

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

The Elk Point City Council met in regular session on Tuesday, July 12, 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 Administrator Tuttle, Public Works Director Job (via phone), 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.

VonHaden moved and Penfield seconded a motion to approve the minutes from the June 6 and 28, 2022, council meetings. 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: \$71,350.16; Enterprise Fund: \$22,502.40; Fringe Benefits: General Fund: \$17,257.50; Enterprise Fund: \$6,368.07; Bills: American Fence Co. Sioux City-fence: \$12,006.65; American Pop Corn Company-concessions: \$72.00; B & D Diamond Pro, Inc.-supplies: \$367.10; Border States Industries-radio: \$3,657.51; Brick Markers-pool bricks: \$639.00; Cardmember Services-supplies: \$4,916.50; Chesterman Company-concession: \$522.50; City of Vermillion-tipping fees: \$4,830.42; Combined Pool and Spas-supplies: \$361.50; Core-Mark Midcontinent, LLC-concessions: \$2,601.73; Craig Thompson Law Office-professional services: \$1,823.70; Dakota Pump, Inc.-repairs: \$3,261.74; Demco, Inc.-supplies: \$147.93; Edelman, Courtnee-travel reimbursement: \$26.50; Elk Point Ace Hardware-supplies: \$2,686.42; Elk Point Chamber-dues: \$100.00; Floyd River Materials-supplies: \$4,193.80; GWorks-software: \$1,800.00; Hailey, Melanie-pool training reimbursement: \$100.00; Hawkins, Inc-supplies: \$6,172.91; Ingram Library Services-library books: \$373.82; International Association of Chiefs of Police-dues: \$190.00; Jacks Uniforms & Equipment-uniforms: \$558.55; Jones' Food Center-supplies: \$112.25; Kurita America, Inc.-repairs: \$7,887.00; Leader-Courier-publishing: \$127.60; Loffler-copier lease: \$367.36; Matheson Tri-Gas-supplies: \$56.75; McCreary, Tory-pool supplies reimbursement: \$24.91; McLaury Engineering-professional services: \$2,382.48; Menards-supplies: \$1,347.76; Metering & Technology Solution-supplies: \$893.29; Midcontinent Communications-utilities: \$1,442.18; Mr. Golf Car, Inc.-repairs: \$625.70; MSC-supplies: \$1,517.14; MSC Industrial Supply Co.-supplies: \$203.99; Musco Sports Lighting, LLC-supplies: \$185.52; Norby, Cara-training reimbursement: \$34.61; O'Dell, Kevin-repairs: \$285.71; One Source-professional services: \$285.71; Par Mar Security Systems-monitoring services: \$365.00; Resco-materials for resale: \$9,141.00; Richarz Repair-repairs: \$3,291.74; Riteway Business Forms-office expense: \$432.14; Runnings Supply-supplies: \$2,459.97; Sanford Health Occupational Medicine-professional services: \$25.00; Sanford Health Plan-insurance: \$14,702.46; SD Department of Public Safety-inspection fees: \$160.00; Solomon, Taylor-training reimbursement: \$93.19; South Dakota One Call-locate tickets: \$151.20; Southeast Farmers Coop.-fuel: \$6,999.53; Stan Houston-supplies: \$60.00; Staples Credit Plan-supplies: \$19.98;

State Industrial Products-maintenance: \$1,038.58; Sturdevant's-repairs: \$1,104.72; Transource-supplies: \$325.03; Tudogs Computing, LTD-professional services: \$2,030.17; Tuttle, Derek-supplies reimbursement: \$383.69; Union County Electric Coop-utilities: \$2,161.00; Union County Register of Deeds-copies: \$1.00; USA Bluebook-supplies: \$98.81; Utility Equipment Company-repairs: \$2,323.54; Verizon Wireless-utilities: \$205.72; Waterman, Cameron-training reimbursement: \$87.50; Wesco Distribution-supplies: \$25,376.83; Workforce South-professional services: \$175.00; Zimco Supply Company-supplies: \$176.37

A Public Hearing was held at 7:00pm on a 1-foot side yard variance for Herrity Construction to build a new home at 1210 Jack Nicklaus Drive. Council discussed adjusting the side-yard setbacks to 7-feet rather than 9-feet. Councilmember VonHaden was concerned about fire code and would City Administrator Tuttle to discuss this with the fire department.

A Public hearing was held at 7:00pm on a survey plat of Lots 31A and 33A in Block 5 of Country Club Estates Addition, an Addition to the City of Elk Point, South Dakota, Union County. Discussion was held.

William Shorma introduced himself and asked the council for any input on items he could assist with.

Motion made by Penfield, seconded by VonHaden to approve the one-foot variance request to build a new home at 1210 Jack Nicklaus Drive. Unanimous.

VonHaden moved and Penfield seconded a motion to approve the following Resolution on the survey plat of Lots 31A and 33A in Block 5 of Country Club Estates Addition, an Addition to the City of Elk Point, South Dakota, Union County. Voting in favor: VonHaden, Penfield, Abraham, Irlbeck and Verros. Voting against: None. Hurlbert abstained. Motion carried.

