

City of Kimball
P.O. 16
Kimball, SD 57355
Phone: 605-778-6277

The Kimball City Council met in regular session Monday September 9, 2024 at the city office, Mayor Donnie Hamiel called the meeting to order at 7:30 p.m. Council members present by roll call were Harold Bickner, Matt Bilben, Bill Gough, Dayle Blasius, Michelle Chmela. Council Member Shelly Janish was absent. Also present were Nancy Munger, Deb Kourt, Lydia Morley, Justus Baxter, Richard Two Two, Ed Konechne, Joe Soulek, Michelle Soulek, Maynard Konechne, Kimber Rasmussen. Alex Welbig and Paul Kraft were present via zoom.

The agenda was amended to include water drainage on Pine Street.

Motion by Bickner, second by Bilben to adopt the amended agenda. All aye. Motion carried.

Motion by Blasius, second by Chmela to approve the August 20th regular meeting minutes as written. All aye. Motion carried.

Lydia Morley representative of ELO gave the finance report which included the balances of the checking account, South Dakota Public Funds Investment Trust (SD FIT) Account and the city certificate of deposit (CD). Morley also reported the water loss for year-to-date is 2,124,193 gallons.

Motion by Bickner, second by Blasius to approve the financial report. All aye. Motion carried.

Motion by Bilben, second by Bickner to pay the monthly bills. Roll call vote. Bilben-aye, Gough-aye, Blasius-aye, Chmela-aye, Bickner-aye. Vote of 5-0 motion carried.

Payroll: Library \$1,644.78; Finance Office \$1,009.04; Streets \$2,838.76; Police \$2,660.78; Pool \$6,987.02; Parks and Recreation \$1,365.72; Executive \$2,580.00

SDRS	Retirement	\$	1,859.00
U.S. Treasury	Payroll Deposit	\$	5,847.13
Wellmark	Insurance	\$	2,360.03
Aflac	Insurance	\$	197.30
Beam Insurance	Insurance	\$	180.31
Health Equity	Employee HSA Deduction	\$	245.60
S.D. Supplemental Retirement Plan	Professional Services	\$	500.00
Northwestern	Utilities	\$	4,651.30
Midstate	Phone/Internet	\$	571.29
A-B Rural Water	Source of Supply	\$	12,419.00
Central Dakota Times	Publishing	\$	124.60
Brooks Hardware	Supplies	\$	1,191.85

Michelle's Market	Publishing/Pool Concession Stand	\$ 886.24
Verizon	Cell Phones	\$ 168.05
Kimball Clark	Supplies	\$ 1,443.05
First Bankcard	Supplies/Books/Publishing	\$ 3,009.54
Maule Law Office	Professional Services	\$ 1,166.67
Tri County Landfill	Solid Waste Disposal	\$ 730.47
Code Enforcement Specialists	Professional Services	\$ 458.49
SD State Treasurer	Sales Tax	\$ 989.48
James Valley Nursery	Repairs & Maintenance	\$ 547.19
Nancy Munger	Supplies	\$ 15.93
SD Assn. of Rural Water Systems	Sludge Judging	\$ 150.00
L & L Sanitation	Solid Waste Collection	\$ 19.12
Overweg Repair	Repairs & Maintenance	\$ 41,542.11
Bender's Sewer & Drain	Repairs-System	\$ 660.00
SD Division of Motor Vehicles	Professional Services	\$ 16.70
Cook Implement	Repairs-Equipment	\$ 1,379.47
Light & Siren	Machinery & Equipment	\$ 3,223.78
Ditty's Diner	Supplies	\$ 1,296.74
Barco Products	Supplies	\$ 265.58
SD One Call	Locates	\$ 10.50
Dakota Pump	Repairs-Equipment	\$ 704.62
ELO Prof. LLC	Professional Services	\$ 3,110.23
Kaleb's Service	Repairs-Vehicles	\$ 280.97
Coast to Coast Solutions	Publishing	\$ 314.64
Mid-American Research Chemical	Supplies	\$ 365.08
Muller Co. LLC	Professional Services	\$ 753.48
Madison Meier	Travel	\$ 67.00
Dayle Blasius	Supplies	\$ 100.00
SD Public Health Laboratory	Lab Fees	\$ 15.00
Shannon Rasmussen	Repairs-Streets	\$ 150.00
Synergy Sign Company	Machinery & Equip.	\$ 1,778.62
C & D Electric	Repairs & Maintenance	\$ 2,241.32
Muth Electric	Repairs-Equip.	\$ 272.45

Maintenance Superintendent Justus Baxter's report included general maintenance tasks performed including S.D. Rural Water Association measuring the sludge at the lagoon and reporting it looked good; MC & R has been contacted to winterize the pool.

