

## DELL RAPIDS CITY COUNCIL MINUTES

Monday, April 21, 2014 at 7:30 p.m.

Mayor Scott Fiegen called the Dell Rapids City Council meeting to order at 7:30 p.m. at the City Hall Council Chambers. The Roll was called finding the following members present: Chad Andrews, Mark Crisp, Mike Geraets, Paul Miles, President David Sommerfeld (via Skype) and Mayor Scott Fiegen.

Absent: Lee Burggraff, Gary Haak and Vice President Craig Lauritzen.

Staff Present: Administrator Justin Weiland, Finance Officer LeAnn Kerzman, and City Attorney Dean Hammer. Pledge of Allegiance was recited.

**Approval of Agenda:** Sommerfeld moved to approve the agenda. Motion seconded by Miles. Motion carried.

**Approval of Minutes:** Sommerfeld moved to approve the minutes of the regular meeting held on April 7, 2014. Miles seconded. Crisp asked that a correction be noted within the percentage of land amount the council may request of a developer be changed from 10% to 5%. The subdivision ordinance has been updated and 10% was the former amount. Correction noted and motion carried.

**Claims Approved:** Andrews moved to approve the claims as presented. Second by Crisp. Sommerfeld abstained as he hadn't received the list. Motion carried.

Argus Leader Media, publishing 744.61; Boyer Trucks, transit heater motor 43.48; Brown & Saenger, stapler 54.99; BSN Sports, box template 231.99; Bunkers, Glenda, transit 56.60; Bunkers Oil, fuel 5226.00; Dakota Riggers, supply 26.00; Dakota Care, insurance/flex 8162.74; ; EFTPS, payroll liability 5334.24; Graybar, lights 20.98; Gruis, Karla, maintenance 408.00; ICAP, transit 3134.14; LG Everist, supply 724.29; Linweld, rental 36.27; Locators & Supplies, video bore scope 261.32; McLeod's Printer, camping forms 136.90; Midwest Alarm, April lift station 29.38; Sanitation Products, rebuild sewer jet 3562.57; SD One Call, locates 2.56; SD State Treasurer, Dept. of Revenue, sales tax/ lottery draw 1521.34; Titan Machinery, sweeper parts 722.88; Verizon Wireless, telecommunications 93.58; Xcel Energy, electricity/street lighting 6319.04.

**Added or Increased Salaries:** Public Works Department: Summer Seasonal positions: Michael Mandel at \$7.75/hour; Bryce Koch at \$8.00 per hour and Brett Gruis at \$8.25 per hour. Parks & Recreation: Pool Assistant Manager, Morgan Hoglund at \$10.00 per hour.

### **Resolutions & Ordinances – Public Hearing and Second Reading of Ordinance #792 – Amending the 2011 Zoning Ordinance, Section 14.03, Accessory Buildings, Garages, Recreational Facility and Misc.**

**Structures:** Weiland explained the change would allow application for on conditional use permit for a front yard structure which could exceed 1200ft<sup>2</sup>. Planning & Zoning has heard and recommended approval. Andrews moved to approve the second reading of Ordinance #792. Second by Geraets. Roll Call: Andrews-Aye; Crisp-Nay; Geraets-Aye; Miles-Aye; Sommerfeld-Nay. Motion carried three (3) to two (2).

**Second Reading of Ordinance #793 – Amendments and Change of Zone:** Planning and Zoning heard and recommended council approval. The appeal processes already exists within state law. Ordinance adds wording that after a rezone or change of zoning district classification, a petition may be filed, within 20 days of second reading, by 40% of the property owners within 250 feet of the proposed district to contest and approval of 2/3 of the council can overturn. Geraets moved to approve. Crisp seconded. Roll Call: Andrews-Nay; Crisp-Aye; Geraets-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried four (4) to one (1).

