

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

The Elk Point City Council met in regular session on Wednesday, September 7, 2022, at 7:00pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor McCreary presiding and these members present: Abraham, Penfield, Verros, Irlbeck and VonHaden. Hurlbert 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.

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

VonHaden moved and Abraham seconded a motion to approve the minutes from the August 2 and 31, 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: \$76,456.51; Enterprise Fund: \$21,580.90; Fringe Benefits: General Fund: \$16,483.50; Enterprise Fund: \$6,280.93; Bills: Ace Engine and Parts-repairs: \$194.49; American Fence Co. Sioux City-fence: \$6,107.16; American Recognition-uniforms: \$229.51; Amsoil, Inc.-supplies: \$461.07; Border States Industries-supplies: \$12,047.56; Cardmember Services-supplies: \$4,184.12; City of Sioux Falls-professional services: \$101.50; City of Vermillion-tipping fees: \$5,542.81; Core & Main-supplies: \$3,483.45; Core-Mark Midcontinent, Inc.-concessions: \$155.78; Cornhusker International Truck-repairs: \$1,180.10; Craig Thompson Law Office-professional services: \$1,863.00; D-P Tools-supplies: \$544.15; Dakota Mechanical, Inc.-improvements: \$818.00; Demco, Inc.-supplies: \$76.47; DGR Consulting Engineers-professional services: \$1,428.00; Diamond Vogel-supplies: \$369.84; Echo Group, Inc.-maintenance: \$350.00; ECI Systems-utilities: \$300.00; Elk Point Ace Hardware-supplies: \$3,805.25; Flags Unlimited 2-supplies: \$5,453.91; Floyd River Materials-supplies: \$879.60; Hammitt, Erika-travel and conference: \$64.50; Hanson, Mark-reimburse for supplies: \$8.52; Hawkins, Inc.-chemicals: \$2,129.85; Ingram Library Services-library books: \$876.23; Jack's Uniforms & Equipment-uniforms: \$47.70; Jones' Food Center-supplies: \$707.25; Kimball Midwest-supplies: \$143.88; Leader-Courier-publishing: \$392.67; Loffler-copier lease: \$586.78; Matheson Tri-Gas-chemicals: \$58.21; McLaury Engineering-professional services: \$25,002.69; Midcontinent Communications-utilities: \$742.55; Midwest Alarm Company, Inc.-monitoring services: \$81.75; Midwest Landscaping, Co.-improvements: \$4,500.00; MSC-supplies: \$2,229.95; MSC Industrial Supply, Co.-supplies: \$1,192.27; Northern Truck Equipment Corp.-materials for resale: \$3,608.00; One Office Solution-office expense: \$39.96; Orkin-professional services: \$158.69; Par Mar Security Systems-monitoring services: \$503.40; Runnings Supply-supplies: \$560.63; Sanford Health Plan-insurance: \$1,256.62; SD Municipal League-training: \$400.00; Sign Solutions-supplies: \$151.53; Siouxland Humane Society-animals: \$330.00; Sooland Bobcat-supplies: \$197.78; South Dakota One Call-locate tickets: \$3,873.16; Southeast Farmers Elevator Coop.-fuel: \$4,049.04; Stan Houston-supplies: \$4,049.04; Staples Credit Plan-office expense: \$152.88; State Industrial Products-maintenance: \$2,002.98; Sturdevant's-repairs: \$669.98; Teamsters Local 120-dues: \$237.00; Todd Mockler-uniform reimbursement: \$391.14; Transource-supplies: \$537.35; Union County Electric Coop.-utilities: \$5,951.00; Union County

Register of Deeds-filing fees: \$60.00; Utility Equipment Company-supplies: \$14,096.00; Verizon Wireless-utilities: \$412.26; Wesco Distribution-supplies: \$1,521.61; Zimco Supply Co.-chemicals: \$217.38.

A public hearing was held at 7:00pm on the assessment roll for improvements on Washington, Douglas, and Pinckney Streets by the addition of asphalt, all within the City of Elk Point. Lenny Huber asked about the square footage being assessed. Engineer Nebelsick will remeasure the properties and a public hearing will be held at the next regular meeting.

Motion made by Penfield, seconded by Abraham to table approval of Resolution #2022-7, Washington, Pinckney, and Douglas Streets assessment roll. Unanimous.

Second Reading was given to Ordinance No. 419, an Ordinance providing for the Annual Appropriations for the City of Elk Point, South Dakota and Levying for the Year 2023. Motion made by Penfield, seconded by Verros to approve the Ordinance. All in favor. The Ordinance is published separately in the September 15, 2022, Leader-Courier newspaper.

Second 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.

#### 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.

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

*That Section 1.0403, of the Revised Municipal Ordinances of Elk Point, SD, which sets forth guidelines for the removal of City Administrator, is hereby amended to read as follows:*

#### CHAPTER 1.04 CITY ADMINISTRATOR

1.0403     Removal of City Administrator. The City Administrator may be removed at any time by the Mayor with the approval of the City Council.