Chief of Police Two Two's report included a list of calls of service along with 3 traffic tickets, 3 traffic warnings, 6 verbal warnings and 1 arrest were issued.

No public input was heard.

Kimball High School Senior Kimber Rasmussen spoke on behalf of the Kimball High School Student Council and senior class asking permission to close off Broad Street from Truck Street to Bradford Street for white washing and the annual parade route.

Motion by Bickner, second by Chmela that we allow to use the Broad Street from Bradford to Truck Street and to include the parade route that they wish to use. All aye. Motion carried.

Banner Associates Alex Welbig and Paul Kraft joined the meeting by Zoom to discuss the bump outs for the Main Street Project. The engineers explained the reason for the bump outs is to make the sidewalks flat to the buildings to comply with the Americans with Disabilities Act (ADA) and to help with drainage. Members of the audience voiced their concerns about snow removal and losing parking spots on Main Street due to the bump outs.

Motion by Bickner, second by Blasius to approve Mayor Hamiel signing the Community Access Grant Agreement between the South Dakota Department of Transportation and the City of Kimball. All aye. Motion carried.

No one was present to discuss Kimball West Tax Increment Financing (TIF, no action was taken.

Discussion on Initiated Measure 28 a bill on the November ballot which if passed would remove the 2% tax on human consumption items resulting in the loss of approximately \$30,000 in annual sales tax revenue for the City of Kimball.

Motion by Bickner, second by Chmela to approve Resolution 2024-03 Concerns of Initiated Measure 28. All aye. Motion carried.

RESOLUTION 2024-03
CITY OF KIMBALL, SOUTH DAKOTA

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 legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Kimball levies a two-percent sales tax and collected \$30,235.11 in the 2023 fiscal year and \$2,448.85 year-to-date in the 2024 fiscal year;

WHEREAS The City of Kimball estimates annual lost revenue of \$30,000 unless Initiated Measure 28 is rejected by voters in South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Kimball, that Initiated Measure 28 would negatively impact the municipal budget in our community.

Dated this 9th day of September 2024

Donnie Hamiel, Mayor

ATTEST:

Nancy Munger, Deputy Finance Officer

Motion by Chmela, second by Bilben to assign primary signers as Lydia Morley and Mayor Donnie Hamiel for the city's S.D. FIT account. Roll call vote. Gough-aye, Blasius-aye, Chmela-aye, Bickner-aye, Bilben-aye. Vote of 5-0 motion carried.

Motion by Gough, second by Bickner to approve the following Special Event Liquor License:

Special Event Liquor Licenses

American Legion, 232 S. Main; Temporary On-Sale Liquor License for September 14 for a wedding reception and dance. Vote of 4-0 with Bilben abstaining. Motion carried.

Discussion on Northwestern Energy's notification that unmetered Christmas lights will not be allowed to be hung on the light poles in 2025. Council asked the mayor to contact the main office or Northwestern Energy and voice the council's opposition to the notification. It was also noted the city is paying for the Interstate 90 lights whether they are working or not because the bill is an

estimate of the number of light poles, number of days of service in a month and wattage of the lights.

A complaint on water drainage issues on Pine and Railroad was discussed. The ditch on the west side of the street was filled in and the culvert running north and south on Railroad Street does not handle the water runoff with neighbors having water backing up on their property. Council directed the street committee to meet with the property owner and discuss the issue with them.

The second meeting in September is scheduled for September 23rd at 7:30 p.m.

Motion by Chmela, second by Bilben to enter executive session for personnel. All aye. Motion carried. Morley was asked to join the session. Council entered executive session at 9:45 p.m.

Council moved out of executive session at 10:14 p.m.

The council continued working on the 2025 budget.

Motion by Blasius, second by Bilben to approve the first reading of the 2025 Appropriation Ordinance #2024-04. Roll call vote. Blasius-aye, Chmela-aye, Bickner-aye, Bilben-aye, Gough-aye. Vote of 5-0 motion carried.

Motion by Blasius, second by Bilben to adjourn. All aye. Motion carried. Meeting adjourned at 10:39 p.m.

Mayor

Attest

Finance Officer