

DELL RAPIDS CITY COUNCIL MINUTES
Monday, October 17, 2011 at 7:30 p.m.

Mayor Fiegen called the Dell Rapids City Council meeting to order at 7:36 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, Doug Grovenburg, President Carrie Probst, David Sommerfeld, Carrie Testerman, Vice-President Todd Wiebenga and Mayor Scott Fiegen. Absent: John Paul.

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

Approval of Agenda: Testerman moved and Grovenburg seconded the approval of the agenda. Motion carried unanimously.

Minutes: DeLange commented on the spelling of striping within the reference to Old Hwy 77. Sommerfeld moved and Probst seconded to approve the minutes of the regular council meeting held on October 3, 2011 with the correction to the spelling. Motion carried unanimously.

Second Reading of Ordinance #751 – Revised Snow Removal Ordinance: Dick Woolf was present to express his situation regarding not having any off-street parking and the difficulty it causes for him to move his vehicle for snow removal. Substantial discussion ensued regarding the procedure to be followed in the event of a snow emergency declaration and the actions when a three (3) inch snowfall occurs. A snow emergency will be declared and notice given that plowing will begin. Vehicles will need to be moved and roads will be plowed. Any vehicles not moved would be subject to ticketing and possible towing. Downs moved and Testerman seconded the second reading of ordinance #751. Motion carried unanimously.

ORDINANCE NO. 751

AN ORDINANCE OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA, PROVIDING THAT THE REVISED ORDINANCES OF THE CITY BE AMENDED BY REVISING SECTION 20-267, PROHIBITING PARKING ON ALL PUBLIC STREETS IN THE CITY DURING A SNOW REMOVAL ALERT AND REMOVING EMERGENCY SNOW ROUTES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELL RAPIDS, SOUTH DAKOTA:

Section 1. That Sections 19-72, 19-73, 19-74, 19-75, 19-76, 19-77, 19-78, 19-79 and, 19-80 of the Revised Ordinances of the City of Dell Rapids, South Dakota are hereby repealed.

Section 2. That Section 20-267 of the Revised Ordinances of the City of Dell Rapids, South Dakota, is hereby repealed in its entirety and amended to read as follows:

“Sec. 20-267. Parking during snow removal alert.

A. *Definitions.* *For the purposes of this Section, the following terms and words shall have the meaning given herein:*

1. Snow Removal Alert: shall mean such times as there is a snow accumulation on the public streets of three (3) inches or more, or such times as the Public Works Director or his or her designee declares that snow removal operations on the public streets will commence and that the provisions of this Section in regard to parking on public streets during snow removal operations are effective and will be enforced.
 2. Street: shall mean the entire width of any public roadway within the City, and it shall not be limited to those roadways designated as a *Street* but shall include all other names by which public roadways are designated.
- B. Declaration of Snow Removal Alert. When the Public Works Director or his or her designee determines that snow removal from the public streets will commence, the Public Works Director or his or her designee will announce through local news media and whatever other sources are available that there has been declared a snow removal alert and that the provisions of this Section will be effective and be enforced, designating a particular date and time when the alert shall commence. The determination to declare a snow removal alert will be based on the then existing weather conditions, and the amount of snow then on the ground or expected according to forecasts from the National Weather Service.
- C. Parking During Snow Removal Alert. Parking on any public street in the City will be completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal alert.
- D. Termination of Snow Removal Alert. After a snow removal alert has been declared, there will be no declaration of its termination, but the alert shall terminate and the provisions of this Section become not effective nor enforceable as to any particular street or portion of a street, as soon as that street or portion thereof has been plowed and cleared of snow accumulation, curb-to-curb, and the snow removal equipment is no longer operating in that area, after which normal parking may be resumed until the next declared snow removal alert.
- E. Violation of Snow Removal Alert. The owner or operator of any vehicle, trailer or moveable property item parked in violation of this Section shall be subject to a fine as set forth in Section 20-268. Late payment of the fine or any subsequent offenses occurring within six (6) months of a prior violation of this Section shall result in additional fines or penalties as provided in Section 20-269.
- F. Towing and Impounding. In addition to any fine or fines provided herein, any vehicle, trailer or other movable property item parked in violation of this Section is hereby declared to be a public nuisance and may be removed by or at the direction of the City without further notice to the owner or person in control or possession thereof. Removal shall be at the expense and risk of the owner or person in control or possession thereof. The removal may be done by city crews or by private tow truck, wrecker or other operator, without risk or liability to the City or private business person doing the removal. Once removed, the vehicle, trailer or other property item shall be impounded by the City or

private business person until the owner or person in control or possession thereof shall pay the towing and storage charges.”

