

**DELL RAPIDS CITY COUNCIL MINUTES**  
**Monday, December 19, 2011 at 7:30 p.m.**

Mayor Fiegen called the Dell Rapids City Council regular meeting to order at 7:30 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: Vice-President Keith DeLange, Mark Downs, David Sommerfeld, Carrie Testerman, President Todd Wiebenga and Mayor Scott Fiegen. Absent: Doug Grovenburg, Craig Lauritzen (arrived at 8:07), and John Paul. Staff Present: City Administrator, Justin Weiland, Finance Officer, LeAnn Kerzman and City Attorney, Dean Hammer.

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

**Minutes:** Testerman moved and Downs seconded to approve the minutes of the regular council meeting held on December 5, 2011 with one correction. Agenda and minutes reflected Ordinance #757 and Ordinance #758 to address the terms of office of the mayor and council. They are contained within the city ordinance within one section and can be modified within one ordinance revision. Ordinance #758 will cease to exist and both term considerations will be contained within ordinance #757. Motion carried unanimously.

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

Avera, drug testing 52.40; Beal, Nov malt 19,935.48; Bierschbach Equipment, trash pump 1280.00; City of Dell Rapids, reimburse fund 501 S.E.H expense 6536.50; Dakota Beverage, Nov malt 16,708.50; DakotaCare, insurance 6540.13; DR Development Corporation, support 11,000.00; DR Lumber, rental/supplies 93.99; Dells Electric, ballast replacement/beacon repair 946.05; DGR, engineering 41,304.80; Ed's Produce, gloves 60.00; Fastenal, drill 365.59; Global, Nov beer 220.35; Hach, chlorine tester 439.95; Hasler, postage machine rent 62.85; HD Supply, water parts 876.97; Hoogendoorn Const, fire station #12 42,811.01; ICAP, Oct transit 3590.92; JD's House of Trophies, name plate 12.25; Johnson Brothers, Nov liquor 8616.41; Logic, monitor board 245.00; Mier, Bob, EMT conference reimbursement 74.54; RDO Equipment, seat & cutting edges 3479.70; Republic, Nov liquor 7712.58; SD Dept of Revenue, Nov sales tax 257.49; Sioux Falls Humane Society, animal control 327.87; Vantek, batteries 130.00; Verizon Wireless, telecommunications 112.78; Vogt, Brown, Merry & Hammer, retainer 2000.00; Winter Brothers, pay #7-15<sup>th</sup> Street 79094.94; Xcel Energy, street lights/electricity 4730.24.

**Deposit and Investment Policies:** Kerzman reported to the council that transfers between invested funds and pooled cash funds had been conducted through a sweep account. Since invested funds transferred to another bank, approvals should be secured for each transfer. Bank statements were presented to the finance committee to review. The following are presented for the council to confirm.  
07/08/11 #1001 - \$15,000; 08/05/11 #1002 - \$300,000; 09/09/11 #1003 - \$115,000; 09/23/11 #1004 - \$50,000; 10/12/11 #1005 - \$100,000; 11/14/11 #1006 - \$350,000. Sommerfeld moved and Testerman seconded to approve the transfers. Motion carried unanimously.

**Second Reading Ordinance #756 – Redistricting of Wards:** The council discussed further the comparisons of the different maps that have been created to attempt to evenly split the city population. Wiebenga moved and DeLange seconded to approve map option three which does not displace any sitting council member and maintains the deviation recommendation between wards. Roll call vote: DeLange-aye, Downs-aye, Sommerfeld-aye, Testerman-aye, Wiebenga-aye. Motion carried five to five.

ORDINANCE NO. 756

AN ORDINANCE OF THE CITY OF DELL RAPIDS, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY BY AMENDING SECTION 9-1, DESIGNATION OF WARDS.

BE IT ORDAINED BY THE CITY OF DELL RAPIDS, SD:

*Section 1. That Section 9-1 of the Revised Municipal Ordinances of Dell Rapids, SD, is hereby amended to read as follows:*

**Sec. 9-1. Designation of wards.**

The City shall be divided into four wards which shall be designated respectively as Wards One, Two, Three and Four. The wards shall be described by stating the certain street or avenue designations or other landmarks that divide and border the wards. Any reference to street or avenue below shall mean an imaginary line running down the approximate middle of each street or avenue. The wards of the City of Dell

Rapids are as set forth below and on the map thereof on file in the office of the Finance Officer. Any discrepancies shall be resolved by reference to the map rather than the physical descriptions set forth herein.

The First Ward shall include all of that part of the City north of the main tracks of the Dakota & Iowa Railroad and east of Garfield Avenue. It shall also include all of that part of the City west of Garfield Avenue and east of State Avenue located between Ninth Street and Fourth Street. It shall also include all of that part of the City west of State Avenue and east of Orleans Avenue located between Seventh Street and Fourth Street. It shall also include all of that part of the City west of Orleans Avenue and east of Ladelle Avenue located between Seventh Street and Fifth Street.

