hearing was closed. Motion made by Verros, seconded by Leitru to approve the transfer. Unanimous.

Marc Macy, State of South Dakota NFIP Coordinator, attended the meeting to discuss and answer questions regarding the FEMA Flood Insurance Program. The council tabled discussion at the last council meeting until a representative could attend the meeting to answer questions. Questions were heard from the council and the audience. The council agreed to take no action at this time.

Discussion was held on utility account #01-00002171-01. The resident had a water leak and is requesting forgiveness on the water bill. Council agreed to table until more information can be obtained.

Second reading was given to the following ordinance:

ORDINANCE NO. 372

AN ORDINANCE OF THE CITY OF ELK POINT, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ELK POINT BY AMENDING CHAPTER 8.02, ELECTRIC UTILITY PROVISIONS.

BE IT ORDAINED BY THE CITY OF ELK POINT, SD:

Section 1. That Chapter 8.02, of the Revised Municipal Ordinances of Elk Point, SD, is hereby amended to read as follows:

CHAPTER 8.02 - ELECTRIC UTILITY PROVISIONS

8.0201 Residential Electric Service. Residential electric service shall be available to all customers in single family residences where authorized.

8.0202 Commercial Electric Service. Commercial electric service shall be available to commercial and non-residential customers whose normal demand does not exceed 40 kw where authorized. Single phase motors or other power or heating equipment shall not exceed 10 hp or 10 kw individual capacity. All service shall be taken through one meter and shall not be for resale.

8.0203 Large Power Electric. Large power electric service shall be available to any customer whose normal demand is 40 kw or more, provided the entire service requirements are taken through one meter. This service is not applicable to resale, standby, temporary, supplemental, auxiliary or shared services. Customers shall use either the large power rate, or the large power-coincidental demand rate, but not both, as applicable to the service for periods of not less than one year. The minimum payable each month shall be the demand charge, but not less than $210.00 per month, which may be adjusted by resolution by the Elk Point City

Council. The billing demand shall be the maximum integrated 30 minute kilowatt load occurring during the billing period, but not less than 50% of the highest demand established during the preceding 11 months. The customer shall maintain at his expense a power factor of at least 95%. The energy charge will be discounted 2% where metering is on the primary side of city-owned transformers, or 5% if metered on the other side.

8.0204 Service Connection Fee. In addition to the utility deposit, a service connection fee shall be required of each new account established as follows:

A. Residential - $25.00 plus tax

B. Commercial - $50.00 plus tax

C. Demand - $50.00 plus tax and plus a contribution in aid of construction may be required.

These fees may be adjusted by resolution by the Elk Point City Council.

8.0205 Refusal. The City may refuse service for any of the following reasons:

A. The applicant is indebted for past utility service and refuses to liquidate the debt;

B. The utility deposit, service fee and or security deposit is not paid;

C. A customer has tampered with a utility service meter; the applicant, although not personally liable to the City for utility services, is attempting to return service to an indebted premise and no attempts are forthcoming to liquidate the debt of that premise;

D. Property has a delinquent bill from previous owner.

8.0206 Installation of Meters by City. All meters, service wires and other electrical facilities installed by the City at its expense, upon customer's premises for the purpose of delivering and metering electric energy to the customer will continue to be the property of the City and may be repaired, inspected, relocated, replaced or removed by the City. All meters shall be installed out of doors.

8.0207 Access to Customer Premises. The customer will provide and maintain, without cost to the City, subject to City approval, an easily accessible location on or within the premises to be supplied service, with sufficient and proper facilities for installation of meters and other apparatus and the necessary right-of-way to this point.

8.0208 Relocation of Inaccessible Meter. Where meters or services originally installed in accessible locations satisfactory to the City are rendered inaccessible thereafter by virtue of alterations or new constructions or upgrading of service requirements by the owner of the premises or his agent, such meters or services shall be reinstalled at a location, subject to City approval, at the expense of the owner.

8.0209 Compliance with Electrical Codes. All installations shall comply with the current edition of the state electrical wiring bulletin and the current edition of the National Electrical Code.

8.0210 Meter Tests. Customers may have their meters tested upon payment of the actual cost for test. If the meter is found to be in error, the fee shall be refunded.

8.0211 Cost Adjustments. The City may adjust rates for electricity to reflect base costs of "Power Production Cost Adjustment" and/or "Energy Cost Adjustment" charged to the City by its power supplier.

