

**DELL RAPIDS CITY COUNCIL MINUTES**  
**Monday, May 2, 2011 at 7:00 p.m.**

Mayor Fiegen called the meeting to order at 7:00 p.m. at the Dell Rapids City Council Chambers. The Pledge of Allegiance was recited and roll was taken finding the following Council Members present including: Mayor Scott Fiegen, President Mark Downs, Vice-President Carrie Testerman, David Sommerfeld, Carrie Probst, Todd Wiebenga and John Paul. Absent: Doug Grovenburg, Keith DeLange.  
Staff Present: Administrator, Justin Weiland, Finance Officer, LeAnn Kerzman, City Attorney, Dean Hammer.

**Addition to agenda:** Testerman moved and Probst seconded the addition of the approval of the agenda to the agenda. Motion carried unanimously.

**Approval of Agenda:** Downs moved and Probst seconded the approval of the agenda. Motion carried unanimously.

**Minutes** – Probst moved and Testerman seconded to approve the minutes of the regular council meeting held on April 18, 2011. Motion carried unanimously.

Motion to adjourn made by Sommerfeld and seconded by Downs at 7:02 p.m. Motion carried unanimously.

Mayor Fiegen called the newly formed council to order at 7:02 p.m. at the Dell Rapids City Council Chambers. Roll was taken finding the following members present: Carrie Testerman, Mark Downs, Todd Wiebenga, John Paul, Carrie Probst, David Sommerfeld and Mayor Scott Fiegen.

**Installation of Council Members:** Certificates of election have been issued to alderpersons Todd Wiebenga (Ward 1), Mark Downs (Ward 3), Carrie Testerman (Ward 4) and for Mayor Scot Fiegen (at large) for two year terms of office to commence May 2010 until May 2012. One year appointment offered by Mayor Fiegen to David Sommerfeld (Ward 1). They swore their Oaths of Office.

**Council Organization and Designees:**

*President:* Testerman moved and Wiebenga seconded to appoint Probst as Council President.

*Vice President:* Sommerfeld moved and Paul seconded to appoint Wiebenga as Council Vice-President.

*Finance Officer:* Downs moved and Sommerfeld seconded to appoint LeAnn Kerzman as Finance Officer.

*City Attorney:* Downs moved and Testerman seconded to appoint Dean Hammer of Vogt, Brown, Merry & Hammer as City Attorney.

*Deputy City Attorney:* Probst moved and Paul seconded to appoint Max Merry as Deputy City Attorney.

*Finance and Utilities Committee:* Probst moved and Sommerfeld seconded to appoint Sommerfeld, Wiebenga and Downs to the committee.

*Policy and Procedures Committee:* Sommerfeld moved and Downs seconded to appoint Paul, Probst and Testerman to the committee..

*Surplus Property Appraisal Committee:* Downs moved and Probst seconded to appoint the city council in full.

*Economic Development:* Sommerfeld moved and Probst seconded to appoint Downs as the cities representative to both the Minnehaha County Economic Development Association and Dell Rapids Economic Development Corporation.

*Library Board Liaison:* Sommerfeld moved and Paul seconded to appoint Testerman as the Carnegie Library Trustee.

*Official Newspaper:* Downs moved and Probst seconded to appoint the Dell Rapids Tribune.

*Official Depositories:* Downs moved and Sommerfeld seconded to appoint Wells Fargo, Home Federal, First National Bank and SD FIT Funds.

*Rules of Order:* Paul moved and Downs seconded to adopt Robert's Rules of Order.

All appointment unanimously approved.

**Claims Approved:** Downs moved and Sommerfeld seconded to approve the following claims as presented. Motion carried unanimously.

Argus Leader, publishing 202.86; Bryan Rock Products, diamond agg 1100.88; BTU Engineering, 7994.50; Cardmember Services, Ec Dev Conf 245.00; Cardmember Services, office supplies 129.98; Cask & Cork, April wine 117.00; Concrete Materials, cold mix 681.15; DakotaCare, health insurance 4915.17; Dauby's Sports Center, recreation supply 352.40; Dells Electric, breaker replacement 4718.64; Delta Dental, insurance 625.60; DGR, engineering, rec trail 4299.11 and 15<sup>th</sup> St 11,590.49; GeoTek, testing 76.50; Global Distributing, April malt 28.17; HD Supply, parts 426.04; ICAP, Mar busing 3545.56; Justice Fire & Safety, extinguisher maint 339.50; LG Everist, rock 105.85; Linweld, safety glasses 51.00; Malloy, parts 237.38; Mid-American Energy, gas 216.09; Midwest Alarm, security monitoring 105.35; Minnehaha Community Water, April water 7839.52; Postmaster, postage 507.98; Republic, liquor 6798.28; Sam's Discover, desk/concessions 1451.12; Sanitation Products, sweeper parts 248.09; SDML, district meeting 17.00; SDRS, retirement 6525.30; tyler technologies, Galaxy interface 550.00; Xcel Energy, electricity 3307.99.

