

DELL RAPIDS CITY COUNCIL MINUTES

Monday, July 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, Gary Haak, Vice President Craig Lauritzen, Paul Miles and President David Sommerfeld.

Absent: Lee Burggraff.

Staff Present: Administrator, Justin Weiland and Finance Officer, LeAnn Kerzman. City Attorney Dean Hammer was present.

Pledge of Allegiance was recited.

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

Approval of Minutes: Sommerfeld moved to approve the minutes of the regular meeting held on July 7, 2014. Lauritzen seconded. Motion carried.

Claims Approved: Sommerfeld moved to approve the claims as presented. Second by Andrews. Motion carried. Bunkers Oil Co, fuel 3444.00; City of Sioux Falls, pool testing 238.40; Concrete Materials, asphalt 2535.30; Dakota Supply Group, supply 94.23; DakotaCare, flex reimbursement/insurance 8011.42; Dell Rapids Ace, supplies 301.86; Dell Rapids Lumber, paint/keys 84.89; Dental Dental, insurance 670.20; Diamond Vogel Paints, paint/beads 1077.14; Dustex, pool rug service 17.25; Gruis, Karla, maintenance 323.00; Hawkins, pool chemicals 1886.97; Highway Improvement, crack seal 25,511.22; ICAP, June transit 2872.39; Koopman & Sons Gas Co, tank rental 65.00; Linweld, rental 35.10; MC&R Pools, testing kit 262.50; Northern States Supply, battery packs 239.98; SD State Treasurer, sales tax/lottery 3003.21; SD Retirement System, retirement 5084.94; SDRS, supplemental retirement 200.00; Verizon Wireless, telecommunication 92.94; Vogt, Brown, Merry & Hammer, retainer 1900.00; Welbig, Jeff, property maintenance 139.50; Wind Circle, Fortigate 846.80; Xcel Energy, electricity/street lighting 6319.48.

The council convened as the Board of Adjustment to consider.

Public Hearing, Variance Request – 712 W 3rd St, Miller: Variance request received from applicant Jesse Miller for 712 W 3rd Street for the purpose of an addition to the property. Three variances would apply to the request as submitted. 1.) Request for a 6' setback from the side property on the east in lieu of the 7' required for a 1' variance. 2.) Request for a 16' 3" setback from Hwy 115 on the north west rear in lieu of the 25' for a variance of 8' 9". 3.) Request for a 24' 3" setback from Hwy 115 on the north east rear in lieu of the 25' for a variance of 9'. Discussion ensued and a hardship by definition wasn't readily identifiable. Sommerfeld moved to deny the application. Lauritzen seconded. Motion carried with Geraets dissenting.

The mayor stated that the Board of Adjustment adjourns and the City Council continues. Time of 7:51 p.m.

Resolutions & Ordinances – Ordinance #803 – 2014 Supplemental Appropriations Second Reading: The second reading of Ordinance #803, 2014 Supplemental Appropriations Ordinance is presented to accommodate the additional \$360,000 needed from the General Fund to support the Library Addition cost within the Library Building Fund. Lauritzen moved to approve the first reading of Ordinance #803. Miles seconded. Roll Call: Andrews-Nay; Crisp-Aye; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried six (6) to one (1).

Ordinance #804 – Re-Zone Request, R-1: Single Family Residential to PD: Planned Development at 1001 W 15th St, Second Reading: Weiland explained that a stipulation for the completion of the roadway is included within the document to be timed with the completion of 15th Street if and when that is determined by the council. Haak moved to approve the second reading of Ordinance #804 with the approval of the 60ft roadway. Geraets seconded. Roll Call vote: Andrews-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Aye; Sommerfeld-Nay. Motion carried by a vote of six (6) to one (1).

Ordinance #805 – Rezone Request from NRC to R-1, Second Reading: Request and application received from Spruce Glen to rezone Lot 2 of LeBrun’s Addition from NRC (Natural Resource Conservation) to R-1 (Residential). Lauritzen moved to approve. Sommerfeld seconded. Roll call: Andrews-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried seven (7) to zero (0).