8.0212 Tax Clause. The City may adjust rates for electricity by the amount of any new or increased governmental tax imposed or levied on the transmission, distribution, production or sale of electricity.

8.0213 Special Water Heating and Air Conditioning Credits. The following credits shall be available to customers having qualified demand controlled electric equipment and meet the requirements:

A. Water Heater Credit. A monthly credit of ($4.40) plus tax on the usage between 300 kwh and 700 kwh.

8.0214 New Underground Residential and Small Commercial Secondary Service (200-amp or less).

A. The City will provide:

1. All underground cable, conduits and fittings from the transformer to the top of the meter socket.

2. The meter socket and meter.

3. All trenching, backfilling and labor to lay cable and conduit in trench and connect to the City equipment.

4. All primary service.

B. The customer will provide or pay for:

1. A fee of $250.00 plus $2.50 per foot for underground service.

2. All secondary wiring from the bottom of the meter socket to the customer service entrance equipment.

3. Any costs associated with boring under concrete, which was poured prior to the line being buried or reburying the line due to landscaping work exposed of cutting of a line.

C. Underground service to mobile home courts:

1. The City will designate a junction point for the connection of the customer secondary underground service.

2. The junction point shall be a service pedestal, secondary junction box or the terminals of a pad mount transformer.

3. The City will install, own, operate, and maintain all facilities on the source side of the junction point, including the junction enclosure, and connections.

4. The customer will install, own, operate, and maintain all secondary facilities on the load side of the junction point including the secondary cable, conduit, and meter pedestal. The City will own the electric meter.

5. All lots to be individually metered.

6. The junction points will normally be located within front lot line easements if at all possible, unless it is necessary or desirable to designate locations along rear or side property lines that are closer to meter points. All utility easements requested by the City are to be granted to the City by the customer at no cost to the City.

8.0215 New Large Commercial or Industrial Secondary Service (over 200 amps). All commercial or industrial services, underground, over 200 amps shall be approved by the City prior to installation. The following work shall be completed by the City of Elk Point.

A. All primary cables, conduits, poles and fittings shall be installed.

B. All trenching, setting of poles and back filling for the primary cable shall be completed.

C. All transformers, switches and other high voltage equipment shall be installed.

D. The primary equipment and cable shall be connected and installed.

E. Instrument metering material shall be installed.

All materials necessary to complete the above work shall be supplied by the City of Elk Point and the cost thereof shall be split equally between the City of Elk Point and the customer requesting the service. The following items shall be completely by the customer and the customer shall be solely responsible for the payment of the following:

All secondary wiring from pad mounted transformer to the customer service entrance equipment and the termination of secondary wires inside of transformer.

8.0216 Existing Services.

A. Secondary services, once installed, will be maintained by the City.

B. Existing secondary service requested to be upgraded by the customer will be done at the owner's expense.

C. Existing secondary services, when upgraded by the City (moving meter from indoors to outdoors, changing out wires, etc.) will be done at the expense of the City.

D. Customer will replace all concrete or asphalt placed over existing service at their expense should such service wire need replacement.

8.0217 Connect or Disconnect of Electric Service. Each customer or property owner will be allowed one voluntary disconnect and reconnect per calendar year at no charge. Each additional voluntary disconnect or connect within the current calendar year will be at a service charge of $35.00. The service charge may be amended by resolution of the City Council.

8.0218 Easements and Maps.

A. In all new developments the developer shall provide the planning commission with a platted map of the development showing all streets, alleys and lots. The planning commission should then refer such map to the appropriate City department heads for their comments and approval before the planning commission gives their final approval to the developer.

B. All proper easements granting the City access shall be signed by the owner before any underground City utility work shall begin.

8.0219 Temporary Service and Fees. The City will provide temporary secondary service at a new construction site as per the following rate schedule. All service to be metered.

A. Residential: Hook up fee $100.00 plus KWH used at current residential rate.
B. Commercial: Three-phase hook up fee $150.00 plus KWH at current commercial rate. Single-phase hook up fee $100.00 plus KWH used at current commercial rate.

8.0220 Street Lighting. All street lighting material in new developments shall be furnished and installed by the City and paid for by the developer.

8.0221 Conversion to Underground Electric Secondary Service Lines to All Residential and Small Commercial Secondary Service (under 200 amp) electric customers.

