

MINUTES OF THE REGULAR MEETING OF THE SALEM CITY COUNCIL HELD IN THE MCCOOK CENTRAL SCHOOL DDN ROOM IN SALEM SOUTH DAKOTA ON TUESDAY, FEBRUARY 7, 2023, AT 6:00 P.M.

Mayor Glenda Blindert called the meeting to order with Council Members Doug Mokros, Ron Mayrose, Mitchell Rayman, Marc Harris, Janet Karel (remotely “Teams”) and Dnyee Schierholz (7:00 p.m.) present. Foreman Dustin Weber; Jacob Morris of DGR Engineering; City Attorney Tim Bottum (remotely “Teams”); Sheldon Jensen (SEDC); Travis Peterson; Stephanie Dykes and Crystal Wilkinson representing Salem Community Women; Nicole Waldner and Whitney Beiswanger were also present.

Motions made were unanimous of Council members present unless roll call identifies otherwise.

Declaration of conflicts: none.

Motion Mokros, second Harris, carried, to approve the agenda.

No one was present for public comment (SDCL 1-12.1).

Motion Mokros, second Rayman, carried, to nominate Dnyee Schierholz as Council Vice-President.

Motion Mokros, second Mayrose, carried, to approve the consent agenda items:

- Minutes of January 10, 2023, correction: Legal publication: “The Special” and January 26, 2023, as written.
- Finance report stating a balance of \$9,153,850.78 for all funds and includes all investments and cash on hand; sewer pumpage of 6,870,000 gallons; water pumpage of 2,111,000 gallons; and the bacteriology report is satisfactory.
- The police report filed by the McCook County Sheriff Department.
- Claims list dated 2/7/2023.

Payroll: Mayor/Council \$1014.98; Finance Office \$6795.14; Streets \$2133.23; Snow \$8437.01; Park \$300.00; Water \$2891.92; Sewer \$1372.51; Payroll Taxes \$1636.95; City Share: Health \$8021.88; Dental \$155.76; Aflac \$98.84; Life \$54.75; Retirement \$1315.78.

Claims:

VENOR	DESCRIPTION	AMOUNT
Avera Occupational Medicine	Random Drug Draw	117.00
Central Farmers Co-Op	Snow/ Diesel, Def Fluid Lagoons LP Gas	5,014.63
Century Business Products	Doc Management Contract	283.86
Cintas Corporation No. 2	CHall: Rug Service	53.14
Colonial Research Chemical Cor	Snow: Sidewalk Treatment	237.00
Core & Main LP	Water/ Storm Sewer Repair Part	833.47
Dakota Pump & Control Inc	Grinder Pump- SBField Restroom	2,746.57
Department of Transportation	Snow: Sand Mixture	666.00
DGR Engineering	2023 Slurry Seal Project Engr	41,001.04
Fair Manufacturing Inc	Snow Blower Sprocket	77.56

Gessner Welding Inc	Snow Pusher Repair	290.00
Hawkins Inc	WTP Chemicals & spare pump	3,332.27
Helene Heiberger	Deposit Refund	6.18
I & S Group, Inc	Phase 2 Design - PW BLDG	6,797.50
I & S Group, Inc	Phase 2 Design & Survey CH/Com Ctr Proj	19,753.03
Infotech Solutions LLC	Computer Maintenance & Security Contract	1,067.90
Maynard's Salem	Janitorial supplies	24.97
McCook County Auditor	Law Enforcement Contract	7,323.00
MidAmerican Energy Co	Utilities	850.06
Morgan Theeler LL[Attorney Fees	1,636.28
New Century Press Inc	Publications	288.97
Quill Corporation	Office Supplies	160.56
Salem Lumber Co	Orange Marking Paint	9.65
Salem Water Works	Utilities	323.15
Sd Public Health Laboratory	WTP- Testing Fees	30.00
South Dakota One Call	Locates	5.25
Southeastern Electric	Utilities	125.42
Sturdevant's Auto Value Salem	Snow: Supplies	362.10
Total Stop	Fuel Purchases	68.90
TrioTel Communications Inc	Utilities	168.45
Xcel Energy	Utilities	9,483.14
Zapp Hardware	Snow: bolts & washers	2.16
The Snow Man/Peterson Travis	9 hours snow removal contract	720.00
CARDMEMBER SERVICES - CREDIT CARD PURCHASES		
Dustin Weber	HANNA: Chlorine Test Supplies	68.45
CLAIMS PRE-APPROVED:		
McCook County Auditor	Law Enforcement Contract	7,327.00
McCook County Treasurer	FY2023 Beacon Renewal	200.00
Salem Economic Development	2023 Housing Donation	32,380.00
Twedt Construction	February 2023 lease	650.00
Verizon Wireless	Utilities	126.09
ACH		
US Bank	DW & CW SRF Bond Payments	32,126.55
State of South Dakota	Sales Tax Collected January	592.27

