

CITY COUNCIL PROCEEDINGS

The Plankinton City Council met in regular session on Monday, January 4, 2021, at the Plankinton Senior Citizens' Center. Mayor John Staller called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited. Members present: Terry Schuldt, Jason Schurz, Pam Vissia, and Jim Hinckley. Brad Kehn was absent. City employees present were Eileen Sorsen, Darin Cranny and Chance Boyd. Visitors were Gayle VanGenderen Studeny from SD Mail, James & Kathy Metz, and Melissa Davis. Mr. James Taylor, lawyer for City of Plankinton, joined via a short phone consult.

Mayor Staller entertained a motion to approve the agenda, with a change. He wanted to add the 3 year anniversary of Utility Supt., Darin Cranny. Vissia made a motion to approve the agenda, as changed. Schurz seconded the motion. All voted aye. Motion carried.

VISITORS:

Jim and Kathy Metz arrived at 6:30 p.m., and Mayor Staller had Mr. Taylor on the phone for possible questions. The Metz's wished to discuss their property on Kimball Street. Jim said they were curious as to a possible vacate of Sixth Street. Mayor Staller stated that it would need signatures of adjoining landowners and two times being published. Mr. Metz is concerned that a vacate would limit their access to their property, since their current driveway is on Marcia Beltman property, and may be closed off to them. The Scotts, owners to the west of their property, would need that alley open if they would want to sell their property in the future. Jim and Kathy are worried the other property owner next to them might try to close the alley west of their property, between 6th and 7th Streets. Mayor Staller thinks if we went back, we would find issues on property where it shouldn't be, on the plat map. He asked Kathy what their option is as far as their driveway being too far south, on Beltman's property. Mr. Metz said the major problem is they don't have a driveway right now. They had assumed the back alley wasn't there, and had planted trees back there. He wants to know what the City intends to do, but the lawyers are working on it. Mr. Taylor informed him that before a street is vacated, a form has to be signed, and the Council has to decide if that is in the interest of the City. Mr. Metz feels they are being "strong-armed" by the other property owner, as they were given a 14 day time constraint to either sell their property, or get the vacate done. The vacate she wants would just close 6th Street from Kimball to the west. The Metz's would like to be notified when anything is scheduled to happen. If the street was vacated, the property reverts to the adjoining land owner. Mr. Taylor said "just because someone asks for a vacate of a street, doesn't mean it will happen". The Metz' departed at 6:50 and Mr. Taylor hung up. Mayor told the Council they should look over the City plat map for the area being discussed.

POOL BATHHOUSE PROPOSAL:

Melissa Davis arrived at 6:50 p.m., to discuss the current pool bathhouse situation. She said she felt defeated after the last meeting with Stockwell Engineers and the Council, due to the large amounts they had listed for construction. Local people and contractors called her and said they didn't think the City was getting a fair shake. She contacted local contractors to see what was reasonable to expect on a bid. She told both contractors that she didn't want a bid just then, just a general amount. One person told her the project could be done under \$275,000. Someone asked her why we went to

Stockwell, and not Larry Jirsa. It was because they were planning other bathhouses. Melissa would like to see us get another architect, to see if we could build the bathhouse for under \$300,000. Her total amount available is-- \$279,159.02. The Pool Comm. Fund is \$98,771.61; City Reserve Fund of \$93,087.35; Mitchell Charity Foundation Grant of \$10,000.00; LWCF Grant of \$73,000.00; Central Electric Grant of \$2,500.00, plus a couple pending donations of around \$1,800.00. Mayor Staller wants to get going, so we don't lose the grants. Melissa wants to know if we can secure an architect and hopefully secure a bid from two local contractors. Mayor Staller said he may ask for a special meeting to get the architect part started once she gets an estimate from one other source, so that bid specifications can be obtained. Hinckley told Melissa "I think we can get on this". Gayle informed the Council that the bidding process is 2 weeks. Melissa left the meeting at 7:05 p.m.

MINUTES:

Mayor Staller entertained a motion to approve the minutes of the December, 8, 2020, regular Council meeting. Vissia made a motion to approve the minutes (previously e-mailed to Council). Schuldt seconded the motion. All voted aye. Motion carried.

Mayor Staller entertained a motion to approve the minutes of the December 28, 2020, special end of year Council meeting. Vissia made a motion to approve the minutes (previously e-mailed to Council). Schurz seconded the motion. All voted aye. Motion carried.

BILLS TO PAY:

Mayor Staller entertained a motion to pay the bills. Hinckley made a motion to pay the following bills. Schuldt seconded the motion. All voted aye. Motion carried.

