

DELL RAPIDS CITY COUNCIL MINUTES

Monday, August 1, 2011 at 7:30 p.m.

Mayor Fiegen called the Dell Rapids City Council meeting to order at 7:32 p.m. at the Council Chambers in City Hall. The Pledge of Allegiance was recited and roll was taken finding the following Council Members present: Mayor Scott Fiegen, President Carrie Probst, Keith DeLange, Carrie Testerman, John Paul, Doug Grovenburg and David Sommerfeld. Absent: Vice-President Todd Wiebenga and Mark Downs (arrived at 8:15).

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

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

Minutes: Sommerfeld moved and DeLange seconded to approve the minutes of the regular council meeting held on July 18, 2011. Motion carried unanimously.

Correction to meeting minutes of July 5, 2011. Probst moved and Paul seconded to approve the addition of the missed information.

“Plat of Tracts 3 & 4 of Timber Ridge Addition – Plat being submitted in order to allow the school to construct the portion of Ripple Creek Road that affects the school property. Wieland informed the council that Planning and Zoning Board did approve the plat. Sommerfeld moved and Probst seconded to approve. Motion carried unanimously.”

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

Argus Leader, publishing 92.36; A-Tech, jet/televise lines 10,665.00; Bunkers Oil, fuel 4158.70; Concrete Materials, asphalt 4516.05; Coopers Welding, collector installation 805.10; Creative Forms & Concepts, envelopes 191.59; Dakota Supply Group, water supply 98.67; Dells Collision Repair, bus repair 1907.55; Delta Dental, insurance 625.60; DGR, engineering 26,299.81; Hawkins, chemical 1052.02; ICAP, June transit 2356.33; ICS Healy –Ruff, lift station electronics 3024.50; LG Everist, road stone 4067.49; Linweld, tank rentals 28.80; Logic, lottery repair 100.00; MasMedia, logo design 510.00; McLeods Printing, letterhead 198.00; Minnehaha Community Water, water 11,730.88; Mulder Refrigeration, ice machine repair 171.55; Recreation Supply, floor strips 275.28; Reecy, Kiley, WSI reimbursement 190.00; Sam’s Discover, pool concessions 1535.96; Sioux Falls Area Humane Society, June animal control 98.27; SD Dept of Revenue, sales tax 1352.32; SD Public Assurance Alliance, insurance 31,284.18; SDRS, retirement 4564.56; Tender Lawn Care, mowing 150.00; Traf-O-Teria System, traffic tickets 168.77; Verizon, cell bill 111.70; USPS, postage 505.91; Xcel Energy, electricity/street lights 10,497.89.

Added or Increased Salaries: The following positions have been added since the last council meeting: Department: Swimming Pool, Lifeguard – Jerica Johnson \$7.50/hour. Motion to approve made by Probst and seconded by Grovenburg.

Visitors to be heard: None.

Ordinance 748 - Revised Vegetation Ordinance Second Reading: Probst moved to approve the second reading which was followed by a second by Sommerfeld. Motion carried unanimously.

ORDINANCE 748

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 GARBAGE AND REFUSE ORDINANCE.

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

Section 1. That Article VI. Weed Control of the Revised Ordinances of the City of Dell Rapids, South Dakota, be amended to read as follows:

3.0104 Vegetation Nuisance.

- A. Definitions. For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein.
1. "Developed lot or area" means a lot or area with a finished building or building under construction.
 2. "Noxious weeds" means all actively growing plants declared to be statewide noxious weeds by the South Dakota Weed and Pest Control Commission and all actively growing weeds declared by Minnehaha County to be locally noxious.
 3. "Undeveloped lot or area" means a vacant lot or area with no structure on it.
 4. "Weeds" means any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of eight (8) inches or more, except as otherwise provided in this section.
- B. Nuisances.
1. Each owner and each person in the possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the City, all noxious weeds thereon and shall keep said lands free of such growth.
 2. Each owner and each person in possession or control of any property shall be responsible to keep said lot, place, or area or upon any sidewalk abutting the same free of any noxious weeds and to keep grasses and weeds on said lot mowed so that grass and weeds are less than eight (8) inches in height. However, grass and weeds located on undeveloped and unplatted property located more than 100 feet from developed or platted property shall be mowed so that grass and weeds are less than twelve (12) inches in height. This does not apply to vegetation which is being grown as a crop, livestock pasture or wildflower display garden.
 3. Each owner and each person in the possession or control of any lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public place or way.
- C. Notice to Abate and Abatement by City. The Finance Officer shall annually on or before May 1 each year and August 1 of each year publish once a week for two consecutive weeks a Notice to Property Owners generally setting forth the duty to control weeds and other vegetation which might be a nuisance in violation of this section. The City Administrator or his designee may cause a Notice to Abate Nuisance to be served, by posting of notice on such property within view of the public, upon any property owner who fails to comply with the published notice or any person who at any other time has weeds or other vegetation. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days, thereof the City Administrator or his designee is hereby authorized and empowered to provide for the cutting, destroying or removal of the weeds, grass or other noxious matter and stabilize the soil if necessary. The City may defray the cost of the work, including administrative costs, by special assessment against the property as set out in Section 3.0104 (D).
- D. Costs Recovered. The Finance Officer shall cause an account to be kept against each lot upon which work is done pursuant to Section 3.0104 (C) and shall after completion of the work, bill the owner of the property for such work and if not paid within thirty (30) days thereafter, the Finance Officer shall thereupon add such assessment to the general assessment against said property. The Finance Officer shall certify such special assessment together with the regular assessment to the Minnehaha County Auditor to be collected as municipal taxes for general purposes.
Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes. In lieu of special assessment, the City Council may institute a civil action against the owner or occupant of such property to recover said account.
- E. Habitual Violators. If the owner or person in control of any land that has previously received a notice to abate nuisance relating to weeds within the preceding 24 months, then, the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be an habitual

