

MINUTES OF CANTON CITY COMMISSION MEETING  
MAY 4, 2015

The Canton City Commission met at the Depot Viking Room, on Monday, May 4<sup>th</sup>, 2015 at 7:00 p.m. with the following members present: Commissioners Bogue, Den Hartog, Devick, Ekle, Eich, Elrod, Ziebarth, and Mayor Smith. Commissioner Toso was absent at the time of roll call.

Also present were City Manager Pederson and Finance Officer Cwach

Guests who signed in are as follows: Chuck Andreson, Todd Esche, Deb Esche, Carol Mulder, Gert Havelaar, Richard Bogue, Howard Paul, Donna Paul, Carol Lease, Jack Lease, Jamie Smith, Jody Schroedermeier, Eric Springer, Gary Renli, Connie Renli, Darin Hill, Jay Hortness, Colby Van Bockern, Brad Beyke, Erin Beyke, Arne Anderson, Jon Frick, Trina Kuper, Ryan Kuper, Jeff Gross and Andy Wilcox.

The Pledge of Allegiance was recited.

#### CONSENT CALENDAR

Commissioner Bogue moved and Commissioner Ziebarth seconded to approve the consent calendar consisting of the following: 1) to approve the minutes from the April 20, 2015 Commission Meeting and that they are signed and published; 2) to approve the warrants to be listed at the end of the minutes; 3) to approve the agenda. Unanimous approval.

VISITOR DIALOGUE: Howard Paul thanked the Commission for the prompt work on fixing the sewer.

Colby Van Bockern talked about the recreation program and the potential upgrades the Board wants to do.

Commissioner Devick moved and Commissioner Ziebarth seconded to un-table the items from the last meeting.

#### RESOLUTION OF NECESSITY FOR THE CONDEMNATION OF REAL PROPERTY-ESCHE

Deb Esche spoke in opposition of the Resolution.

Jack Lease spoke on the potential traffic issues in the Park Lane Addition.

Howard Paul spoke in favor of the Resolution.

Carol Lease spoke on the drainage issues in the Park Lane Addition.

Todd Magnuson spoke on snow removal issues in the area.

Jody Schroedermeier spoke on the need for a second access.

Carol Mulder spoke on the support for the second access.

Commissioner Ziebarth moved and Commissioner Devick seconded to approve the following Resolution, and that it be given a number and signed. Commissioners Bogue, Devick, Ekle, Eich, Elrod, Ziebarth and Mayor Smith voted aye. Commissioner Den Hartog voted nay. Motion carried.

#### RESOLUTION NO. 1226

#### **A Resolution Of Necessity For The Condemnation Of Real Property For The Purpose Of Constructing A Street and Storm Water Drainage.**

Whereas, the City of Canton is authorized to appropriate and take real property by condemnation under the laws of the State of South Dakota; and

Whereas, Christmas Lake Subdivision located in Canton, South Dakota consists of 64 residential lots which is connected to the rest of the city by only one public right of way; and

Whereas, Christmas Lake Subdivision has been subject to flooding in heavy rain events; and

Whereas, undeveloped property lies adjacent to the Christmas Lake Subdivision that could be used to create a second public access road into Christmas Lake Subdivision for the purpose of providing alternate access into Christmas Lake Subdivision for law enforcement purposes, fire fighting and fire suppression purposes, for ambulance and health care purposes, and other emergency situations, and for the purpose of assisting with the storm water runoff; and

Whereas, the City of Canton has attempted to negotiate acquisition of the necessary real property upon which to construct the public access road from the owner of the property and has been unable to reach an agreement.

NOW, THEREFORE, BE IT RESOLVED by the City of Canton, South Dakota that It is necessary to appropriate and condemn the following real property:

28,451 sq. feet of real property in Tract No. One (1) of Husman Tracts in the South Half (S1/2) of the Northwest Quarter (NW1/4), (Except Lots 1 and 2 of Anderson-Reynolds Addition to the City of Canton; Except Lot One (1) of Subdivision of part of Tract No. One (1) of Husman Tracts; Except all of Scenic Heights, an Addition to the City of Canton and dedicated streets therein, of Section 13, Township 98 North, Range 49 West of the 5<sup>th</sup> PM, Lincoln County, South Dakota, according to the recorded plat thereof, as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED that it is necessary to appropriate and condemn a temporary construction easement on the above described property consisting of 10,006 sq. feet, as shown on Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the purpose of the taking is to create a right of way for a street for public use and for storm water drainage.