A. The City of Elk Point hereby finds that it is in the best interest of providing reliable electric service to residential and small commercial customers to install underground service lines to all residential and small commercial customers. The installation of underground electric service is deemed necessary to prevent unnecessary outages and to provide safe service to residential customers.

B. Thirty days prior to conversion, the City electric department shall provide notice to property owners at their usual electric billing address informing them of the intent to install underground electric service and notifying them of the cost recovery to be collected as established under subsection (C) of this Section.

C. The City of Elk Point shall recover from all residential and small commercial customers who are identified in a zone to receive an upgrade to underground service a portion of the costs associated with changing said service to underground. Customers who already have underground service shall not be responsible for the costs. The amount and payment method of recovering said costs shall be established by the Elk Point City Council from time to time by resolution.

8.0222 Aggregation of Retail Customer Demand Response.

A. The Elk Point Municipal Electric System or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Elk Point Municipal Electric System directly into any commission-approved independent system operator's or regional transmission organization's organized electric markets.

B. Retail customers served by the Elk Point Municipal Electric System wishing to bid their demand response into a commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Elk Point Municipal Electric System or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Elk Point Municipal Electric System.

8.0223 Ancillary Services Provided by Demand Response Resources.

A. The Elk Point Municipal Electric System or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Elk Point Municipal Electric System directly into any commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the commission-approved independent system operator's or regional transmission organization's tariff).

B. Retail customers served by the Elk Point Municipal Electric System wishing to bid their demand response into a commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by the Elk Point Municipal Electric System or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Elk Point Municipal Electric System.

Adopted this 1st day of December, 2014.

Isabel Trobaugh
Mayor

ATTEST:

Erika Hammitt
Finance Officer

First Reading: November 3, 2014
Second Reading & Adoption: December 1, 2014
Publication: December 11, 2014
Effective Date: January 1, 2015

Verros moved and McCreary seconded a motion to approve Ordinance No. 372 as presented. All in favor.

Motion and second, Honomichl/Buum to table second reading to Ordinance No. 373, an Ordinance of the City of Elk Point, SD, Amending the Revised Municipal Ordinances of the City of Elk Point by Amending Chapter 3.011, Nuisances. City Attorney Thompson would like more time to discuss the ordinance with Department Head's, City Administrator and SECOG prior to the adoption of the ordinance. Unanimous.

McCreary moved and Honomichl seconded a motion to approve the 2015 Off Sale and On Sale Liquor License applications for Los Amigos Mexican Restaurant. Unanimous.

Motion and second, McCreary and Honomichl to approve the 2015 Off Sale Liquor License application for Jones Food Center. All in favor.

The 2015 On Sale Liquor License application for Pace's, L.L.C. was approved on a motion by McCreary, second by Honomichl. Unanimous.

Moved by McCreary, seconded by Honomichl to approve the 2015 On Sale Liquor License application for the Recreation Development Association. All in favor.

Motion made by McCreary, seconded by Honomichl to approve the 2015 On-Off Sale Wine License application for the Dollar General Store. Unanimous.

Motion and second, McCreary/Honomichl to approve the 2015 On Sale Liquor License application for Cody's Homestead. All in favor.

McCreary moved and Honomichl seconded a motion to approve the 2015 Off Sale Liquor License application for Casey's General Store. Unanimous.

First Reading was given to Ordinance No. 374, an Ordinance providing for the Supplemental Appropriations for the City of Elk Point, South Dakota during the Fiscal Year 2014.

Motion made by Verros, seconded by Zevenbergen to approve Resolution #2014-6 as presented. All in favor.

CITY OF ELK POINT
RESOLUTION 2014-6

RESOLUTION TO AMEND THE WATER SYSTEM SURCHARGE RATE FOR THE CITY OF ELK POINT, SOUTH DAKOTA

WHEREAS, the City of Elk Point adopted a Water System Surcharge pursuant to SDCL 9-40-15 to repay the principal and interest on the Water System Revenue Bond purchased to finance the 2010 Main Street Improvement Project, and

WHEREAS, a Water System Surcharge will be charged for each water service recipient in the City of Elk Point and will be included in the monthly user bill, and

WHEREAS, the Water System Surcharge is reviewed from year to year and can be modified to produce income sufficient to pay the principal and interest and all other payments as may be required under the loan agreement and Bond and to assume a 110% debt requirement as required by SD DENR, and

