

MINUTES OF THE REGULAR MEETING OF THE SALEM CITY COUNCIL HELD IN THE COUNCIL ROOM OF CITY HALL IN SALEM SOUTH DAKOTA ON MONDAY, FEBRUARY 6, 2012 AT 6:00 P.M.

Mayor Kenneth Scott called the meeting to order with Council Members George Eichacker, Laura Gessner, Ron Sabers, Ben Johnson, Ron Mayrose and Mike McCormick present. Foreman William Selland, Sam Hohn of Schmucker, Paul, Nohr & Associates; City Attorney Roger Gerlach; Randy Sabers representing The End Zone Bar & Grill and T&C's Pit Stop; Ben & Sheri Greenlee representing Brewery Inc.; and Larry Schmeichel representing Brewery Inc were also present.

Motion McCormick, second Mayrose, carried, to approve the minutes of January 9, 2012, as written.

Motion Eichacker, second Johnson, carried, to approve the following reports: the Finance report stating a balance of \$1,969,615.73 for all funds and includes all investments and cash on hand; sewer pumpage of 4,410,000 gallons; water pumpage of 2,831,824 gallons; water loss report showing a 13.53% loss and the bacteriology and fluoride reports are satisfactory.

Motion Gessner, second Johnson, carried, to approve the monthly police report from the McCook County Sheriff Dept.

Motion Eichacker, second Johnson, carried, to approve the Foreman report presented by Foreman Selland. The following items were discussed:

- Dakota Pump and Control provided a quote for a Tank Telemetry system. A new system providing communication between the water tower and water treatment plant is required due to the switch to fiber optic. There is a communication problem with the Water Treatment Plant software and fiber optic. Cost of DPC's quote is \$13,950.00 which does not include any equipment installation, electrical work or a pole needed on the west side of the water tower. Consensus of the Council is to have Selland contact Sioux Falls Two-Way for a quote.
- Selland informed the Council that the steel for the fire hall roof and replacement doors for the south side of the Armory have been ordered. It will be early summer before a contactor can install. Armory doors will be painted before installed.
- City hall bathrooms were discussed.
- Triotel has found that a new duct system on Vermont is needed and is requesting the Council allow them to dig in the street; 4' x 5' areas to access the current duct work on Vermont Ave. Motion McCormick, second Mayrose, carried, to allow TrioTel to bore new ducts on Vermont and to allow only necessary digging in the street with the condition TrioTel shall put street, sidewalk, alley or public ground disturbed or excavated back to its original condition.
- Selland informed the Council that the maintainer is broke down and due to its age is having trouble finding the necessary part to fix it. Council requested Selland find out what it would cost to have Gessner Welding make the part.

Motion Mayrose, second Gessner, carried, to enter into Executive Session at 6:30 PM to discuss pending litigation with City Attorney Roger Gerlach. SDCL 1-25-2.

Mayor Scott declared out of Executive Session at 6:48 p.m.

Sam Hohn, SPN, met with the Council to review and finalize the 2012 Street Project.

The streets being rebuilt and matted are Lightner from Main Street to Nebraska and Minnesota from Jefferson to Richard. The project details are:

- Rebuild streets using drain tile, geotextile fabric, a 12” gravel base, and either (2) 2” lifts or (1) 3” lift of Asphalt Concrete.
- The existing curb and gutter on the west side of Minnesota will be removed and replaced to increase the slope.
- The 24” RCP pipe on the North end of Minnesota will be replaced and a bend on the existing culvert from the North will be installed to miss the 24” RCP pipe. The 24” RCP is being replaced due to its deteriorating condition and extended so the area can be graded properly.
- Start date will be June 1, 2012, and substantial completion date will be determined by the engineer.
- Council set the bid opening date for 2/28/2012 @ 2:00 PM. Bids will be reviewed at the March 5, 2012 Regular Council meeting.
- Council informed Hohn that a clause in the contract will need to be added due to pending litigation with a property owner on Lightner Ave. City Attorney Gerlach will provide the necessary wording.

At 7:00 PM, a hearing was held on the application from T & C’s Pit Stop, Todd & Christi Matthies, for an “Off-Sale” Liquor License.

