

**MINUTES OF THE REGULAR MEETING OF THE SALEM CITY COUNCIL HELD IN THE MCCOOK CENTRAL SCHOOL DDN ROOM IN SALEM SOUTH DAKOTA ON TUESDAY, MAY 7, 2024, 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 and Dnyee Schierholz present. Jacob Morris and Trent Bruce of DGR Engineering; Derek Dorr, and Wittney Beiswanger were also present. City attorney Tim Bottum joined the meeting via Teams at 6:30 p.m. Motions made were unanimous of Council members present unless roll call identifies otherwise.

Declaration of conflicts: Mitch Rayman Special One-Day Alcoholic Beverage Licenses for The Brewery. Dnyee Schierholz Concession Stand Agreement.

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

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

Motion Harris, second Karel, carried, to approve following consent agenda items:

- The minutes of April 9, 2024, as written.
- Finance report stating a balance of \$9,082,228.32 for all funds and includes all investments and cash on hand; sewer pumpage of 11,120,000 gallons; water pumpage of 2,300,000 gallons; and the bacteriology report is satisfactory.
- The police report filed by the McCook County Sheriff Department.
- Claims list dated May 7, 2024.

**Payroll:** Mayor/Council \$929.98; Finance Office \$7561.89; Streets \$3364.72; Snow \$2103.78; Restricted-Use Site \$506.35; Park \$2093.06; Storm Sewer \$284.97; Water \$5492.46; Sewer \$2564.19; Payroll Taxes \$1799.95; City Share: Health \$6283.80; Dental \$155.76; Aflac \$98.84; Life \$54.75; Retirement \$1410.78.

**Claims:**

<b>VENOR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
Bray Sales Inc	WTP Positioner	1,804.29
Central Farmers Co-Op	Diesel & Oil	443.49
Century Business Products	Doc Management Contract	219.01
Cintas Corporation No. 2	Rug Service	68.95
Civicplus LLC	Ordinance Supplement	1,637.39
Cmc Excavation Inc	Replace Curb Stop 321 E Lightner	2,153.30
Core & Main LP	Water- Bushings	1,813.11
DGR Engineering	Engr: Industrial Area Project	19,285.33
DGR Engineering	Engr: Phase II Street & UT Project	71,800.00
DGR Engineering	Engr: Athletic Field Boundary Survey	4,637.00
DGR Engineering	Engr: Sanitary Cleaning Project	363.00
DGR Engineering	Engr: 2024 Slurry Seal	617.00
Dustin Weber	Travel Voucher CPO Class	28.00
First Bank & Trust	Bond Interest: CHall/Comm Cent	58,490.00

Grainger Inc	Pool: Coupling	69.51
Hawkins Inc	Pool & WTP Chemicals	3,752.23
I & S Group, Inc	CHall/Community Center Prof Services	5,252.50
Infotech Solutions LLC	Computer Services	739.00
Iron Wheel Sales & Service Inc	Parks/ FB/SB Main	53.71
Jo Herrick	Desk - PW BLDG Office	50.00
Kiefer Aquatics	Guard Supplies	349.50
Kundert Williams Ins Agency	Insurance Premium +Equipment/Property	704.00
Kylie Fuerst	Deposit Refund	21.31
Lori A Heumiller	Travel Voucher Harrisburg/Mad/SF	130.05
Maynards Salem	Park Supplies	3.59
MC&R Pools Inc	Pool Cleaning Products	135.24
McCook County Auditor	Law Enforcement Agreement	8,168.00
MidAmerican Energy Co	Utilities	280.97
Nathan Olinger	Travel Voucher State Water Distr Class	42.00
New Century Press Inc	Publishing April 2024	824.98
Petty Cash Finance Officer	Petty Cash - Pool	100.00
Puthoff Sales & Service, Inc.	Air Hose/Vac Trailer Hose/Sweeper Parts	537.55
RBS Sanitation Inc	Residential Garbage Contract	9,192.75
Salem Lumber Co	Rubble Site Bldg/Park & Water Supplies	849.35
Salem Water Works	Utilities	460.07
Sd Public Health Laboratory	Testing Fees	364.00
South Dakota One Call	Locates	57.75
Southeastern Electric	Utilities	176.32
Sturdevant's Auto Value Salem	Cable Ties/Wrench Set/ST suppl	222.46
Total Stop	Fuel Purchases	645.15
Triotel Communications Inc	Utilities	234.50
Us Postmaster	PO Box Rent	154.00
Van Diest Supply Company	Mosquito Spray	2,527.80
Xcel Energy	Utilities	6,752.65
Zapp Hardware	Supplies Street/Park/WA/SE	277.73
<b>CARDMEMBER SERVICES - CREDIT CARD PURCHASES</b>		
Lori Heumiller	EuroFins: Well Testing Kits	1,620.00
Lori Heumiller	VFW Registration, 10U, 12U, 14U & 16U	724.05
Dustin Weber	Northern Tool: WTP Compressor Filters	69.99
Dustin Weber	PoolWeb: Flowmeter & Guage - Pool	194.34
<b>CLAIMS PRE-APPROVED:</b>		
Idaho Housing & Finance Assoc	UB Bill Credit Refund	203.29
McCook County Treasurer	Taxes Paid Parcel #17.00.1307/17.00.130602	5,307.16
Verizon Wireless	Utilities	126.30
<b>ACH</b>		
US Bank	DW & CW SRF Bond Payments	36,627.84
State of South Dakota	Sales Tax Collected April	1,220.65