WHEREAS, the project has been completed and $798,040 of the $1,179,500 obligated for project was borrowed, and the balance of $381,460 will not be borrowed by the City of Elk Point and that amount is hereby deobligated, and

WHEREAS, the Principal Forgiveness awarded through the American Recovery and Reinvestment Act of 2009 totaled $446,902 (56% of the amount borrowed), creating an obligation in the amount of $351,138; and

WHEREAS, on March 5, 2012 the City approved a $10,000 principal prepayment to be paid with the payment due on April 15, 2012; which shortened the term of the loan by 9 months; and

WHEREAS, quarterly principal payments were made in 2014 totaling $14,142.31; and

WHEREAS, the outstanding principal on 12/31/2014 is $300.096.43 and the annual payments for 2014 total $23,411.36, and including the 110% debt requirement brings the total to $25,752.50 to be collected from water service recipients in 2014.

NOW, THEREFORE, BE IT RESOLVED that the current Water System Surcharge of $2.28 per month will be decreased to $2.26 per month based on the above calculations.

The effective date of this Resolution is January 1, 2015.

Dated this 1st day of December, 2014.

THE GOVERNING BODY OF THE
CITY OF ELK POINT

By: Isabel Trobaugh, Mayor

ATTEST:

By: Erika Hammitt, Finance Officer

McCreary moved and Buum seconded a motion to approve Resolution #2014-7 as presented. Unanimous.

CITY OF ELK POINT
RESOLUTION 2014-7

RESOLUTION TO AMEND THE WASTEWATER SYSTEM SURCHARGE RATE FOR THE CITY OF ELK POINT, SOUTH DAKOTA

WHEREAS, the City of Elk Point adopted a Wastewater System Surcharge pursuant to SDCL 9-40-15 to repay the principal and interest on the Wastewater System Revenue Bond purchased to finance the 2010 Main Street Improvement Project, and

WHEREAS, a Wastewater System Surcharge will be charged for each sewer service recipient in the City of Elk Point and will be included in the monthly user bill, and

WHEREAS, the Wastewater System Surcharge is reviewed from year to year and can be modified to produce income sufficient to pay the principal and interest and all other payments as may be required under the loan agreement and Bond and to assume a 110% debt requirement as required by SD DENR, and

WHEREAS, the project has been completed and $607,840 of the $931,700 obligated for the project was borrowed, and the balance of $323,860 will not be borrowed by the City of Elk Point and that amount is hereby deobligated, and

WHEREAS, the Principal Forgiveness awarded through the American Recovery and Reinvestment Act of 2009 totaled $60,784 (10% of the amount borrowed), creating an obligation in the amount of $547,056 and

WHEREAS, on March 5, 2012 the City Council approved a $20,000 principal prepayment to be paid with the payment due on April 15, 2012, which shortened the term of the loan by 9 months; and

WHEREAS, on September 24, 2012 the City Council approved a $30,000 principal prepayment to be paid with the payment due on October 15, 2012 which shortened the term of the loan by 18 months; and

WHEREAS, quarterly principal payments were made in 2014 totaling $23,111.08; and

WHEREAS, the outstanding principal on 12/31/2014 will be $430,924.32 and the annual payments for 2015 total $36,473.76; and including the 110% debt requirement brings the total to $40,121.14 to be collected from the sewer service recipients in 2015.

NOW, THEREFORE, BE it resolved that the current Wastewater System Surcharge of $3.72 per month will be decreased to $3.68 per month based on the above calculations.

The effective date of this Resolution is January 1, 2015.

Dated this 1st day of December, 2014.

THE GOVERNING BODY OF THE
CITY OF ELK POINT

By: Isabel Trobaugh, Mayor

ATTEST:
By: Erika Hammitt, Finance Officer
Motion and second, McCreary/Buum to approve Resolution #2014-8 as presented. All in favor.

CITY OF ELK POINT
RESOLUTION 2014-8

RESOLUTION PROVIDING RATES AND CHARGES TO CONSUMERS OF UTILITIES PROVIDED BY THE CITY OF ELK POINT, SOUTH DAKOTA

WHEREAS, the City of Elk Point wishes to adopt the schedule of rates for water, sewer, electric and garbage services,

WHEREAS, the current fee schedule shall be available from the Finance Office or the Utility Office Manager of the City of Elk Point,

WHEREAS, all fees shall be the property of the City of Elk Point and shall be paid to the Utility Office or the Authorized Official of the City of Elk Point for credit to the Enterprise Funds of the City and which under no condition shall be refunded.