Those present for the hearing are Ben & Sheri Greenlee; Randy Sabers and Larry Schmeichel. Mayor Scott opened the floor for discussion.

Ben Greenlee stated when they bid on the Salem Bar building they were under the impression there was only one Off-Sale license available in Salem and feel the availability of the second off-sale license should have been revealed as their bid on the building would have been different if they knew about the availability of the second license. Since the purchase of the bar building, a new business has opened which offers something to the community it didn’t have. Greenlee doesn’t feel there is enough business in town to support two off-sale licenses. The profit margin is very low on liquor sales and no one makes a huge profit selling liquor and is not here to say no one else should have a license so they (Greenlee’s) can make a lot of money. Greenlee stated a couple of years ago the City of Dell Rapids similarly sold their liquor store building and it is now privately owned, but Dell Rapids still only has one off-sale liquor license available. Dell Rapids is quite a bit larger than Salem and feels their community can only support one off-sale establishment.

Randy Sabers informed the Council that Todd Matthies asked if he would be present on his behalf and feels that the off-sale license at T&C’s Pit Stop would pickup different traffic and provide more revenue to the City.

Larry Schmeichel stated he agrees with Greenlee as when he (Schmeichel) bid on the bar building thought there was only one off-sale license available in Salem.

Mayor Scott suggested the decision on the off-sale license application be tabled until the March 5th meeting so that Todd & Christi Matthies could be present. Due to a death in the family they were unable to attend this evening. Mayor Scott met with Todd and doesn’t want to speak on Todd’s behalf, but Todd stated if the community strongly opposed the Off-Sale license at T&C’s he didn’t have a problem with the Council denying the license.

Further discussion was held.

Motion Mayrose, second Sabers, carried, to table the decision on the application of T&C's Pit Stop Off-Sale License until the March 5, 2012 meeting at which time a second public hearing will be held.

Committee reports were given.

Motion Mayrose, second Johnson, carried, to approve the following claims:

