

**APPROVED MINUTES FOR THE REGULAR MEETING OF THE
DELL RAPIDS CITY COUNCIL ON Monday, March 1, 2010 AT 7:30 p.m.**

The meeting was called to order by Mayor Fiegen at 7:30 p.m. at the Dell Rapids City Council Chambers. The Pledge of Allegiance was recited and roll was taken finding Council Members present including: Mayor Scott Fiegen, President David Sommerfeld, Vice-President Carrie Probst, Mark Downs, Doug Grovenburg, Richard Woolf, Carrie Testerman, Todd Wiebenga and John Paul.

Absent: Finance Officer LeAnn Kerzman.

Staff Present: Administrator S.L. Martin and Attorney Dean Hammer.

Agenda – Motion by Grovenburg to amend the agenda to add the Minnehaha Sheriff’s Contract to new business. Seconded by Probst. Motion carried.

Minutes - Motion by Probst to approve the minutes of the regular council meeting held on February 16, 2010 as amended to include the following:

On-Sale Liquor License Application – A completed application for an on-sale liquor license was received from LAMB Properties, LLC and signed by Gregory Ammon. License requested for the address of 308 W 3rd Street or Lot A, Tracts 3, 4, 10 Lot B, Tract 10 and all of Tract 11, Edenburns subdivision to the City of Dell Rapids. N ½, SW ¼, 9-104-49, of the 5th PM. Mr. Ammon and Wayne Mortrude were present to answer any questions. Intent of the facility is to host receptions with All Occasions (Hy-Vee) to cater. Motion by Downs to approve the application followed by a second by Probst. Roll Call vote with all voting in the affirmative. Motion carried 5-0.

Second made by Downs. Motion carried 8-0.

Claims Approved: Motion by Sommerfeld to approve the following claims as presented. Second by Grovenburg. Motion carried 8-0.

Argus Leader, publishing 44.65; Buskerud Construction, snow removal 1195.00; Cardmember Svcs, rod holders, usb adapter 152.43; Cardmember Svcs, legislative trip 186.02; Dakota Care, health insurance 4960.77; DR Community Haven, 2010 support 5500.00; DGR, engineering 19946.50; Delta Dental, insurance 574.00; Hawkins, water chemicals 1115.38; LG Everist, salt sand 3434.20; Logic, lottery repair 220.00; Minnehaha Community Water, Feb water 6822.12; Minnehaha County Economic Development Assoc, 2010 dues 6311.00; One Call Systems, locate 1.13; SD Dept of Revenue, Jan sales tax 7.36; SD DOT, bridge inspection 270.00; SD Planners Assoc, annual dues 25.00; SDML Workers Comp Fund, Fire Dept workers comp 854.00; USPS, Feb billing postage 505.08; Verizon Wireless, cell phones 190.64; Xcel Energy, street lights/electricity 2881.79. Salaries paid by Dept in Feb: Culture & Recreation 4671.20; General Government 11431.63; Public Safety 1246.98; Public Works 20665.09.

Library Board Claims: Baker & Taylor, books 394.81; Book Systems, books 195.90; Dustex, rugs 97.50; Ingram Library Services, books 79.62; Kapco, book protection 365.06; Learning Opportunities, books 1366.23; Legendary Publications, book 29.95; Marco, copier contract 75.00; MicroMarketing, books/DVD’s 481.29; SDLA, annual dues 180.00..

Claims Rejected: None.

Deposit and Investment Policies: Finance Officer Kerzman requested the council’s approval to use Water funds from the matured Water Fund CD of \$329,507.88 to pay off the principal balance of the water tower lease in the amount of \$172,244.21 (5.5225% until

2013 with an interest savings of \$18,572.67) and to consider the payoff of the Water Fund loan for the 4th Street Project in the amount of \$144,089.67 (3.25% until 2027 with an interest savings of \$44,021.45). Discussion was held regarding interest rates, retirement dates and expected future rates. Council President Sommerfeld made a motion to buyout the lease for the water tower. Paul seconded. Motion carried 8-0.

Resolutions and Ordinances: Resolution #03-01-10-08 - Approving the Plat of Tract 3 of Everist Addition in Minnehaha County, South Dakota. Motion by Probst to approve. Followed by a second by Testerman. Motion carried 8-0.

RESOLUTION #03-01-10-08

A RESOLUTION APPROVING THE PLAT OF TRACT 3 OF EVERIST ADDITION IN MINNEHAHA COUNTY, SOUTH DAKOTA.

WHEREAS, there has been submitted to the City of Dell Rapids, South Dakota, a plat of Tract 3 of Everist Addition in Minnehaha County, South Dakota; and

WHEREAS, the plat has been examined and approved by the City Planning Commission and City Council of the City, and is in compliance with applicable law.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Dell Rapids, South Dakota that the plat known and described as Tract 3 of Everist Addition in the Southeast Quarter of the Northeast Quarter of Section 16, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, is approved, and that the Municipal Finance Officer of the City of Dell Rapids, South Dakota is hereby directed to endorse on such plat a copy of this Resolution, and certify the same thereon.

Dated at Dell Rapids, South Dakota this 1st day of March, 2010.

