

City Council Proceedings

The Canistota City Council met Monday, August 7, 2023 at 6:00 PM in the Canistota City Hall Community Room. City Council Members present: Mayor Justin Engbarth, Donovan O'Donnell, Jamie Miller and Lori Forsman. Absent: Jessica Kerher. Others present: Finance Officer Kathy Townsend, Maintenance Supervisor, Darin Nugteren, Maintenance Assistant Brandon Dolejsi, SECOG Representative, Sophie Johnson, City Engineer, Darin Ligtenberg, SEFP Representative Heather Broehm along with citizens residing in the Phase 3 Improvement project area, specifically on 7th Ave. Adam Richarz arrived at 7 PM, Doctors, Ryan Esser, Jay Ortman, Ryan Ortman and Nathan Ligtenberg arrived at 7:50 PM and Maddie Larsen arrived at 8:10 PM.

Mayor Engbarth called the meeting to order at 6:00 PM

Mayor Engbarth led the Pledge of Allegiance.

The agenda was approved as presented on a motion by Miller, second by O'Donnell, all voted yes, the motion carried.

Miller motioned, second by Forsman to approve the July proceedings as presented, all voted yes, the motion carried.

At 6:06 PM, O'Donnell motioned, seconded by Miller to enter into executive session for legal per SDCL 1-25-2-3 All voted yes, the motion carried.

Mayor Justin Engbarth declared executive session over at 6:31 PM with Council convening in open session.

The June and July written report from the Sheriff's office was reviewed and approved on a motion by O'Donnell, second by Miller, all voted yes, the motion carried.

Nugteren presented the planning and zoning report: Three (3) building permits were issued in June. Nugteren answered several inquiries about the Phase 3 Improvement Project. Nugteren has also been in contact with SECOG concerning planning and zoning questions. The report was approved on a motion by O'Donnell, second by Miller, all voted yes, the motion carried.

There was no report from the Canistota Development Corporation.

Citizen Concerns:

SEFP Representative Hether Broehm visited with the Council about the upcoming Free Business Succession Workshops. There are two locations, Sept. 19 in Parker and Sept. 26 in Salem. She reiterated the importance of succession and longevity planning for the future of businesses in our community. There are flyers in the Finance Office for those interested in attending the workshops.

A resident along 7th Ave expressed frustration over four wheelers mud dragging down the street after a rain.

Before the Notice of Progress Public Hearing was opened, Engineer D. Ligtenberg gave a brief update to the Council and those residents present on what will be happening next in the street project. Ligtenberg noted that the contractor will be on site this week to prepare the grade. Ligtenberg outlined the appropriate steps from grading to curb and gutter to those present. Concern was expressed with construction on 5th Ave and on Pine since school will be session in a week. Parking availability for the school was also discussed. The time the contractor has to complete the project was discussed with the contractor having 120 working days to attain substantial completion. After that time, a damage assessment will take place.

At 7 PM, Mayor Engbarth opened the Public Hearing for the Notice of Progress on the Phase 3 Street Improvement Project. Ligtenberg informed the Council and the residents present, that as each street is completed, it will be paved, rather than waiting for the entire Phase 3 project to be completed. Questions and concerns from those present included: driveway access, damage to driveways from the contractor doing removals, the contractor will repair what they damaged. Curb and gutter assessments were also briefly discussed along with driveway approach costs. Sophie Johnson, SECOG representative, gave an update on the funding package for the city, funding break down is 50% grant money and 50% loan money from the State of SD. Johnson documented questions and concerns from those present for the hearing. The property owners present at the meeting thanked H & W for the courtesy to them from their crew. There were no further questions or concerns; the public hearing for the Notice of Progress on the Phase 3 Street Improvement Project was concluded.