BILLS TO PAY AFTER JANUARY 4 MEETING AUTHORIZATION

A & B BUSINESS—Copier Contract--\$118.04; AMERIPRIDE—Rug Contract--\$39.79; AURORA-BRULE RURAL WATER—Dec. Water/Debt Ret.--\$5,854.00; BARNES & NOBLE—Library Books--\$126.31; BORDER STATES—Elec. Supp./Mat.--\$876.35; CNH INDUSTR. CAPITAL—Mini Excavator/Skid Steer--\$87.53; DENR—'21 WW Discharge Permit Fee--\$750.00; DENR—D. Cranny- Renewal Cert.--\$18.00; DENR—B. Geiman-Renewal Cert.—WW Cert.--\$6.00; DOLLAR GENERAL—Office supplies--\$20.24; FP MAILING SOLUTIONS—Post. Meter--\$89.85; GOLDEN WEST—Dec. Phones--\$392.92; KROHMER PLMB.—Bushing--\$32.07; MCLEOD'S—Window Envelopes--\$72.90; MENARDS—Water Truck Rep.--\$8.28; MIKE'S CONSTR.—Garbage Service--\$60.00; PLANNING & DEV. DISTR. III—Annual Dues--\$1,175.00; ROADSIDE C-STORE—Dec. Fuel--\$216.35; ROADSIDE C-STORE—Reimb. Power Forward Rebate--\$720.00; RON'S MARKET—Dec. Supplies--\$67.33; SDARWS—Annual Class B Dues--\$420.00; SD DEPT OF HEALTH—Water Testing--\$196; SD DEPT OF TRANS.—Diesel Fuel--\$427.83; SD MAIL—Dec. Legal Publ.--\$650.51; TECH SOLUTIONS—Jan. IT Contract--\$690.00.

OLD BUSINESS:

NUISANCE PROPERTIES:

Mayor Staller asked the Council if he could start legal action on a property on 5th Street. Council approved using legal action.

POOL BATHHOUSE PROPOSAL:

Was discussed earlier in the meeting.

CITY BUILDINGS HAIL DAMAGE REPORT:

The Finance Officer, Sorsen, read a report from Chad Van Laecken, our insurance claim specialist. He has submitted a City Hall siding estimate, Fire Station garage door estimates, and the roofing estimates for the upper part of City Hall roof and the Senior Center roof. He will contact us when he receives word back from the insurance adjustor. Once everything is agreed upon with the insurance company, he will schedule repairs.

NEW BUSINESS:

ELECTION DAY 2021:

Election Day was set for April 13, 2021.

FIRE DEPT. MEMBERSHIP:

The current active 2021 membership roll for the Plankinton Fire Department is as follows: Jeff Briggs, Rodney Weber, Scott Black, Clint Bultsma, Terrance Bush, Bradley Kehn, Paul Coon, Cale Westendorf, Skyler Kehn, Derek Koch, Colin Spinar, Travis Fink, Brian Reis, Dan Geiman, Steven Nussbaum, Jason Schurz, Preston O'Day, Jordan High Elk, Bradley Lessman, and Zach Scott—(20 members, all volunteer).

2020 FINANCIAL REPORTS:

The 2020 financial reports from the Plankinton Pool Committee, Plankinton Volunteer Fire Department, Plankinton Development Board, and the Plankinton City Library were received.

EXECUTIVE SESSION:

Mayor Staller entertained a motion to enter into Executive Session for Personnel. Hinckley made a motion to enter Executive Session- Personnel, as per SDCL 1-25-2(1). Schurz seconded the motion. All voted aye. Motion carried. Executive Session began at 7:16 p.m.

Mayor Staller declared the Council out of Executive Session at 7:30 p.m., with no action taken.

ANNIVERSARY RAISES:

Mayor Staller declared that Utility Supt., Darin Cranny has attained his 3 year anniversary with the City as of 12-4-2020. He entertained a motion to approve a 50 cent an hour raise for Darin, to \$23.83 hour. Schurz made a motion to approve the raise, retroactive to December 4, 2020. Hinckley seconded the motion. All voted aye. Motion carried.

Electric Supt., Chance Boyd, had his 2 year anniversary with the City as of 1-2-2021. Mayor Staller entertained a motion to approve a 50 cent an hour raise for Chance, to \$25.72. Hinckley made a motion to approve the raise, as of January 2, 2021. Schurz seconded the motion. All voted aye. Motion carried.

