

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

The Elk Point City Council met in regular session on Monday, July 8, 2024, 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, Irwin, Penfield, Hurlbert, VonHaden, and Irlbeck. No one was absent. Also, present were: City Attorney Thompson, City Engineer Nebelsick, City Administrator Tuttle, Police Chief Limoges, Finance Officer Hammitt, and Public Works Director Job.

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

Hurlbert moved and Irwin seconded a motion to approve the minutes from the June 4 & 24, 2024, council meetings. Unanimous.

Motion and second, Penfield/VonHaden to approve the following salaries and bills and to instruct the Finance Officer for payment of the same. All in favor. Salaries: General Fund: \$89,763.40; Enterprise Fund: \$31,551.74; Fringe Benefits: General Fund: \$20,345.98; Enterprise Fund: \$8,922.84; Bills: Ace Engine & Parts Distribution-repairs: \$43.41; Avera Occupational Medicine-professional services: \$170.00; Border States-supplies: \$34,187.89; Canon Financial Services, Inc.-copier lease: \$177.00; Cardmember Services, Inc.-supplies: \$5,152.08; Chesterman Co.-pool concessions: \$227.50; City of Vermillion-tipping fees: \$4,589.89; Craig Thompson Law Office-professional services: \$5,876.40; CW Suter Services-repairs: \$1,961.92; East River Electric-power: \$85,666.14; Electronic Communications, Inc.-supplies: \$750.91; Elk Point Ace Hardware-supplies: \$3,342.40; Erika Hammitt-mileage: \$128.50; Hawkins, Inc.-supplies: \$1,372.27; Irby-supplies: \$3,155.00; Jones Food Center-pool concessions: \$1,588.73; Leader-Courier-publishing: \$151.38; Lewis Electric Company-repairs: \$306.12; Loffler-library copier lease: \$484.92; Mathison Tri-Gas-supplies: \$65.09; McKinney Olson Insurance-insurance: \$2,509.27; MidAmerican Energy-utilities: \$81.11; Midcontinent Communications-utilities: \$1,042.07; Peterbilt of Sioux City-repairs: \$4,618.29; Sanford Health OccMed-professional services: \$60.00; Siouxland Humane Society-animals: \$55.00; Southeast Farmer Elevator Coop.-fuel: \$5,492.22; State Industrial Products-supplies: \$2,709.31; Stockton Towing-repairs: \$165.00; Sturdevants-repairs: \$136.88; Transource-supplies: \$129.39; Tudogs Computing, LTD-repairs: \$80.00; Union County Electric Coop.-utilities: \$7,038.10; USA Blue Book-supplies: \$591.84; Verizon Wireless-utilities: \$205.75; Wesco Receivables Corp-supplies: \$355.50; Zimco Supply Company-supplies: \$78.00

Scott Bennett would like the city to look at his property and the deterioration caused when a water main broke in 2022. Public Works Director Job will meet with Mr. Bennett.

Robin Shiro spoke during public forum.

Melanie Bernston discussed the current animal ordinance and the number of chickens running loose in town. She also would like the council to look at installing stairs to the front of her property. The city will see if this is a possibility.

Casey Gregg and Dustin Beldin spoke to the council concerning a property on Country Club Drive with a van parked in the driveway and it being occupied by an individual. City Administrator Tuttle will redraft our current ordinance. First reading will be done at the August meeting.

A public hearing was held at 7:00pm on a variance request for Paul Windeshausen to build a storage garage at 804 W. Franciscan Blvd. Current plans exceed the size requirements. Discussion was held.

A public hearing was held at 7:00pm on a Proposed Resolution of Necessity for sidewalk construction which includes parts of Arnold Palmer Lane, Jack Nicklaus Drive and Main Street. Darrell and Nancy Stone spoke. Discussion was held.

A public hearing was held at 7:00pm on a request from Brian Oedekoven to vacate a portion of Twin Street. Discussion was held.

Motion made by VonHaden, seconded by Hurlbert to approve Resolution # 2024-4. Unanimous.

RESOLUTION #2024-4

RESOLUTION OF NECESSITY FOR CONSTRUCTION OF SIDEWALK IN ACCORDANCE WITH SDCL 9-46-2.1

WHEREAS, Elk Point, S.D., Revised Municipal Ordinance § 6.0206 allows for the City Council to pass a Resolution of Necessity for sidewalk construction, consistent with SDCL 9-46-2.1, and the City Council deeming it necessary to construct a sidewalk in the Dunham Development at the address of 1601 Arnold Palmer Lane, Elk Point, SD 57025, legally described as:

Lot 47 and Lot 48 of Country Club Estates, City of Elk Point, Union County, South Dakota.

WHEREAS, the owner of the aforementioned real estate, Nancy A. Stone, Trustee of the Nancy A. Stone Revocable Living Trust, under Agreement dated December 14, 2021, has been informed of the necessity and has been requested to construct a sidewalk, and no sidewalk having been constructed;

WHEREAS, the subject area, 1601 Arnold Palmer Lane, Elk Point, SD 57025, is the only property in the Dunham Development that does not have a sidewalk;

WHEREAS, pedestrians, including school children, when riding their bikes on the existing sidewalk of the Dunham Development, approach the aforementioned subject area, are forced to circumambulate and in so doing enter the street subjecting themselves to potentially hazardous conditions, posing a risk, and affecting the safety of the people, thus establishing the “necessity” required to pass this Resolution; and

WHEREAS, should the property owner fail to meet the requirements stated below, the necessary inclusions of this Resolution, pursuant to SDCL 9-43-82, shall be addressed in an addendum to this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Elk Point, South Dakota:

The City of Elk Point hereby requires the owner, Nancy A. Stone, Trustee of the Nancy A. Stone Revocable Living Trust, under Agreement dated December 14, 2021, of the property located at the address of 1601 Arnold Palmer Lane, Elk Point, SD 57025 to:

Construct a sidewalk on the subject area of the aforementioned property where necessary and in accordance with the following requirements:

Sidewalk construction shall include base material of three inches in thickness, of approved materials. Sidewalks shall be no less than four (4) inches in thickness, of Portland Cement Construction, and not less than four (4) feet nor more than five (5) feet wide in residential areas, with slope toward street of one-fourth inch per foot. Elk Point, S.D., Revised Municipal Ordinance § 6.0206,

by the deadline of the 1st day of October 2025.