NOW, THEREFORE, BE IT RESOLVED that the City of Elk Point adopts the Utility Rates as follows:

Section 1. Electric Rates: The following monthly electric rates are hereby fixed and chargeable to all customers supplied electricity by the City of Elk Point:

(a)	Residential:	
	Service Charge:	$11.310
	Energy Charge per kwh:	.088
(b)	Commercial:	
	Service Charge:	$15.280
	Energy Charge:	
	1st 750 kwh @	.128
	Next 2,250 kwh @	.123
	Over 3,000 kwh @	.077

(c) Large Power

Capacity Charge:	$26.550
Demand Charge:	12.26
1st 100 hrs use per kw of demand @	.074
Excess kw @	.063

(d) Large Power-Coincidental Demand Rate:

Capacity Charge:	$79.660
On-Peak Demand:	12.260
Off-Peak Demand:	5.072
1st 100 hrs use per kw of demand @	.074
Excess kwh @	.063

(e) Security Lights:

Under 174 Watt Light	$ 4.990
175 Watt Light	7.200
250 Watt Light	10.30
400 Watt Light	12.770
705 Watt Light	21.310
2000 Watt Light	31.110

(f) Municipal Service:

General use at commercial rate

Street Lighting:

Energy Charge per kw	.077

Section 2. Water Rates:

A. Multiple Family Dwellings and Licensed Manufactured Home Parks. (A multiple family dwelling is defined as a building designed for or occupied exclusively by three (3) or more families.) All water sold or furnished by the City of Elk Point to each unit in a multiple family dwelling and each home in a licensed manufactured home park shall be charged according to the following schedule:

(i) Minimum Charge: Each dwelling unit or manufactured home shall be charged $22.13 per month which includes up to 2,000 gallons of water used. A dwelling unit is defined as one or more rooms in a dwelling occupied or intended to be occupied as a separate living quarters by a single family.

(ii) Usage Charge: For water usage in excess of the 2,000 gallons per month minimum, a charge of $1.71 per each 500 gallons of water used (or fraction thereof) will be added to the minimum monthly charge.

These rates apply for any size meter in this type of unit.

B. All Other Users With Meters Less Than One Inch in Size. All water sold or furnished by the City of Elk Point through meters less than one inch in size whether residential, excluding multiple family dwellings and licensed manufactured home parks covered by Section 2(A), business, commercial or industrial, shall be charged according to the following schedule:

(i) Minimum Charge: Each individual metered customer shall be charged $22.13 per month which includes up to 2,000 gallons of water used.

(ii) Usage Charge: For water usage in excess of the 2,000 gallons per month minimum, a charge of $1.71 per each 500 gallons of water used (or fraction thereof) will be added to the minimum monthly charge.

C. Users with meters equal to or greater than one inch in size. All water sold or furnished by the City of Elk Point through meters equal to or greater than one inch in size whether residential, business, commercial or industrial, each shall pay the City according to the following schedule:

Gallons Per Month	Meter Size	Charge Per Month	Excess Per 500 Gallons
0-2000	1 inch	$23.52	$1.71
0-2000	1 ½ inch	$43.22	$1.71
0-2000	2 inch	$67.28	$1.71
0-2000	3 inch	$129.08	$1.71
0-2000	4 inch	$200.54	$1.71

D. Bulk Water: For all water sold or furnished by the City of Elk Point by bulk gallons for whatever purpose, each individual customer shall pay the city according to the following schedule:

(i) Minimum Charge: A purchaser of bulk water will be charged a minimum of $30.62 which includes up to 2,000 gallons of water.
(ii) Usage Charge A purchaser of bulk water will be charged $3.20 per 500 gallons (or fraction thereof) of water purchased in excess of the 2,000 gallons included in the minimum charge.

E. Users without Meters or Inoperative Meters. Customers whose water usage is not metered and the volume of water used cannot be measured shall be charged the minimum of $23.52 per unit per month until the volume can be measured.

Section 3. Sewer Rates: Sewer rates are based on water consumption.

A. Multiple Family Dwellings and Licensed Manufactured Home Parks. The monthly charge to each unit in a multiple family dwelling and each home in a manufactured home park for ordinary use of the public sanitary sewer utility shall be:

(i) Minimum Charge: Each dwelling unit or manufactured home shall be charged $19.38 per month which includes up to 2,000 gallons of water.

