

City Council Proceedings

The Canistota City Council met Monday, November 6, 2023 at 5:00 PM in the Canistota City Hall Community Room. City Council Members present: Mayor Justin Lee Engbarth, Donovan O'Donnell, Lori Forsman, Jessica Kerher, and Jamie Miller. Others present: Maintenance Supervisor, Darin Nugteren, Maintenance Assistant Brandon Dolejsi, Finance Officer Kathy J. Townsend, City Engineers, Darin Ligtenberg Also present: Terry Northern. Adam Richarz arrived at 5:23 PM and Alise Nickel arrived at 6 PM.

Mayor Engbarth called the meeting to order at 5:00 PM and led the Pledge of Allegiance.

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

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

The written report submitted by the Sheriff's office was approved on a motion by Forsman, second by Kerher, all voted yes, the motion carried.

Nugteren presented the planning and zoning report: Three building permits were issued in October. SECOG has prepared a comprehensive update to ordinances addressing curb and gutter along with driveway approaches. The first reading will be held December 4, 2023. The report was approved on a motion by O'Donnell, second by Forsman, all voted yes, the motion carried.

The CDC has had no recent meeting; no report was available.

Richarz presented the report on behalf of the Canistota Volunteer Fire Department: The department responded to five fire calls and two rescue calls. One new member has joined the department. Richarz has been notified there 225 applicants for the Governor's grant for PPE for fire departments. The department is awaiting word if they will receive a grant. An agreement has been reached for senior meals to be served at the fire department. The report was approved as presented on a motion by Kerher, second by O'Donnell, all voted yes, the motion carried. Richarz left the meeting at 5:25 PM.

Ligtenberg updated the Council on: curb and gutter along with asphalt will not be installed this fall on 6th Ave, part of 5th Ave and with Pine Street. The project will be completed in the Spring of 2024. The contractor will focus on installing the curb and gutter for the school along Pine Street and along 5th Ave this fall. It is at the contractors cost to install gravel in driveway approaches for resident access. Ligtenberg commented any issues with the street surface over the winter, for example, freeze and thaw cycles is also at the contractor's expense for repairs. No cost will be incurred by the City for street damages resulting from the project not being finished by November 10, 2023. Ligtenberg will draft a letter to residents along Pine Street, 5th and 6th Avenues, informing them their mail boxes and garbage service will resume at their property during the pause in finishing the Phase 3 project. The finance officer will mail the letter created by the city engineer to residents in the affected area. Liquidated damages were discussed, the penalty of \$500 a day relates to working days over the contract end date, not all winter days. There was no pay application submitted for consideration, Ligtenberg will present pay application #5 at the regular December council meeting.

Under Citizen Concerns, Northern spoke to Ligtenberg about the placement of sidewalk from the pool house north to Pine St.

Northern left the meeting at 5:21 PM

Ligtenberg left the meeting at 5:23 PM

The following bills were approved for payment, including the payment of the Xcel Energy bill, which was not received in time for approval at this meeting on a motion by Kerher, second by Miller, all voted yes, the motion carried.

Addy Disposal, Collections & Dumpster Fees, \$4,610.84; American Bank & Trust, Main St. Debt Service, \$48,425.72; Aramark, Supplies, \$19.93; Badger Meters, Prof. Services, \$24.72; Cadwell Attorney Group, \$616.50; Central Farmers, Supplies, \$100.00; Code Enforcement Spec., \$647.02; Core & Main, Supplies, \$219.08; Geotek, Prof. Fees, \$4,300.50; Golden West, Utilities, \$349.87; Great Plains Supply, Prof. Services, \$917.42; High Point Networks, Prof. Fee, \$70.00; ; Larry's Service, Repairs, \$396.10; Marco, Prof. Services, \$45.11; Matthaei Excavating, Prof. Services, \$7,787.94; McCook County Treas., Law Enforcement, \$4,225.00; Menards, Supplies, \$351.53; New Century Press, Publication Fees, \$153.27; Northwestern Energy, Utilities, \$40.00; November 1, Payroll, Streets, \$1,731.67; Clean Water, \$1,623.96, Drinking Water, \$1,623.96, Rubble Site, \$336.15; Finance Office, \$512.87; Pfeifer Implement, Equipment, \$31,360.39; SD 811, Locates, \$112.35; SD Dept. of Revenue, Sales & Use Tax, \$314.85; SECOG, Prof Fee, \$20,000.00; Snyder & Assoc., Prof. Fees, \$35,562.67; TM Rural Water, Water Purchased, \$5,661.00; Total Stop, Fuel & Supplies, \$618.57; Townsend, Kathy, Utility Fee, \$50.00; US Bank Card, Supplies, \$3,036.87; US Bank Trust, Debt Service, \$6,159.21; Verizon Wireless, Cell Phones, \$209.59.