**Second Reading of Ordinance #794 – Amending Chapter 21, Conditional Use Permits:** Planning and Zoning board recommendation to not approve. Weiland stated that Conditional Use applications would be heard and decided by the Planning and Zoning Board and appeals would be considered by the City Council as the board of appeals. A protest could be filed after the council decision if a petition is filed by forty percent of the adjacent property owners within 250ft and passed by 2/3 of the council. Crisp moved to approve. Miles seconded. Roll Call: Andrews-Nay; Crisp-Aye; Geraets-Nay; Miles-Aye; Sommerfeld-Nay. Motion failed three (3) to two (2).

**Second Reading of Ordinance #795 – Cable Television Franchise Agreement:** GoldenWest was present to answer any questions. Weiland stated the current franchise agreement is expiring. Crisp moved to approve the

second reading of Ordinance #795. Miles seconded. Roll Call: Andrews-Nay; Crisp-Aye; Geraets-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried four (4) to one (1).

**First Reading of Ordinance #796 – Rezone Lot 10 Block 6 of Timber Ridge Addition from R-1 to R-2:** Public Hearing was declared for the rezone of Lot 10, Block 6 of Timber Ridge Addition from R-1 (Single Family Residential) to R-2 (Two Family attached Residential District). No opposition.

**First Reading of Ordinance #797 – Rezone Lot 11-12-13-14, Block 6 of Timber Ridge Addition from R-1 to R-3:** Public Hearing was declared for the rezone of Lots 11-12-13-14, Block 6 of Timber Ridge Addition from R-1 (Single Family Residential) to R-3 (Medium Density Residential District). No opposition.

**Resolution #2014-04 – Establishing the Sale of Recyclables:** Resolution provides for the ability of the Public Works Department to sell any recyclable materials from the restricted use Rubble Site with the funds returning to the General Fund without requiring the surplus property process. Crisp moved to approve. Andrews seconded. Motion carried.

RESOLUTION 2014-04

ESTABLISHING POLICIES & PROCEDURES FOR THE SALE OF RECYCLABLE MATERIALS AND SCRAP MATERIALS FROM THE RESTRICTED USE RUBBLE SITE

WHEREAS, the City of Dell Rapids owns and operates a restricted use Rubble Site, and  
WHEREAS, the Dell Rapids City Council through its Public Works Department deems it necessary to provide for the purchase, sale, and/or transfer of certain solid waste or recyclable materials to provide recycling opportunities to its residents; and

WHEREAS, at times such materials have value, although often only slight value; and  
WHEREAS, SDCL 34A-6-63.1 provides that the City Council of any municipality may establish policies, requirements, and procedures for the purchase, acquisition, sale, or transfer of any solid waste as defined in § 34A-6-1.3, solid waste by-products, recyclable materials as defined by § 34A-6-61, and scrap materials by any solid waste facility that is owned or operated by the municipality.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Dell Rapids, South Dakota, does hereby support the purchase, sale, or transfer of certain solid waste or recyclable materials by the City of Dell Rapids Public Works Department to meet the needs of it's citizens and customers, and authorizes the City Finance Officer to establish and modify as necessary the policies and procedures needed to meet the intent of the statute to allow for the efficient operation of the restricted use Rubble Site.

Dated at Dell Rapids, South Dakota this 21<sup>st</sup> day of April 2014.

FOR THE GOVERNING BODY OF  
THE CITY OF DELL RAPIDS, SOUTH DAKOTA  
/s/ Scott Fiegen, Mayor

ATTEST:

/s/ LeAnn Kerzman, Finance Officer

**Visitors to be Heard:** Larry Hovde and Keith Nelson were present to express their concern over the changes that golf cart licensing has created. Being licensed requires proof of insurance, which allows the vehicle to travel upon a public roadway, a licensed driver and a slow moving vehicle emblem. Licenses are available at city hall for \$25.

Residents from the intersections of 6<sup>th</sup> Street and Clark Avenue and 7<sup>th</sup> Street and Clark Avenue were present to express their concerns regarding the speed of traffic within their neighborhoods. They requested the council to consider the installation of stop signs to control traffic.