Richarz presented the report for the Canistota Volunteer Fire Department. They responded to three fires and five rescue calls. The volunteers also participated in two weather spotting occurrences. Chase the Ace is still in progress. The Department will be applying for a grant from the State of SD to assist with the purchase of PPE along with other related safety gear. Monday, August 7th, the department will participate in a safety event taking place at Lake Vermillion. The report was approved as presented on a motion by O'Donnell, second by Miller, all voted yes, the motion carried. Richarz left the meeting at 7:13 PM

Nugteren & Dolejsi presented the July Maintenance Report: The new replacement pickup has been ordered at an approximate cost of \$46,424.00. Supplies for various project have been purchased and repairs are schedule for the mule. Several sprinklers at the ball field will be repaired. Nugteren has completed the process for the renewal of the solid waste permit for the city. The Versacourt surface has been installed on the pickleball court, Nugteren and the Council are receiving positive feedback for the installation of the court. The shuffleboard court will be installed after the completion of the picnic shelter/warming house.

Mayor Engbarth paused the maintenance report at 7:30 PM to open and consider a bid award for the construction of the Stalting Park Picnic Shelter/Warming House. Mayor Engbarth opened eleven bids for various aspects of completing the project with the lowest bid for a complete build submitted by Groeneweg Construction of Parker, SD. The low bid is for \$249,790.46. This bid was accepted and awarded to Groeneweg Construction, LLC on a motion by Forsman, second by O'Donnell, all voted yes, the motion carried. Forsman motioned, second by Miller to add the air conditioning and spray foam option at an additional cost of \$10,800.00, all voted yes, the motion carried. The bid tab is on file with the both the Maintenance Office and Finance Office. Nugteren will inform the successful bidder along with thanking the other bidders for participating in the bid process.

Doctors, Ryan Esser, Jay Ortman, Ryan Ortman and Nathan Ligtenberg arrived at the meeting at 7:50 PM. They were present to update the Council on the demolition of the Hotel and to discuss the prepared indemnification contract prepared for the City by the City attorney. SD State Historic Preservation Office guidelines were discussed. No permits have been issued by the City to the Ortman doctors or Canistota Hotel for demolition and disposal of the Hotel. The doctors hope to begin demo on Tuesday, August 22nd, 2023, with the building down by Friday, August 25th, 2023. No signed indemnification assurances contract is in place. The doctors have a copy of the contract to review with their legal counsel. The Council has yet to set the fee for the use of the Canistota Rubble Site. Several points that will need to be addressed by the contractor hired by the Ortman Hotel are dust control, road closures, fencing, load size, reclaiming the site when disposal is finished along with street light removal, not compromising the integrity of the streets and sidewalks or any public spaces are concerns all addressed in the indemnification contract between the Ortman Hotel, Inc., LLC and the City of Canistota. Asbestos abatement, along with other hazardous materials must be abated and documentation provided to the City from DANR per the contract. The discrepancies with the SD State Historic Preservation Office will be clarified through the City attorney talking with that office in Pierre. The doctors left the meeting at 8:20 PM

Maddie updated the Council on the pool, the movie night was well attended, the only issue was with the audio. Lessons were also very well attended this year. A refund for a scheduled birthday party at the pool will be reimbursed due to weather conditions. The final day of the 2023 swim season will be Saturday, August 12, 2023. Maddie did not think she would return as pool manager next year, she has taken a job in Huron. Larsen left the meeting at 8:27 PM

Mayor Engbarth called on Nugteren to continue with his maintenance report: Matthaei will repair at valve at the lagoon. Streets are being swept as time allows. Chip sealing has been completed on several streets in Canistota. Nugteren is working on signage for several areas around the city and is awaiting the proofs before final approval. The cooler at the pool will be replaced. Ligtenberg has been informed to update the construction crew to be careful about losing debris on City Streets, Nugteren is working on estimates for a liner for the water tower. TM replaced a pressure valve that should help alleviate the low/no water pressure the city has been experiencing. Nugteren is still working on lighting information for the ballfield. The report was approved as presented on a motion by Miller, second by O'Donnell, all voted yes, the motion carried.

The following bills were approved for payment including reimbursement for a pool party cancelled because of weather, on a motion by Miller, second by Forsman, all voted yes, the motion carried.