BE IT FURTHER RESOLVED that the City Attorney, or his designee, is authorized to undertake legal proceedings to proceed with the condemnation and to determine just compensation to be paid to the interested persons as provided by law.

Dated at Canton, South Dakota, this 4<sup>th</sup> day of May, 2015.

CITY OF CANTON

By \_\_\_\_\_  
Mayor Chuck Smith

ATTEST:

\_\_\_\_\_  
Kyle Cwach

Municipal Finance Officer

Adopted May 4, 2015

Published: May 14, 2015

Effective: June 3, 2015

**RESOLUTION OF DECLARING OF TAKING-ESCHE PROPERTY**

Commissioner Bogue moved and Commissioner Ziebarth seconded to approve the following Resolution, and that it be given a number and signed. Commissioners Bogue, Devick, Ekle, Eich, Elrod, Ziebarth and Mayor Smith voted aye. Commissioner Den Hartog voted nay. Motion carried.

**Resolution 1227**

**RESOLUTION OF DECLARATION OF TAKING**

The City of Canton, South Dakota hereby declares the immediate taking of real property for use by the municipality pursuant to SDCL 31-19-23.

The purpose for the taking is to acquire real property for a right of way for installation of a public street and storm water drainage.

The real property to be taken is described as:

Fee simple title in 28,451 sq. feet of real property as shown on Exhibit A attached hereto located in Tract No. One (1) of Husman Tracts in the South Half (S1/2) of the Northwest Quarter (NW1/4), (Except Lots 1 and 2 of Anderson-Reynolds Addition to the City of Canton; Except Lot One (1) of Subdivision of part of Tract No. One (1) of Husman Tracts; Except all of Scenic Heights, an Addition to the City of Canton and dedicated streets therein, of Section 13, Township 98 North, Range 49 West of the 5<sup>th</sup> PM, Lincoln County, South Dakota, according to the recorded plat thereof; and

A temporary construction easement consisting of 10,006 sq. feet as shown on Exhibit A attached hereto on the above described property.

The persons believed to be the owners are Todd Esche and Debra Esche.

The preliminary right-of-way plans and specifications showing the owners' access to and across the proposed street is annexed as Exhibit B.

The sum of money estimated to be just compensation for the real property to be taken and damaged is \$6,500.00 and the sum of money estimated to be just compensation for the temporary construction easement to be taken is \$339.00 which was determined by an appraisal completed by Shaykett Appraisal Company, Inc. dated January 16, 2015, as presented and on file with the City of Canton.

Dated at Canton, South Dakota, this 4<sup>th</sup> day of May, 2015.

CITY OF CANTON

By \_\_\_\_\_  
Mayor Chuck Smith

ATTEST:

\_\_\_\_\_  
Kyle Cwach  
Municipal Finance Officer

Adopted: May 4<sup>th</sup>, 2015  
Published: May 14<sup>th</sup>, 2015  
Effective: June 3<sup>rd</sup>, 2015

**AUTHORIZATION OF SIGNATURE OF LEGAL DOCUMENTS-CONDEMNATION PROCEEDINGS**

Commissioner Ekle moved and Commissioner Bogue seconded to authorize the Mayor or Mayor Pro Temp to sign all legal documents regarding the condemnation proceedings. Unanimous approval.

**AUTHORIZATION OF COURT DEPOSIT FOR TAKING OF PROPERTY-ESCHE PROPERTY**  
Commissioner Ziebarth moved and Commissioner Devick seconded to authorize the Finance Officer to deposit \$6,839.00 with the Court for the condemnation process. Commissioners Bogue, Devick, Ekle, Eich, Elrod, Ziebarth and Mayor Smith voted aye. Commissioner Den Hartog voted nay. Motion carried.

Mayor Smith called for a recess.  
Commissioner Toso entered the meeting.  
Mayor Smith reconvened the meeting.

#### **SWEARING IN OF NEW COMMISSIONERS**

Larry Nelson, City Attorney, swore in Commissioners elect Eich, Ekle and Townsend.

