

DELL RAPIDS CITY COUNCIL MINUTES

Monday, May 2, 2016 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: Mike Geraets, Mike Sterud, Mary Klockman, Mark Crisp, Tom Earley, Lee Burggraff and Gary Haak.

Staff present: Administrator Justin Weiland, Finance Officer Claire Baartman, and City Attorney Dean Hammer

Absent: Dave Sommerfeld (Councilman Sommerfeld passed away prior to this meeting).

Community Members Present (who addressed the Council):

Peter Rasmusson of Rasmusson Properties LLC.

Greg and Ronda Hanson – owners of 511 E. 8th St., Dell Rapids, SD

Pledge of Allegiance was recited.

Approval of Agenda: Burggraff motioned to approve the agenda, seconded by Haak. Motion carried.

Approval of Minutes April 18, 2016 Regular Session: Crisp motioned to approve the Minutes of the April 18th meeting, seconded by Haak. Motion carried.

Visitors to be Heard: None

Public Hearing Re-Zone Fiegen Development Park

A.) Ordinance No. 831: Lot 4 of Fiegen Development Park Addition to the City of Dell Rapids, Minnehaha County, South Dakota From NRC: Natural Resource Conservation District to B-2: General Business District – First Reading

Burggraff motioned to approve, seconded by Haak. Motion carried.

B.) Ordinance No. 832: Lot 2 and 3 of Fiegen Development Park Addition to the City of Dell Rapids, Minnehaha County, South Dakota From NRC: Natural Resource Conservation District to I-1: Light Industrial District – First Reading

Haak motioned to approve, seconded by Burggraff. Motion carried.

C.) Ordinance No. 833: Lot 6 of Fiegen Development Park Addition to the City of Dell Rapids. Minnehaha County, South Dakota from NRC: Natural Resource Conservation District to PD: Planned Development District – First Reading

This Ordinance includes 9 regulations. Burggraff motioned to approve, seconded by Geraets. Motion carried.

Old Business

10th Street – Rasmusson Properties Assessment

City Administrator Weiland recommended denying the Rasmusson's request to defer the assessment of Lot 2 of Tract A because the original assessment has been lowered dramatically. However, if the Council is inclined to offer a deferment, Administrator Weiland recommends a timeframe be set for re-payment. Mayor Fiegen recommended the council accept the Rasmusson's request with a timeline set for re-payment. Mayor Fiegen believes the Rasmusson's property should be treated similar to the other two properties affected by the street project. Councilman Crisp noted he is not in favor of a deferment as the other two properties zoning is different than the Rasmusson's property. Councilman Earley noted he

is also not in favor of a deferment because of the great reduction in total cost of the original assessment. Earley motioned to not approve the request for deferment and keep the original agreement as is, seconded by Klockman. Motion carried.

Tax increment Financing District #2 Fiegen Development Park Amendment Discussion

Administrator Weiland is working with Tobin Morris to finalize adoption of the TIF Plan to cover the costs of Quartzite Street, utilities and Garfield Avenue paving. In the fall of 2015, the City adopted/approved a TIF District that covered Lot 1 of the Fiegen Development Park (Midwest Fresh Lot). Therefore the City will collect the tax increment on the construction of the Midwest Fresh property to assist with the construction of Quartzite. Now that the Development Corporation has platted Lots 2, 3, 4, 5 and 6 and they have potential purchasers of these properties, Administrator Weiland feels it is worth considering amending the TIF District to include these properties. The benefit to this is capturing any new improvements made on these properties could be captured to assist with the paving of Garfield Avenue. Amending the TIF district is not a necessary. The City can move forward with the adoption of the TIF Plan with the already adopted district (Lot 1). However, Administration advises considering amending the TIF district to include Lots 2, 3, 4, 5 and 6 because in the long run, the City will collect a higher percentage of the property tax.

Direction from the Council at this time is, yes, they would be interested in amending TIF District #2 Fiegen Development Park. No action was taken.

Ordinance 20-133. Truck Routes – Discuss Repeal of Ordinance – Committee Update

The Policy and Procedures Committee met before the Council Meeting to discuss possible options for the truck route. A Minnehaha County Deputy was present at the meeting. It was decided the tonnage allowed on 4th street needs to be upped from 5,000 ton to 10,000 ton as well as have signage stating the maximum tonnage allowed on 4th street. The committee also decided more signage indicating “No Trucks” needs to be put up on both ends of 4th street (these signs have already been ordered). Finally, the Committee decided the Deputies must have some discretion on whether to issue a ticket or not; rather than being mandated to issue a ticket regardless of the situation.

No action was taken.

Mayor Fiegen presented outgoing Councilman Lee Burggraff with a Certificate of Appreciation for his time served on the Council.

Mayor Fiegen called the new Council to order at 8:11 p.m. Crisp moved to approve, seconded by Klockman. Motion carried.