A-1 Port Potties, Prof. Services, \$440.00; Action Electric, Repairs, \$1,119.33; Addy Disposal, Collections & Dumpster Fees, \$4,782.63; Aramark, Supplies, \$13.56; August 1 Payroll, Streets, \$1,023.14, Parks, \$1,137.75, Rubble Site, \$378.17; Pool, \$3,227.59, Finance Office, \$452.03, Clean Water, \$1,475.18; Drinking Water, \$1,475.19; Badger Meters, Prof. Services, \$624.72; Cadwell Attorney Group, \$351.00; Code Enforcement Specialists, \$542.77; Core & Main, Supplies, \$4,659.56; DeWitt, Tim Utility Reimbursement, \$75.00; Geotek, Prof. Services, Phase 3, \$938.00; Golden West, Utilities, \$397.80; Highpoint Networks, Prof. Fee, \$377.00; Jebro, Prof. Fees, \$40,169.88; Marco, Prof. Services, \$39.23; Matthaei Excavating, Repairs, \$1,100.85; McCook County Highway, Prof. Fees, \$803.40; McCook County Treas., Law Enforcement, \$4,225.00; MC & R Pools, Supplies, \$111.16; Menards, Supplies, \$299.69; New Century Press, Publication Fees, \$135.88; Nickel, Tyler, Pool Reimbursement, \$50.00, Northwestern Energy, Utilities, \$40.00; RTC, Prof Fees, \$367.50; SD 811, Locates, \$112.35; SDA RWS, Prof. Services, \$500.00; SD Dept. of Revenue, Sales & Use Tax, \$488.23; Steve's Welding, \$17.00; TM Rural Water, Water Purchased, \$6,847.60; Total Stop, Fuel & Pool Supplies, \$1,669.56; Townsend, Kathy, Utility Fee, Mileage, \$85.00; US Bank Card, Supplies, \$3,189.20; US Bank Trust, Debt Services, \$8,730.81; Verizon Wireless, Cell Phones, \$207.17; Xcel Energy, \$199.23.

Bills paid since last meeting: AFLAC, Full Time Employees, \$426.62; H & W Contracting, Phase 3, \$441,606.20; July 15, 2023, Payroll, \$5,511.49; Pool Payroll, \$3,233.63; SDRS, Full Time Employees, \$1,384.82; Security State Bank, Payroll Taxes, \$4,446.38.

Townsend presented the Finance Officer's report: Registration reminders have been mailed to golf cart owners; the Council will address lack of compliance at the September meeting. Townsend updated the Council on the KR vandalism and restitution. High Point Networks has submitted a bid for firewall protection, the bill is on the August claims list for approval. Miller motioned to approve the FO report as presented, second by Forsman, all voted yes, the motion carried.

Council Reports:

Mayor Engbarth: O'Donnell motioned, second by Miller to adopt Ordinance 2023-04, An Ordinance Establishing the Procedure for the Issuance and Regulation of On-Sale Liquor Licenses for Full-Service Restaurants in the City of Canistota, all voted yes, the motion carried. The Ordinance is printed elsewhere in this addition of The Special. The first reading of appropriations Ordinance 2023-05, was acknowledged. The First reading of Ordinance 2023-06, Amending Ordinances to Change Meeting Time to 6 PM was acknowledged. The first reading of Ordinance 2023-07, addressing Mobile Food Vendors was acknowledged. Miller motioned, second by Forsman to enter into a contract with Town Web for the City of Canistota website design and support, all voted yes, the motion carried. A committee will meet with the Town Web team to give ideas and guidance in the creation of the site. Because Labor Day is on the regular meeting day, Canistota City Council will meet for its regular September meeting on **Tuesday, September 5th, 2023 at 6 PM.**

O'Donnell mentioned moving forward with recognition for years of service

Miller had no concerns

Forsman had no concerns

At 9:29 PM, Forsman motioned, second by O' Donnell to enter into Executive Session per SDCL 1-25-2-3, Legal, all voted yes, the motion carried.

Mayor Engbarth declared Executive Session over at 10: 17 PM with the Council convening in open session.

A motion to adjourn was made by Forsman, second by Miller at 10:18 PM, all voted yes, the motion carried.

The next regular meeting of the Canistota City Council will be held **Tuesday, September 5, 2023 at 6 PM** in the Community Room of City Hall. All are welcome

SEAL

Justin Lee Engbarth,
Mayor, City of CanistotaCity of Canistota

ATTEST:

Kathy J. Townsend,
Finance Officer, City of Canistota