Resolution 2014-06: 15th Street Phase 1, Sanitary Sewer Cost Recovery Area No. 2: Weiland explained that the resolution is to recoup the cost expended by the city for the development of the property for the sanitary sewer costs. DIG (Dells Investment Group) is an affected property to the transaction therefore Crisp and Burggraff (whom was not present) would be unable to participate due to a pecuniary interest. Total cost to recoup of \$105,886.00 among seven (7) benefitted parcels. Andrews moved adopt the resolution as originally presented (with all affected properties paying the costs associated to their property benefit). Lauritzen seconded. Crisp requested roll call vote. Andrews-Aye; Geraets-Nay; Haak-Nay; Lauritzen-Aye; Miles-Nay; Sommerfeld-Aye. Motion tied by a vote of three (3) to three (3). 2/3 majority required (for the appropriation of monies pursuant to SDCL 9-8-10). Motion failed.

Miles moved to approve the resolution with three parcels exempt from the assessment. Two owned by DIG and one owned by Dells Lumber Company for a revised total assessment of \$99,632.89. Geraets seconded. Motion tied with Sommerfeld, Lauritzen and Andrews dissenting. Mayor Fiegen broke the tie by voting Nay. Motion failed.

Visitors to be Heard: None.

Eagle Scout Project – Zach Lemme: Zach presented his project to the council of constructing a chess table made from quarry rock to be placed on a concrete pad and requested it be located in City Park. Total cost of his project is anticipated to be approximately \$700 and he is requesting donations for the implementation. Haak moved to approve the placement of the project on city property with coordination of city staff. Miles seconded. Motion carried. Mayor Fiegen commended him on obtaining his Eagle Scout designation.

Eagle Scout Project – Zach Schrad: Zach Schrad presented his Eagle Scout project to the city council. He would like to make a quartzite chess table to be placed on a circular concrete pad and to be placed on city property. He has received some donated materials for the project and does still have some outstanding costs for the project of approximately \$500-\$700. Haak moved to approve the placement upon city property with coordination with city staff. Miles seconded. Motion carried. Mayor Fiegen commended him on working for his Eagle Scout designation.

Mayor Veto – 15th Street Speed Limit increase from 25 mph to 30 mph: Mayor Fiegen filed his written veto of the motion to change the speed limit on 15th Street from 25 mph to 30 mph. Haak clarified that his intent was to only change the portion of 15th Street from Old Hwy 77 to Clark Avenue. A 2/3 vote of the council would be required to overturn the veto. Haak made a motion to change the limit on 15th Street between Old Hwy 77 and Clark Avenue from 25 mph to 30 mph. Lauritzen seconded. Roll call: Andrews-Aye; Crisp-Nay; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Nay; Sommerfeld-Abstained. Motion failed by a vote of five (5) to two (2).

Dell Rapids Economic Development Corporation – Request for Funds: Request made by the Dell Rapids Economic Development Corporation for revenues received from the surplus property auction. Total amount less expenses would be \$175,320.63. Finance & Utility committee met prior to the city council meeting to discuss the additional financials prepared by the Dell Rapids Economic Development Corporation. President Sommerfeld appreciated the cooperation received from the group and made a motion to approve the request for the funds in the amount of \$175,320.63. Lauritzen seconded. Motion carried.

Fire Pit Ordinance – Discussion: Weiland requested direction from the council on how to proceed with the smoke nuisance request. The council discussed and preferred to leave as is.

Surplus Property Committee – Warming House: Peter and Joan Rasmusson were present to report on the status of progress on the property to date. Preliminary application for the state historical society has been completed for possible inclusion on the state historical properties register. They have estimates for repairs of

approximately \$35,000 and will be submitting grant applications for funding. Crisp moved to allow an additional year of time for progress on the property. Andrews seconded. Motion carried with Sommerfeld dissenting. Teri Fiegen asked that the council remove the property from being considered for surplus after seeing the community support in favor of the property. Sommerfeld made a motion to take this parcel off of consideration from the surplus property committee list. Haak seconded. Motion carried four (4) to three (3) with Miles, Geraets and Crisp dissenting.

Surplus Property List – A listing of surplus property was provided to the council for their consideration to surplus. Majority of the items were from the Library and City Hall. Direction from the council to donate the bicycles to Pheasantland Industries for rehabilitation. Remainder of the items will be delivered to the City of Sioux Falls Surplus Property Auction. Cost to the city of 5.97 percent of the gross sale proceeds. Miles moved to approve the surplus list as presented. Lauritzen seconded. Motion carried.