The Roll was called finding the following members present: Mike Geraets, Mike Sterud, Mary Klockman, Mark Crisp, Tom Earley, and Gary Haak.

Absent: James Borchert

Election of Council Officers –

President:

Geraets moved to appoint Crisp as council President, Earley seconded. Haak motioned nominations cease. Motion carried.

Vice President:

Crisp moved to appoint Earley as Vice-President, Geraets seconded. Haak moved to appoint Geraets as Vice – president, Klockman seconded. Geraets declined. Haak motioned nominations cease. Motion carried – Earley to be Vice President.

Appointment of Administrative Officers –

Finance Officer: Mayor Fiegen recommended Claire Baartman. Earley moved to appoint Claire Baartman as Finance Officer, Crisp seconded. Motion carried.

City Attorney: Mayor Fiegen recommended Dean Hammer. Motion by Crisp, seconded by Haak to appoint Dean Hammer as City Attorney. Roll call vote was requested: Geraets – Aye, Sterud – Aye, Klockman – Aye, Crisp – Aye, Earley – Aye, Haak – Aye. Motion Carried 6-0.

Deputy City Attorney: Mayor Fiegen recommended Max Merry and Josh Brown. Motion by Crisp, seconded by Haak to appoint Max Merry and Josh Brown as Deputy City Attorney. Motion carried.

Other Appointments and Designations

Finance and Utilities Committee – Mayor Fiegen recommended Borchert, Crisp and Earley. So moved by Haak, seconded by Klockman. Motion carried.

Policy and Procedures Committee – Mayor Fiegen recommended Sterud, Haak and Klockman. So moved by Earley, seconded by Crisp. Motion carried 5-1.

Surplus Property Appraisal Committee – Mayor Fiegen recommended the council as a whole. So moved by Crisp, seconded by Klockman. Motion carried.

Minnehaha County Economic Dev. Assoc. and Dell Rapids Economic Dev. Corp – Mayor Fiegen recommended Mike Geraets. So moved by Crisp, seconded by Haak. Motion carried.

Library Board Liaison – Mayor Fiegen recommended Borchert. Councilman Earley voiced his concern that Councilman Borchert is already on the Library Board and had just been appointed for another three year term. If Councilman Borchert is appointed as Liaison he would have to step down as a member of the Library Board. Councilman Earley requested to table the decision until Councilman Borchert was available to discuss the situation. Haak moved to table the appointment of Library Board Liaison, seconded by Klockman. Motion carried.

Official Newspaper – Mayor Fiegen recommended the Dell Rapids Tribune be designated. So moved by Earley, seconded by Haak. Motion carried.

Official Depositories – Mayor Fiegen recommended First National, Home Federal, Wells Fargo and SD FIT. So moved by Klockman, seconded by Haak. Motion carried.

Finance Officer Authorization – state law allows the council to pre-approve expenditures to prevent late fees, and approve recurring payment items such as payroll and its corresponding liabilities. Motion by Crisp to approve the Finance Officer authorization to pay bills in a timely manner, seconded by Geraets. Motion carried.

Rules of Order – Mayor Fiegen recommended that Roberts Rules of Order be followed. So moved by Geraets, seconded by Haak. Motion carried.

New Business

511 East 8th Street Sidewalk Removal Issue – Greg and Ronda Hanson

Greg and Ronda Hanson have requested to approach the Council regarding an issue with improvements to their property at 511 East 8th Street. The City noticed that they had removed their sidewalk on the north side of the property running east and west. In replacement of the sidewalk a concrete pad was installed to serve as a parking pad for the two upper level apartments. This work was done without a building permit or communication with City Hall about their plan. Administration informed the Hanson's that removing a sidewalk was not allowed and that it needs to be re-installed. They were also informed that the majority of the parking pad is within the Right-of-Way and any vehicles parked on it would block the sidewalk.

Administration and the Council thanked the Hanson's for their work on cleaning up this property – Their Substantial improvements are appreciated. The Council then discussed possible options to remedy the

situation rather than tearing out the cement pad that has already been placed. Crisp motioned to enforce install of sidewalks to both the east and west of the cement pad to the end of the respective property lines as well as paint/mark the cement pad where the sidewalk right-of-way runs through, seconded by Geraets. Motion carried 4-2. Crisp motioned the Hanson's obtain the proper permits for the work completed, seconded by Haak. Motion carried.

Resolution 2016-10: Close 501 Library Building Fund and Establish 228 Library Donation Fund

Recommend the Council approve the closure of Fund 501 – Library Building Fund as the project is now complete. Also, recommend to establish Fund 228 – Library Donation Fund so the library can accept subsequent donations. The remaining balance of approximately \$1,000 will be transferred to the new fund as well. Earley motioned to approve the closure of Fund 501, Establish Fund 228 and transfer the remaining funds respectively, seconded by Klockman. Motion carried.

