

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

The Elk Point City Council met in regular session on Monday, May 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, Irlbeck, Nelson, Verros 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 Penfield, seconded by VonHaden to approve the agenda. All in favor.

Irlbeck moved and Penfield seconded a motion to approve the minutes from the April 4 and 13, 2022, council meetings. Unanimous.

Motion and second, Abraham/Irlbeck to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: \$54,840.81; Enterprise Fund: \$21,211.24; Fringe Benefits: General Fund: \$14,938.07; Enterprise Fund: \$6,152.64; Bills: Ace Engine and Parts-supplies: \$697.28; Avera Occupational Med-professional services: \$228.00; Blaine's Body Shop-repairs: \$4,558.86; Border States Industries-supplies: \$654.32; Broadcaster Press-publishing: \$259.35; Cardmember Services-supplies: \$9,316.43; City of Sioux Falls-professional services: \$87.00; City of Vermillion-tipping fees: \$4,314.73; Craig Thompson Law Office-professional services: \$631.20; D-P Tools-supplies: 2,199.90; DANR Fiscal Office-certification: \$60.00; Ditchwitch-supplies: \$187.87; Electronic Engineering-supplies: \$225.15; Five Star Awards and More-supplies: \$95.80; Heiman, Inc.-repairs: \$515.00; Ingram Library Services-library books: \$615.11; Interstate Battery System SD-supplies: \$149.90; Itoximeters, Inc.-supplies: \$761.15; Jack's Uniforms & Equipment-uniforms: \$427.05; Job, Trevor-travel reimbursement: \$94.00; Jones' Food Center-supplies: \$50.91; Karl Chevrolet-repairs: \$191.29; Keen, Becky-tax abatement: \$1,461.02; Knutson, Marcia-tax abatement: \$2,366.98; Leader-Courier-publishing: \$867.68; Matheson Tri-Gas-supplies: \$56.75; Maurstad, Doug-tax abatement: \$816.95; McLaury Engineering-professional services: \$11,033.75; McNeilus Truck & Manufacturing Co.-repairs: \$344.12; Merica Blasting & Welding-repairs: \$428.00; Metering & Technology Solution-supplies: \$892.21; MidContinent Communications-utilities: \$219.74; Midwest Wheel Companies-repairs: \$37.70; MSC-supplies: \$774.62; MSC Industrial Supply Co.-supplies: \$50.00; Nath, Chitra-repairs reimbursement: \$183.42; New Century Press-publishing: \$551.25; One Office Solution-office expense: \$91.40; Post Office-annual fee: \$72.00; Quam Berglin & Post PC-professional services: \$3,500.00; Sanford Health Occ Med-professional services: \$75.00; Sanford Health Insurance-insurance: \$14,576.80; Schmitz, Brian-tax abatement: \$2,055.88; Siouxland Humane Society-animals: \$55.00; Slowey Construction-improvements: \$5,000.00; South Dakota One Call-locate tickets: \$96.60; Southeast Farmers Elevator-fuel: \$2,975.85; Staples Credit Plan-office expense: \$251.08; State Industrial Products-dues: \$1,023.33; Teamsters Local 120-dues: \$237.00; Terry, Jacob-tax abatement: \$2,556.26; Transource-repairs: \$534.95; Tudog's Computing, LTD-repairs:

\$621.73; USA Bluebook-supplies: \$555.68; Utility Equipment Company-buildings: \$8,352.76; Werner, Toni-tax abatement: \$1,003.96; White, John-tax abatement: \$620.46; Workforce South-professional services: \$130.00

A public hearing was held at 7:00pm on a one-day malt beverage license for the Elk Point Community Ambulance to host a street dance on June 4, 2022.

A public hearing was held at 7:00pm on a survey plat of Lots 1 and 2 in Turner Tract 1 of the North Half of Block 34 Weston-Hoffman Addition and in the North Half of Block 48 Pinckney's Addition, Elk Point City, South Dakota, Union County.

Motion made by Penfield, seconded by Abraham to approve the one one-day malt beverage license for the Elk Point Ambulance on June 4, 2022. Unanimous.

VonHaden moved and Penfield seconded a motion to approve the survey plat of Lots 1 and 2 in Turner Tract 1 of the North Half of Block 34 Weston-Hoffman Addition and in the North Half of Block 48 Pinckney's Addition, Elk Point City, South Dakota, Union County. All in favor.

Second reading was given to Ordinance No. 416.

#### ORDINANCE NO. 416

#### AN ORDINANCE OF THE CITY OF ELK POINT, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY BY AMENDING CHAPTER 4.02 – PEDDLERS, SECTION 4.0202, EXCEPTIONS TO CHAPTER.