PAYROLL: FINANCE OFFICE \$3753.93; CITY HALL \$208.48; STORM SEWER: \$55.94; STREETS \$1668.05; SNOW \$27.54; BURNSITE \$153.64; PARKS \$134.25; ARMORY \$1707.49; WATER \$3460.70; SEWER \$1387.46; PAYROLL TAXES \$900.03; CITY SHARE: HEALTH \$2546.01; DENTAL \$94.78; AFLAC \$107.52; RETIREMENT \$749.60.
CLAIMS: A & B BUSINESS EQUIPMENT, COPIER MAINTENANCE CONTRACT, 140.86; BARCO MUNICIPAL PRODUCTS, FIRE HYDRANT MARKERS, 328.51; BRYAN ROCK PRODUCTS INC, 24.11T AGRI-LIME, 407.46; BUTLER MACHINERY COMPANY, BLADE PARTS, 127.90; CENTRAL FARMERS CO-OP, DIESEL - JAN 2012, 1178.49; DAVE'S ELECTRIC, FIRE HALL - OUTLET ADDITION, 210.24; DEPT OF REVENUE – REMITT, WATER TESTING FEES, 37.00; GESSNER WELDING INC, MAINTAINER/ SNOWPLOW/SNOW BLOWER REPAIRS, 1675.50; HAWKINS INC, CHEMICALS WTP, 6754.77; HD SUPPLY WATERWORKS, HYDRANT REPAIR KIT, 188.03; FOOT BALL METER TESTING FEE, 117.38; DISTRIBUTION SUPPLIES, 438.39; HEGG REALTORS, DEPOSIT REFUND, 60.00; INTERSTATE POWER SYSTEMS, GENERATOR REPAIRS – WTP, 1074.33; JOHNSON BROTHERS FAMOUS BRANDS, MERCHANDISE OPERATING AGREEMENT, 8841.33; KAREN ADDY, DEPOSIT REFUND, 45.20; LORI A HEUMILLER, SELLAND RECERTIFICATION & OFFICE SUPPLIES, 139.10; MCCOOK COUNTY AUDITOR, FEB2012 LAW ENFORCEMENT, 6985.34; MCCOOK COUNTY REGISTER OF DEEDS, RECORDING FEES ANNEXATION, PLAT & EASEMENT, 74.00; MID-AMERICAN RESEARCH CHEMICALS, ARMORY SUPPLIES, 391.70; POOL CHEMICALS, 9588.09; MIDAMERICAN ENERGY CO, UTILITIES, 1691.84; NOVAK SANITARY SERVICE, JAN2012 GARBAGE CONTRACT, 6308.75; PALACE CLEANERS INC, RUG SERVICE JAN 2012, 100.75; PETTY CASH - FINANCE OFF, POSTAGE: FINOFF & WATER, 82.37; QUILL CORPORATION, OFFICE SUPPLIES, 197.23; R & S SANITATION INC, UTILITIES, 132.50; REPUBLIC BEVERAGE COMPANY, MERCHANDISE OPERATING AGREEMENTS, 9647.43; SALEM LUMBER CO, SUPPLIES: CITY HALL/STREET, 341.51; SALEM SPECIAL, JAN 2012 PUBLISHING, 159.15; SALEM WATER DEPARTMENT, UTILITIES – ARMORY & WEST SHOP, 118.57; SALEM WATER WORKS, DEPOSITS APPLIED TO FINAL BILL: THOMAS MCCORMICK, 40.00; KAREN ADDY, 54.80; SCHMUCKER PAUL NOHR & ASSOC, 2012 STREET PROJECT DESIGN, 2250.00; CITY BOUNDARY MAP UPDATE, 608.75; SEAFOG, ANNUAL DUES, 45.00; SERVALL TOWEL & LINEN, TOWEL SERVICE JAN 2012, 16.64; SHORT STOP, FUEL - JAN 2012, 105.48; SIOUX FALLS NETWORKS, JAN 2012 COMPUTER BACKUP SERVICE, 14.00; SOUTH DAKOTA ONE CALL, JANUARY 2012 LOCATES, 4.20; SOUTHEASTERN ELECTRIC CO, UTILITIES – SEWER, 74.24; STATE TREASURER, JAN 2012 SALES TAX COLLECTED, 516.14; STURDEVANT'S - SALEM INC, SUPPLIES: SNOW/ST/ARMORY, 181.28; T & C'S PIT STOP INC, FUEL - JAN 2012, 323.98; TRAVIS STOFFEL, DEPOSIT REFUND, 25.00; TRIOTEL COMMUNICATIONS INC, UTILITIES, 333.45; USABLUBOOK, SUPPLIES – WTP, 311.14; 40-FILTERS WTP, 674.52; VERIZON WIRELESS, UTILITIES, 83.35; XCEL ENERGY, UTILITIES, 7369.05; ZAPP HARDWARE, SUPPLIES: CHALL/STREET/ARMORY, 182.07.

Heumiller informed the Council of a meeting held with Randy Kemnitz from Xcel Energy Outdoor Lighting department. Options for replacing Salem's Main Street Lighting were provided to the Council. Pictures of poles, lights and equipment costs will be available at an upcoming meeting.

Heumiller updated the Council on the FEMA Flood Plain re-mapping project. No changes were made to the flood plain in the City limits due to FEMA having no new topography information. FEMA requested information from SPN, which the City approved and paid SPN to provide, and it turned out FEMA did not use the requested information because it was "outside of the scope of work on which the contract was based". So the efforts made to obtain the information requested by FEMA, was a waste of time, energy and money for the City.

The Council was informed of the vacancy of the following offices due to the expiration of terms: Council Positions Ward I – (1) 2yr term (incumbent Ben Johnson); Ward II – (1) 2 yr term (incumbent Mike McCormick); Ward III – (1) 2 yr term (incumbent Laura Gessner); Mayor – (1) 2yr term (incumbent Kenneth Scott); and a vacancy due to redistricting – Council Position Ward II – (1) 1yr term (incumbent Ron Sabers). Circulation of nominating petitions begins March 1, 2012 and must be filed at City Hall by 5:00 p.m. on March 27, 2012.

Motion Sabers, second Johnson, carried, to adjourn.

Dated this 6th day of February 2012, at Salem, South Dakota.

Kenneth Scott
Mayor

ATTEST:

Lori Heumiller
Finance Officer

Published once at the approximate cost of _____.