

DELL RAPIDS CITY COUNCIL MINUTES
Monday, March 19, 2012 at 7:30 p.m.

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

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

Minutes: Lauritzen moved and DeLange seconded to approve the minutes of the regular council meeting held on March 5, 2012. Motion carried unanimously.

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

A-Ox Welding Supply, tank rentals 71.58; Ahlers Automotive, new motor '91 Chevy 4520.28; Argus Leader, publishing 366.43; Avera Medical Group, vaccination 60.00; Avera Queen of Peace, drug testing 211.20; Baumberger Vineyard, wine 96.00; Beal Distributing, liquor 18,915.90; Bunkers Oil, fuel 1739.50; Dakota Beverage, malt 14,250.30; Dakota Pump, service call 1779.16; DR Ace Hardware, supply 292.62; DR Lumber, supply 246.08; Fastenal, vise grip 46.47; Global, malt 301.09; Hasler, postage rental 62.85; ICAP, Feb transit 4276.01; Independent Audit Services, 2011 annual report 3500.00; Johnson Brothers, liquor 9325.73; KMWF & Associates, 2010 audit 1650.00; LG Everist, salt sand 1295.15; Linweld, cylinder rental 29.58; NAPA, supply 31.82; Republic, liquor 8816.79; Rosenbauer, mount equipment 1040.00; Schade Vineyard, wine 216.00; SD Dept of Revenue, sales tax 13.02; SD Dept of Transportation, bridge engineering 5208.14; Sioux Falls Area Humane Society, animal control 93.80; Verizon Wireless, cell 114.63; Vogt, Brown, Merry & Hammer, retainer 2000.00; Xcel Energy, street lights/electricity 5585.40.

Added or Increased Salaries: Parks & Recreation: Eddy, Julie, Manager \$10.50 per hour; Kohnen, Samantha, Assistant Manager \$10.00 per hour.

Ordinance #760 – Peddlers License Fee: Weiland presented Ordinance #760 which is a request to increase the fee for Peddlers Licenses from the current \$15 per peddler to \$30. Kerzman requested the increase to more accurately reflect the fees within our area and to cover the costs associated with issuing the permits. Downs moved to accept ordinance #760 an amended the rate requested to be \$35.00 per license to more closely resemble Sioux Falls. Seconded by Lauritzen. Motion carried unanimously for the first reading.

Resolution #2012-05 – Adopting Fees, Charges and Expenses for Permits: Weiland, and Toby Brown from SECOG, had presented the resolution for rate increases to the Planning & Zoning board for their recommendation. Planning & Zoning Board reviewed and recommended approving fee increases for only Conditional Use and Variance requests. After discussion, Paul moved to accept the Resolution as recommended by Weiland. Second by Sommerfeld. Motion carried unanimously.

RESOLUTION 2012-05

A RESOLUTION ADOPTING A SCHEDULE OF FEES, CHARGES AND EXPENSES FOR PERMITS, CHANGE OF ZONE, APPEALS AND OTHER MATTERS PERTAINING TO THE CITY OF DELL RAPIDS ZONING ORDINANCE.

WHEREAS, the DELL RAPIDS City Council has determined a need to adjust the schedule of fees, charges and expenses for permits, change of zone, appeals, and other matters pertaining to the City of Dell Rapids Zoning Ordinance; and,

WHEREAS, pursuant to Section 18.03 of the City of Dell Rapids Zoning Ordinance, the City Council has the authority to establish the schedule of fees, charges and expenses for permits, change of zone, appeals, and other matters;

THEREFORE BE IT RESOLVED by the City of Dell Rapids City Council the following schedule of fees is hereby adopted.

- A. **GENERAL REGULATIONS.** Under no conditions shall any fee required hereunder be refunded after said application has been heard by the Planning Commission or board of adjustment.
- B. **ZONING.**
 1. **Change of Zone.** A charge of \$200.00 shall be made for filing an application to change to any zoning district except the planned development district. Applications which require exhibits will be charged an additional \$75.00.
 2. **Planned Development District.** A charge of \$250.00 shall be made for filing an application to change to the planned development district. Applications which require exhibits will be charged an additional \$100.00
 3. **Major Amendment.** A charge of \$250.00 shall be made for filing an application for a major amendment to a planned development district. Applications which require exhibits will be charged an additional \$100.00
 4. **Minor Amendment.** A charge of \$100.00 shall be made for filing an application for a minor amendment to a planned development district.

5. **Minimal Amendment.** A charge of \$50.00 shall be made for filing an application for a minimal amendment to a planned development district.
6. **Conditional Use.** A charge of \$100.00 shall be made for filing an application for a conditional use.
7. **Variance.** A charge of \$100.00 shall be made for filing an application for a Variance.
8. **Board of Adjustment.** A charge of \$75.00 shall be made for filing an application for an appeal to the board of adjustment.
9. **Exemption for City Filing on its Own Behalf.** No fee shall be required when any action is recommended by the city council on its own motion or by any person or group officially designated to participate in the administration of this resolution.
10. **Future Land Use Plan Amendments.** A charge of \$150.00 shall be made for filing an application for a comprehensive plan amendment.
11. **Special Meetings.** A fee of \$150.00 shall be charged for a request to hold a Special Meeting of the Planning Commission.

Adopted this 19th day of March, 2012.

(Seal)

/s/ Scott Fiegen, Mayor

ATTEST:

/s/ LeAnn Kerzman, Finance Officer

Resolution #2012-06 – Authorizing Drinking Water Financing – 15th Street Phase II: Resolution #2012-06 authorizes the application to the SD Board of Water and Natural Resources for financing in the amount not to exceed \$1,034,000 for the completion of the drinking water portion of the 15th Street Phase II project. Downs moved to approve followed by a second from Paul. Motion carried unanimously.

