

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

The Elk Point City Council met in regular session on Tuesday, August 2, 2022, at 6:30pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor McCreary presiding and these members present: Abraham, Penfield, Hurlbert, Verros, Irlbeck and VonHaden. No one was absent. Also present were City Attorney Thompson, City Engineer Nebelsick, City Administrator Tuttle, Public Works Director Job, Police Chief Limoges, and Finance Officer Hammitt.

The meeting began at 6:30pm with study session and the regular council meeting began at 7:00pm.

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

Hurlbert moved and Irlbeck seconded a motion to approve the minutes from the July 12, 2022, council meeting. Unanimous.

Motion and second, Abraham/Verros to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: \$76,297.99; Enterprise Fund: \$21,418.93; Fringe Benefits: General Fund: \$17,679.58; Enterprise Fund: \$6,186.83; Bills: ABRA-repairs: \$4,229.95; American Fence Co. Sioux City-supplies: \$5,051.03; Analytical & Consulting Service-professional services: \$401.25; Auntie K's Vintage Boutique-supplies: \$500.00; Avera Occupational Med-professional services: \$73.00; Border States Industries-supplies: \$2,409.73; Cardmember Services-supplies: \$7,481.14; Chesterman Company-concessions: \$564.70; City of Sioux Falls-professional services: \$101.50; City of Vermillion-tipping fees: \$4,405.89; Core-Mark Midcontinent, Inc-concessions: \$683.61; Craig Thompson Law Office-professional services: \$1,766.15; Dakota Pump, Inc.-repairs: \$1,535.42; DGR Consulting Engineers-professional services: \$952.00; ECI Systems-equipment: \$6,498.59; Elk Point Ace Hardware-supplies: \$1,845.85; EPJBSA-donation: \$500.00; Flags Unlimited 2-supplies: \$1,965.62; Floyd River Materials-supplies: \$2,868.00; Giorgio, John-training reimbursement: \$238.31; Grabtec-repairs: \$92.68; Hailey, Melanie-training reimbursement: \$100.00; Hawkins, Inc.-supplies: \$2,101.81; Heiman, Inc.-maintenance: \$215.00; Ingram Library Services-library books: \$315.81; Jack's Uniforms & Equipment-uniforms: \$1,435.42; Job, Trevor-travel reimbursement: \$218.00; Kayl Design-repairs: \$250.00; Leader-Courier-publishing: \$82.00; Luken Memorial, Inc.-repairs: \$325.00; Matheson Tri-Gas-supplies: \$58.21; McLaury Engineering-professional services: \$2,320.00; Menards-supplies: \$291.37; MidContinent Communications-utilities: \$377.68; Midwest Mini Melts-concessions: \$816.20; MSC-supplies: \$162.05; MSC Industrial Supply Co.-supplies: \$370.22; Norby, Cara-training reimbursement: \$34.62; One Office Solution-office expense: \$14.98; Penfield, Lance-reimbursement for supplies: \$328.78; Post Office-postage: \$2,000.00; Roan, Gary-professional services: \$780.00; Sanford Health Plan-insurance: \$11,560.91; SDARWS-dues: \$640.00; Solomon, Taylor-training reimbursement: \$93.19; Sooland Bobcat-supplies: \$148.48; Southeast Farmers Elevator-fuel: \$4,109.86; Staples Credit Plan-office expense: \$79.99; State Industrial Products-professional services: \$1,038.58; Transource-supplies: \$181.42; USA Bluebook-

supplies: \$852.31; Waterman, Cameron-training reimbursement: \$87.50; Wieckowski, Etal & Jennifer-tax abatement: \$1,021.67; Zimco Supply Company-supplies: \$227.50

Greg Hollenbeck who lives at 303 Lexington St. approached the council with a request to install a stop sign at the corner of Lexington Street and Country Club Drive due to safety concerns. Council directed Public Works Director Job to install a stop sign.

Motion made by Penfield, seconded by VonHaden to approve the following Amended Resolution. Unanimous.