### **Resolutions and Ordinances - Second Reading of Ordinance #746 – Water and**

**Wastewater Billing and Delinquency Fee Increase:** An ordinance to amend the existing late fee for water and wastewater from 1.5% to a flat fee of \$5.00 per month if paid after the 20<sup>th</sup>.

Downs moved and Probst seconded to approve. Roll call vote with all present voting in the affirmative. Motion carried.

#### **ORDINANCE 746**

**AN ORDINANCE OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, PROVIDING THAT THE REVISED ORDINANCES OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, BE AMENDED BY REVISING THE BILLING AND DELINQUENCY PROCEDURES FOR SEWER AND WATER UTILITIES.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA:**

**Section 1.** That Secs. 21-38 and 21-74 of the Revised Ordinances of the City of Dell Rapids, South Dakota, be amended to read as follows:

**“Sec. 21-38 Billing and delinquencies.**

Beginning with the July 1, 2011 water billing, the following delinquencies are hereby established

Bills for water consumption or usage shall be sent out at or about the first day of each month, with the due date thereof being on the twentieth day of the same month. Bills shall be based upon the water consumption or usage for the immediately preceding month. The city shall have the meters read as often as possible; however, in the intervening months between city meter readings, the meter shall either be read by the consumer or user, or the bills shall be estimated, whichever shall be determined by the office of the municipal finance officer. Any bill not paid on or before the twentieth day of the month shall be considered delinquent and shall incur a late charge of Five dollars (\$5.00) per month or fraction thereof until fully paid. The term "month" when used in this section 21-38 shall mean from the twentieth day of the month to and including the twentieth day of the next succeeding month."

**"Sec. 21-74. Payment of the user's wastewater service charge and penalties.**

Beginning with the July 1, 2011 water billing, the following delinquencies are hereby established

The city shall submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The city shall add a penalty of Five Dollars (\$5.00) per month if the payment is not received by the city within twenty (20) days. Should any user fail to pay the user wastewater service charge and penalty within thirty (30) days after the above prescribed twenty (20) days, the city may stop the wastewater service to the property."

Dated at Dell Rapids, South Dakota this 2<sup>nd</sup> day of May, 2011.

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

Attest:

By /s/ LeAnn Kerzman, Finance Officer

**Second Reading of Ordinance #747 – A Change to Water Rates Pumped and Delivered to Locations Outside of City Limits:** An ordinance to reduce the rate of the first 50,000 gallons of water sold outside of city limits to base of \$9.16 plus \$4.18 for each 1,000 gallons. All usage over 50,000 gallons billed at a rate of \$6.49 per 1,000 gallons. Sommerfeld moved and Testerman seconded to approve. Roll call vote with all present voting Aye. Motion carried unanimously.

**ORDINANCE 747**

**AN ORDINANCE OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, PROVIDING THAT THE REVISED ORDINANCES OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, BE AMENDED BY REVISING SECTION 21-37; PROVIDING A CHANGE TO WATER RATES PUMPED AND DELIVERED TO LOCATIONS OUTSIDE OF CITY LIMITS, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA:**

Section 1. Effective July 1, 2011, Sec. 21-37 of the Revised Ordinances of the City of Dell Rapids, South Dakota, is hereby amended to read as follows:

**"Sec. 21-37. Water rates.**

Beginning with the July 1, 2011 water billing, the following rates are hereby established:

- (1) For water pumped and delivered to locations within the city limits of the city, the base rate shall be nine dollars and sixteen cents (\$9.16), plus four dollars and eighteen cents (\$4.18) for each one thousand (1,000) gallons or part thereof metered per month.
- (2) For water pumped and delivered to locations outside the city limits of the city, the rate shall be as follows:

- a) For water pumped and delivered to locations outside city limits of the city, the base rate shall be nine dollars and sixteen cents (\$9.16), plus four dollars and eighteen cents (\$4.18) for each one thousand (1,000) gallons or part thereof metered per month for the first 50,000 gallons used.
  - b) For each one thousand (1,000) gallons or fraction thereof above fifty thousand (50,000) gallons of water used, the rate of six dollars and forty nine cents (\$6.49) per one thousand (1,000) gallons or fraction thereof will charged for water used.
- (3) Bulk water rates for water purchased in bulk and handled by the user shall be five dollars and eighty-two cents (\$5.82) per one thousand (1,000) gallons.”