Passed and adopted this 7<sup>th</sup> day of September 2022.

CITY OF ELK POINT, SOUTH DAKOTA

By: Deb McCreary  
Mayor

ATTEST:

Erika Hammitt  
Finance Officer

First Reading: August 2, 2022  
 Second Reading: September 7, 2022  
 Passes and Approved: September 7, 2022  
 Published: September 15, 2022

Motion and second, Irlbeck/Penfield to approve the Ordinance as presented. Unanimous.

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

ORDINANCE NO. 418

AN ORDINANCE TO AMEND SECTION 4.03, SINGLE-FAMILY RESIDENTIAL DISTRICT "LOT AND YARD REGULATIONS;" ADOPTED BY ORDINANCE 348, AS AMENDED OF THE ZONING ORDINANCE OF THE CITY OF ELK POINT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELK POINT, SOUTH DAKOTA: that "2011 Revised Elk Point Zoning Regulations" adopted by Ordinance 348 on June 6, 2011, as amended, of the Zoning Ordinance of the City of Elk Point be amended by amending the following:

*4.03 Lot and Yard Regulations*

All measurements shall be taken from the lot line to the building line (see definitions). A parking lot is not included as a portion of a side yard or rear yard (see 11.04) Lot coverage shall not exceed 50% in R-1 Districts.

|  | <b>Lot Area</b>         | <b>Lot Width</b> | <b>Front Yard</b>  | <b>Side Yard</b>                       | <b>Rear Yard</b> | <b>Maximum Height</b> |
|--|-------------------------|------------------|--------------------|--|------------------|-----------------------|
| <b>Single-Family Detached</b>            | 7,500 sq. ft. (per lot) | 75 feet see #1   | 25 feet see #3, #4 | 7 feet                                 | 25 feet          | 35 feet               |
| <b>Single-Family Attached (2) 2 lots</b> | 5,000 sq. ft.           | 25 feet          | 25 feet see #3, #4 | 0 feet or 7 feet on nonparty wall side | 25 feet          | 35 feet               |
| <b>Single-Family Attached (2) 1 lot</b>  | 7,500 sq. ft.           | 90 feet see #1   | 25 feet see #3, #4 | 7 feet                                 | 25 feet          | 35 feet               |
| <b>All other uses</b>                    | 7,500 sq. ft.           | 75 feet          | 25 feet see #3, #4 | 15 feet                                | 25 feet          | 35 feet               |

Exceptions

- #1 A residence may be constructed on a lot-of-record which has a lot width of less than 75 feet.
- #2 For a lot located on a cul-de-sac bulb, the required lot width will be measured at the required front yard setback line; however, the minimum lot width at the right-of-way line shall not be less than 50 feet.
- #3 There shall be a required front yard on each street side of a double-frontage lot. There shall be a required front yard on each street side of a corner lot.
- #4 One required front yard may be reduced to 20 feet on corner lots.
- #5 See also Adjustment to Yard Regulations (Chapter 12) for other specific exceptions.

BE IT FURTHER ORDAINED BY THE CITY OF ELK POINT, SOUTH DAKOTA, that if any section, subsection, sentence, clause or phrase of this Ordinance should be held invalid, the invalidity of such section, subsection, sentence, clause or phrase shall not affect any other section, subsection, sentence, clause or phrase of the remainder of this Ordinance.

Passed and adopted this 7<sup>th</sup> day of September 2022.

CITY OF ELK POINT, SOUTH DAKOTA

By: Deb McCreary  
Mayor

ATTEST:

Erika Hammitt  
Finance Officer

First Reading: August 2, 2022  
Second Reading: September 7, 2022  
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VonHaden moved and Verros seconded a motion to approve the Ordinance as presented. All in favor.

Motion and second, Penfield/Abraham to table approval of the \$50,000 payment to Dunham Company for the installation of culverts until the next regular meeting. Unanimous.

Motion and second, VonHaden/Penfield to transfer \$24,193.16 from the electric fund and approve the prepayment of debt in full on the Sanitary Sewer System Revenue Bond Series 2002 Unanimous.

Motion made by VonHaden, seconded by Penfield to transfer \$37,661.43 from the electric fund and approve the prepayment of debt in full on the Wastewater System Revenue Bond Series 2006. All in favor.

VonHaden moved and Penfield seconded a motion to transfer \$66,156.99 from the electric fund and approve the prepayment of debt in full on the Wastewater System Revenue Bond Series 2008. Unanimous.

No action was taken on the Jack Nicklaus Drive dedication.

Motion and second, Penfield/Abraham to approve a \$.50/hour raise for Patrolman Neilson Conley for successfully completing his 6-month probation period. All in favor.

Motion to adjourn, Abraham/VonHaden. Unanimous.

Attest: Erika Hammitt  
Finance Officer

Deb McCreary  
Mayor

Publish: September 15, 2022