FOR THE GOVERNING BODY OF THE
CITY OF DELL RAPIDS, SOUTH DAKOTA

ATTEST:

/s/ Scott Fiegen, Mayor

/s/ LeAnn Kerzman, Finance Officer

Resolution #03-01-10-09 - City Attorney Hammer reviewed the appraisals provided by three independent persons for the exchange of property considered between L.G. Everist and the City of Dell Rapids. Motion by Woolf to approve Resolution 03-01-10-09. Second from Wiebenga. Motion carried 8-0.

RESOLUTION NO. 03-01-10-09

A RESOLUTION APPROVING THE EXCHANGE OF LAND WITH PRIVATE OWNER.

WHEREAS, there has been submitted to the City Council of the City of Dell Rapids, South Dakota, an Exchange Proposal by the L.G. Everist, Incorporated whereby the L.G. Everist, Incorporated would exchange two of its properties for one property owned by the City of Dell Rapids; **WHEREAS** the City Council has caused all properties to be appraised by a board of three disinterested appraisers who are freeholders within the municipality; **WHEREAS** the Municipal Finance Officer for the City of Dell Rapids caused notice of the proposed exchange and hearing to be published once in the official newspaper of the City of Dell Rapids at least 10 days before said hearing; and **WHEREAS** the City Council has determined that based on said appraisals and upon the facts and circumstances presented at a public hearing on the 1st day of March, 2010, that it would be proper for the City to exchange its property with the L.G. Everist, Incorporated.

NOW THEREFORE, BE IT RESOLVED BY the City Council of the City of Dell Rapids, South Dakota, that the City will exchange its property, legally described as:

All that part and portion of the Northeast Quarter of the Southeast Quarter
(NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, lying and being East of the Chicago, Milwaukee, St.

Paul and Pacific Railroad Company right-of-way, except the South 33 feet thereof, all in Township 104 North, Range 49 West of the 5th. P.M., Minnehaha County, South Dakota, subject to a right of way easement hereby reserved and reestablished by the City of Dell Rapids, a municipal corporation, over and across the North 33 feet thereof, as originally described in the Right of Way Easement recorded in the office of the Register of Deeds of said County and State in Book 116 of Miscellaneous on pages 350 and 351,

for 4.01 acres of land owned by L.G. Everist, Incorporated, currently leased by the City for a municipal rubble site, legally described as:

Tracts 1 and 2 of Everist Addition in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, and in Lot 16 of Kenefick's Subdivision of the East Half (E $\frac{1}{2}$) of Section 16, all in Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof;

plus 5.00 acres of land owned by L.G. Everist, Incorporated, for additional rubble site use, to be platted and legally described as:

Tract 3 of Everist Addition in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota;

and also 8.57 acres of unimproved farm property currently owned by Joette Everist, located south of the Big Sioux River and east of State Highway 115, to be described as:

County Auditor's Lot 2 of Tract 3 of the County Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$) of Section 9, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof, except that portion of Lot H-1 contained therein and except Tract 1 of Dell Rapids Coop Grain 2nd Addition to the City of Dell Rapids, contained therein; and

Lot B of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof, except that portion of Lot H-1 contained therein and except Tract 2 of Dell Rapids Coop Grain 2nd Addition to the City of Dell Rapids, contained therein,

and the Mayor and the Municipal Finance Officer of the City of Dell Rapids are hereby authorized to execute all Deeds and other documents necessary to convey said property to the L.G. Everist, Incorporated and to effect said exchange.

Introduced by Alderman Woolf, seconded by Alderman Wiebenga, and on vote 8 for and 0 against, the Mayor declared this Resolution passed and adopted.

Dated this 1st day of March, 2010.

/s/ SCOTT FIEGEN
Mayor

ATTEST:

/s/ LEANN KERZMAN
Municipal Finance Officer

Visitors to be heard: Minnehaha County Commissioner Jeff Barth reported on county government business, including equalization issues and current situations with rural ambulance services. Mayor Fiegen thanked Barth for his input.

Law Enforcement Contract - Minnehaha County Sheriff's Department submitted a contract for law enforcement services for the 2010 fiscal year. Motion by Wiebenga to table as City Attorney Hammer has not yet had time to review the information. Second made by Paul. Motion carried 8-0.

Dell Rapids Tribune – New Tribune Editor Kristin Johnson was present and was introduced to the council.

15th Street Joint Meeting – Vice-President Probst reported on a March 1 meeting with members of the Dell Rapids school board and administration with City Administrator Martin, Public Works Director Schildhauer, with Lance Mayer and Len Neugebauer of DGR. Subject was the expected construction of the elementary school in 2010-2011 and the impact to 15th Street, 12th Street and 14th Street in Timber Ridge Addition.

Library Board Report - Testerman reported on a Feb 25th meeting with the Dell Rapids Library Board which approved entering into a contract with Paul Strawhecker, Inc of Omaha, NE for a capital fund-raising campaign for the expansion of the Carnegie Library provided they could agree to terms. The library will also be hosting a celebration in recognition of 100 years since the dedication of the library on Tuesday, March 16 from 4-7. This is an open house event and the public is invited.

Motion made by Sommerfeld to adjourn. Seconded by Downs. Motion carried, 8-0 at 8:17 p.m. Meeting adjourned.

Scott Fiegen, Mayor

LeAnn Kerzman, Finance Officer