Should the required sidewalk fail to be constructed by the aforementioned deadline, then pursuant to SDCL 9-46-2.1(2) the City of Elk Point shall construct the sidewalk and assess the aforementioned property owner the full cost of the sidewalk's construction.

Details, plans, and specifications may be reviewed at the finance office during regular business hours.

Adopted this 8th day of July 2024.

CITY OF ELK POINT

Deb McCreary
Mayor

ATTEST: Erika Hammitt
Finance Officer

Penfield moved and Irlbeck seconded a motion to approve Resolution #2024-5. All in favor.

RESOLUTION #2024-5

RESOLUTION OF NECESSITY FOR CONSTRUCTION OF SIDEWALK IN ACCORDANCE WITH
SDCL 9-46-2.1

WHEREAS, Elk Point, S.D., Revised Municipal Ordinance § 6.0206 allows for the City Council to pass a Resolution of Necessity for sidewalk construction, consistent with SDCL 9-46-2.1, and the City Council deeming it necessary to construct a sidewalk in the Weston & Hoffman Addition at the address of 103 S. Truman Lane, Elk Point, SD 57025, legally described as:

Frac Lots 1, 2, & 3, and lots 4-8 Blk 30 W & H Add., City of Elk Point, Union County, South Dakota.

WHEREAS, the owner of the aforementioned real estate, Kent Porter & Ann Marie Porter, has been informed of the necessity and has been requested to construct a sidewalk, and no sidewalk having been constructed;

WHEREAS, the subject area, 103 S. Truman Lane, Elk Point, SD 57025, is a property with a disconnected sidewalk leading to the Elk Point Aquatic Center, walking paths, and the golf course;

WHEREAS, pedestrians, including school children, when riding their bikes on the Main St. sidewalk to the Elk Point Aquatic Center walking paths, and the golf course approach the aforementioned subject area, are forced to circumambulate and in so doing enter the street subjecting themselves to potentially hazardous conditions, posing a risk, and affecting the safety of the people, thus establishing the “necessity” required to pass this Resolution; and

WHEREAS, should the property owner fail to meet the requirements stated below, the necessary inclusions of this Resolution, pursuant to SDCL 9-43-82, shall be addressed in an addendum to this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Elk Point, South Dakota:

The City of Elk Point hereby requires the owner, Kent Porter & Ann Marie Porter, of the property located at the address of 103 S. Truman Lane, Elk Point, SD 57025 to:

Construct a sidewalk on the subject area of the aforementioned property where necessary and in accordance with the following requirements:

Sidewalk construction shall include base material of three inches in thickness, of approved materials. Sidewalks shall be no less than four (4) inches in thickness, of Portland Cement Construction, and not less than four (4) feet nor more than five (5) feet wide in residential areas, with slope toward street of one-fourth inch per foot.

Elk Point, S.D., Revised Municipal Ordinance § 6.0206,

by the deadline of the 9th day of September 2024.

Should the required sidewalk fail to be constructed by the aforementioned deadline, then pursuant to SDCL 9-46-2.1(2) the City of Elk Point shall construct the sidewalk and assess the aforementioned property owner the full cost of the sidewalk's construction.

Details, plans, and specifications may be reviewed at the finance office during regular business hours.

Adopted this 8th day of July 2024.

CITY OF ELK POINT

Deb McCreary

Mayor

ATTEST: Erika Hammitt
Finance Officer

Discussion was held on Resolution #2024-2, vacating a portion of Twin Street. There were concerns about the railroad. The council would like to correspond with them prior to approving the Resolution. Motion and second, Penfield/Abraham to table the resolution. Unanimous.

Motion made by Irlbeck, seconded by Abraham to approve the variance request for PAUL Windeshausen to build a storage garage at 804 W. Franciscan Blvd. Voting in favor: Irlbeck, Abraham, VonHaden, Penfield, and Irwin. Voting against: Hurlbert. Motion carried.

Discussion was held on annexing the electric on Curry Tract 1 Government Lot 2 in NW ¼ (.29A), Union County, South Dakota. The property was annexed into the city at the regular meeting in May. The council agreed to proceed with the process at the regular meeting in August.

Hurlbert moved and Abraham seconded a motion to approve the pay request to Mart Brothers Construction, Inc for \$96,002.21 for work completed on the Park Bathhouse/Storm Shelter. All in favor.

Motion made by Penfield, seconded by Irwin to advertise for a full-time police officer. Unanimous.

Discussion was held on the Boys and Girls Club partnership for an after-school program. Elk Point-Jefferson did not receive the anticipated grant funding to start the program. The council discussed UDAG money and different possibilities with the loan program.

City Administrator Tuttle will draft a resolution regarding parking for council to review at the next regular council meeting.

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

Attest: Erika Hammitt

Deb McCreary

Finance Officer

Mayor

Publish: July 18, 2024