(ii) Usage Charge: For water usage in excess of the 2,000 gallon per month minimum, a charge of $1.35 per 500 gallons of water used (or fraction thereof) will be added to the minimum monthly charge.

B. Residential Rates (excluding Multiple Family Dwellings and Licensed Manufactured Home Parks): The monthly charge to each residential unit, excluding multiple family dwellings and licensed manufactured home parks covered by section 3 (A), for ordinary use of the public sanitary sewer utility shall be:

(i) Minimum Charge: Each individual metered customer shall be charged $19.38 per month which includes up to 2,000 gallons of water used.

(ii) Usage Charge: For water usage in excess of the 2,000 gallons per month minimum, a charge of $1.35 per each 500 gallons of water used (or fraction thereof) will be added to the minimum charge.

C. Commercial Rates. The monthly charge for ordinary use of the public sanitary sewer utility shall be:

(i) Minimum Charge: Each commercial account shall be charged $33.59 per month which includes up to 2,500 gallons of water used.

(ii) Usage Charge: For water usage in excess of the 2,500 gallons of water per month minimum, a charge of $2.46 per each 1,000 gallons (or fraction thereof) will be added to the minimum charge.

D. Residential Sewer Use Averaging (excludes Multiple Family Dwellings and Licensed Manufactured Home Parks that are not individually metered)

(i) A sewer base charge will be computed on the average monthly charges made for water during the last January, February and March period to any person occupying the residential premise served by the utility and to his successors in the occupancy. In cases where the premises were unoccupied during the months of January, February and March, and/or where the use of the premises has significantly changed the water usage, the sewer charge may be based on the average usage during three (3) other months of the year. The base rates will be reviewed in April of each year. The sewer base charge will be applied in the months of April through

October usage, and actual metered water usage will be charged in the other months of the year.

(ii) Any resident that wishes to use "Sewer use Averaging" but adequate previous water usage history is not available, may elect to use the city wide average residential sewer use of 7,000 gallons per month, until an actual average use can be established.

(iii) Sewer Averaging is not available to Multiple Family Dwellings and Licensed Manufactured Home Parks unless each unit is metered separately to determine a proper average.

Section 4. Garbage Rates:

The following monthly rates are hereby fixed and chargeable to all occupied residential and commercial units in the City of Elk Point:

(A) Residential (2 dwelling units or less): $12.72 per unit

(1) Residential Garbage shall be picked up once per week.

(2) All garbage shall be placed in garbage containers and shall first be bagged to prevent the scattering of waste when being dumped.

(B) Small Business - $28.67

(C) Large Business –Use of a dumpster shall be required, with size to be determined by the City and monthly fee determined by size according to the following:

1 – 2 yards: $55.21
3 – 5 yards: $101.70
6 – 9 yards: $181.36

(D) Multi Family Dwellings (3 or more units) and Manufactured Home Parks: Use of a dumpster shall be required with size to be determined by the city and the monthly fee of $11.40 per unit.

(E) Any Commercial user requesting an exemption from garbage charges will be required to complete an Application for Exemption from Commercial Garbage Charges. This form will be available at the Utility Office in City Hall and will be presented to the City Council for approval at the next regularly scheduled council meeting.

(F) A $1.00/month fuel surcharge will be charged to each Residential, Small and Large Business, Multi Family Dwellings and Manufactured Home Parks Garbage Account.

Section 5. Utility Deposit.

(A) An applicant for city utility service shall make a deposit of the following amount to the Utility Office to receive all city services:

1. Residential services: $150.00
2. Commercial services: $200.00
3. Demand services: $200.00

(B) An applicant for city utility service shall make of deposit of $100.00 for city water, sewer and garbage services.

Section 6. Security Deposit. A $200.00 security deposit (in addition to the utility deposit) will be required if an applicant is determined to be a credit risk upon reviewing the requested reference check. An applicant will be considered a credit risk if they have had three (3) or more late payments in a 12 consecutive month period.

Section 7. Reconnection Fees.

(A) Nonpayment Disconnection. If a service has been disconnected for nonpayment, a reconnection fee of $50.00, plus tax, will be charged. Another utility deposit or security deposit may be required at the time of reconnection if these deposits have been refunded, plus payment in full of the account.