Deputy Finance Officer, Casey Schmidt, has her 1 year anniversary on 1-6-21. Mayor Staller entertained a motion to approve a 50 cent an hour raise for Casey, to \$17.00. Vissia made a motion to approve the raise, as of January 6, 2021. Schuldt seconded the motion. All voted aye. Motion carried.

COST OF LIVING RAISES:

The following is a list of current employees, and their hourly wages: Chance Boyd- \$25.72; Carrie Brink- \$12.00; Darin Cranny- \$23.83; Barry Geiman- \$20.63; Anna Klein- \$11.33; Casey Schmidt- \$16.50; and Eileen Sorsen- \$22.20.

Mayor Staller entertained a motion to approve a 3% cost of living raise, for employees completing the 2020 calendar year, with an effective date of January 4, 2021. Hinckley made a motion to approve the raises. Schurz seconded it. All voted aye. Motion carried.

Pursuant to SDCL 6-1-10, the new hourly wages, as of January 4, 2021, are: Chance Boyd- \$26.49; Carrie Brink- \$12.36; Darin Cranny- \$24.54; Barry Geiman- \$21.25; Anna Klein- \$11.67; Casey Schmidt- \$17.50; and Eileen Sorsen- \$22.87.

SUMMER ADS:

The Finance Officer was asked to contact SD Mail to publish ads for lifeguards, Cemetery Mowing, and Grassland Bids for summer 2021.

SHERIFF'S REPORT:

The November Sheriff's report was handed out for the Council to read.

PROPERTY ENCROACHMENT:

The property encroachment of part of front porch and fence on City Right of Way running north and south and located immediately adjacent to the easterly edge of Lots One (1) and Two (2) in Block Nine (9) of Miracle and Clark's Second (2nd) Addition to the City of Plankinton, Aurora County, South Dakota, was discussed. There is a 100' Right of Way on Kimball Street, by the property. In earlier times the streets were sometimes made that wide for "Farmer's Market Roads". The easement agreement was drawn up by City Attorney Jim Taylor, and Mayor Staller and Finance Officer, Eileen Sorsen, will sign and notarize. A copy will be kept at city hall. Mayor Staller asked the Council if there were any objections to the easement. The Council and Utility Supt. said they had no problems with it. Mayor entertained a motion to have him sign the form. Vissia made a motion to have Mayor Staller sign the easement agreement. Schuldt seconded the motion. All voted aye. Motion carried.

This Document Prepared By:

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EASEMENT AGREEMENT

AGREEMENT made this 4th day of January, 2021, by the City of Plankinton, South Dakota ("Grantor") and the Marcia J. Beltman Revocable Living Trust ("Grantee").

RECITAL

A. Grantor is the owner of the public right-of-way known as "Kimball Street," running north and south and immediately adjacent to the easterly edge of Lots One (1) and Two (2) in Block Nine (9), Miracle and Clark's Second (2ml) Addition to the City of Plankinton, Aurora County, South Dakota.

B. Grantee is the owner of Lots One (1) and Two (2) in Block Nine (9), Miracle and Clark's Second (2nd) Addition to the City of Plankinton, Aurora County, South Dakota, (hereinafter sometimes referred to as the "Beltman Property").

C. It has been determined that improvements to the Beltman Property, a porch to the home on the Beltman Property and sections of a fence, encroach into Kimball Street, as depicted on Exhibit A attached hereto and incorporated herein by reference.

D. Grantee desires an easement over and across a portion of Kimball Street so as to permit the encroachment by the porch and fence and to authorize Grantee access to said fence and to use said porch and undertake periodic maintenance of both, and Grantor is willing to grant said easement upon the terms and provisions set forth herein.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS

1. Grantor hereby gives, grants and conveys to Grantee and to its Trustee, beneficiaries, successors, and assigns, an easement so as to permit the encroachment of the porch and fence which extend into the public right-of-way known as Kimball Street, running north and south and located immediately adjacent to the easterly edge of Lots One (1) and Two (2) in Block Nine (9) of Miracle and Clark's Second (2nd) Addition to the City of Plankinton, Aurora County; South Dakota, and to provide a means of use and maintenance of said porch and fence and the area in between the same.

2. The encroachment easement set forth herein is given only for the existing encroachment and shall not be deemed to allow any additional encroachment onto said Kimball Street. Grantor and Grantee agree that in the event any portion of the porch and/or any portion or section of the fence which is the subject of this Agreement deteriorate, be tom down, or cease to be used, then this easement shall terminate, and Grantee or its Trustee, beneficiaries, successors, or assigns shall be obligated upon such deterioration, razing, or cessation of use, to remove the fence and or porch, or the remainder thereof, from its encroachment into Kimball Street.