The following public works items were discussed.

- Mulch is needed for the playground. Two loads may be needed. Cost per load is \$4,800 delivered from Dakota Landscape.
- Picnic tables on the north side of the playground equipment continually getting moved into the playground. A temporary solution is to move them to the south side and to discuss cement pads for the 2025 budget.

Motion Mokros, second Rayman, carried, to approve the purchase of up to two loads of playground mulch from Dakota Landscape; starting with one load and to order another if needed. A better option will be discussed at budget time.

Engineer Report: Trent Bruce and Jacob Morris provided project updates.

Industrial Area Project:

Recommending approval of Pay Request #1 from T&R Contracting for work completed to date in the amount of \$248, 953.87.

Change Order #2 was presented for approval for removal and reset of fence, concrete pilings and 12" concrete surfacing, tree removal and placing salvage topsoil. Total \$23,066.65.

Phase II Project Easements were reviewed with Council.

Special Assessments Method of determining was discussed. Ordinance No. 678 was presented and discussed with Council and City Attorney Bottum. After discussion, it was determined that the Ordinance needed to be revised to reflect Salem and to bring it back to the Council for further consideration. The city attorney left the meeting after the assessment ordinance discussion.

Motion Rayman, second Mayrose, carried, to approve Pay Request #1 from T&R Contracting for work completed to date in the amount of \$248, 953.87.

Motion Rayman, second Mokros, carried, to approve Change Order #2 on the Industrial Area project in the amount of \$23,066.65.

Wittney Beiswanger was present to discuss allowing alcohol at the City Park on Wednesday evenings for Volleyball. No glass and will cleanup area after event is over.

Motion Rayman, second Mokros, carried, to allow alcohol in the park by the volleyball area on Wednesday evenings for Volleyball games.

The Council meeting as the "Board of Adjustment" held a Public Hearing at 7:00 p.m. to consider the application of Derek Dorr for a Variance to add concrete (appx 60' x 9'6") on east side of driveway and house to the property line instead of the required two (2) foot. Legal description of property is Lot 6, Blk 1, Schnider's Second Addition, Salem, McCook County, South Dakota. The site address is 440 E Lightner Ave.

Dereck Door was present to answer questions. Neighbor to the west is okay with the placement of cement to the property line.

Motion Rayman, second Mokros, carried, to approve the application of Derek Dorr for a Variance

to add concrete (appx 60' x 9'6") on east side of driveway and house to the property line instead of the required two (2) foot. Legal description of property is Lot 6, Blk 1, Schnider's Second Addition, Salem, McCook County, South Dakota. The site address is 440 E Lightner Ave.

### BUILDING PROJECTS

City Hall/Community Center: Project Update – Builder's Risk discussion. McGough's builder's risk policy has a \$100T deductible on Water Damage and \$50T deductible on any other damage (policy cost is in the GMP for a cost of \$24,590). Working with the city's insurance agent from Kundert and Williams. Kundert and Williams has been able to secure two options: 1) a \$5000 deductible for \$23,646; and 2) a \$10,000 deductible for \$ 21,386. Both meet all criteria but Civil Authority Coverage.

Park Pavilion & Restrooms: Updated costs are 60% more than the original estimates. A decision on which project the Council would like to move forward with will need to be made this summer. The budget is short \$50,000 to do both facilities.

200 N Main Street Building: GeoTek initial report is they will not be able to assess all areas necessary, so the recommendation will be that the demo of the building will require the presence of an asbestos remediator, and all debris will need to be hauled to a site authorized for asbestos materials.

Baseball Fence Project: Project Invoices \$32,015.27. City portion \$17,500 – donations covering remaining dollars due. Project not complete.