Qty	Product	Serial
1	Dell OptiPlex tower computer	FKKBWG1
1	Dell Dimension E520 computer tower	CA7MFC1
1	Compaq Prosignia 150 laptop computer	1V9BCYV6075W
1	Tripp Lite Battery Backup	9623AY0BC664500116
1	BE350R APC Battery Backups	AB0537443011
1	BE350R APC Battery Backups	JB0431041010
1	BE350R APC Battery Backups	JB0431042162
1	Hasler M3000 Stuffer/Folder/Insertor	04DO-5226
1	WRT54GS Linksys Broadband G Router	CGN10D459707
1	Metrologic Handheld Barcode Scanner	3502332355
1	NCR Corp Microfiche Reader	33-14-230-731
1	Cannon DR-2010C Scanner	EF329796
1	Microsoft Ergonomic Keyboard	5919711131831
1	HP Photo Printer	CN58C1T29X
1	D Link 4 Port Router	B25 16B002254
1	Vizio Wireless Router	WGKO EAL2805748
1	iomega Z100P2 Zip drive	04122B00
1	SMC7004AWBR WLAN WAN	T122110148
1	Logitech Fingerprint Scanner	none
1	MC101XL Media Converter	I06T9309E
1	3Com 24 Port Switch	0101/7WSV1596367
1	3Com 24 Port Switch	0101/7WSV156331
1	6 drawer card file	
1	9 drawer card file	
6	2 drawer card files	
1	Royal 410 Typewriter	56002407
1	Fortress LI675AV Uninterruptible Power Supply	LI675VBWM03914
1	Small wood desk (19 1/2" X 41 1/2" x 52 1/2")	
1	Brother Electronic Typewriter AX-24	M76214365
1	20" Gold Mongoose bicycle	GNPOCK02790
1	16: Mirra Co Apprentice (Burnt Orange)	WTU315P0029B
1	26" Huffy Cavern (Blue/Black)	AYP06D068420

1	Silver Trikke	
1	2 wheel scooter	
1	20" Boys Zippo - (silver)	ZO L9E0978
1	20" Magna Purple	98537851
1	20" Black Dyno GT	SIGT 17680
1	20" Blue Rock Candy Venus	GB079601
1	16" Magna Major Damage	03TD7060994
1	26" Schwinn purple/black spray paint	SNIDC08E38012
1	26" Huffy Fortress - yellow/silver	OB05A27992
1	26" Huffy - Purple	no serial
1	20" Mongoose Crush A1 - Blue/Silver	SNMNG06I15321
1	20" Orange Bike	GS070312071
1	20" Pink Mongoose	SNFSD08JA8514

City Administrators Report – Weiland reported on the following:

- Request for a Special Budget Planning meeting on Tuesday, August 19.
- Recreation budget request from Amanda Downs for the purpose of organizing recreational activities within the community with one person as the contact.
- SE Sanitary Sewer Extension is in progress with blasting and work along the east side of Garfield Avenue. They are also replacing three manholes within the community while they are mobilized.
- Garfield Avenue Bridge construction meeting will be held Tuesday, July 22 at 9 a.m. This is a state run project so we are not involved in every aspect of the construction.
- Library Addition/Renovation began on July 14 with Gil Haugen Construction. Foundation work continues. Elevator design has been changed to not include an additional mechanical room specifically for the elevator.

Claims Approved for Payment by Other Municipal Boards: Library Board: Advanced Systems Inc, copier contract 21.26; Gardner Media, books 115.55; Ingram Library Services, 19 books 414.36; Kid’s Reference Company, 7 books 142.68.

Executive Session – Pursuant to SDCL 1-25-2: Andrews moved to adjourn to Executive Session regarding contract discussion. Lauritzen seconded the motion. The council adjourned at 9:10 p.m. Lauritzen moved to return from executive session. Andrews seconded. Motion carried.

Lauritzen moved to adjourn. Miles seconded. Council adjourned at 9:36 p.m.

LeAnn Kerzman
Finance Officer