violator of this section and that if the nuisance is not abated within the allowed time, the City will consider the property to be subject to having a contract let by the City for mowing property as needed up to a weekly basis for the next following 24-month period of time and that the full cost of said contract together with an administrative fee of two hundred dollars (\$200.00) will be assessed against the property.

- F. Penalty. Any person whose duty it is to destroy or remove such noxious weeds or unhealthful vegetation as set forth in the preceding sections or who fails to destroy same within the time hereinbefore set forth shall upon conviction thereof be subject to the penalties established in this ordinance (Section 11.0101), in addition to other penalties as prescribed in this section.

Dated at Dell Rapids, South Dakota this 1st day of August, 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

Resolution #2011-08 – Application for Infrastructure Financing: Resolution of support for the city to submit an application for loan and principal forgiveness consideration for the installation of radio read water meters. Sommerfeld moved and Grovenburg seconded approval of the resolution.

**CITY OF DELL RAPIDS
RESOLUTION #2011-08**

SUBMITTAL OF APPLICATIONS FOR INFRASTRUCTURE FINANCING

WHEREAS, the City of Dell Rapids has determined a need for the Water Meter Replacement project;
WHEREAS, financial assistance will be necessary to enable the City to construct these improvements; and
WHEREAS, the South Dakota Department of Environment and Natural Resources provides grants and low-interest loans to eligible applicants for financing water, wastewater, and storm water infrastructure projects.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Dell Rapids hereby authorizes the filing of a State Water Plan and grant and/or loan applications with the South Dakota Department of Environment and Natural Resources, including all understandings and assurances contained therein, to fund its Water Meter Replacement Project.
2. Be it further resolved that the City of Dell Rapids hereby authorizes its Mayor to act as Project Certifying Officer in connection with the applications, grant and/or loan agreements, and other required forms, and to provide such additional information as may be required by the South Dakota Department of Environment and Natural Resources.

Adopted this 1st day of August, 2011.

ATTEST:

/s/ LeAnn Kerzman, Finance Officer

/s/ Scott Fiegen, Mayor

Resolution #2011-09 – Transit Rate Schedule: Paul moved and DeLange seconded an increase in transit bus fares for riders. Motion carried unanimously.

RESOLUTION #2011-09

Establishing Dell Rapids Transit System Rates

WHEREAS, the Dell Rapids City Council has a Transit System that is owned and operated by the City of Dell Rapids and managed by Inter-lakes Community Action Partnership (ICAP)

WHEREAS, the Transit System is available for Dell Rapids citizens of all ages;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dell Rapids that the Transit rates for in town and Sioux Falls related trips will be as follows and will continue until such time as changes are warranted:

- (1) \$1.25 per in town trips

- (2) \$5.50 per Sioux Falls trips
- (3) Senior Citizens Free (\$1.25 donation appreciated)

Dated at Dell Rapids, South Dakota this 1st day of August, 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

15th Street Reconstruction – Winter Brothers Inc., Pay Request #3 – Lance Mayer, Project Manager from DGR informed the council of the status of the construction to date. Paving to begin on August 2. Sommerfeld moved and Testerman seconded approval of pay application #3 in the amount of \$204,296.53. Motion carried unanimously.

Garfield Street Bridge – SDDOT Work Order for Consultant Services: Contract with SD Department of Transportation for the replacement of the Garfield Street bridge. This portion covers survey, films, hydraulic data sheets and layout sheet with cost estimates. Estimated cost of \$38,643.39 with 80% state funds and 20% city funds or \$7,728.68. Testerman moved and Paul seconded to approve the agreement. Motion carried unanimously.

Fire & Rescue Station – Change Order # 6 in the amount of \$3,267.96: Steve Robinson, Project Manager from S.E.H. was present to explain the change order amounts. Paul moved and Grovenburg seconded to approve the change order in the amount of \$3,267.96. Motion carried unanimously.

City Administrators Report – Weiland reported on the following:

- Joint meeting to be held on Monday, August 8 at 7 p.m. with the Dell Rapids Economic Development Corporation and any interested parties for the proposed development area on south Garfield Ave.
- No work has been done on 12th and 14th Street hammerheads adjacent to the new elementary school property.

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: American Library Association, annual dues 130.00; Baker & Taylor Books, books 30.28; Book Systems, bi-annual support 695.00; Country Books, subscription 30.98; EDC Usborne Books, books 544.10; Gale Group, books 185.21; Ingram Library Services, books 118.67; MicroMarketing, cd cases 26.00; Penworthy, books 323.61; S.E.H., engineering 753.88; SDLN, member fees 650.00.

Probst moved and Paul seconded to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:01 p.m.

LeAnn Kerzman
Finance Officer