Section 3. That paragraph (5) of Section 20-268 (a) of the Revised Ordinances of the City of Dell Rapids, South Dakota, is hereby amended as follows:

...

“(5) Parking during Snow Removal Alert in violation of section 20-267 or otherwise obstructing snow removal and street cleaning in violation of the applicable ordinance or lawful order of any law enforcement officer 25.00”

Section 4. That paragraph (6) of Section 20-268 (a) of the Revised Ordinances of the City of Dell Rapids, South Dakota, is hereby repealed.

Adopted this 17th day of October, 2011.

/s/ Scott Fiegen
Mayor

ATTEST:
/s/ LeAnn Kerzman
Finance Officer

First Reading of Revised Zoning Ordinances - #750: The revision of the Zoning Ordinance has been a length process and is therefore receiving another first reading in order to provide additional time for public comment and review of the revisions. Downs moved to approve the first reading as presented. Motion seconded by Sommerfeld. Motion carried unanimously.

Resolution #2011-13 – Approving Special Assessment Roll for Nuisance Abatement: Exhibit “A” listing of nuisance violations that are yet unpaid are to be submitted to the Minnehaha County Treasurer’s Office for application to the tax roll of each legal property address affected by said nuisance. The listing is composed of primarily unpaid sewer and water billings that will be applied against each property for a total of \$9,284.84. Sommerfeld moved and Downs seconded to approve Resolution #2011-13. Motion carried unanimously.

RESOLUTION #2011-13

Approving Special Assessment Roll for Nuisance Abatement

WHEREAS, the City of Dell Rapids City Council, South Dakota deemed it necessary abate nuisance violations, and;

WHEREAS, the Governing Board has provided that said assessments shall be payable in one installment, payable under Plan One, Collection by the County Treasurer, and

WHEREAS, the whole of such assessment or any installment thereof may be paid at any time.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body, in and for the City of Dell Rapids, South Dakota, that the City of Dell Rapids Governing Body does hereby approve the Special Assessment Roll, Exhibit “A”, for nuisance abatements.

Dated at Dell Rapids, South Dakota this 17th day of October, 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

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

A-Ox Welding, supplies 31.08; American Underground Sprinkler 233.200; Argus Leader, publishing 127.00; Baumberger Vineyard, Aug wine 144.00; Beal Distributing, Sept malt 30,147.81; Bunkers Oil, fuel \$3942.80; City of Sioux Falls, appliance disposal 87.90; Concrete Materials, asphalt 4118.95; Dakota Beverage, Sept malt 21,415.00; Decker, Randy, clothing allowance 200.00; Dell Rapids Coop, grass seed 1008.49; Dell Rapids Lumber, ball diamond repair 156.83; Dell Rapids True Value, supplies 512.24; Dell Farm & Tire, tube repair 30.00; Dells Materials, concrete repair 307.50; Dressen Custom Trailers, straps 28.08; Fjellanger, Clarence, clothing allowance 200.00; GeoTek, 15th St testing 10,151.00; Global Distributing, Sept malt 214.60; Golden West, telecommunications 792.82; Hoffman Sanitation, trash hauling 60.00; Hydraulic World, coupler 49.40; Johnson Brothers Famous Brands, Sept liquor 8603.93; LG Everist, road stone 457.40; Linweld, rental 30.60; McLeod Printing, building permits 98.00; NAPA Auto Parts, supplies 126.99; SD One Call, locates 169.83; PC Whizardz, Mozy Pro annual fee 119.40; Republic National Distributing, Sept liquor 11,538.92; RP Klein construction, leak repair 391.33; Safety Benefits, training conference 65.00; SD Dept of Revenue, Sept sales tax 159.26; Vogt, Brown, Merry & Hammer, retainer 2000.00; Wildermuth, Paul, safety glasses 150.00; Xcel Energy, electricity/street lights 7854.60.

