

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

The Elk Point City Council met in regular session on Monday, August 5, 2024, at 6:30pm in the council chambers of City Hall located at 106 W. Pleasant Street with President Penfield presiding and these members present: Abraham, Irwin, Hurlbert, VonHaden, and Irlbeck. Mayor McCreary was absent. Also, present were: City Attorney Thompson, City Administrator Tuttle, Police Chief Limoges, Finance Officer Hammitt, and Public Works Director Job.

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

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

Irlbeck moved and Irwin seconded a motion to approve the minutes from the July 8, 2024, council meeting. 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: \$91,584.66; Enterprise Fund: \$30,298.74; Fringe Benefits: General Fund: \$20,324.92; Enterprise Fund: \$8,745.10; Bills: Ace Engine & Parts Dist.-repairs: \$42.43; Auto Value Vermillion-repairs: \$233.51; Border States-supplies: \$6,648.04; Buxndux Lubrication Specialists-supplies: \$172.74; Canon Financial Services, Inc.-copier lease: \$177.00; Cardmember Services-supplies: \$4,898.84; Cave Crushing, Inc.-street repairs: \$8,972.00; Chesterman Co.-pool concessions: \$537.90; City of Sioux Falls-water testing: \$116.00; City of Vermillion-tipping fees: \$6,192.17; Cod Enforcement Specialists-professional services: \$888.52; Craig Thompson Attorney at Law-professional services: \$6,192.17; Demco-library supplies: \$627.53; East River Electric-power: \$121,388.37; Elk Point Ace Hardware-supplies: \$850.67; Elk Point Chamber-dues: \$8.00; EPJ Baseball/Softball Association-donation: \$500.00; Fisher, Trisha-lifeguard training reimbursement: \$106.20; Flags Unlimited 2-supplies: \$786.00; Floyed River Materials-supplies: \$790.59; Hawkins, Inc.-supplies: \$4,848.67; Holmes, Irma-lifeguard training reimbursement: \$100.00; Ingram Library Services-library books: \$708.02; Interstate Battery System of SD-repairs: \$114.95; Jack's Uniforms & Equipment-uniforms: \$119.95; JCL Solutions-supplies: \$52.73; Jones Food Center-supplies: \$1,299.98; Leader-Courier-publishing: \$354.96; Mathison Tri-Gas, Inc.-supplies: \$74.89; MidAmerican Energy-utilities: \$78.25; Midcontinent Communications-utilities: \$823.96; MSC Industrial Supply Co.-supplies: \$603.63; One Office Solution-office expense: \$35.95; Post Office-postage: \$2,000.00; Professional Pool & Spa-repairs: \$539.00; Resco-inventory for resale: \$7,818.75; Riteway-office expense: \$254.00; RJ Thomas MFG Co & Pilot Rock-supplies: \$4,693.00; Roan, Gary-professional services: \$1,060.00; Runnings Supply, Inc.-uniforms: \$150.92; SD Association of Rural Water-dues: \$740.00; Solomon, Taylor-lifeguard training reimbursement: \$88.33; South Dakota One Call-locate tickets: \$34.65; Southeast Farmers Elevator Coop.-fuel: \$4,173.01; Stan Houston-supplies: \$518.00; State Industrial Products-dues: \$2,156.86; State Chemical Solutions-dues: \$1,750.72; Teamsters Local 120-union dues: \$269.00; Utility Equipment Co.-supplies: \$1,344.28; VanDiest Supply Company-supplies: \$5,623.65; VanRoekel, Heath & Leslie-lifeguard training reimbursement:

\$142.50; Verizon Wireless-utilities: \$208.06; Zimco Supply Company-supplies: \$34.00
Robin Schiro spoke during public forum.

Motion made by Irlbeck, seconded by Hurlbert to hire Joe Pham as an Uncertified Police Officer starting at \$22.00/hour. Unanimous.

A special meeting was scheduled for Tuesday, August 27, 2024, at 7:00am to give first reading to the 2025 budget.

The regular meeting in September was rescheduled for Monday, September 9, 2024, due to the Labor Day holiday.

Discussion was held on Initiated Measure 28. Motion and second, VonHaden/Abraham to table adoption of the resolution and to give further consideration and review on the following resolution. All in favor.

RESOLUTION #2024-6

A RESOLUTION OPPOSING INITIATED MEASURE 28

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS Initiated Measure 28 is in direct conflict with existing state law and the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Elk Point levies a two-percent sales tax and collected \$814,607 in the 2023 fiscal year and \$484,343 year-to-date in the 2024 fiscal year;

WHEREAS The City of Elk Point estimates annual lost revenue of \$126,000 unless Initiated Measure 28 is rejected by voters in South Dakota;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Elk Point, that Initiated Measure 28 would negatively impact our community and its residents.

Abraham moved and Irlbeck seconded a motion to approve pay request #7 (final) to Mart Brothers Construction for the Park Storm Shelter/Bathhouse for \$36,733.95. Unanimous.

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

Attest: Erika Hammitt
Finance Officer

Deb McCreary
Mayor

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