**Library – Re-Appointment/Project Update:** Tom Earley requested to be reappointed to his seat on the Library Board. Miles moved to approve the reappointment. Andrews seconded. Motion carried. Earley briefed the council on the progress of the Library improvements. Construction began today for the utility services with the removal of trees and dirt work. A change order will be forthcoming for the upgrade of the water service to a 4” service for fire suppression. Bid opening will be held on April 30 at 2 p.m. Plans are to close the library as of May 9 move the materials and reopen at the former elementary school location on May 19.

**Arbor Day Proclamation:** Mayor Fiegen made the Arbor Day proclamation.

***PROCLAMATION-ARBOR DAY***

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resources giving us paper, wood for homes, fuel for our fires and countless other wood products; and

**WHEREAS**, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal; and

**WHEREAS**, Dell Rapids has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices.

**NOW, THEREFORE**, I, Scott Fiegen, Mayor of the City of Dell Rapids, do hereby proclaim Friday, April 25, 2014, as: *Arbor Day*.

Dated at Dell Rapids, South Dakota this 21<sup>st</sup> day of April, 2014.

FOR THE GOVERNING BODY OF THE  
CITY OF DELL RAPIDS, SOUTH DAKOTA  
/s/ Scott Fiegen, Mayor

ATTEST:

/s/ LeAnn Kerzman, Finance Officer

**Summer Seasonal Personnel:** Weiland stated that he is recommending Morgan Hogle as the Assistant Pool Manager at a rate of \$10.00 per hour. Public Works summer seasonal employees are: Bryce Koch at \$8.00 per hour; Bret Gruis at \$8.25 per hour and Michael Mandel at \$7.75 per hour. Miles moved to approve. Andrews seconded. Motion carried.

**Planning & Zoning – Resignation and Appointment:** Charlie Plesckac has submitted his resignation from the Planning & Zoning due to moving out of the area. Andrews moved to accept his resignation. Geraets seconded. Motion carried. Mayor Fiegen stated his appointment recommendation is Tom Schwebach. Andrews moved to approve. Geraets seconded. Motion carried.

**Subdivision Ordinance – Public Open Space Requirements:** When new residential developments are considered the council currently may require 5% space for city use. Crisp requested the council consider land or cash consideration to the city for all developers as a requirement. He proceeded to expound on who the developers within Dell Rapids are and asked additional questions about each. No council action taken.

**Claims Approved for Payment by Other Municipal Boards – Library Board Claims:** Advanced Systems, copier contract 43.10; Cengage Learning, book 22.49; Ingram Library Services, 13 books 257.37; Junior Library Guild, 48 books 747.00; Learning Opportunities, educational materials 964.50; RDJ Specialties, 150 stickers 171.05; The Library Store, supplies 978.31; Video Plus, maintenance 67.60.

**Treasurer’s Report:** A recap, of all income and expenses that occurred since the last meeting, was presented to the council.

**City Administrators Report –** Weiland reported on the following:

- Street maintenance, specifically crack sealing, was budgeted last year and this year. Intend to proceed with a combined use of the designated funds.

- Garfield Bridge replacement bid opening is set for May 7. Original deadline was October of 2014 but with the delay in bid opening the final completion is planned for September of 2015. Progress should continue on the project continually until completion.
- 15<sup>th</sup> Street project is scheduled for a final walk through to complete the project.
- AT&T is requesting to install a ring of panels around the north water tower. Awaiting response from engineering to confirm non-impact to the tower structure and negotiating rental terms.
- Developer questions request is being worked on.
- Capital Improvement Plan work session is scheduled for Monday, May 12.
- Free rubble site access days are May 1 and May 3.

Miles moved to adjourn. Crisp seconded. Council adjourned at 8:55 p.m.

LeAnn Kerzman  
Finance Officer