

Harrisburg City Council  
Approved Meeting Minutes

The regular meeting of the City Council was called to order on Aug 20, 2024 at 6:00 pm, with Mayor Derick Wenck presiding. Council members were Pete Wodzinski, Matt Westerman, Kevin Maxwell and Chris Kindt Also present from the City were Deb Harris, Jill Johnke, Andrew Pietrus, Toby Huizenga, Dustin Preheim, Jason Thurston, Nolan Meyer and Monty Jenkins. A list of all others in attendance is on file at the city office.

Pledge of Allegiance was recited.

6:00 Public Hearing to receive public input regarding vacating Balamor Street from the South Line of Lot 5 in Tract 3 of Country Corner Orchards Addition to the North Line of Lot 4 in Tract 3 of Country Corner Orchards Addition.

Public Comment was given regarding Resolution 2024-12 giving approval to enter into a Sewer Services Agreement with the State of South Dakota, acting through the Department of Corrections. A list of those who spoke is on file at City Hall.

Consent Agenda: Motion Kindt, seconded Maxwell to approve the consent agenda and add Executive Session pursuant to SDCL 1-25-2(4) to be Business Item # 1.

1. Approval of Aug 20, 2024 Agenda
2. Approval of August 5, 2024 City Council Meeting Minutes
3. Approval of August 14, 2024 Special City Council Meeting Minutes
4. Approval of Aug 20, 2024 Claims
5. Approved to Advertise for WTP Full Time Employee
6. Approved and Authorized Mayor to sign iWorq Proposal for additional Annual Software in the amount of \$3350.00. (Budgeted Item)
7. Approved and Authorized Mayor to sign Electric Line Right of Way Easement to Southeastern Electric Coop
8. Approved and Authorized Pay Application # 1 – 2024 Slurry Seal Project to Asphalt Surface Technologies Corporation Inc in the amount of \$139,735.41.

A & B Business \$141.05; Accts Mgmt \$385.60; Albers Electric \$8,791.27; All Seasons \$3,500.00; American Legion Post 45 \$1,475.00; Appriver \$143.75; Billion Southtown \$338.80; Black Dog LLC \$10,000; Bluebeam \$330.00; Bluepeak \$670.64; Border States \$21.88; Breaking Burrito \$920.00; Butler Machinery \$27,843.95; BX Civil & Construct \$3,632.64; C & B \$233.43; Central Dakota Perk \$470.00; Chernatinski, Vitold \$99.99; CHS \$4,456.65; City of Harrisburg \$1,584.91; City of Sioux Falls \$46.20; City of Sioux Falls PW \$5,192.85; Core & Main \$5,875.54; Craig's Shaved Ice \$1,045.00; Creekside Place LLC \$2,038.05; Cutler Law Firm \$5,281.25; D & G Concrete Construct \$1,194,291.57; Dakota Fluid Power \$1,148.07; DSG \$56.15; Dept of Treasury \$16,324.37; Harrisburg Chamber of Commerce \$68,750.00; Health Equity \$770.76; Health Equity \$47.50; Home Definition \$25.00; Interstate Power Systems \$2,870.20; KB Sprinklers \$583.42; KTR Holdings LLC \$24,960.00; Lacey's Rentals \$1,885.00; Maple Drip \$375.00; Matheson Tri-Gas \$71.89; Midamerican Energy \$170.07; Midco \$350.70; Mr Churro \$465.00; Myrl & Roy's Paving Inc \$150,789.60; NAPA Auto Parts \$17,023.41; Novak Sanitary \$361.49; Olson, Virginia \$1,171.40; Peterbilt of Sioux Falls \$378.83; Pfeifer Implement \$443.85; Pickelman, Marc \$46.98; Preheim, Dustin \$162.94; QPS \$792.91; Runnings \$128.46; SDRS Supplemental \$100.00; SE Electric

\$10,698.61; Sioux Falls Humane Society \$780.73; Siteone Landscape Supply \$708.06; South Dakota 811 \$373.80; Stan Houston \$1,025.00; Stockwell Engineers Inc \$126,329.18; Thai Dakota Food Truck \$685.00; Toshiba \$242.67; USA Bluebook \$31.75; Utility Service Co \$5,755.00; Vandiest Supply Co \$5,230.50; Verizon \$442.79; White Glove Cleaning \$247.50; Payroll \$48,113.14

Upon roll call vote; all in favor

Business Item 1. Motion Maxwell, seconded Kindt to enter into Executive Session pursuant to SDCL 1-25-2 (4) at 7:14 PM. Upon roll call vote; all in favor

Mayor declared out of Executive Session at 7:34 PM

Business Item 5. Resolution 2024-12 a Resolution giving approval to enter into a Sewer Services Agreement with the State of South Dakota, acting through the Department of Corrections and giving approval to the Payoff of certain bonds. Kindt – No, Westerman – No, Maxwell – No, Wodzinski – No.

