

DELL RAPIDS CITY COUNCIL MINUTES
Tuesday, September 19, 2011 at 7:30 p.m.

Mayor Fiegen called the Dell Rapids City Council meeting to order at 7:40 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: Keith DeLange, Mark Downs, John Paul, David Sommerfeld, Carrie Testerman, Vice-President Todd Wiebenga (arrived at 8:20 p.m. for votes on Appropriations Ordinance 749, revised Library job descriptions and Claims payable) and Mayor Scott Fiegen. Absent: Doug Grovenburg, and President Carrie Probst. Staff Present: Finance Officer, LeAnn Kerzman and City Attorney, Dean Hammer.

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

Minutes: Paul moved and Testerman seconded to approve the minutes of the regular council meeting held on September 6, 2011. Motion carried unanimously.

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

Alert-all, fire safety materials 416.00; Argus Leader, publishing 40.72; Beal Distributing, malt 23,848.83; Cardmember Service, postage 31.77; Concrete Materials, asphalt 3670.15; Dakota Beverage, malt 20,758.75; Dakota Care, flex reimbursement 1091.34; DR Fire & Rescue, 2011 rescue truck/township donation 11,000.00; Dells Electric, street light repair 424.54; DGR, engineering 29,240.86; Global Distributing, malt 398.47; Goldenwest, telecommunications 676.08; Hasler, meter rental 62.85; Hoogendoorn Construction, fire station #10 51,383.23; Interstate All Battery Center, 8 batteries 310.00; Johnson Brothers, liquor 8108.45; Lewis Drug, notebook 2.49; McLeod's, business cards 207.00; Minnehaha County Clerk of Courts, small claims 198.21; Republic National, liquor 6595.90; SD Dept of Transportation, billboard fee 48.00; SD Municipal League, annual conference 788.00; Sioux Falls Humane Society, animal control 165.03; Verizon Wireless, telecommunications 116.41; Vogt, Brown, Merry & Hammer, retainer 2000.00; Xcel Energy, electricity/street lights 6253.91.

Second Reading of Ordinance #749 – 2012 Appropriations Ordinance – Discussion deferred till after discussion of redistricting and arrival of Alderman Wiebenga. Downs moved and Paul seconded to include the previously removed \$100,000 for street repairs to be offset from reserve funds. Motion carried unanimously. Paul moved and Sommerfeld seconded to approve the second reading of Ordinance #749. Roll call vote called with all members voting aye. Present for the vote were: DeLange, Downs, Paul, Sommerfeld, Testerman, and Wiebenga. Motion carried 6 to 0.

Visitors to be heard: Michael Schmidt read a prepared letter to the council regarding the refusal of the City to issue a Certificate of Occupancy to the Dell Rapids Elementary School regarding the installation of the hammerheads on 12th and 14th Streets.

Outdoor Event Permit: Request from Jennifer Ruesink, Dell Rapids Public Schools and Joni Smith, Dell Rapids St. Mary, for a homecoming parade on Friday, September 23 on 4th Street from Garfield to Clark. Downs moved and Paul seconded to approve the application and waive the fee. Motion carried unanimously.

15th Street Capital Project – Change Order #1: Request on behalf of Winter Brothers Construction to extend the substantial completion deadline from October 1, 2011 to October 15, 2011 due to the amounts of water they have encountered during the project. Downs moved and DeLange seconded to approve the request. Motion carried unanimously.

Dell Rapids Fire & Rescue Station – Pay Request #10 \$51,383.23: Pay request received from Hoogendoorn Construction for work completed through August 31, 2011 and approved by S.E.H., Inc. This is the final payment for construction work with the exception of the retainage which will be paid upon final completion. Testerman moved and Sommerfeld seconded to approve pay request #10 in the amount of \$51,383.23. Motion carried unanimously.