#### **MAYOR ELECTION**

Commissioner Ziebarth moved and Commissioner Devick seconded to nominate Commissioner Smith for Mayor.

Commissioner Toso moved and Commissioner Ekle seconded to nominate Commissioner Den Hartog for Mayor.

Commissioners Den Hartog, Devick, Eich, Ekle, Elrod, Townsend and Ziebarth voted for Commissioner Smith for Mayor. Commissioners Smith and Toso abstained. Commissioner Smith is Mayor for the year.

#### **DIALOGUE:**

City Manager Pederson commented:

The vaccination clinic will be held on May 20<sup>th</sup>.

The recreation registrations are being circulated.

The Bike Rodeo is on May 9<sup>th</sup>.

Gave condolences to the family of Gary Larson.

Commissioner Ziebarth gave his condolences to the Perry Bower family; asked about the strategic planning session.

Commissioner Toso gave condolences to the Crawford family.

Commissioner Eich asked about the nuisance property.

Commissioner Ekle stated that the cleanup went well.

Commissioner Den Hartog commented about an alternative for the second access to Christmas Lake Addition.

Commissioner Townsend thanked everyone for welcoming her to the Commission and thanked Connie Bogue for her service.

Commissioner Toso moved and Commissioner Devick seconded to adjourn. Unanimous approval.

---

Kyle Cwach  
Finance Officer

## WARRANTS:

4-24-15: AJS Automotive, 31.88, Repairs; Arbor Pros-ATS Tree Service, 1500.00, Tree Removal; Bomgaars Supply Inc, 85.16, Supplies; Canton Chamber of Commerce, 50.00, Appreciation Lunch; CenturyLink, 111.21, Circuit; Dakota Care, 589.90, Services; Dakota Supply Group, 1001.58, Supplies; Dauby's Sports Center, 144.00, Supplies; Russell Doty, 10.00, CDL Renewal; Frieberg, Nelson, & Ask, 2080.00, Fees; G&K Services Inc, 297.04, Uniforms; Garden of Eat'n, 26.75, Lincoln County Development; Grainger, 58.26, Adapter; Mark or Tanya Iverson, 225.00, Restitution; MidAmerican Energy Co., 751.00, Water; Pheasantland Industries, 987.48, Supplies; Prairie Communications, 3700.00, Repeater; Rural Route 1 Services, 80.75, Mats; SD DOT- Office of Aeronautics, 255.00, Registration; SD Federal Property Agency, 182.00, Supplies; SD Public Assurance Alliance, 25.00, Insurance; Signs Plus Graphics Inc, 850.00, Supplies; Argus Leader Media #1085, 29.96, Paper; Siouxland Propane Co., 42.85, Bearings; Staples Credit Plan, 839.50, Supplies; William Thorson, 443.90, Mileage & Meal Reimbursement; Titan Machinery Corp, 1418.08, Supplies; Xcel Energy, 439.43, Electricity; Zee Medical Service, 183.55, Supplies.

4-24-15: Farmers State Bank, 26,816.59, Payroll; First Bank & Trust, 5541.14, Social Security; First Bank & Trust, 3733.84, Federal Withholdings; Home Federal Savings Bank, 1669.71, HSA Payments; Office of Child Support, 92.31, Employee Deductions; SDRS Supplemental, 232.50, SDRS 457.

4-30-15: Banyon Data Systems, 795.00, Support; Fastenal Company, 77.50, Supplies; Ed M Feld Equipment Co., Inc, 317.00, Supplies; G&K Services, Inc, 127.34, Uniforms; Morgan Goodroad, 125.00, Lifeguard Certificate; Grainger, 44.51, Supplies; Holmes Murphy & Co., 50.00, Notary Bond Premium; Infra-Track Inc, 10,608.42, Services; JD'S House of Trophies, 56.30, Plaques; Johnson Feed Inc, 53.36, Blower Fans; Marco, 531.50, Lease; Michael Meinzer, 97.98, Gas Reimbursement; SD Dept of Health, 428.00, Testing; Sioux Valley Environmental, 227.00, Parts; State of South Dakota, 30.00, Notary; Xcel Energy, 1472.33, Electricity.