(B) Voluntary Disconnection. If a customer requests service termination, a reconnection fee of $50.00, plus tax, will be charged at the time of reconnection.

Section 8. Definitions: Terms within this Resolution shall be defined in accordance with the Elk Point zoning ordinance.

Section 9. Notice to Customers: The above rates, frequency, restrictions and everything related thereto shall be set forth in the Policy for Utility Customers, which policy may be amended from time to time by the City Council.

Section 10. Severability: If any portion of this Resolution shall be deemed unlawful or unenforceable then such portion shall be deemed severed from the Resolution and any remaining portion of the Resolution shall remain in effect to the extent possible.

This schedule of fees is available in City Hall and altered or amended only by the City Council.

The effective date of this Resolution is January 1, 2015.

Dated this 1st day of December 2014.

THE GOVERNING BODY OF THE CITY
OF ELK POINT

By: Isabel Trobaugh
Mayor

ATTEST:

By: Erika Hammitt
Finance Officer

A special meeting was scheduled for Monday, December 22, 2014 at 6:30pm.

Motion and second, Honomichl/Leitru to approve the 2015 Trailer Court License for LMAC, VMAC and MAC Courts for Andy and Melissa Curry. Unanimous.

Motion made by Honomichl, seconded by Buum to go into executive session per SDCL #1-25-2.3, Legal Counsel at 7:41pm. All in favor.

Mayor Trobaugh declared the council out of executive session at 8:03pm.

Verros moved and Buum seconded a motion to have Mayor Trobaugh sign the admission of service received from Union County. Unanimous.

Motion and second to adjourn, Honomichl/Leitru. All in favor.

Attest: Erika Hammitt
Finance Officer

Isabel Trobaugh
Mayor

Publish: December 11, 2014

UNAPPROVED MINUTES OF THE SPECIAL MEETING OF THE ELK POINT CITY COUNCIL

The Elk Point City Council met in special session on Monday, December 22, 2014 at 6:30pm in the council chamber of City Hall located at 106 W. Pleasant Street with Mayor Trobaugh presiding and these members present: Honomichl, Zevenbergen, Buum, Leitru, Verros, and McCreary. Also present were: City Attorney Thompson, City Administrator Nelsen, City Engineer McLaury, Police Chief Fleek and Finance Officer Hammitt.

Motion made by Honomichl, seconded by McCreary to approve the agenda. All in favor.

Motion and second, Zevenbergen/Leitru to approve the following bills and to instruct the Finance Officer for payment of the same. Unanimous. Argus Leader-library subscription: $55.24; Avera Queen of Peace Health-professional services: $69.90; Beelner Service, Inc.-maintenance: $265.00; Bomgaars-uniforms: $244.30; Border States Electric Supplies-supplies: $1,135.31; Campbell Supply-uniforms: $36.97; Cardmember Services-supplies: $906.20; City of Vermillion-tipping fees: $2,695.95; Craig Thompson, Atty.-professional fees: $3,061.02 Department of Revenue-water testing: $168.00; East River Electric-power: $98,589.65; Echo Group, Inc.-supplies: $148.20; Equipment Blades, Inc-snow removal supplies: $2,361.70; Graham Tire Company-tire repair: $242.88; Grainger-supplies: $195.00; Hammitt, Erika-travel & conference: $64.00; Jones' Food Center-supplies: $247.21; Landmark Survey-professional services: $3,450.00; LED Global Supply-supplies: $6,170.42; Legacy Mark, LLC-computer software: $1,000.00; McLaury Engineering, Inc.-professional fees: $232.50; MidAmerican Energy-utilities: $884.83; Midwest Turf & Irrigation-machinery & equipment: $6,000.00; Nygren's True Value-supplies: $225.79; Peterbilt of Sioux City-repairs: $19.02; Roan, Gary-professional services: $720.00; Scoop's Contracting-street repairs: $5,975.52; SD Department of Revenue-sales tax: $7,510.25; Siouxland Human Society-holding fees: $37.00;South Dakota One Call-locate tickets: $8.40; Southeast Farmer's Elevator-auto expense: $1,790.95; Standard Battery, Inc.-supplies: $169.90; Sturdevant's Auto Parts-repairs: $337.95; T&R Service Company-disposal of transformers: $7,551.00; Union County Auditor-supplies: $50.00; Union County Electric Coop.-Kum & Go Annexation Revenue amount: $10,093.43; Union County Electric Coop.-utilities: $440.45; Unum Life Insurance Company-insurance: $94.56; Vermillion Ace Hardware-supplies: $154.92; Westin, Craig-maintenance: $297.50; Wow-utilities: $743.14

Zevenbergen moved and Leitru seconded a motion, to approve a 3% cost of living raise for salaried and full-time hourly employees in the Public Works Department, Administrative Department, and Police Department as budgeted. Unanimous.