Foreman Weber presented the following items:

- Hiring of Tom Papendick to push up snow piles - \$150.00 per hour if needed.
- Discussion on dogs running at large. City employees will only pickup dogs if the dog is tame and comes to them; human society takes so long to get here, and likely dog would no longer be around. Discussion held on other ways to handle dogs in Salem.
- Snow removal on Salem Trail – must provide a 4' path for walkers. Heumiller will issue letters.

Motion Mokros, second Rayman, carried, to hire Tom Papendick to push up snow piles at \$150.00 per hour on an as needed basis.

Motion Rayman, second Mokros, carried, to approve the Foreman report.

Engineer Report: Jacob Morris of DGR Engineering.

- **2021 Storm Sewer Project:** Letter received from H&W Contracting justifying the delays to the project timelines. Liquidated damages are \$47,500.00 – letter suggested \$4,000.00 are justifiable. Consensus is to counter with \$35,000.
- **Industrial Area Project:** GeoTek proposal for soil testing - \$17.00 per hour – not to exceed \$6,200.00. Estimated timeline for project: May 2023 bid letting; Construction fall of 2023 through 2024. Discussion on sidewalk in the industrial area – consensus is no sidewalk.
- **Sewer Cleaning/Televising** – 2023 budget \$30,000.00.
- **2022 Street Improvement Project (Asphalt & Curb Repair):** Locations 4 & 5 to be completed in 2023. New locations will be presented at a future meeting as either a new project or change order onto the 2022 project contract.

Motion Rayman, second Mokros, carried, to approve proposal from GeoTek for the Industrial Area soil testing for up to \$6,200.00.

Motion Mokros, second Rayman, carried, to proceed with the 2023 Sewer Cleaning & Television for up to \$30,000.00.

Other Projects:

- **City Hall/Community Center project.** Consulting Agreement from TEGRA was reviewed. Cost for establishing a Request for Proposals “RFP” for the Contract Manager at Risk (CMAR), Communication with candidates, review responses, facilitate in-person interviews, negotiate the terms of the CMAR contract (working with city’s legal counsel). Cost \$20,000 plus travel expenses not to exceed \$1,000. City Attorney Bottum recommended the addition of Professional Liability Coverage and possible negotiation of cost. After discussion, consensus of the Council due to unfamiliarity of the CMAR process and importance of establishing an accurate project RFP and contract; and, to not negotiate the cost as it would prolong the process. Having an effectual CMAR contract will save city dollars in the long run.
- **LWCF Grant** program for the Pavilion and Restroom facilities is requiring formal plans and a Class III Cultural Resources Survey. Quote from Ivy Kraft (\$500) for plans; and Kogel Archeological Consulting Services (\$3,500) for the Class III Resources Survey. Heumiller stated she is still awaiting a quote from Augustana for the survey.

Motion Mokros, second Harris, carried, to approve the Consulting Agreement with TEGRA for a cost of \$20,000 plus an additional \$1,000 for travel expenses with the requirement of adding Professional Liability Coverage in the insurance section.