AMENDED

RESOLUTION 2022-4

A RESOLUTION CLARIFYING DISCRETIONARY FORMULA DESIGNATION FOR REDUCED TAXATION FOR CERTAIN NEW STRUCTURES AND ADDITIONS WITHIN THE CITY OF ELK POINT

WHEREAS, SDCL §10-6-137 allows for the establishment of a discretionary formula of taxation for certain structures specifically classified for the purpose of taxation; and

WHEREAS, the City of Elk Point has previously adopted a discretionary formula of taxation; and

WHEREAS, certain provisions concerning the discretionary formula were modified during the 2022 legislative session; and

WHEREAS, the City of Elk Point desires to maintain a discretionary formula for reduced taxation for Commercial Residential, Affordable Housing, or Residential within a Redevelopment Neighborhood, and additions located within the City of Elk Point in the event that such structures are not granted discretionary formula treatment by County in which the structure is located;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ELK POINT, UNION COUNTY, SOUTH DAKOTA AS FOLLOWS:

Effective July 12, 2022 and pursuant to the authority granted to the City of Elk Point under SDCL §10-6-138, all new structures and additions which are specially classified for the purpose of taxation under SDCL §§10-6-137(5), 10-6-137(6), 10-6-137(7), located within the City of Elk Point may be assessed as follows for real estate taxes:

- A. 25% of the assessed value for the first year;
- B. 25% of the assessed value for the second year;
- C. 50% of the assessed value for the third year;
- D. 50% of the assessed value for the fourth year;
- E. 75% of the assessed value for the fifth year;

F. 75% of the assessed value for the sixth year;

G. 100% of the assessed value for the seventh year and all years after;

and be it

FURTHER RESOLVED, that in accordance with SDCL §§10-6-137 and 10-6-138, the applicable subsections are defined below:

SDCL §10-6-137(5): Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more;

SDCL §10-6-137(6): Any new affordable housing structure containing four or more units with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more;

SDCL §10-6-137(7): Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood established pursuant to SDCL §10-6-141 if the new structure, addition, or renovation has a full and true value of five thousand dollars or more. The structure shall be located in an area defined and designated as a redevelopment neighborhood based on conditions provided in SDCL §11-7-2 or §11-7-3;

and be it

FURTHER RESOLVED, that consistent with SDCL §10-6-138, if the Union County Board of Commissioners has not adopted a formula pursuant to §10-6-137 or §10-6-137.1, the Elk Point City Council in which the structures or property are located, or within three miles of the corporate limits of the City of Elk Point, otherwise adopts the formula for assessed value pursuant to §10-6-137 or 10-6-137.1 for those types of properties described above in SDCL §10-6-137(5), (6), and (7);

and be it

FURTHER RESOLVED, that in the case of residential structures described in §10-6-137(5), (6), and (7), the governing board of a municipality hereby adopts a formula that may differ from any formula adopted by the board of county commissioners, provided the formula complies with §10-6-137.1;

and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the seven years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction;

and be it

FURTHER RESOLVED, that any other property that is currently on a discretionary formula will continue to receive that formula until the end of its 5-year term regardless of this new resolution;

and be it

FURTHER RESOLVED, that all previous resolutions adopted by the City of Elk Point authorizing discretionary formula shall remain in effect for qualifying structures assessed prior to August 2, 2022.

Dated this 2<sup>nd</sup> day of August 2022.

THE GOVERNING BODY OF THE CITY  
OF ELK POINT

By: Deb McCreary  
Mayor

ATTEST:

By: Erika Hammitt  
Finance Officer

A special meeting was scheduled for Wednesday, August 31, 2022, at 7:00am to give first reading to the 2023 budget.

The September regular council meeting was rescheduled for Wednesday, September 7, 2022, at 7:00pm due to the Labor Day holiday.

Discussion was held on the Amended Memorandum of Understanding (MOU) between the City of Elk Point and Elk Point Investments, L.L.P. Council would like clarification on the MOU before approving. Penfield moved and VonHaden seconded a motion to table the Amended MOU. All in favor.

First Reading was given to Ordinance No. 417, an Ordinance of the City of Elk Point, SD, Amending the Revised Municipal Ordinances of the City of Elk Point by Amending Chapter 1.04, City Administrator.

First Reading was given to Ordinance No. 418 an Ordinance of the City of Elk Point, SD, amending the setback regulations.

Motion and second, Penfield/Verros to approve the purchase of materials for the Cemetery Memorial for \$4,889.61. The amount was originally budgeted to purchase trees for the cemetery. Unanimous.

Motion and second to adjourn, VonHaden/Abraham. All in favor.

Attest: Erika Hammitt  
Finance Officer

Deb McCreary  
Mayor

Publish: August 11, 2022