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

*Section 1. That Section 4.0202 of the Revised Municipal Ordinances of Elk Point, SD, is hereby amended to read as follows:*

#### CHAPTER 4.02 - PEDDLERS

4.0202 Exceptions to Chapter. The provisions of this Chapter shall not apply to the following:

- A. Solicitations, sales, or distributions made by charitable, educational, or religious organizations as recognized under I.R.C. (Internal Revenue Code) section 501(c).
- B. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers, or public officials.
- C. Persons selling jams, jellies, vegetables, fruits, or flowers grown or produced by them and not purchased by them for resale.

- D. Bona fide garage, rummage, yard, or moving sales which do not occur at the same location more than four times per year, for more than four days each time, or
- E. Persons or organizations hosting a fundraising event or program.

Adopted this 2<sup>nd</sup> day May 2022.

Deb McCreary  
Mayor

ATTEST:

Erika Hammitt  
Finance Officer

First Reading: April 4, 2022  
Second Reading & Adoption: May 2, 2022  
Publication: May 12, 2022  
Effective Date: June 1, 2022

Motion and second, Penfield/Nelson to approve the Ordinance with the recommended changes from City Attorney Thompson. Unanimous.

The oath of office was given by Finance Officer Hammitt to Ward One council member Ben Irlbeck, Ward Two council member Kris Hurlbert, Ward Three council Marta Verros and Mayor Deb McCreary.

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

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

Motion by Penfield second by Irlbeck 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; and City Attorney Thompson. All in favor.

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

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

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

Penfield moved and VonHaden seconded a motion to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for Pace's LLC. Unanimous.

Motion made by Penfield, second by VonHaden to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for Los Amigos Mexican Restaurant, LLC. All in favor.

Motion and second, Penfield/VonHaden, to approve the 2022-2023 Package Off Sale Malt Beverage License application for Jones Food Center. Unanimous.

Penfield moved and VonHaden seconded a motion, to approve the 2022-2023 Package Off Sale Malt Beverage License application for Kum and Go. All in favor.

Motion made by Penfield, second by VonHaden to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for Casey's General Store. Unanimous.

Penfield moved and VonHaden seconded a motion to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for the Recreation and Development Association. All in favor.

Motion and second, Penfield/VonHaden, to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for A-1 Quick Stop (Seema Retail, LLC). Unanimous.

Motion made by Penfield, second by VonHaden to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for Bump N Sam's. All in favor.

Penfield moved and VonHaden seconded a motion to approve the 2022-2023 Retail On-Off Sale Malt Beverage License application for Dollar General Store #15447. Unanimous.

Motion and second, Penfield/VonHaden to approve the 2022-2023 Retail On-Off Sale Malt Beverage License Application for Spink Family Restaurant. All in favor.

Motion made by Penfield, seconded by Irlbeck to approve Skyler Poppen's resignation as a full-time police officer effective in July. Unanimous.

Irlbeck moved and Penfield seconded a motion to approve the purchase of a security camera system for the swimming pool. Additional options may be added at a later date. All in favor.

VonHaden moved and Verros seconded a motion to approve pay request #13 to Christiansen Construction Company for work completed on the Swimming Pool Project for \$68,440.22. Unanimous.

Motion and second, VonHaden/Penfield to approve pay request #14 to Christiansen Construction Company for work completed on the Swimming Pool Project for \$53,453.96. All in favor.

Motion made by Penfield, seconded by Abraham to approve a property tax abatement request for the Elk Point Ambulance. Unanimous.

Discussion was held on change order #1 for the Corydon Project. Approval for this will be on the next pay request.

Penfield moved and VonHaden seconded a motion to approve pay request #2 to Mark Albenesius, Inc. for work completed on the Corydon Drive Water and Sewer Expansion Project for \$152,013.37. All in favor.

Motion and second, VonHaden/Verros to approve the Certificate of Substantial Completion for the Corydon Drive Water and Sewer Expansion Project. Unanimous.

Council denied Dan Lederman's request to remove the trailer from 107 N. Court St.

Motion made by Penfield, seconded by Abraham to approve pay request #2 to Nelson Construction for work completed on the swimming pool bathhouse for \$115,040.00. All in favor.

Penfield moved and Abraham seconded a motion to go into executive session at 7:47pm per SDCL #1-25-2 (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor. Unanimous.

Mayor McCreary declared the council out of executive session at 8:51pm.

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

Attest: Erika Hammitt  
Finance Officer

Deb McCreary  
Mayor

Publish: May 12, 2022