Added or Increased Salaries: The following positions have been increased since the last council meeting: Department: General Government: Justin Weiland increase from \$71,400.00 annually to \$73,542.00.

Visitors to be heard: Dick Woolf presented his concerns regarding the snow removal ordinance revisions.

Old Fire Station Use: Weiland requested the council discuss what their expectations for the now vacated Fire Station building on Garfield Ave be used for. Public Works is certainly able to use the space for storage of snow removal equipment closer to where it is needed, storage of the transit bus and heated space for work and storage. Heated space is very limited at the current shop. Dan Ahlers was present to express the good location for retail business and the benefit of the community by selling the location and getting it on the tax roll. Weiland mentioned that to sell the property wouldn't insure what the lot space was used for. If the city wanted more control of the use of the property, it could be sold to the Development Company for their use in finding a tenant. Consensus of the council was to allow Public Works to use the space for now and revisit in the future.

Surplus Property: A brief list of property was presented to the council to consideration for declaration at surplus property. Majority of which are items that had been housed in the old Fire Station on Garfield Avenue. Testerman moved and Wiebenga seconded to declare the following items as surplus: 1986 Chevrolet Dump Truck (VIN#1GBJ7D1B8G109797); Maxa Portable Generator Model 524000, 4,000 watts 120/240 AC Volts, 33,316.7 Amps; Humelite XC-98 Multipurpose Saw, mix gas, belt drive, 16" blade, 1" arbor; Aluminum pick-up topper, Unicover, fits 4x8 truck bed; 2 – 100 gallon aluminum stock tanks; Aluminum Slide, 8 foot length, uninsurable. Motion carried unanimously. The city council serves as the Appraisal Committee

and will assign value to any property they feel necessary after they have had a chance to review each.

City Administrators Report: Justin Weiland reported on the following:

- 15th Street Construction is open for traffic. Thursday, October 20th will be the walk-through to determine any last items to be completed.
- Fire & Rescue Station was reviewed for completion status by Steve Robinson from S.E.H. on Friday, October 14. The list of items has been given to the contractor for completion.
- Sioux River Red Rock Trail had a walk-through today with SDDOT, SDGFP, DGR and Weiland. Buskerud was on-site and completing. Public event on Sunday, October 30 from 1-3 in the park area of Rickeman Field to showcase the completed trail.
- Garfield Avenue Bridge Replacement meeting to be held on Tuesday, October 18 at 1 p.m. to discuss the type, size and location of the bridge.

Executive Session – Testerman moved and Sommerfeld seconded to move to executive session pursuant to SDCL 1-25-2 for the purpose of (1) employee discussion and (3) consultation with city attorney Hammer. Motion carried unanimously and the council adjourned at 9:08 p.m. Kerzman retired from the room for the discussion and returned at 10 p.m. when Wiebenga excused himself from the meeting. The council returned from executive session at 10:35 p.m.

Attorney Hammer presented a revised Hammerhead Agreement for Dell Rapids Elementary School Addition where the City will install 4 inch asphalt on the hammerheads after the school plats and dedicates the property, performs grading, installs base course gravel and completes all concrete work including valley gutter, curb and gutter and storm sewer improvements on said hammerhead areas, at its cost, according to the School Site Plan. In the interest of saving taxpayer dollars by avoiding litigation with the School, DeLange moved that attorney Hammer be allowed to present said revised Hammerhead Agreement to the School District. Motion seconded by Downs. Motion carried four to two with Probst and Testerman dissenting.

Sommerfeld moved and Grovenburg seconded to approve a 3% increase in salary for Weiland after his annual review. Motion carried unanimously.

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: None.

Downs moved and Probst seconded to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:36 p.m.

LeAnn Kerzman
Finance Officer