RESOLUTION NO. 2012-06

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Dell Rapids (the "City") has determined it is necessary to proceed with improvements to its Drinking Water System, including but not limited to 2012 Water Improvements Project (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$1,034,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Dell Rapids, South Dakota, this 19th day of March 2012.

(SEAL)

APPROVED:

/s/ Scott Fiegen, Mayor
City of Dell Rapids

Attest: /s/ LeAnn Kerzman
Finance Officer

Resolution #2012-07 – Authorizing Clean Water Financing – 15th Street Phase II: Resolution #2012-07 authorizes the application to the SD Board of Water and Natural Resources for financing in the amount not to exceed \$1,138,000 for the completion of the clean water portion of the 15th Street Phase II project. Lauritzen moved to approve followed by a second from Wiebenga. Motion carried unanimously.

RESOLUTION NO. 2012-07

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Dell Rapids (the "City") has determined it is necessary to proceed with improvements to its Wastewater System, including but not limited to 2012 Wastewater Improvements Project (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$1,138,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Dell Rapids, South Dakota, this 19th day of March 2012.

(SEAL)

APPROVED:
/s/ Scott Fiegen, Mayor
City of Dell Rapids

Attest: /s/ LeAnn Kerzman, City Finance Officer

15th Street Reconstruction – Change Order #2, Winter Brothers Construction: Trent Bruce of DGR presented final documents for the completion of the 15th Street reconstruction project. Final pay request has been verbally agreed and a reduction in actual quantities used within the project resulted in this final change order for a reduction in the total contract of \$14,155.76. Downs moved to approve change order #2 contingent upon receipt of signed documents from the contractor and approval of financing entities. Wiebenga seconded. Motion carried unanimously.

15th Street Reconstruction - Final Pay Request #8 \$72,844.40, Winter Brothers Construction: Final pay request with Change Order #2 totals \$72,844.40. Motion by Lauritzen to approve contingent upon the same as the change order. Second by Downs. Motion carried unanimously.

15th Street Reconstruction – Statement of Final Completion, Winter Brothers Construction: Downs moved to accept the statement of final completion contingent upon all required documentation being submitted as requested and agreed upon. Lauritzen seconded the motion and commented upon some of the uneven grade that was caused by utility services that worked after our contractor had performed finish grade. DGR will investigate further. Motion carried unanimously.

Excel Energy-Power Upgrade Project Plans: Mr. Rollie Heidebrink was present to brief the council on Excel Energy's plan to remove the old back-up line of service extending from Pipestone and create a new redundancy fed from 60th St N in Sioux Falls and running north to Dell Rapids on Hwy 115. Service line would run along Rickeman, cross at State and run west on 3rd Street. There will be trees that will need to be removed to accommodate the overhead lines. Excel is investing approximately 4.5 million in the project to insure the redundancy of service to the community. Also present were Adam Amundson and Mary Thoen of Excel. Additional information will be distributed by Excel as the project reaches start date of April 15, 2012.

Write-off of Utility Uncollectible Accounts: Balances were submitted to Minnehaha County as assessments to the property where the services were received and contact has been made by the existing owners to contest the assessment. The following accounts were presented by Finance Officer Kerzman and recommended to be written-off as uncollectible: 04-00551-01 \$45.45. The following were the owners of the property at the time the debt was incurred: 01-01831-01 \$124.22, 01-01837-00 \$150.74, 04-00640-05 \$42.19. 04-00040-01 \$63.07. 04-00540-01 \$70.20. Lee Burggraaf addressed the council and stated the debts were from too long ago and should have been collected earlier. Motion by Paul followed by a second from DeLange to write-off the debt on all of the accounts as presented. Motion carried with Downs opposed.

Summer Hire – Pool Management: Weiland recommended the hire of Julie Eddy as Pool Manager and Samantha Kohnen as Assistant Manager. Downs moved and Lauritzen seconded to approve the hiring. Motion carried.

City Administrators Report: Justin Weiland reported on the following:

- Wyland Addition bid opening is scheduled for April 11.
- Glenda Erickson-Bunkers has been hired by ICAP for an additional part-time driver for the city transit.
- District III Meeting will be Wednesday, March 28 in Sioux Falls.
- Governor's Office of Economic Development meetings will be held in Sioux Falls on April 10 and 11th. Interested council members should contact Weiland.
- Rubble Site opening expected for the beginning of April and open on Saturdays only until the weather is consistently warm and dry.
- Library Board is working on their timeline for an expected bond election. A resolution will be presented to the council at that time.

Executive Session - Competitive Service Offerings, SDCL 9-34-19: Downs moved and Wiebenga seconded to enter into executive session at 9:24 pm for the purpose of discussion on competitive service offerings. Motion carried unanimously. Wiebenga moved and Paul seconded to return from executive session at 9:46 pm. Motion carried.

Downs moved to provide a no interest mortgage loan to the Dell Rapids Development Corporation to purchase a 4 ¼ acre property (tract 8) for \$238,600.00. Second by Lauritzen. Motion carried unanimously.

Visitors to be heard: None.

Claims Approved for Payment by Other Municipal Boards – Library Board Claims: Baker & Taylor Books, 21 books 314.55; Demco, labels 156.95; Ingram, 22 books 284.65; Kent, book repair supply 377.03; MicroMarketing, 11 DVD's, 5 books 384.29; Quality Books, 33 books 579.32.

DeLange moved and Downs seconded to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:52 p.m.

Mayor Fiegen called the Equalization Board to order at 9:52 p.m. for the purpose of equalizing all property tax assessments. The board remains in session and will reconvene at 7:30 p.m. on Tuesday, March 20, 2012.

LeAnn Kerzman
Finance Officer