RESOLUTION #2022-5

RESOLUTION APPROVING A SURVEY PLAT

A survey plat having been filed by Kristopher C. Hurlbert, requesting the following described portion of property be platted, to wit:

That Lots 31A and 33A in Block 5 of Country Club Estates Addition, an Addition to the City of Elk Point, South Dakota, Union County be platted;

BE IT HEREBY RESOLVED by the City Council of the City of Elk Point, South Dakota, that the following described survey plat, to wit:

That Lots 31A and 33A in Block 5 of Country Club Estates Addition, an Addition to the City of Elk Point, South Dakota, Union County. is hereby platted.

Dated this 12th day of July 2022.

Voting in favor of this Resolution: VonHaden, Penfield, Abraham, Irlbeck and Verros.

Voting against: None.

Hurlbert abstained.

CITY OF ELK POINT

Deb McCreary
Mayor

ATTEST: Erika Hammitt
Finance Officer

Discussion was held on the approval of assignment for the sale of Hotei Property (Eagle Estates Townhomes). Councilmember VonHaden was concerned about forwarding the incentive on to the new buyer. Motion and second, Irlbeck/Abraham to approve the assignment and assumption agreement between Hotei Property, LLC, Villa Village Mobile Home Park, LLC and the City of Elk Point effective July 14, 2022. All in favor.

Motion made by Penfield, seconded by Abraham to approve the prepayment of debt in full on the Sewer Fund Series 2008 Wastewater System Revenue Bond from the Sewer Fund unrestricted cash. Unanimous.

VonHaden moved and Penfield seconded a motion to approve the prepayment of debt in full on the Sewer Fund Series 2006 Wastewater System Revenue Bond from the Sewer Fund unrestricted cash. All in favor.

Motion and second, Irlbeck/Abraham to approve the mayor's appointment of Lance Penfield and Kris Hurlbert and the delegate and alternate delegate for the Annual Meeting of East River Electric Power Cooperative, Inc. Unanimous.

Motion made by Penfield, seconded by Irlbeck to approve pay request #3 to Nelson Commercial Construction for \$244,133.09 for work completed on the Pool House. All in favor.

The regular meeting in August was moved to Tuesday, August 2, 2022, at 7:00pm.

Motion and second, Penfield/VonHaden to approve the following Resolution. All in favor.

RESOLUTION 2021-4

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 specially 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 2020 legislative session and are set to take effect on July 1, 2020; and

WHEREAS, the City of Elk Point desires to maintain a discretionary formula for reduced taxation for certain new structures 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 1, 2020 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(1), SDCL 10-6-137(2), SDCL 10-6-137(3), SDCL 10-6-137(4) and SDCL 10-6-137(5), SDCL 10-6-137(6), SDCL 10-6-137(7), SDCL 10-6-137(8) located within the City of Elk Point shall be assessed as follows for real estate taxes:

- A. 20% of the assessed value for the first year;
- B. 40% of the assessed value for the second year;
- C. 60% of the assessed value for the third year;
- D. 80% of the assessed value for the fourth year;
- E. 100% of the assessed value for the fifth year and all years thereafter.

In accordance to SDCL 10-6-138 the subsections are defined below:

- (A) Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area as defined in SDCL § 11-8-4, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(1));
- (B) Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(2));
- (C) Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more (SDCL 10-6-137(3));
- (D) Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in SDCL § 10-6-137(5), if the new

structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-137(4));

- (E) 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(5));
- (F) 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(6));
- (G) Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood established pursuant to SDCL § 10-6-56 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 (SDCL § 10-6-137(7)); or
- (H) Any commercial, industrial, or nonresidential agricultural property which increases more than ten thousand dollars in full and true value as a result of reconstruction or renovation of the structure (SDCL § 10-6-137(8)).

All previous resolutions adopted by the City of Elk Point authorizing discretionary formula shall remain in effect for qualifying structures assessed prior to July 6, 2021. Dated this 6th day of July 2021.

THE GOVERNING BODY OF THE CITY
OF ELK POINT

By: Deb McCreary
Mayor

ATTEST:

By: Erika Hammitt
Finance Officer

Penfield moved and Irlbeck seconded a motion to approve pay request #16 to Christiansen Construction Company for work completed on the Elk Point Aquatic Center project for \$53,832.65. Unanimous.

Motion and second, Penfield/Abraham to approve change order #7 for Christiansen Construction Company for work completed on the Elk Point Aquatic Center slide for \$1,549.00. All in favor.

Motion made by Penfield, seconded by Irlbeck to go into executive Session at 8:06pm per SDCL ##1-25-2 (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Unanimous.

Mayor McCreary declared the council out of executive session at 8:40pm. All in favor.

Motion and second to adjourn, Penfield/Abraham. Unanimous.

Attest: Erika Hammitt
Finance Officer

Deb McCreary
Mayor

Publish: July 21, 2022

Motion Lance/Ben at 8:06pm. All in favor.