Dell Rapids Elementary School Construction – Hammerhead Installation: City Attorney Hammer reported that a letter was received from Gerald Kaufman, Jr, attorney for the Dell Rapids School District, regarding the City’s requirement for hammerhead turnarounds at the ends of 12th and 14th Streets abutting the school property, requesting “one last attempt to resolve the issue so litigation can be avoided.” Mr. Hammer stated the following for the information of the Council and the public in attendance:

- The school’s own engineer told City staff that hammerheads at 12th and 14th Streets were necessary for public safety. There is not enough room for a fire truck to turn around in the middle of the street in this neighborhood.
- Our City Ordinance states that developers or property owners are responsible for the installation of street improvements in new developments.
- The homeowners on 12th and 14th Streets expected they would have through streets when they built their homes in this new neighborhood. They do not want cars pulling into their driveway to turn around.
- School board minutes in 2010 indicated they would develop hammerheads for equipment turnarounds on 12th and 14th Streets, if acceptable to the City.
- The City already compromised when it agreed to accept a hammerhead design rather than cul-de-sacs which would have taken up more space on School property.
- The plans submitted for bid by the School included the installation of hammerheads on 12th and 14th Streets.
- The approved building permit included plans for hammerheads on 12th and 14th Streets (and the waiver of the permit fee).
- Does the City want to set a precedent that it will install street improvements in new developments?

Sommerfeld commented that the City has been more than accommodating for the new construction by upgrading 15th Street ahead of the planned schedule when the cost of the upgrade cannot currently be assessed to the north side of the street because it is outside of City limits and undeveloped. His expectation was that the school should have had an assurance agreement with DIG regarding installation of roadways affecting their property such as Ripple Creek Road. The cost of the hammerheads did not become an issue until after the School found they had to pay for Ripple Creek Road. Mayor Fiegen commented that as a tax paying citizen who voted for the bond issue to build the school, his concern was ‘where did the \$30,000 go?’ The plans and bids included the installation of the hammerheads and they were left undone. Sommerfeld moved and Paul seconded to leave their position as it stands and that the school be held responsible for the installation of the hammerheads. Motion carried unanimously, 5 to 0.

Redistricting & Mayor and Council Terms Proposal: Three choices of redistricting maps have been given to the council for their consideration. With the census being completed, the redistricting is necessary to most evenly distribute the population of Dell Rapids within the four (4) wards. Kerzman stated that the SDML suggested trying to make wards that would not dislocate existing council persons or the City would need to make an ordinance addressing how this change should be addressed. Consensus of council was for option two which allowed for the most area of growth within Ward 4.

The council and mayor currently serve two year terms when elected. The consensus of the council was to consider an ordinance change that would make the alderman term of three years and the mayor for a four year term.

Access Easement on Event Center Property: There currently exists a right of way easement along the west 50 fifty feet of the Event Center property which borders the new Fire and Rescue facility. Wayne Mortrude and Greg and Jeannie Ammon where present to request the easement be removed so the property can possibly be developed. Sommerfeld moved and Downs seconded to table the item and request it be added to the October 3rd council agenda for consideration. Motion carried.

Library Job Descriptions: Testerman presented job descriptions for Page, Assistant I, Assistant II and Director as approved by the Library Board for the council to consider adopting to the personnel manual. Testerman moved and Downs seconded the approval of each job descriptions with the addition of ‘other general maintenance tasks as assigned’. Motion carried unanimously.

City Administrators Report – Mayor Fiegen reported on the following:

- Sioux River Red Rock Trail progress is ongoing. Hand work is being completed and paver is scheduled to arrive on-site at the end of September.
- Double H Paving has mobilized and is working on repaving Iowa, W 8th and W 10th Streets.

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: Argus Leader, Tribune subscription 29.10; Baker & Taylor, 7 books 81.54; Cardmember Services, postage 66.00; CDW Government, 3 pc’s, ink 2545.52; Center Point, 2 books 53.63; Diamond Lake Book Co, 13 books 228.09; Dustex, rug service 10.34; Gale, 6 books 140.23; Goldenwest, telecommunications 173.73; Ingram Library Services, 7 books 145.95; J.F.J. Disc Repair, polish compound 68.26; Kent Adhesive Products, book repair supplies 146.82; MicroMarketing, 11 books/6 DVD’s/cases 543.62; Taste of Home, book 30.98.

Downs moved and Sommerfeld seconded to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:39 p.m.

LeAnn Kerzman
Finance Officer