Adopted this 2<sup>nd</sup> day of May, 2011.

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

ATTEST:

By /s/ LeAnn Kerzman, Finance Officer

**Visitors to be heard:** None present.

**Fire and Rescue Station Change Order #2** – Downs moved and Probst seconded tabling the item due to paperwork not yet approved for council consideration regarding a retaining wall.

**Law Enforcement Contract:** Sheriff Mike Milstead was present to thank the council for continuing a good working relationship. He responded to questions and suggestions from the council and gave an overview as to how the department responds and organizes staff.

**Minehaha County Economic Development Corporation and Dell Rapids Development Corporation:** Mr. Jeff Eckhoff, MCEDA Director, gave an informative presentation on economic development and the impact upon communities. Mr. Jeff Traill followed with a presentation from the Dell Rapids Economic Development Corporation with a proposal for the council to consider assisting financially in an engineering study for a possible development area. Mayor Fiegen thanked them for their work on the project. Wieland asked that the council members discuss with their constituents and discuss with the reevaluation of the Comprehensive Use Plan that is being conducted.

**Outdoor Event Application – Cootie Days by the American Legion Post 65:** Application received from Commander Mike Geraets to again schedule Cootie Days for June 10-11 in City Park. Entertainment provided by McDermott Family Shows. Also, to have a Memorial Day parade to be held on May 30<sup>th</sup> at 10 a.m. Downs moved and Testerman seconded approving the applications contingent upon receiving proof of insurance and agreed to the waiving of the \$100 application fee. Motion carried unanimously.

**Outdoor Event Application – Circus:** Loretta Mattern of the Dell Rapids Chamber of Commerce, submitted an application for a Culpepper & Merriweather Circus to be held in City Park on July 6 with a show at 5 pm and 7:30 pm. Paul moved and Downs seconded to approve the application and waiving the fee contingent upon receipt of proof of insurance.

**Poppy Day Proclamation** – Mayor Fiegen read the following Proclamation.

*PROCLAMATION*

**POPPY DAY**

**WHEREAS**, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and  
**WHEREAS**, millions who have answered the call to arms and have died on the field of battle; and  
**WHEREAS**, a nation of peace must be reminded of the price of war and the debt owed to those who have died in war; and

**WHEREAS**, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and  
**WHEREAS**, the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower; and

**NOW, THEREFORE**, I, Scott Fiegen, Mayor of the City of Dell Rapids, do hereby proclaim Friday, May 27, 2011, as **Poppy Day** and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

Dated at Dell Rapids, South Dakota this 2nd day of May, 2011.

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

ATTEST:

By LeAnn Kerzman, Finance Officer

**Municipal Swimming Pool Seasonal Rates:** Tabled item from the April 18, 2011 council meeting to consider rates for the 2011 season. Sommerfeld moved and Testerman seconded a single rate of \$30 and a family rate of \$75.00 per season. Family is defined as immediate family. Motion carried unanimously.

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

- 15<sup>th</sup> Street Update – preconstruction meeting to be held on Tuesday, May 3<sup>rd</sup> at 11:00 a.m. in the City Council Chambers. Easement request from Ray Jensen has been received.
- A draft of a Ward redistricting map has been received from SECOG for the council to review. Weiland will discuss with SECOG for the next steps.
- Introduction of Luke Tatge, Editor of the Dell Rapids Tribune. The council welcomed Luke and look forward to working with him.

**Treasurers Report** – A recap of all income and expenses, since the last meeting, were presented to the council for their review.

**Claims Approved for Payment by Other Municipal Boards** – Library Board Claims: Baker & Taylor, 4 books 41.15; Dustex, rug service 10.15; Ecowater, water cooler rental 8.00; Gale Group, 15 books 511.22; Huske, Debbie, 68 miles reimbursed 25.16; Ingram Library Services, 4 books 85.49; Micromarketing, 3 DVD's/6 books 269.51; MidAmerican Energy, natural gas 127.24; Office Max, chairs 338.45; Quality Books, 2 books 36.91; Sam's Discover, books/office supply 353.07; SEH, engineering 1496.93; Strawhecker, Paul J, expenses 209.10; Upstart, summer reading 781.15; Xcel Energy, electricity 114.26.

Motion by Downs to adjourn the meeting at 9:50 p.m. Second by Probst. Motion carried unanimously. Meeting adjourned.

LeAnn Kerzman, Finance Officer