Motion made by Zevenbergen, seconded by Leitru to approve Resolution #2014-9. All in favor.

CITY OF ELK POINT
RESOLUTION 2014-9

WHEREAS, the City of Elk Point prepares and approves a budget each September for the following calendar year; and

WHEREAS, the budget for 2014 contains a contingency fund of $30,000.00 that can be transferred to any general fund account by resolution of the City Council.

THEREFORE LET IT BE RESOLVED, that the following amounts, be transferred from 101-41150-42900 Contingency to:

Police	101-42100-41100	Salaries and Wages.....	$10,000.00

Dated this 22nd day of December 2014.

Isabel Trobaugh
Mayor

Erika Hammitt
Finance Officer

Motion made by Buum, seconded by McCreary to approve a transfer of $5,000.00 from the General Fund to the General Fund Restricted for Park Scoreboard as budgeted. All in favor.

Motion and second, Buum/McCreary to approve a transfer of $7,000.00 from the General Fund to the General Fund Restricted for Future Police Car as budgeted. Unanimous.

Buum moved and McCreary seconded a motion to transfer $20,000.00 from the General Fund to the General Fund Restricted for Rose Street as budgeted. All in favor.

Motion made by Buum, seconded by McCreary to approve a transfer of $20,000.00 from the Water Fund to the Water Fund Restricted for Rose Street. Unanimous.

Motion and second, Buum/McCreary to approve a transfer of $20,000.00 from the Sewer Fund to the Sewer Fund Restricted for Rose Street. All in favor.

Motion made by Honomichl, seconded by Buum to accept the donation of 10 sick hours from Mark Rubida and 25 sick hours from Dan Hutcheson to the sick bank. All in favor.

Honomichl moved and McCreary seconded a motion to approve a fireworks permit for Lance Penfield on December 31, 2014. Unanimous.

Motion and second, Honomichl/Leitru to declare the loader surplus property. Unanimous.

Second Reading was given to the following ordinance:

CITY OF ELK POINT SOUTH DAKOTA
ORDINANCE NO. 374

AN ORDINANCE PROVIDING FOR THE SUPPLEMENTAL APPROPRIATIONS FOR THE CITY OF ELK POINT, SOUTH DAKOTA DURING THE FISCAL YEAR 2014

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELK POINT, SOUTH DAKOTA:

Section 1: That there be and hereby is appropriated by the governing body of the City of Elk Point, South Dakota, for the fiscal year 2014, the following additional sums of money for the following purposes which are deemed necessary to defray additional expense and liabilities of the City of Elk Point, South Dakota.

General Fund:

Revenue:

Unassigned Fund Balance	$33,000.00	
TOTAL GENERAL FUND REVENUE:		**$33,000.00**

Expenditures:

Machinery & Equipment (Purchase snow blower without loan)	$33,000.00	
TOTAL GENERAL FUND EXPENSES:		**$33,000.00**

Section 2. That any and all miscellaneous revenue received from any and all sources shall be credited to said funds.

Section 3. That there are inadequate funds in the Treasury of the City of Elk Point and for said additional expenditures, the City Finance Officer may issue and register warrants.

Section 4. This Ordinance being for immediate preservation of public health and support of said City will be in full force and effect immediately upon its passage and publication as provided by law.

Dated this 22nd day of December 2014.

CITY OF ELK POINT, SOUTH DAKOTA

Isabel Trobaugh
Mayor

Attest: Erika Hammitt
Finance Officer

First Reading: December 1, 2014
Second Reading: December 22, 2014
Passed and Approved: December 22, 2014
Published: January 1, 2015

McCreary moved and Buum seconded a motion to approve Ordinance No. 374. All in favor.

Motion to adjourn, McCreary/Buum. Unanimous.

Attest: Erika Hammitt
Finance Officer

Isabel Trobaugh
Mayor

Publish: January 1, 2015