

TIMBER LAKE CITY BOARD
SPECIAL MEETING
SEPTEMBER 16, 2024
6:00 PM
CITY FINANCE OFFICE

- 1) Board President Tom Hermes called the meeting to order at 6:03 PM.
 - Board Present: Tom Hermes, Jess Schlosser, Michael LaCompte (by telephone), and Tanner Kraft
 - Board Absent: Brent Biegler
 - Employees Present: Karla Nordyke
 - Guests/Others Present: Kathy Nelson

- 2) Declaration of Conflict of Interest
None of the Trustees self-disclosed a conflict of interest on any agenda item. No conflict of interest was identified by the Board.

- 3) Approval of Agenda:
Schlosser motioned to approve the agenda with no changes. Kraft seconded. Motion carried.

- 4) NEW BUSINESS
 - A) Ordinance #2024-09-01: 2025 Appropriations Ordinance (Second Reading and Adoption)
The Board reviewed and discussed again the 2025 budget plan. It was agreed the budget plan serves the City's needs and no edits are necessary. Schlosser motioned to approve and adopt Ordinance #2024-09-01, the 2025 Appropriations Ordinance, on its second reading. Kraft seconded. Motion carried by roll call vote (Schlosser=yes; Kraft=yes; Hermes=yes; LaCompte=yes; Biegler-absent). The Board directed Nordyke to certify the 2025 tax levy with the Dewey County Auditor.
 - B) Bid Publishing Dates and Contract Award Schedule
The Board revisited the water project bid advertisement publishing schedule after receiving a suggestion from the project engineer. The Board agreed upon the following revised schedule:
 - i) Loan Closure: September 24, 2024
 - ii) Publish Bid Notices: September 26, October 3, October 10, and October 17
 - iii) Open bids and select contractors: October 28 (special meeting)

iv) Validate selected bid, receive engineer's recommendation, and receive funding agency approval.

v) Award Project, Sign Contract(s), and Obligate ARPA funds: November 7

The Board reiterated the sewer project bid advertisement publishing will follow this same schedule; final award letter remains pending.

C) Clarification on Initiated Measure 28

Karla presented documents relevant to the submission of the proposed initiated measure in final form, dated December 7, 2022; the SD Legislative Research Council's correspondence, dated January 5, 2023; and the SD Attorney General's Statement, dated February 27, 2023. The Board also discussed the SD Secretary of State's 2024 Ballot Question Pamphlet on the subject. Of particular interest is the fiscal note indicating municipalities could continue to tax anything sold for human consumption. However, the opinion against IM-28 (Con) states: "IM-28 would prevent cities and towns from collecting sales taxes on consumable items. State law says cities and towns can charge a sales tax only if it 'conforms in all respects to the state tax on such items with the exception of the rate.' This means that cities and towns can only tax the same items as the state – and if the state cannot tax 'anything for human consumption,' neither can a city or town." It appears there is a disconnect about how IM-28 will affect the municipality taxing authority. If IM-28 passes, it will be necessary for the State to complete a judicial or legislative clarification of the measure.

5) Adjourn:

At 6:29 PM, Schlosser motioned the meeting be adjourned. Kraft seconded. Motion carried.



APPROVED: Tom Hermes
Tom Hermes, Board President

Karla Nordyke
Karla Nordyke, City Finance Officer

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