RESOLUTION #2016-010

RESOLUTION BY THE CITY OF DELL RAPIDS TO DECLARE PROJECT COMPLETED CLOSE CAPITAL PROJECT FUND AND ESTABLISH A NEW LIBRARY SPECIAL GIFTS FUND.

WHEREAS, the City of Dell Rapids, South Dakota, has created a Capital Project Fund #501 for the Dell Rapids Carnegie Library Renovation and Expansion Project; and

WHEREAS, all payment obligations have been met and are declared closed; and

WHEREAS, the City of Dell Rapids will establish Fund #228 Library Special Gift Funds

WHEREAS, any remaining fund balance in the #501 Building Fund should be transferred to the Fund #228; and

THEREFORE BE IT RESOLVED by the City Council of Dell Rapids, South Dakota, that the following funds are closed:

Closing	Amount
Capital Project Fund #501	\$1,136.49

Dated this 2nd day of May, 2016.

THE COMMON COUNCIL OF THE CITY
OF DELL RAPIDS, SOUTH DAKOTA

Scott Fiegen
Mayor

ATTEST:

Claire Baartman
Municipal Finance Officer

Personnel – Summer Seasonal Positions: Public Works

Recommend the Council approve Josh Brown and Casey Hansen at \$9.25 an hour for the Public Works summer seasonal positions. Earley motioned to approve, seconded by Geraets. Motion carried.

Summer Property Maintenance Mowing Contractor – Consider Requirements and Bidding Service

Discussion on whether to hire a contractor to mow unkempt lawns during the summer months or to perform the work in-house. Crisp motioned to go out for bids for a summer property maintenance mowing contractor, seconded by Earley. Motion carried 5-1.

Mayoral Proclamation – Poppy Day May 30th, 2016 – American Legion Auxiliary

Mayor Fiegen read the proclamation declaring May 30, 2016 Poppy Day. The Dell Rapids Legion Auxiliary submitted the request to wear a memorial poppy to pay tribute to those who have made the ultimate sacrifice.

Claims Payable

Haak motioned to approve the Claims, seconded by Klockman. Motion carried.

VENDOR NAME	DESCRIPTION	FUND	AMOUNT
AMERICAN LEGION	CEMETERY VET. MARKERS	GENERAL FUND	500.00
BIERSCHBACH EQUIPMENT & SUPPLY	SUPPLIES	GENERAL FUND	71.40
	SUPPLIES	WATER FUND	149.60
	SUPPLIES	WASTEWATER FUND	129.60
DAKOTA RIGGERS & TOOL SUPPLY, INC	STREET SUPPLIES	GENERAL FUND	312.00
DAKOTACARE	HEALTH INSURANCE	GENERAL FUND	4,957.30
	FLEX REIMB - LS	WATER FUND	750.00
	HEALTH INSURANCE	WATER FUND	1,588.09
	FLEX REIMB - LS	WASTEWATER FUND	750.00
	HEALTH INSURANCE	WASTEWATER FUND	1,588.08
DELLS ELECTRIC, INC	CH BUILDING R&M	GENERAL FUND	187.48
DELLS PLUMBING	WATER R&M-NEW BOILER DRAIN	WATER FUND	445.86
DELTA DENTAL	DENTAL INSURANCE	GENERAL FUND	438.54
	DENTAL INSURANCE	WATER FUND	114.78
	DENTAL INSURANCE	WASTEWATER FUND	114.78
DGR	GF ENGINEERING FEES	GENERAL FUND	10,105.83
	WATER FUND ENGINEERING FEES	WATER FUND	1,848.44
	WW FUND ENGINEERING FEES	WASTEWATER FUND	51,392.95
EFTPS	PAYROLL WITHHOLDING	GENERAL FUND	3,857.73
	PAYROLL WITHHOLDING	WATER FUND	969.67
	PAYROLL WITHHOLDING	WASTEWATER FUND	951.62
FIGEN TREE SERVICE LLC	PARK R&M	GENERAL FUND	250.00
FIRST BANK CARD	CC PMT	GENERAL FUND	1,140.13
	CC PMT	WATER FUND	5.34