Bills paid since last meeting: AFLAC, Full Time Employees, \$426.62; H & W Contracting, Pay App #4, \$917,867.72; October 15, Payroll, \$4,897.09; SDRS, Full Time Employees, \$1,337.82; Security State Bank, Payroll Taxes, \$3,009.93 Xcel Energy, Utilities, \$2,277.86.

Townsend presented the Finance Officer's report: Delinquent utility accounts were discussed along with the parameters needed for an account to be taken to small claims court. Townsend will speak with an account owner to make a payment to avoid collections. On a motion by Forsman, second by O'Donnell, the Council supports Governor Noem in granting Holiday pay on Friday, November 24 and Tuesday, December 26, 2023, all voted yes, the motion carried. The new website is a work in progress with a meeting scheduled for November 9th to review proposed changes. The report was approved as presented on a motion by O'Donnell, second by Kerher, all voted yes, the motion carried.

Council Concerns:

Mayor Engbarth: Kerher motioned, second by Miller to approve the updated Law Enforcement Contract with McCook County in the amount of \$4,712.50 per month, all voted yes, the motion carried. Miller motioned, second by O'Donnell to approve Resolution 2023-08, Adjusting Drinking Water Rates, all voted yes, the motion carried.

RESOLUTION 2023-08

A RESOLUTION ADJUSTING CITY WATER RATES

WHEREAS, THE Canistota City Council believes that it is necessary and in the best interest of the City of Canistota, in order to pay all costs for the operation and maintenance of the water system, to adjust the rates for the sale of water provided by the City of Canistota; and

WHEREAS, Section 8.0103 of the Canistota City Ordinances gives the Canistota City Council the authority to establish water rates by Resolution of the Canistota City Council, now,

THEREFORE, BE IT RESOLVED by the Canistota City Council that water rates shall be as follows:

Effective January 1, 2024, each water customer shall pay a minimum monthly fee of Twenty-Three Dollars and Forty-Eight cents (\$23.48) plus \$0.00677 per gallon water used per month.

Adopted this 6th Day of November, 2023

(SEAL)

Justin Lee Engbarth, Mayor

City of Canistota

ATTEST:

Kathy J. Townsend, Finance Officer

City of Canistota

Published: November 16, 2023

Effective: December 6, 2023

Miller motioned, second by Forsman to approve Resolution 2023.09, Adjusting Clean Water Rates, all voted yes, the motion carried.

RESOLUTION 2023-09

A RESOLUTION ADJUSTING CITY WASTEWATER RATES

WHEREAS, the Canistota City Council believes that it is necessary and in the best interest of the City of Canistota, in order to pay all costs for the operation and maintenance of the wastewater system, to adjust the rates for the use of the wastewater system provided by the City of Canistota; and

WHEREAS, Section 8.0103 of the Canistota City Ordinances gives the Canistota City Council the authority to establish wastewater rates by Resolution of the Canistota City Council, now

THEREFORE, BE IT RESOLVED by the Canistota City Council that wastewater rates shall be as follow:

Effective, January 1, 2024, residential users are one class of user and are assessed a minimum monthly fee of Twenty-Six Dollars and Thirty-Five Cents (\$26.35), per month, plus \$0.00250 per gallon of water used per month. Non-residential users with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 250 ppm TSS will pay the residential user charge.

