

## DELL RAPIDS CITY COUNCIL MINUTES

Monday, May 21, 2012 at 7:30 p.m.

Mayor Fiegen called the meeting to order at 7:30 p.m. at the Dell Rapids City Council Chambers. The Pledge of Allegiance was recited and roll was taken finding the following Council Members present: Chad Andrews, Keith DeLange, Vice President Craig Lauritzen, Jim Rueckert, David Sommerfeld, President Carrie Testerman, Todd Wiebenga, and Mayor Scott Fiegen. Absent: Mark Downs (arrived immediately after roll was called).

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

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

**Minutes:** Lauritzen moved and Sommerfeld seconded to approve the minutes of the regular council meeting held on May 7, 2012. Motion carried unanimously.

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

American Underground Sprinkler, repair 70.00; Argus Leader, publishing 211.26; Beal Distributing, liquor 21,747.49; Dakota Beverage, malt 18,025.65; Dakota Care, health insurance 7026.06; Dakota Supply Group, part 4.39; Dauby's, pitching rubbers 30.60; DR Lumber Company, supplies 663.04; Global Distributing, malt 49.50; Hanson Logowear, summer clothing 583.95; Hauf Mid-American Sports, equipment 436.70; HD Supply Waterworks, part 210.32; Huewe, Plumbing & Heating, service 65.00; Johnson Brothers, liquor 8665.73; Republic National Distributing, liquor 7518.20; Sanitation Products, dumpster 800.00; Schade Vineyard, wine 72.00; SD Dept of Revenue, sales tax 56.98; SD Dept of Transportation, engineering 888.75; Sioux Falls Area Humane Society, animal control 54.10; Strawbale Winery, wine 456.00; Tender Lawn Care, mowing 115.00; Verizon, telecommunication 113.83; Vogt, Brown, Merry & Hammer, retainer 2000.00; Xcel Energy, electricity/street lights 4646.90.

**Automatic Water Meter Project – Award Bid:** Trent Bruce of DGR was present to inform the council of the bid opening held on Wednesday, May 16 for the procurement of water meters and installation. One bidder, Dakota Supply Group of Burnsville, MN, submitted a bid of \$371,991.71 with add alternate #1 of \$5,316.50 for a total bid of \$377,308.21. Alternate #1 is for an additional cellular receiver to either cover the community with a stronger signal or provide a back-up should anything happen to the existing receiver. Installer is listed as Midwest Testing. Wiebenga moved and Testerman seconded approval of the bid of DSG with alternate #1 for a total contract of \$377,308.21. Motion carried unanimously.

**Resolution #2012-09 – Development Corporation Loan Financing:** Administrator Weiland and Attorney Hammer explained the loan of funds to the Dell Rapids Economic Development Corporation for the assistance in purchase of land while retaining a mortgage interest in the transaction. The proposed resolution provides the detail for the financial transaction to be completed. Wiebenga moved and Sommerfeld seconded the approval of Resolution #2012-09. Motion carried unanimously.

### RESOLUTION NO. 2012-09

A RESOLUTION APPROVING A LOAN TO DELL RAPIDS ECONOMIC DEVELOPMENT CORPORATION AND TAKING BACK SECURITY THEREFORE.

WHEREAS, the City Council of the City of Dell Rapids, South Dakota, has agreed to issue a no interest loan to the non-profit Dell Rapids Economic Development Corporation in the amount of \$238,600.00 for the acquisition of land for the purpose of economic development, said sum to be repaid when the land is sold to a private buyer;

WHEREAS the City Council committed to the loan at a meeting held on March 19<sup>th</sup>, 2012;

WHEREAS the City shall take back an appropriate real estate mortgage covering the property to be purchased by the Dell Rapids Economic Development Corporation;

WHEREAS the City Attorney shall draft an appropriate Promissory Note and Mortgage in form and substance satisfactory to the City Council, to put into effect the terms and intent of this loan and the security therefore;

WHEREAS, the City Council hereby authorizes the transfer and expenditure of funds for the purpose of the loan as follows; Transfer of \$118,600.00 from Acct # 101-39140 (General Fund Reserve Transfer) to Acct # 211-39102 (3<sup>rd</sup> Penny Sales Tax Transfer In). Expenditure from Acct # 211-10100 (3<sup>rd</sup> Penny Sales Tax Cash Acct) in the amount of \$238,600.00.

NOW THEREFORE, BE IT RESOLVED BY the City Council of the City of Dell Rapids, South Dakota, that the City will loan the Dell Rapids Development corporation \$238,600/00 for the purchase of 4.24 acres of land, legally described as:

Tract 8 of Lodmell's Subdivision of part of Lot 9 of Kenefick's Subdivision of the East Half (E½) of Section 16, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.

Introduced by Alderman Wiebenga, seconded by Alderman Sommerfeld, and on vote eight (8) for and zero (0) against, the Mayor declared this Resolution passed and adopted.

Dated this 21<sup>st</sup> day of May, 2012.

