

MINUTES OF MENNO CITY COUNCIL PROCEEDINGS
August 5, 2024

Mayor Darrell Mehlhaf called the City Council to order at 6:00 p.m. on August 5, 2024 in the finance office at city hall. Council answering roll call: George Cokens, Ron Diede, Jerry Fischer, Tyler Goehring and Jacob Mettler. Finance Officer Jodi Fischer, Superintendent Anthony Cokens and Nicole Webster were also present.

Agenda: Diede moved to approve the agenda. Cokens seconded the motion. All votes aye.

REGULAR MEETING ITEMS: Minutes: Fischer moved to approve the minutes of the July 1, 2024 regular meeting and July 25, 2024 budget meeting. Mettler seconded the motion. All votes aye.

Finance Report: Cokens moved to approve the July finance report. Diede seconded the motion. All votes aye.

	General	Restricted GO Bond	Water	Sewer	Bond Ph 1 Sewer Surchg	Dev Ph 2 Sewer Surchg	Restricted Perpetual Care	Totals
Checking Balance 06/28/24	1,065,382.02	115,092.64	12,118.11	228,632.45	44,919.94	27,023.20	1,977.86	1,495,146.22
Warrants:	(44,833.93)	0.00	(13,305.79)	(25,956.03)	0.00	(3,077.00)	0.00	(87,172.75)
JE Adjustment - July 2024	204.70		(591.06)	144.94	128.75	112.67		0.00
Authorized Transfers	33,638.83							33,638.83
Receipts:	47,635.83	66.41	11,510.71	8,049.56	2,432.04	3,191.64	0.00	72,886.19
Interest:	636.71	66.42	5.61	164.72				873.46
Checking Balance 07/31/24	1,102,664.16	115,225.47	9,737.58	211,035.64	47,480.73	27,250.51	1,977.86	1,515,371.95
Profit or (Loss) for the month	37,282.14	132.83	(2,380.53)	(17,596.81)	2,560.79	227.31	0.00	20,225.72

Council Financial Review: The council reviewed the bank statements, credit card invoices, bank reconciliation, automatic withdrawals, receipts and checks written during the month of July.

Warrants: Fischer moved to approve the following warrants. Goehring seconded the motion. Roll call: all votes aye.

WARRANTS APPROVED: Council 791.15; Mayor 253.96; Finance 2580.54; Building 45.02; Police 2741.24; Garbage 487.62; Cemetery 161.61; West Nile 188.04; Ambulance 1087.89; Pool 4926.10 Parks 1032.71; Library 423.07 Development 321.73; Water 1543.28; Sewer 1559.80; Aflac, insurance 173.42; Wellmark BCBS, group insurance 3970.14; VSP, vision insurance 31.95; SDRS, retirement 1659.44; SDSRP, supplemental retirement 150.00; EFTPS, payroll taxes 4439.12. **Utilities:** NorthWestern Energy, electricity & gas 4418.28; Golden West, phone & internet 519.59; AT&T, police cell phone 54.28; SD State Treasurer, sales tax 523.67; USDA, Phase 2 sewer loan pmt 3077.00; Badger Meter, support 136.44; Barnes & Noble, library books 63.95; Bertsch Law Office, legal services 189.13; Bound Tree Medical, AED batteries 801.98; B-Y Water, water 9505.70; City of Mitchell, landfill fees 652.80; Ben Crick, fuel for amb. 94.39; Dakota Pump, repair & maint. 801.73; Dept. of Health, samples 75.00; Deposit Refund, water deposit 150.00; Doyle Stevens Construction, shop cement 14,920.00; Tim Freier, cemetery mowing 1400.00; Green Eggs & Ram, IT services and equipment 1843.71; Hawkins, pool supplies 9246.85; Helena, chemical-tempo 141.49; Klautd Service, fuel-supplies 1392.96; Matheson Tri-Gas, ambulance supplies 75.50; Menno Area Dev Corp., dues & annual contribution 6763.00; Menno Lumber, supplies 627.79; Mettler Implement, supplies 22.85; Mid-America Research Chemical, supplies 370.11; Myer’s Sanitation, 285 residential 5201.25; One Office Solution, supplies 86.88; Principal Life, group ins. 725.15; SD One Call, locates 47.04; SCPI, publishing 127.19; Team Lab, sewer supplies 962.50; Total Stop, pool supplies-fuel 54.01; Tyndall NAPA, supplies 201.93; Van Diest Supply, west nile supplies 2025.00; Walter Welding park supplies 57.20.

Amber Cross entered the meeting at 6:08 p.m.

Police Report: Diede moved to approve the police report. Mettler seconded the motion. All votes aye. Citation for passing in a no passing zone, citation for driving after hours on a restricted permit, assisted the ambulance with a

medical call on hwy 18 east of town, transported an individual to treatment, unwanted individual at Beer Garden, funeral escort, welfare check on an individual.

SCHEDULED BUSINESS: Nicole Webster – SEFP Report: Nicole introduced herself to the council & mayor as the new Enterprise Facilitator for SEFP. She reviewed the past 2023 year and talked with the council about the Southeast Enterprise Facilitation Project 2024 annual report.

NEW BUSINESS: 1st Reading-Budget: Cokens moved to give 1st reading of the budget ordinance #2024-3, an ordinance setting the appropriations for the 2025 budget. Mettler seconded the motion. Roll call: all votes aye.

IM28 Opposition Resolution #6: Diede moved to approve Resolution #6, a resolution that states that Initiative Measure 28 will negatively impact the City of Menno and its residents. Goehring seconded the motion. All votes aye.

RESOLUTION #6 – 8/5/2024

RESOLUTION IM28 OPPOSITION

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 Menno levies a two-percent sales tax and collected approximately \$47,000 from July 2023 to June 2024 from items related to “human consumption”.

WHEREAS The City of Menno uses sales tax revenue to fund part of GO Bond Fund and will lose that revenue unless Initiated Measure 28 is rejected by voters in South Dakota;

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

Resolution approved and adopted this 5th day of August, 2024.

Darrell Mehlhaf, Mayor, City of Menno

(Seal)

Jodi Fischer, Finance Officer, City of Menno

September Meeting Date: Cokens moved to hold the September meeting on September 9th at 7:30 pm. Cross seconded the motion. All votes aye.

Executive Session: Fischer moved to enter into executive session at 6:38 p.m. for personnel according to SDCL 1-25-2(1). Diede seconded the motion. All votes aye.

Mayor Mehlhaf declared out of executive session at 7:04 p.m.

Cokens moved to authorize Chief of Police Hofeldt to hire part-time police help. Goehring seconded the motion. All votes aye.

Mettler moved to adjourn at 7:05 p.m. Cross seconded the motion. All votes aye.

ATTEST:

CITY OF MENNO, SOUTH DAKOTA

Jodi Fischer, Finance Officer

Darrell J Mehlhaf, Mayor

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