

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

The Elk Point City Council met in regular session on Monday, May 3, 2021 at 6:30pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor McCreary presiding and these members present: Zevenbergen, Nelson, Abraham, Verros, Penfield and VonHaden. No one was absent. Also present were: City Attorney Thompson, City Engineer Nebelsick, City Administrator Tuttle, Police Chief Limoges, Public Works Job and Finance Officer Hammitt.

The meeting began at 6:30pm with Caleb Niles presenting his Eagle Scout project at the gazebo in the City Park and a study session and the regular council meeting began at 7:00pm.

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

Zevenbergen moved and VonHaden seconded a motion to approve the minutes from the April 12, 2021 council meeting. Unanimous.

Motion and second, Abraham/Penfield to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: \$46,933.79; Enterprise Fund: \$28,178.07; Fringe Benefits: General Fund: \$11,933.39; Enterprise Fund: \$7,073.70; Bills: Banyon Data Systems, Inc.-dues: \$1,590.00; Border States Electric Supply-supplies: \$4,336.34; Bound Tree-supplies: \$14.29; Cardmember Services-supplies: \$2,444.91; City of Vermillion-tipping fees: \$4,509.01; Craig K. Thompson, Atty.-professional services: \$1,134.05; Dakota Pump, Inc.-equipment: \$7,967.60; DGR Consulting Engineers, Inc.-professional services: \$1,531.32; East River Electric-power: \$93,666.78; ECI Systems-repairs: \$76.50; Elk Point Ace Hardware-supplies: \$1,123.17; Elk Point Post Office-postage: \$2,000.00; Flags Unlimited-supplies: \$134.59; Fleet US LLC-supplies: \$163.01; Gary's Tree Service-maintenance: \$60.00; Hoffman, Mark & Keen, Becky-tax abatement: \$1,412.32; Hotei Property-tax abatement: \$1,048.07; Interstate Battery System of SD-repairs: \$251.90; Jack's Uniform & Equipment-uniforms: \$158.35; Jim Hawk Truck Trailers, Inc.-supplies: \$259.30; Johnson Feed, Inc.-repairs: \$1,445.30; Kurita America, Inc.-repairs: \$84,990.00; Leader-Courier-publishing: \$136.66; Liberty National Bank-rentals: \$11.00; Loren Fischer Disposal-repairs: \$375.00; Matheson Tri-Gas, Inc.-supplies: \$56.75; McLaury Engineering, Inc.-professional services: \$20,632.50; Meierhenry Sargent LLP-professional fees: \$10,880.00; Menards-supplies: \$196.03; MidAmerican Energy-utilities: \$496.05; MSC-supplies: \$606.13; Pedersen Machine, Inc.-repairs: \$154.99; Pomp's Tire Service-repairs: \$142.50; Power Plan-repairs: \$47.10; Printsource-supplies: \$1,470.00; Runnings Supply-supplies: \$8.95; Sam's Club-dues: \$100.00; Sanford Health Plan-insurance: \$12,117.56; SD Department of Revenue-malt beverage fees: \$1,500.00; SD Government Finance Officers Assoc.-training: \$90.00; South Dakota Municipal League-training: \$25.00; South Dakota One Call-locate tickets: \$26.25; Southeast Famers Elevator Coop.-auto expense: \$3,720.49; Stan Houston-repairs: \$749.50; Staples Credit Plan-supplies: \$71.89; State Chemical Solutions-maintenance: \$500.00; Tudog's Computing-repairs: \$70.00; Tuttle, Derek-reimbursement for supplies: \$21.29; Utility Equipment Company-repairs: \$481.78; Vast Broadband-utilities: \$1,130.90; Verizon Wireless-utilities: \$232.49; Wesco Distribution-supplies: \$3,708.73; Wilcox Electric-repairs: \$4,816.56

The oath of office was given by Finance Officer Hammitt to Ward One council member Ben Irlbeck, Ward Two council member Lance Penfield and Ward Three council member Kenneth VonHaden.

Mayor McCreary reconvened the meeting with these members present: Abraham, Penfield, VonHaden, Verros, Nelson and Irlbeck. No one was absent.

A public hearing was held at 7:00pm on the Proposed Resolution of Necessity #2021-3, at which time the Elk Point City Council shall consider any objections to the proposed resolution by owners of property liable to be assessed for the improvements. The proposed Resolution of Necessity for Asphalt Surfacing will include parts of Washington, Pinckney and Douglas Streets in the City of Elk Point, South Dakota. Three North Douglas Street homeowners discussed concerns with asphaltting a dead-end street and the lack of use of the street. Mayor McCreary thanked the residents for their input and said they would be contacted prior to the approval of the assessments.