SCOTT FIEGEN

Mayor

ATTEST:

LEANN KERZMAN

Municipal Finance Officer

**Visitors to be heard:** None present.

**Board of Adjustment – Variance Request:** Mayor Fiegen declared the council convened as the Board of Adjustment at 7:32 p.m. for the purpose of hearing a variance request submitted by Dells Auto at 320 N Hwy 115. Request for two feet (2') set-back from side property line on east side in lieu of seven feet (7') required per ordinance for a variance of five feet (5') for the purpose of an addition to the existing structure. The item is being heard again as there was not a 2/3 majority approval at the last meeting and the variance was declared passed when it legally was not. Lauritzen moved to approve the request and was followed by a second from Downs. Motion carried unanimously.

Mayor Fiegen declared the city council reconvened at 7:34 p.m.

**Outdoor Event Permit – Dell Rapids Chamber of Commerce for Quarry Days:** Charlie Pleskac, Chamber President, was present to brief the council on the events planned for June 22-24 and the addition of Kory and the Fireflies, band, on Friday night at the campground location. The council expressed their concerns over security and expressed the desire for the chamber to hire trained security personnel. Mr. Pleskac said the cost is much higher than they would like to spend and have secured volunteers that will be policing the area. Motion to approve the application was made by Lauritzen with the stipulation that the park will close at 2 a.m. Sunday, June 24 for the purpose of removing any lingering concert goers and that all Chamber sponsored events be added to the event application. (I.e. parade, fireworks, vendors in the park, Little Miss Pageant, etc.). Motion seconded by Wiebenga. Motion carried unanimously.

**Outdoor Event Permit – American Legion Memorial Day Parade:** Application submitted by Commander Timothy Woltjer to request a parade to be held on Memorial Day, May 28 at 10 a.m. between Clark and Garfield Avenues on 4<sup>th</sup> Street. Testerman moved to approve followed by a second from Lauritzen. Motion carried unanimously.

**Outdoor Event Permit – American Legion Auxiliary:** Application submitted by Teresa Huntimer to host a Lightning the Night event honoring veterans past and present at the Veterans Park on September

14<sup>th</sup> from 7-10 p.m. Lauritzen moved and Andrews seconded the approval of the application. Motion carried unanimously.

**Outdoor Event Permit – Crazy Days:** Application submitted by Katie Luttmann to host Crazy Days on 4<sup>th</sup> Street between Norby's and Orleans Avenue on June 9<sup>th</sup> (Cootie Days) from 7 a.m. to 3 p.m. Testerman moved and Sommerfeld seconded to approve the application. Motion carried unanimously.

Fees for the four (4) requested outdoor event permits are waived for all non-profit organizations per a motion by Downs and seconded by Wiebenga. Motion carried unanimously.

**State of SD Department of Transportation Agreement:** Agreement allows funding for the transit program and is currently administered by ICAP of Madison on behalf of Dell Rapids. Testerman moved to approve the agreement and was followed by a second from Sommerfeld. Motion carried unanimously.

**Personnel Review:** Weiland stated that Mr. Glenn Kruger has completed his probationary period with the Carnegie Library and the Library Board recommended him for a wage increase. Motion by Wiebenga to approve an hourly wage increase of .50 per hour, effective on his six month anniversary date, for a wage of \$9.68 per hour. Lauritzen seconded. Motion carried unanimously.

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

- Weiland explained that the council will hold a public hearing on a resolution to opt out of the property tax for the improvements at the Carnegie Library at the regular council meeting on June 14, 2012.
- Railroad crossings of city streets and possible closures are being reviewed by LG Everist and will be submitted to the city council when they are completed.
- SDDOT is considering the list of suggested improvements and implementing the majority of the requests into SD Highway 115 south and west. They have planned for roadway and bridge improvements and to assist pedestrian traffic. Weiland will continue to keep the council informed.
- Engineering for improvements to the Bath House had been budgeted for the 2012 budget but will be delayed.
- Transit service is slowing to decreased hours for the summer months and will be running on Tuesdays and Thursdays. Sioux Falls trip will be twice a month if there are sufficient riders.
- Main Street banners are being commissioned with the help of MAS Media Design and Outlaw Graphics. They will in place for Quarry Days.

**Claims Approved for Payment by Other Municipal Boards** – Library Board Claims: Advanced Systems Inc., copier contract 28.93; Baker & Taylor, 4 books 56.77; Book Farm, 29 books/supply 541.71; Dell Rapids School District, advertising 70.00; Eco Water, rental/supply 16.50; Feature Films for Families, 3 DVD's 45.80; Ingram Library Services, 17 books 339.31; Micromarketing, 10 DVD's/22 books 783.99; Penworthy, 46 discs 23.00; Pumpkin Books, 8 books 166.97; Tykes 2 Tweens, doll house 50.00; Video Plus, service 113.50.

**Treasurers Report** – A recap of all income and expenses, since the last meeting, were presented to the council for their review.

Lauritzen left the meeting at 8:29 p.m.

Motion by Downs to adjourn the meeting. Second by DeLange. Motion carried unanimously. Meeting adjourned at 8:47 p.m.

LeAnn Kerzman, Finance Officer

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