

**REGULAR WHITEWOOD COUNCIL MEETING**

**August 5, 2024**

The Whitewood City Council met in regular session on Monday the 5<sup>th</sup> of August 2024 at City Hall. Mayor Mitch Harmon called the meeting to order at 5:30 pm, with Council members Roxie Cooper, Jerry Davidson, Jeremy Noren, Sara Fitzgerald, and Monica Burke present. Councilmen Randy Wiege was absent. Police Chief Bach, Building Official Smit, Public Works Werlinger and Finance Officer Heckenlaible were also present.

**Action 2024-142**

Motion by Noren, seconded by Burke, to approve the minutes from the regular meeting on July 15, 2024. All members present voting yes, motion carried.

**Action 2024-143**

Motion by Fitzgerald, seconded by Burke, to approve the claims as presented. Roll call, all members present voting yes, motion carried.

**CLAIMS- August 5, 2024**

**ESTIMATED WAGES –AUGUST 2024**

MAYOR	550.00
COUNCIL	2,700.00
CITY ATTORNEY	1,000.00
BUILDING INSPECTOR	300.00
CHIEF OF POLICE- Josh Bach	4,200.00
POLICE OFFICER- Anthony Spencer	3,275.20
POLICE OFFICER- Greg Meyer	3,864.00
POLICE ASSISTANT- Jim Smit	1,570.80
WASTE/WATER OPERATOR- DJ Werlinger	3,779.20
WASTE/WATER OPERATOR- Derek Daniels	3,696.00
WASTE/WATER OPERATOR- John Cooper	3,496.00
LIBRARIAN – Deb Terhue	1,800.00
LIBRARY ASST.- Donna Willson	483.60
LIBRARY ASST.- Olyn Smith	115.60
FINANCE OFFICER – Cory Heckenlaible	4,156.80
FINANCE & PW- Jessica Bestgen	2,330.40
<b>TOTAL</b>	<b>\$37,317.60</b>

**GENERAL LEDGER**

SD DEPT REVENUE & REGULATION- Garbage Tax	346.79
SD RETIREMENT- Employee Retirement July	4,730.19
<b>TOTAL</b>	<b>\$5,076.98</b>

**GENERAL FUND**

WASTE CONNECTIONS- Garbage Collection July	5,784.88
A&B BUSINESS SOLUTIONS- Police 154.99, City Hall 212.03	367.02
ALL NET CONNECTIONS-Police 75.00, Server 75.00, LED Sign 318.75, Backup 222.7	691.45
AMAZON CAPITAL- Parks	134.66
AT&T	390.91

BLUEPEAK- City Hall 455.19, Police 375.70	830.89
CE CONSTRUCTIONS- Building Repairs	80,138.14
CHAIN SAW CENTER- Parks	219.12
FITZGERALD LAW FIRM- Legal Services	3,302.00
LIGHTING MAINTENANCE- Exit Lights	58.52
REPUBLIC NATIONAL- July Liquor	3,806.34
SOUTHERN GLAZERS- July Liquor	2,555.76
STURGIS AUTO PARTS- Building Inspector	54.99
STURGIS TIRE PROS- Police	60.45
WELLS FARGO VISA- Police 21.23, Vision 56.84, Stamps 272.00, City Hall 21.23	371.30
JOHNSON SOUTH DAKOTA- July Liquor	14,106.13
A&J SUPPLY-Shop 44.46, Police 20.30, Parks 213.65, Streets 111.97	390.38
RICHTERS TIRE & EXHAUST- Police	74.93
BJ'S- City Hall 36.51, PW Fuel 95.68, Police Fuel 711.47	843.66
ANTHONY SPENCER- Fuel	20.00
SONSET STATION- PW Fuel	291.24
<b>TOTAL</b>	<b>\$113,337.87</b>

#### LIBRARY

AMAZON CAPITAL	259.71
BLUEPEAK	190.42
RASMUSSEN MECHANICAL- A/C Unit	1,833.52
BAKER & TAYLOR- Books	224.33
DEB TERHUNE- Reimburse Supplies	180.82
LANCE DONNELLY	55.00
BH LIBRARY CONSORTIUM- 2024-25 Fees	566.71
A&J SUPPLY	15.00
<b>TOTAL</b>	<b>\$3,325.51</b>

#### WATER/SEWER FUNDS

POSTMASTER- Water Bill Postage	280.00
AMERICAN WATER WORKS ASSOC- Membership	376.00
COLONIAL RESEARCH- Treatment Plant	545.63
DAKOTA TESTING- PRV Project	3,038.50
HAWKINS CHEMICAL	626.49
CENTURY LINK	84.91
USA BLUE BOOK	476.21
WELLS FARGO VISA	76.90
A&J SUPPLY	174.70
RAPID DELIVERY	16.90
BJ'S- PW Fuel	95.71
SONSET STATION- PW Fuel	291.27
<b>TOTAL</b>	<b>\$6,083.22</b>

#### AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Water Project Loan	4,028.00
USDA RURAL DEVELOPMENT- Trunk Sewer Project	1,057.00
EFTPS- Payroll Taxes 07/26/24	4,067.67

<b>TOTAL</b>	<b>\$9,152.67</b>
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Action 2024-144

Motion by Cooper, seconded by Fitzgerald, to approve the \$940 quote from All Net Connections for a new SonicWall for the library. Roll Call, all members present voting yes, motion carried.

Action 2024-145

Motion by Davidson, seconded by Fitzgerald, to raise Officer Spencer’s wage to \$22.00 per hour for becoming a certified police officer, retroactive 2 weeks. Roll Call, all members present voting yes, motion carried.

Action 2024-146

Motion by Burke, seconded by Fitzgerald, to approve the Public Works Department to spend approximately \$3,700, to build a new screen for the septic companies dumping station. A new charge on their invoices will be added to recover the costs. Roll call, all members present voting yes, motion carried.

Action 2024-147

Motion by Burk, seconded by Cooper, to approve Change Order No. 1 from BTD Enterprises for the PRV replacement project, raising the cost of the project \$35,453.50. Roll call, all members present voting yes, motion carried.

Action 2024-148

Motion by Burk, seconded by Davidson, to approve pay application No. 2 from BTD Enterprises in the amount of \$314,803.50 for the PRV replacement project. Roll call, all members present voting yes, motion carried.

Action 2024-149

Motion by Burke, seconded by Fitzgerald, to approve the final inspection and acceptance of the PRV replacements by BTD Enterprises. Roll call, all members present voting yes, motion carried.

Action 2024-150

Motion by Davidson, seconded by Burke to approve the following resolution. Roll call, all members present voting yes, motion carried.

**RESOLUTION 2024-06**

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 Whitewood levies a two-percent sales tax and collected \$370,481.03 in the 2023 fiscal year and \$188,762.60 year-to-date in the 2024 fiscal year;

WHEREAS The City of Whitewood estimates annual lost revenue of \$48,000 unless Initiated Measure 28 is rejected by voters in South Dakota;

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

Dated this 5<sup>th</sup> day of August 2024.

CITY OF WHITEWOOD

BY: \_\_\_\_\_

Mitchell U. Harmon, Mayor

ATTEST:

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Cory Heckenlaible, Finance Officer

Action 2024-151

Motion by Davidson, seconded by Fitzgerald, to approve closing Meade Street from Maple to Pine Street from 4:30 PM to 7:00 PM, for the Chamber of Commerce Trunk or Treat. All members present voting yes, motion carried.

There being no further business, the meeting was adjourned at 5:52 PM.

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MITCHELL U. HARMON  
Mayor

Attest:

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CORY HECKENLAIBLE  
Finance Officer