	CC PMT	WASTEWATER FUND	5.35
GRUIS, KARLA	CLEAN CH AND LIBRARY	GENERAL FUND	660.00
HYDRAULIC WORLD, INC	STREET SUPPLIES	GENERAL FUND	6.17
LACEY'S PORTABLE RESTROOMS & ROLL OFFS	2 PORTABLE REST. 4/26-5/24	GENERAL FUND	250.00
MINNEHAHA COUNTY SHERIFF	2016 2ND QTR SERVICES	GENERAL FUND	63,145.58
REPUBLIC NATIONAL DISTRIBUTING CO	APRIL 1ST HALF LIQUOR	LIQUOR FUND	5,584.13
RESTAURANT EQUIPMENT REPAIR OF SF INC	NORBY'S DISHWASHER R&M	LIQUOR FUND	242.48
SD CITY MANAGEMENT ASSOCIATION	TRAINING - JW	GENERAL FUND	50.00
SD STATE TREASURER, DEPT OF REVENUE	MALT LICENSE: T&C(2),SHOPKO	LIQUOR FUND	462.50
	4.01.16-4.15.16 LOTTERY PM	LIQUOR FUND	916.01
SD UNEMPLOYMENT INSURANCE DIVISION	QTR 1 2016 UNEMPL. PAYMENT	GENERAL FUND	89.02
	QTR 1 2016 UNEMPL. PAYMENT	WATER FUND	23.94
	QTR 1 2016 UNEMPL. PAYMENT	WASTEWATER FUND	23.62
SDRS SUPPLEMENTAL RETIREMENT PLAN	ROTH RETIREMENT	GENERAL FUND	145.00
	ROTH RETIREMENT	WATER FUND	25.00
	ROTH RETIREMENT	WASTEWATER FUND	25.00
SOUTH DAKOTA RETIREMENT SYSTEM	RETIREMENT	GENERAL FUND	3,604.86
	RETIREMENT	WATER FUND	956.30
	RETIREMENT	WASTEWATER FUND	947.20
VERIZON WIRELESS	MAR 08 - APR 07 BILL	GENERAL FUND	80.69
	MAR 08 - APR 07 BILL	WATER FUND	24.09
	MAR 08 - APR 07 BILL	WASTEWATER FUND	24.09
VERNON FRYE	REIMB. FOR BUS. SUPPLIES	GENERAL FUND	64.71
XCEL ENERGY	UTILITY	GENERAL FUND	774.21
	51-6948741-0	WATER FUND	836.80
	51-5468558-8	WASTEWATER FUND	2,831.28
**PAYROLL EXPENSES	APRIL 2016	GENERAL FUND	33,286.42
		WATER FUND	7,969.03
		WASTEWATER FUND	7,893.17

Administrator Report:

April 12th Municipal Election – Publication Mistake Update:

Administration is updating the Council on a mistake that occurred prior to the April 12th municipal election involving a procedural error. The City is required to publish a multiple election related notices, two of which being the Notice of Election on two specific weeks prior to the April Municipal election during the weeks of March 28th and April 4th. The City failed to post the notice in the March 30th edition of the Tribune. The Secretary of State office recommended posting the notice in as many locations in the community as possible and documenting the posting of the notices. The notices were posted in 20 locations throughout town. This remedy doesn't meet the legal requirement of notice; this was simply a method of trying to inform the public of the election. The reason this is being called to the Council's

attention is because a citizen has been questioning the unpublished notice and the legitimacy of the election. Administration has contacted the Secretary of State and consulted with Attorney Hammer. The April 12th turnout was as expected if not higher than normal for similar elections in the past. The results of the election for both issues (Council and Referendum) had a significant difference; Council: James Borchert, 76; Lee Burggraff, 39 and Re-Zone Referendum: Yes (to Re-Zone) 204; No (to Not Re-Zone) 148. Therefore it is the position of City Administration and City Attorney that the results of the election wouldn't have significantly changed with the publication of the additional notice. Therefore it is the opinion of Administration and Attorney that the results of the election, certified by the Council at the April 18th meeting should stand as approved. The Secretary of State's office informed City Staff that these issues do happen on occasion across the State and to their knowledge, a judge has only made a municipality re-do their election on one occasion in the last twenty years. This mistake will not happen again in the future.

Capital Improvement Plan Exercise – Set May or June Meeting:

Administration would like to set a date sometime in late May/early June to conduct the annual Capital Improvement Plan exercise session. It was decided at the meeting the Tuesday following the first meeting in June, June 7th would work best.

Surplus Property – Snow Plow No Bidders:

The City posted the Western V Plow as surplus property valued at \$2,000. Bids were to be submitted by April 13th. The City didn't receive any bids for the piece of equipment. City Administration is looking for direction on how to proceed. Councilman Haak noted it would be better to wait until fall to re-list as surplus. Councilman Crisp noted it would be money well spent to purchase new mounts and fix electrical to put on a current pickup this winter.

Quartzite Street Preconstruction Meeting – Wednesday May 11th at 9 am – City Hall

Free Rubble Site Days May 10, 12 & 14

Executive Session

Motion by Haak to enter into executive session at 9:05 p.m., seconded by Sterud. Motion carried.

Motion by Haak to exit executive session at 9:17 p.m., seconded by Earley. Motion carried.

No action taken as a result of Executive Session

Motion to adjourn at 9:25 p.m. by Haak, second by Klockman. Motion carried.