

Wednesday August 14, 2024

The Martin City Council met in Regular Session on Wednesday, August 14th, 2024 at 5:30 p.m. in the Library Community Room at 101 Main Street.

Mayor Gary Rayhill called the meeting to order with council members Gloria Claussen, Tootie Moffitt, Larry Gauer, Tyler Nollett, Randy Kocourek, and Warren Peterson, present. Absent, none.

Others present, Matt Fridell with Tallgrass Landscape Architecture, Mandy Scherer with the Bennett County Booster, Rachel Adair, Joyce Wilson, Bob Fogg, Blu Donovan, Susan Williams, Judd Schomp, BC Sherriff Jason Erwin, Police Chief Doug Lucero, Craig Dillon, Donna Lamont, City Foreman Paul Noel, City Attorney Sara Frankenstein, and Finance Officer Jean Kirk.

Approval of Agenda: Gauer moved to approve the agenda with flexibility. Peterson seconded the motion. All in favor, motion carried.

Minutes: Moffitt moved to approve the July 10th minutes. Peterson seconded the motion, all voting aye, motion carried.

Finance Officer's Report: Gauer moved approve the Finance officer's report for July. Seconded by Peterson, all voting aye, motion carried.

Beginning Balance on Hand	\$4,245,243
July Receipts	176,116
Total to be accounted for	4,421,358
Transfer In	34,629
Transfer Out	34,117
Disbursements	200,729
Outstanding Warrants	18,604
CD & Petty Cash	22,702

Claims August 2024: The claims were reviewed by the council. Moffitt moved to pay the August claims. Seconded by Kocourek, all voting aye, motion carried.

Insert August Claims Here

Kocourek moved to approve the payment of \$703 to the USDA for the lagoon payment. Moffitt seconded the motion. All voting aye, motion carried.

Gauer moved to approve payment of the water tower loan for \$10,866.09 and the water project loan of \$4,502.16.

Peterson moved to approve the following transfers. Moffitt seconded the motion, all voting aye, motion carried. From the City Improvement account to the General Fund \$59,000, from the Capital Projects account to the Markota Fund \$32,000. From the Liquor Fund to the general fund \$30,000. From the Liquor Fund to the Markota Fund \$10,000.

Swim CD: Nollett moved to cash in the swim certificate of deposit of \$2,261.50 and use the money to offset swimming expenses. Moffitt seconded the motion, all voting aye, motion carried.

Park Plan: Matt Fridell with Tallgrass Landscape Architecture presented three different concepts of what could be done with Brooks Memorial Park. Mr. Fridell said nothing is final and that components could be mixed and switched around. He is leaving the plans posted on the Community Room wall and would like feedback from city residents.

BC Youth Football Donation: This was tabled until somebody from the organization could be at a meeting.

5 Minute Limit: Kocourek moved to limit speakers at a council meeting to 5 minutes. Nollett seconded the motion, all voting aye, motion carried

Law: There were 229 calls for service, 52 traffic tickets, and 14 arrests. Peterson moved to go into executive session concerning personnel (SDCL 1-25-2.1) with Council, Mayor Chief Lucero, City Attorney Frankenstein and Finance Officer Kirk. Kocourek seconded the motion, all voting aye, motion carried. Into executive session at 6:03 p.m. Out of Executive session at 6:11 p.m. No action Taken.

Contract Law: Peterson moved to go into executive session concerning contractual matters (SDCL 1-25-2.3) with the council, mayor, city attorney and finance officer. Claussen seconded the motion, all voting aye motion carried. Into executive session at 7:03 p.m. Out of executive session at 7:35 p.m. No action taken.

New Housing Water Meter: Peterson moved to have the water meter for the new housing going in east of Sunrise to be placed where they are tapping into the water main. Nollett seconded the motion all voting aye, motion carried.

Cozad Lots: The Council reviewed a quote from D.C. Scott Surveyors to survey the Cozad lots. Peterson moved to accept the quote of \$4000 to \$5000 to survey the Cozad Lots and to bill the County for their half. Claussen seconded the motion, all voting aye, motion carried.

Zoning: City Attorney Frankenstein advised the Council that if they were interested in implementing zoning within the city that they should work with the Black Hill Council of Local Governments as they do this for other communities.

First Reading Appropriation Ordinance #259: Gauier moved to approve the first reading of Appropriation Ordinance #259. Nollett seconded the motion, all voting aye, motion carried.

Sales Tax Resolution: Finance Officer Kirk informed the Council that Initiated Measure #28 which would repeal the sales tax on food will appear on the ballot at the General Election in November. This repeal of the tax on food will negatively impact not only the state but cities also. The City of Martin would lose approximately \$200,000 in sales tax revenue. This would leave a huge hole in the city's revenue. Resolution #2024-9 was reviewed by the council. Two changes were suggested by the city attorney. Kocourek moved to approve Resolution #2024-9 with the two changes made. Claussen seconded the motion, all voting aye, motion carried.

RESOLUTION #2024-9

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 The Attorney General’s explanation of the measure states that legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Martin levies a two-percent sales tax and collected \$619,390 in the 2023 fiscal year and \$326,000 year-to-date in the 2024 fiscal year;

WHEREAS The City of Martin estimates annual lost revenue of \$220,000 unless Initiated Measure 28 is rejected by voters in South Dakota;

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

Dated this 14th day of August, 2024.

CITY OF MARTIN

ATTEST:

Gary Rayhill, Mayor

Jean Kirk, Finance Officer

Adopted: 8/14/24

Published: 8/28/24

Effective: 9/17/24

Building Permits: Four building permits were reviewed by the council. Richard May is moving a trailer house from 203 Dakota Street to 107 Dakota Street. Peterson moved to approve the building permit. Nollett seconded the motion, all voting aye, motion carried.

Charlotte Ward is removing a chain link fence and installing a 6-foot privacy fence at 502 Stover Street. Peterson moved to approve the building permit. Claussen seconded the motion, all voting aye, motion carried.

Dennis Tutsch at 301 Major Allen St is rebuilding a deck to a larger size. Kocourek moved to approve the building permit. Nollett seconded the motion, all voting aye, motion carried.

Earl and Rachel Adair are going to add a room onto the house at 305 Stover St. Rachel Adair asked if the Council had approved her building permit. They had not and were not going to unless significant improvements had been made to their properties. She was reminded that a building permit is not need to work on the inside of a house.

Past due Water Bills: The past due water bills were reviewed by the council. A motion to handle as usual was entered by Peterson and seconded by Nollett. All voting aye, motion carried.

Adjournment: As there was no further business to come before the council at this time, motion to adjourn was entered by Peterson.

The next city council meeting will be held September 9th at 5:30 p.m. at the library community room.

Dated this 14th day of August, 2024

Gary Rayhill, Mayor

ATTEST: _____
Jean Kirk, Finance Officer

Published once at a total estimated cost of \$