Motion made by Verros, seconded by VonHaden to adjourn as the City Council and convene as the Local Board of Adjustment. Unanimous.

A public hearing was held at 7:00pm on a survey plat of Thermo Bond First Addition & Hometown Inn First Addition City of Elk Point, Union County, South Dakota. Discussion was held.

A public hearing was held at 7:00pm on a variance request for Scott Staum for a 7-foot side yard and maximum size requirement variance for an attached garage at 409 E. Pleasant St., Elk Point, South Dakota. Discussion was held on the shape of the lot and location of the property pins. Council agreed that they would like the rear property pin located before considering approval of the variance.

Verros moved and Nelson seconded a motion to adjourn as the Local Board of Adjustment and reconvene as City Council. All in favor.

Motion and second, Nelson/VonHaden to approve Resolution #2021-3, a Proposed Resolution of Necessity for Washington, Pinckney and Douglas Streets. Council adjusted the Resolution to complete asphalt work up to the alley and property north of the alley will not be included in the asphalt project. Unanimous.

#### RESOLUTION #2021-3

A PROPOSED RESOLUTION OF NECESSITY FOR ASPHALT SURFACING ON A PART OF WASHINGTON, PINCKNEY AND NORTH DOUGLAS STREETS IN THE CITY OF ELK POINT, SOUTH DAKOTA

BE IT HEREBY RESOLVED by the Governing Body of the City of Elk Point, South Dakota, at a regular meeting thereof on the 3<sup>rd</sup> day of May 2021, that the convenience and

necessity has arisen for asphalt surfacing on the portion of public streets hereinafter named, and in front of or abutting the lots or parcels of land hereinafter named:

WASHINGTON STREET – Lots 1 thru 6 Block 36, Weston and Hoffman Addition Elk Point City and Lots 12 thru 17 Block 32, Weston and Hoffman Addition Elk Point City.

PINCKNEY STREET – Bernard Tract 3 and W10' Vacated Pinckney Street and E ½ Bernard Tract 2 of Fraction Lots 8-12 Block 44, Weston and Hoffman Addition; Fraction of Lots 1 & 2 and Westerly 10' of Vacated Pinckney Street Block 44, Weston and Hoffman Addition; Fraction Lot 1 & E30' of Fraction Lot 2 Block 5 Car Penter's Addition; Fraction Lots 5 and 6 of Fraction Block 51 Pinckney Addition; Lots 4 and E10' Vacated Pinckney Street Block 43 Weston and Hoffman Addition; Lots 5 and N10' Vacated Jefferson Street and E10' Vacated Pinckney Street Block 43 Weston and Hoffman Addition all of Elk Point City .

NORTH DOUGLAS STREET – The South 150 feet of Fraction of Lots 9-10-11-12 Block 23 Original Elk Point City and Lot X of Lot 2 Outlots 19-91-49 and Lot 7 and 8 Block 24, Original Elk Point City.

BE IT FURTHER RESOLVED that the general nature of the improvements shall be asphalt surface overlay 3 inches thick on Washington, North Douglas and Pinckney Streets.

BE IT FURTHER RESOLVED that the material to be used for the asphalt surface overlay on Washington Street will be Class E Type 2 Asphalt, prepared according to the specifications adopted by the City and the estimated cost of said improvement is \$1.99 per square foot.

BE IT FURTHER RESOLVED that the material to be used for the asphalt surface overlay on Pinckney Street will be Class E Type 2 Asphalt, prepared according to the specifications adopted by the City and the estimated cost of said improvement is \$1.99 per square foot.

BE IT FURTHER RESOLVED that the material to be used for the asphalt surface overlay on North Douglas Street will be (bottom lift) Class E Type 1 Asphalt and (top) is Class E Type 2 Asphalt, prepared according to the specifications adopted by the City and the estimated cost of said improvement is \$1.99 per square foot.

BE IT FURTHER RESOLVED that the costs of such improvements to any intersections shall be assumed and paid by the City of Elk Point.

BE IT FURTHER RESOLVED that the remaining costs for such improvements shall be assessed against the residential property fronting and abutting upon said improvements in the following manner:

Such actual cost shall be divided by the number of front feet fronting and abutting on said project, and the quotient shall be the rate of assessment per foot throughout the project, the same being uniform throughout.