Business Item 2. Consider Dispute of Parking Ticket – Diane Grave. No Action Taken

Business Item 3. Motion Kindt, seconded Westerman to approve the quote from John Deere for 2024 John Deere 2025R Compact Utility Tractor, JD 47 in Snow Blower & JD 54 in Front Blade in the amount of \$36,400.69. Upon roll call vote; all in favor.

Business Item 4. Motion Westerman, seconded Maxwell to approve Resolution 2024-11 Vacating Balamor Street from the South Line of Lot 5 in Tract 3 of Country Corner Orchards Addition to the North Line of Lot 4 in Tract 3 of Country Corner Orchards Addition. Upon roll call vote; all in favor. Date Effective: September 18, 2024

#### Resolution 2024 - 11

A RESOLUTION VACATING BALAMOR STREET FROM THE SOUTH LINE OF LOT 5 IN TRACT 3 OF COUNTRY CORNER ORCHARDS' ADDITION TO THE NORTH LINE OF LOT 4 IN TRACT 3 OF COUNTRY CORNER ORCHARDS' ADDITION, AS SHOWN ON EXHIBIT A.

WHEREAS a petition to vacate City right of way has been filed by the owner of the following described property:

Lots 4 and 5 in Tract 3 Country Corner Orchards' Addition to the City of Harrisburg, Lincoln County, South Dakota.

WHEREAS the hearing was held on August 20, 2024, and the petition has been duly examined and investigated by the City Council of the City of Harrisburg. The testimony of said petition has been heard. Said property, as shown upon the plat attached to and made a part of said petition, has been used as a street, alley, or public ground but no longer serves a useful public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISBURG, SD:

That the following described right of way, recorded in Book 15 of Plats on page 254 in the office of the Register of Deeds for Lincoln County, SD, on November 3, 2021, is hereby declared vacated.

Dated at Harrisburg, South Dakota, 20<sup>th</sup> day of August 2024.

COMMON COUNCIL OF THE CITY OF HARRISBURG

Derick Wenck, Mayor

Attest:

Deb Harris,

Business Item 6. Motion Maxwell, seconded Kindt to approve Resolution 2024-13 IM28 Opposition.  
Upon roll call vote; all in favor.

**RESOLUTION 2024-13**

**CITY OF HARRISBURG, 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 Harrisburg levies a two-percent sales tax and collected \$3,068,103.10 in the 2023 fiscal year and \$1,978,587.86 year-to-date in the 2024 fiscal year;

WHEREAS The City of Harrisburg estimates annual lost revenue of \$415,000.00 unless Initiated Measure 28 is rejected by voters in South Dakota;

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

Dated this 20<sup>th</sup> day of August, 2024

Derick Wenck\_

Mayor

ATTEST:

Deb Harris

Finance Officer

Business Item 7. Motion Wodzinski, seconded Maxwell to approve purchase agreement between Black Dog LLC and the City of Harrisburg for land for future Water Tower in the amount of \$420,550.00. Upon roll call vote; all in favor.

Business item 8. Motion Kindt, seconded Westerman to approve Parmley Concrete Inc to put in walkway from No Thelma to Willow St, south in the amount of \$21,225.00. (Pathway \$19,880 Sealer \$1345.00) Upon roll call vote; all in favor.

Business Item 9. Motion Maxwell, seconded Wodzinski to approve Change Order # 1 – 2024 Crack Seal Project in the amount of \$34,880.88. Upon roll call vote; all in favor.

Business Item 10. Motion Maxwell, seconded Kindt to approve Pay Application # 1 – 2024 Crack Seal Project to Highway Improvement Inc in the amount of \$81,793.93. Upon roll call vote; all in favor.

Business Item 11. Consider Purchase of 2 Tracts – Parcels 099.50.02.C100 & 099.50.02.C200 in the amount of \$400,000. No Action Taken

Business Item 12. Motion Wodzinski, seconded Maxwell to approve HLD LLC request to reduce the performance security for Phase 6 of the Mills Creek Addition to \$47,982.00. Upon roll call vote; all in favor.

With no further business, a motion was made by Maxwell seconded Kindt to adjourn the city council meeting at 8:14pm. Upon roll call, all members present in favor.

The next regular meeting of the Harrisburg City Council will be held at 6:00pm on Tuesday, Sept 3, 2024.

Submitted by Jill Johnke, Deputy Finance Officer