Motion Mokros, second Rayman, carried, to approve the Builder's Risk policy with the \$10,000 deductible at a cost of \$21,386 through Kundert & William's contingent on McGough's approval.

Motion Karel, second Mokros, carried, to not pay the bill until all issues are resolved and fencing project is complete.

SEDC update: Mayor Blindert stated SEDC has ordered a sign for the housing development.

### Committee Reports.

Motion Mayrose, second Rayman, carried, to approve First Reading of Ordinance No. 677 and Ordinance Supplementing the 2024 Budget. General Fund: 2022 Street Project, Rubble Site Building, Solid Waste Collection and Regulation & Inspection \$224,300.00; Special Maintenance Fund: 2022 Street Project \$70,000.00.

Motion Harris, second Schierholz, carried, to approve the following Malt Beverage SD Wine (on/off) July 1, 2024, to June 30, 2025, renewals:

### **Applications for Retail (ON-OFF SALE) Malt Beverage and South Dakota Wine for:**

- **Total Stop Convenience Store #6110** (25315 US 81) N 500' of E 338' (3.88A) Including Siever's Tr 1 & ex that portion of Lot H1 (.12A) & H3 (.22A) & H4 (.10A) lying therein & Ex

land deeded for Highway purposes (.75A) lying therein, all in the N ½ NE ¼ Section 23, Salem Township.

- **Dollar General**, 131 N. Nebraska St, Salem, SD; Legal: Lots 1, 2, 3 & 4; Blk 2 of First Addition to Salem, McCook County, South Dakota.
- **Maynard's of Salem**, Maynard's Food Center of Westbrook, Inc, (141 S Main St) Lots 1-7; Blk 3, OT, Salem, McCook County, South Dakota.
- **Quick Stop LLC**, David Derschan, (241 N Nebraska St) Lots 1, Blk 15, Salem First Addt/ Ex W60' & Ex LH1 and Lot 2, Blk 15, Salem First Addt, Salem, McCook County, South Dakota.
- **Thunder Alley LLC**, Bryce Smart (321 N Main Street) Lots 11, 12, 13, S2' of Lot 14; Blk 20 OT, Salem, McCook County, South Dakota.
- **Michael Fletcher, DBA Gotcha Gaming**, (630 E. Rutan Ave.), Outlot "O", except the west 45' of the South 284.5' & except the East 250' thereof, subdivision of the SW ¼ of Section 13, Twp 103 N. Range 55, W of the 5<sup>th</sup> PM, City of Salem, McCook County, South Dakota.

Motion Mokros, second Rayman, carried, to approve the Special Event Permit for the Salem Chamber Downtown Market.

Motion Mokros, second Harris, to approve Special One-Day Alcoholic Beverage Licenses for The Brewery: 2024 – June 12<sup>th</sup>; July 10<sup>th</sup>; August 14<sup>th</sup>; September 11<sup>th</sup>; September 20<sup>th</sup> & October 2<sup>nd</sup>. Dates are for the Downtown Market and McCook Central 2024 Homecoming. On roll call five (5) "Aye" (Mokros, Mayrose, Harris, Karel, Schierholz). Rayman abstained. Motion carried.

Motion Rayman, second Harris, to approve the Concession Stand Operating Agreement with Salem Summer Youth & Rec. On roll call five (5) "Aye" (Mokros, Mayrose, Harris, Karel, Rayman). Schierholz abstained. Motion carried.

Motion Karel, second Harris, carried, to hire Doug Durfee to prep fields for Baseball & Softball \$500 season.

Motion Mokros, second Rayman, carried, to accept Doug Durfee's donation of \$1000 of his salary towards the Baseball fence project.

Motion Harris, second Schierholz, carried, to approve the updated Salem Swimming Pool & Personnel Handbook. Policy is on file at City Hall.

Finance Officer Heumiller provided the Council with an article on "Eliminating Sales Tax on Groceries." Petitions have been filed with the Secretary of States office. This will be crippling to municipalities. Even though the petition stated municipalities would be allowed to keep the tax on consumable food there are concerns if the cities can constitutionally do this; how does this affect streamlined sales tax laws; and who would collect and administer. It is estimated that the city of Salem could lose up to 15% of their sales tax revenues \$96,000 dollars.

Next meeting is scheduled for Wednesday, June 5, 2024.

Motion carried, to adjourn at 8:10 PM.

Dated this 7<sup>th</sup> day of May 2024, at Salem, South Dakota.

(SEAL)

Glenda Blindert  
Mayor

ATTEST:

Lori Heumiller  
Finance Officer

Published once at the approximate cost of \_\_\_\_\_.