3. Grantor and Grantee further agree that in the event Grantor deems it in the public interest to further open, improve, or otherwise utilize that portion of Kimball Street upon which Grantee's porch and/or fence which is the subject of this Agreement is located, then this easement shall terminate. In such event, Grantor shall give Grantee or its Trustee, beneficiaries, successors, or assigns no less than ninety (90) days' notice that this easement is terminated and Grantee, its Trustee, beneficiaries, successors, or assigns shall remove the encroaching porch and/or fence from its or their, as the case may be, encroachment into Kimball Street by such date as specified in the aforesaid notice.

4. Subject to the provisions of paragraphs 2 and 3 above, this Agreement shall run with the

land and shall be binding on and shall inure to the benefit and detriment of the parties hereto and their respective successors in interest and assigns.

5. This Agreement constitutes the sole and only agreement between the parties respecting the subject matter hereof, and the same shall not be modified except by written instrument signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereunto set their hands the day and date first

**CITY OF PLANKINTON, SOUTH DAKOTA
GRANTOR**

By: _____
John J. Staller, Mayor

ATTEST: _____
Eileen Sorsen, City Finance Officer

**MARCIA J. BELTMAN
REVOCABLE LIVING TRUST
GRANTEE**

By: _____
Marcia J. Beltman, Trustee

EMPLOYEE APPRECIATION SUPPER:

The supper has been planned for 6:00 p.m., at Commerce Street Grille, on Sat., January 30, 2021.

BUILDING PERMITS:

Dave & Karen Koch—Demo Permit #12820—Tear down house at 305 S Main Street; Permit #121820—United Meth. Church—Concrete Parking Lot@ 210 East Road; Zach Scott Lot—Permit #121520—Install Power @ 103 E Davenport (for Coffee Shop). Most work has been completed.

STREET SUPT. REPORT:

Darin got the Restricted Use Site cleaned up as much as possible before winter. He is wanting to build a pusher to mount on the big loader so everything can be pushed in better, and use that for cleaning up both dump sites. If we hire someone to push in just one pit, it usually costs \$500. The iron to build it would cost some, but would pay for itself in a hurry. It would do the work quicker, also. The west park has been cleaned, and the fill we had on hand has been spread out, the culverts are in, and most of the trees were removed. They still need quite a bit more fill, but are making progress on the future soccer field. Snow removal hasn't been too bad so far this winter. Darin plans on pulling the motor on the 4-wheeler, and either try to rebuild it, or buy a rebuilt one, for a big cost savings to the City. Darin will be asking for bids to chip-seal some streets. He would like to do \$30,000 instead of \$50,000, and see if we can save some money for a quality mat, in the future. He

said we may be able to put a mat on some of the roads that were repaired since the 2019 flooding, but that still costs upward of \$10,000 a block. Mayor Staller is hoping a 1% tax will be authorized for cities to use, to help with road repairs.

ELECTRIC SUPT. REPORT:

Chance replaced outside lights on city hall to LED's, and still has a couple of offices to change out to LED's. Also, he will be installing new outside lights at the city shop, and install some LED's for inside the main shop area to brighten it up. He was asked by Mayor Staller to get an engineering estimate for another section of 3-phase underground. This would extend underground from Guidehouse out to Roadside. He is ordering more LED street lights to install around town. The bucket trucks will be inspected sometime in January.

FINANCE OFFICER REPORT:

Eileen and Deputy F. O. Casey Schmidt have been working on end of year reports, entering new budget into computer, and the various end of fiscal year duties that need to be done. Schoenfish Auditors will be coming one day at the end of January or early February to get the Annual Report figured. COVID CARES FUNDING ended on December 30. We were able to claim payroll for quarantined employees, part of law enforcement contract, and miscellaneous Covid 19 related expenses (extra publishing, extra meetings, supplies), for a total reimbursement received of \$42,031.14 in 2020.

MAYOR'S REPORT:

Mayor Staller reported that we received the ordinance book draft back from American Legal Publishing about 3 weeks ago. Mr. Taylor has a copy to go over and advise of necessary changes, and it will be sent back for publishing by February. He has talked to the 2 superintendents to list what the City has for surplus, for a possible sale. The City's finances are looking good, in spite of all that happened in 2020.

Mayor Staller adjourned the meeting at 7:57 p.m.

Signed: John J. Staller, Mayor _____

Attest: Eileen Sorsen, Finance Officer _____