BE IT FURTHER RESOLVED that the lots and tracts of real property likely to be affected by the improvement are those parcels of land set forth after the above-named streets.

BE IT FURTHER RESOLVED that the assessment and such actual costs shall be divided into 10 equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43-30, and that all deferred installments shall bear interest at the rate of not more than (5%) percent per annum. Any assessment may be paid within 30 days after the filing of the Assessment Roll in the office of the Municipal Financial Officer of the City of Elk Point, South Dakota.

THE GOVERNING BODY OF THE CITY  
OF ELK POINT

By: Deb McCreary  
Mayor

ATTEST:

By: Erika Hammitt  
Finance Officer

Motion made by Abraham, seconded by Verros to approve a survey plat for Thermo Bond First Addition & Hometown Inn First Addition City of Elk Point, Union County, South Dakota. All in favor.

Nelson moved and Verros seconded a motion to approve pay request #1 for \$197,494.20 to Slowey Construction, Inc. for work completed on the 2021 Douglas and Washington Streets Project. Unanimous.

Scott Staum's variance request will be discussed at the regular meeting in June.

Mayor McCreary requested nominations for the Council President position. Council member Nelson nominated Lance Penfield as Council President. Nelson moved and VonHaden seconded a motion that nominations cease and a unanimous ballot be cast for Penfield. All in favor.

Mayor McCreary requested nominations for the Council Vice President position. Council member Nelson nominated Jim Verros as Council Vice President. Penfield moved and VonHaden seconded a motion that nominations cease and a unanimous ballot be cast for Verros. Unanimous.

Motion by Nelson, second by Penfield to approve the following Mayoral city official appointments: City Administrator: Derek Tuttle; Finance Officer: Erika Hammitt; Public Works Director: Trevor Job; Police Chief: Jacob Limoges. All in favor.

Motion by Nelson, second by Penfield to approve the following Mayoral committee appointments: Labor and Benefits: VonHaden, Verros and Abraham; Codes and Policies: Abraham, Irlbeck and Penfield; Rates and Fees: VonHaden, Verros and Nelson; Budget: Irlbeck, Penfield and Nelson. Unanimous.

Penfield moved and Nelson seconded a motion to appoint the Leader Courier as the City official newspaper. All in favor.

Motion by Penfield, seconded by Nelson to appoint First Dakota National Bank, Liberty National Bank and SD Federal Investment Trust as official depositories. Unanimous.

Verros moved and Abraham seconded a motion to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for Pace's LLC. Unanimous.

Motion made by Verros, second by Abraham to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for Los Amigos Mexican Restaurant, LLC. All in favor.

Motion and second, Verros/Abraham, to approve the 2021-2022 Package Off Sale Malt Beverage License application for Jones Food Center. Unanimous.

Verros moved and Abraham seconded a motion, to approve the 2021-2022 Package Off Sale Malt Beverage License application for Kum and Go. All in favor.

Motion made by Verros, second by Abraham to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for Casey's General Store. Unanimous.

Verros moved and Abraham seconded a motion to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for the Recreation and Development Association. All in favor.

Motion and second, Verros/Abraham, to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for A-1 Quick Stop (Seema Retail, LLC). Unanimous.

Motion made by Verros, second by Abraham to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for Bump N Sam's. All in favor.

Verros moved and Abraham seconded a motion to approve the 2021-2022 Retail On-Off Sale Malt Beverage License application for Dollar General Store #15447. Unanimous.

Motion and second, Verros/Abraham to approve the 2021-2022 Retail On-Off Sale Malt Beverage License Application for Spink Family Restaurant. All in favor.

Motion made by Verros, seconded by Nelson to purchase a new garbage truck off of state bid from McNeilus Truck and Manufacturing Company for \$199,358.00. Unanimous.

Penfield moved and Irlbeck seconded a motion to purchase a new plow truck off of state bid. Voting in favor: Penfield, Irlbeck, Nelson, Abraham and Verros. Voting against: VonHaden. Motion carried.

Motion and second, Verros/Nelson to purchase a Hustler mower for the Public Works Department. All in favor.

Motion made by Penfield, seconded by Abraham to declare the Peterbilt Load Master garbage truck surplus property and sell on Purplewave. Unanimous.

VonHaden moved and Nelson seconded a motion to approve pay request #2 to Christansen Construction Company for work completed on the Swimming Pool Project for \$108,333.36. All in favor.

Motion to adjourn, VonHaden/Penfield. Unanimous.

Attest: Erika Hammitt  
Finance Officer

Deb McCreary  
Mayor