The Second Ward shall include all of that part of the City north of Tenth Street located between Garfield Avenue and State Highway 77/474<sup>th</sup> Avenue. It shall also include all of that part of the City north of Ninth Street located between Garfield Avenue and Iowa Avenue. It shall also include all of that part of the City north of Seventh Street located between State Avenue and Clark Avenue.

The Third Ward shall include all of that part of the City west of State Highway 77/474<sup>th</sup> Avenue and north of State Highway 115/Fourth Street. It shall also include all of that part of the City east of State Highway 77/474<sup>th</sup> Avenue and west of Iowa Avenue located between Tenth Street and Seventh Street. It shall also include all of that part of the City east of Iowa Avenue and west of Clark Avenue located between Ninth Street and Seventh Street.

The Fourth Ward shall include all of that part of the City south of the main tracks of the Dakota & Iowa Railroad and south of State Highway 115/Fourth Street. It shall also include all of that part of the City east of State Highway 77/474<sup>th</sup> Avenue and west of Ladelle Avenue located between Seventh Street and Fourth Street. It shall also include all of that part of the City east of Ladelle Avenue and west of Orleans Avenue located between Fifth Street and Fourth Street.  
Adopted this 19<sup>th</sup> day of December, 2011.

/s/ Scott Fiegen  
Mayor

ATTEST:  
/s/ LeAnn Kerzman  
Finance Officer

**Second Reading Ordinance #757 – Mayor & Alderpersons, Terms of Office:** Wiebenga moved and Lauritzen seconded to approve the second reading. Roll Call vote: DeLange-aye, Downs-aye, Lauritzen-aye, Sommerfeld-aye, Testerman-aye and Wiebenga-aye. Motion carried six to six.

ORDINANCE NO. 757

AN ORDINANCE OF THE CITY OF DELL RAPIDS, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY BY AMENDING SECTION 2-2, MAYOR – TERM OF OFFICE.

BE IT ORDAINED BY THE CITY OF DELL RAPIDS, SD:

*Section 1. That Section 2-2 of the Revised Municipal Ordinances of Dell Rapids, SD, is hereby amended to read as follows:*

**Sec. 2-2. City Council Composition and Terms.**

The City Council shall consist of the Mayor elected at large, who shall hold office for four years, and eight aldermen, two elected from each ward, who shall hold office for three years. (SDCL 9-8-1 and 9-8-4)

Adopted this 19th day of December, 2011.

/s/ Scott Fiegen  
Mayor

ATTEST:  
/s/ LeAnn Kerzman  
Finance Officer

**Visitors to be heard:** None.

**15<sup>th</sup> Street Pay Request #7 to Winter Brothers Construction, \$79,094.94:** Trent Bruce of DGR was present to request the council approve payment # 7 to Winter Brothers in the amount of \$79,094.94. Five percent retainage is still maintained for the completion of seeding and erosion control, school sign programming and man-hole clean out. Sommerfeld moved and Downs seconded to approve the pay request as submitted. Motion carried unanimously.

**Statement of Substantial Completion – 15<sup>th</sup> Street:** Trent Bruce requested the council approve the Statement of Substantial Completion for 15<sup>th</sup> Street project. Wiebenga moved and Testerman seconded to approve. Motion carried unanimously.

**Fire & Rescue Station – Pay Request #12, Hoogendoorn Construction:** Request received for payment of \$42,811.03 which drops retainage on the project to two percent or \$28,540.65. Items to be completed are adjustment on the overhead door and landscaping. Wiebenga moved and DeLange seconded to approve pay request #12 in the amount of \$42,811.03 to Hoogendoorn Construction. Motion carried unanimously.

**Transit Funding:** Weiland presented the council with budget scenarios prepared by ICAP which is contracted by the city to operate the transit bus. Due to federal funding shortfalls and changes made within the local transit operation. The costs supported by the city are expected to increase substantially. Many cost saving ideas were presented to the council to consider. Consensus was for administration to continue as planned and implement measures as easily available.

**Election:** Staff recommendation to approve a joint election to be held with the Dell Rapids School District on April 10, 2012. Downs moved and Testerman seconded approval. Motion carried unanimously.

**Council Work Session – Comprehensive Plan:** Project lists and ranking of relevance and importance to each council member were conducted to be able to provide direction to city staff. The completion of 15<sup>th</sup> Street from Clarke to Garfield holds the number one priority for the council as a whole. The remaining projects and a timeframe will be incorporated into an update to the Comprehensive Plan.

**City Administrators Report:** Justin Weiland reported on the following:

- Library expansion costs estimates have been calculated by S.E.H. and have been presented to the library board and council.
- Internal snow removal policy was distributed and reviewed for any corrections or suggestions. None given.
- January meeting dates will be Tuesday, January 3 and Tuesday, January 17<sup>th</sup> due to the Monday holidays.

**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: Baker & Taylor Books, 3 books 31.06; DR Lumber, shelf repair 5.11; Dustex, rug service 20.68; Ingram, 3 books 65.54; MicroMarketing, 4 books, 3 CD, 2 DVD 308.30.

Library Building Fund: Short, Elliott, Hendrickson, engineering 7424.76.

Sommerfeld moved and Downs seconded to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:10 p.m.

LeAnn Kerzman  
Finance Officer