Motion Rayman, second Harris, carried, to hire Ivy Kraft to provide design plans for the restroom facility and pavilion (\$500); and to approve Finance Officer and Mayor to enter into a contract for the Class III Cultural Resources Survey for up to \$3,500.00.

Council member Dnyee Schierholz arrived at 7:00 p.m.

City Attorney: Tim Bottum.

Operating Agreement revisions were reviewed. Bottum is recommending the addition of Liquor Liability with city named as second insured: (\$1,000,000) limits on both General Liability and Liquor Liability.

Motion Mokros, second Harris, to approve all future operating agreements require General Liability and Liquor Liability \$1,000,000 limits and City of Salem named as second insured on both policies. On roll call: five (5) "Ayes" (Harris, Schierholz, Mokros, Mayrose, Karel). Rayman abstained. Motion carried.

Public Hearing scheduled for 7:00 PM was held to consider the Temporary Liquor License application of Salem Community Women to sell alcoholic beverages at the St. Mary's Hall, 300 W. Vermont Ave., Salem, SD during the Ladies Night Out event on Saturday, March 4, 2023.

Stephanie Dykes and Crystal Wilkinson were present to answer questions.

Motion Rayman, second Mokros, carried, to approve the Temporary Liquor License application of Salem Community Women to sell alcoholic beverages at the St. Mary's Hall, 300 W. Vermont Ave., Salem, SD during the Ladies Night Out event on Saturday, March 4, 2023.

City Attorney continued:

City Attorney reviewed the nuisance letters sent to Charlene Hawk and Kylie Fuerst, their responses and process moving forward.

Nicole Waldner, McCook Central Senior, presented her senior project to the Council. Ms. Waldner's project is a Community Flower Garden and is requesting to place a 6' x 7' flower bed in the city park by the shelter. Flowers will be all perennial. Discussion was held.

Motion Mokros, second Rayman, carried, to allow the Community Flower Garden in the park, working with Public Works Supervisor Weber on the location. Council thanked Nicole for taking on the project.

Sheldon Jensen: SEDC update.

Committee reports.

Motion Mokros, second Rayman, carried, to approve the Second Reading & Adoption of Ordinance No. 669 – An ordinance supplementing the 2023 Budget for the Public Works & City Hall/Community Center projects and the 2022 Street Project carried over.

Motion Rayman, second Mokros, carried, to approve the First Reading of Ordinance No. 670 – an ordinance replacing Peddler/Vendor section with Transient Merchant and Mobile Food Vendor regulations.

Motion Mokros, second Harris, carried, to approve the First Reading of Ordinance No. 671 – an ordinance amending 7.0503 – Ticketing and Towing of Vehicles and adding section on Commercial and Recreation Vehicle & Trailer Parking.

Motion Harris, second Mokros, carried, to approve the First Reading of Ordinance No. 672 – an ordinance amending section 6.0301 – duty to remove snow and ice.

Discussion held on a request from Gary Carlson of Maynard’s for city to pay to move the Xcel. Council denied request as it would set a precedent.

City wide cleanup is set for Saturday, April 29th from 8:00 a.m. to 12:00 p.m. (noon).

Discussion was held on seasonal workers wages. Applications will be taken for Rubble Site Operators, Pool Mangers, Lifeguards, WSI Instructors and Coaches.

Thank you to Nutrien Ag Solutions for a donation of \$6,000.00 for future baseball fencing.

Petitions for Council Position can be circulated starting March 1st.

Next meeting is scheduled for Tuesday, March 7, 2023.

Motion Mokros, second Rayman, carried, to adjourn at 7:40 PM.

Dated this 10th day of February 2023 at Salem, South Dakota.

(SEAL)

Glenda Blindert
Mayor

ATTEST:

Lori Heumiller
Finance Officer

Published once at the approximate cost of _____.