Adopted this 6th Day of November, 2023

(SEAL)

Justin Lee Engbarth,

Mayor, City of Canistota

ATTEST

Kathy J. Townsend

Finance Officer, City of Canistota

Published: November 16, 2023

Effective Date: December 6, 2023

O'Donnell, supported by Kerher motioned to approve Resolution 2023-10, Providing for an Annual Street Assessment, all voted yes, the motion carried.

RESOLUTION 2023-10

A RESOLUTION PROVIDING FOR ANNUAL STREET ASSESSMENT-2024

WHEREAS, it is necessary and appropriate to maintain all streets within the City of Canistota; and

WHEREAS, the City of Canistota annually incurs expense to maintain those streets; and

WHEREAS, the City of Canistota may levy annually for the purpose of maintaining and repairing street surfacing or pavement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canistota, as follows:

1. Designation of lots to be assessed. All lots in the City of Canistota fronting and abutting a street shall be assessed annually on the front foot basis.
2. Amount of Assessment. There shall be levied upon all lots fronting and abutting a street, one dollar (\$1.00) per front foot. Front foot means the actual front of the premises as established by the buildings thereon, recorded title and use of the property, regardless of the original plat.
3. Assessment. The City Finance Officer is directed to add such assessment to the general assessment against the property and certify the assessment together with the regular assessment to the county auditor to be collected as municipal taxes for general purposes.
4. Assessment subject to review. The assessment is subject to review and equalization the same as assessments or taxes for general purposes. This Resolution reflects **NO** increase in the assessment cost to property owners.

Dated this 6th Day of November, 2023

SEAL:

Justin Lee Engbarth
Mayor, City of Canistota

ATTEST:

Kathy J. Townsend,
Finance Officer, City of Canistota

The first reading of Appropriations Supplemental Ordinance 2023-11 was acknowledged. Forsman motioned, second by O'Donnell, to approve the Off Sale Liquor License Renewal Application for the Hawks Nest, all voted yes, the motion carried. Miller motioned, second by Forsman to approve the Retail on Sale Liquor License Renewal for the Hawks Nest, all voted yes, the motion carried.

A Nickel spoke to the Council about her concern for her driveway. Mayor Engbarth and Nugteren will speak to D Ligtenberg to address the issue.
Nickel left the meeting at 6:05 PM

Nugteren and Dolejsi presented the Maintenance report for October: A portable generator was purchased for use at the Rubble site for freon abatement. New water meters and endpoints have been order. A new rotary mower will be purchased through Sioux International in Sioux Falls with the existing mower to be listed on Purple Wave Auction for sale. The sprinkler systems at the ballpark have been winterized. Xcel Energy has electricity installed at the picnic shelter in Stalting Park. After discussion, Kerher motioned, second by O'Donnell to install a retaining wall on the west side of picnic shelter at an approximate cost of \$18,000.00, all voted yes, the motion carried. The City rubble site will have an inspection on November 8th. Nugteren presented a preliminary bid for poles and lights to be replaced at the ball park, the estimate is approximately \$200,000.00. The bid docs will be reviewed at the December 4th, 2023 meeting before the document is published for bids to be submitted. The October maintenance report was approved as submitted on a motion by Miller, second by Krher, all voted yes, the motion carried.

Council Concerns:
Kerher had no concerns.

O'Donnell commented on the storage units on the east side of town are nearing completion. A nuisance concern with a camper was briefly discussed.

Miller had no concerns

Forsman had no concerns

Forsman motioned at 6:20 PM to adjourn the meeting, second by Kerher, all voted yes, the motion carried.

The next regular meeting of the Canistota City Council will be held **Monday, December 4, 2023 at 6 PM** in the Community Room of City Hall. All are welcome

SEAL

Justin Lee Engbarth,
Mayor, City of Canistota

ATTEST:

Kathy J. Townsend,
Finance Officer, City of Canistota