

DELL RAPIDS CITY COUNCIL MINUTES

Monday, November 19, 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: Keith DeLange, Mark Downs, Vice-President Craig Lauritzen, Jim Rueckert, David Sommerfeld, President Carrie Testerman, Todd Wiebenga and Mayor Scott Fiegen. Absent: Chad Andrews (arrived at 7:45 p.m.).

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

Approval of Agenda: Mayor Fiegen requested a change of order by calling the Public Hearing for the First Reading of Ordinance #769, Zweifel Planned Development, after the Old Business Public Hearing due to the amount of persons present. Testerman moved and Lauritzen seconded the approval of the agenda. Motion carried unanimously.

Minutes: Downs moved to approve the minutes of the regular meeting held on November 5, 2012. Sommerfeld seconded. Motion carried unanimously.

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

Argus Leader, publishing 267.49; Baumberger Vineyard, wine 132.00; Beal Distributing, malt 18,865.90; Club House Hotel & Suites, safety conference room 110.00; Dakota Beverage, malt 18,656.15; DakotaCare, flex reimbursement 10.00; DakotaCare, insurance 6348.78; Dell Rapids Economic Development Group, DGR survey invoice 893.47; Dell Rapids Township, road gravel 288.35; Dells Electric, rewire campground 12,706.31; Delta Dental, insurance 586.60; Denny's Electric, Norby's light 101.50; DGR, engineering 6,606.77; Global Distributing, malt 264.85; Gruis, Ben, clothing allowance 200.00; Hoffman Sanitation, trash collection 75.00; Johnson Brothers, liquor 7,164.70; JP Cooke, pet tags 67.60; Magnuson, Lisa, maintenance 576.00; Midwest Alarm, loops 105.35; Minnehaha County Sheriff, 4th qtr law enforcement 58,652.00; Republic Distributing, liquor 21,814.33; Roemen's Automotive, Impala maintenance 66.00; Schwebach Insurance, Fire Department 9,248.00; SD Dept of Revenue, sales tax payable 95.66; Sioux Falls Two-Way Radio, repair 494.00; Strawbale Winery, wine 252.00; Vantek, battery 40.00; Verizon Wireless, telecommunication 114.78; Vogt, Brown, Merry & Hammer, retainer/dues 2020.00; Xcel Energy, electricity 5,701.50.

Funds Transfer – Annual Transfer from Liquor Fund to General Fund: Budgeted transfer of \$98,520 from the Liquor Fund to the General Fund is requested to be made for the year 2012. Testerman moved to approve the transfer. Rueckert seconded. Motion carried unanimously.

Visitors to be heard: None.

Ordinances and Resolutions – Ordinance #769 Zweifel Planned Development: Weiland presented the first reading of the ordinance requesting the rezoning of land within Sward Addition, Lodmell's and Keneficks Subdivisions from Natural Resource Conservation and I-1: Light Industrial to Planned Development. Recommendation from Planning & Zoning to approve on a four to one vote. After discussion, Lauritzen moved to approve. Wiebenga seconded. Motion carried unanimously.

Ordinance #770 2012 Supplemental Appropriations Ordinance: Weiland and Kerzman presented the first reading of the ordinance to amend the budget. Majority of items were budgeted previously and not completed within the prior fiscal year or grant funds were received and expenditures were made

against said grant funds. Sommerfeld moved to approve. Andrews seconded. Motion carried unanimously.

Resolution 2012-22: Resolution of Necessity 15th Street, Garfield Avenue and State Avenue Improvements: Weiland presented the resolution which would set the rates for the cost of special assessments to be levied against the front footage on construction of affected property owners within this project. Many property owners were present to express their displeasure at the cost of the assessments especially when they will be charged for replacing driveways, approaches and sidewalks that already exist and are in satisfactory repair. Discussion ensued. Wiebenga moved to approve the resolution with a request that 50% of each property owners assessment be paid by the city. DeLange seconded. Motion failed with DeLange and Wiebenga voting aye and the remaining six (6) council members voting nay. Downs moved to approve the resolution and asked that the city engineer evaluate each property prior to assessment to determine existing infrastructure. Mayor Fiegen simplified by saying, 'If it exists, you won't be assessed for it.' Weiland clarified that this relates to approaches, sidewalks and driveways. Motion carried unanimously.

**RESOLUTION OF NECESSITY
RESOLUTION #2012-22**

BE IT RESOLVED, BY THE City Council of the City of Dell Rapids, South Dakota, that the convenience and necessity has arisen to improve substantially a portion of 15th Street from Clark Avenue to Garfield Avenue, a portion of State Avenue from Thresher Drive to 12th Street, and a portion of Garfield Avenue from 15th Street to 12th Street, all in the City of Dell Rapids, Minnehaha County, South Dakota, by the addition of concrete street, concrete curb & gutter, sidewalks and driveway approaches and installation of sanitary sewer services and water services all as more fully specified in plans and specifications by the City's Engineer.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Dell Rapids, and on file in the office of the Municipal Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the following is a description of the classes of lots and the legal descriptions of the affected property fronting or abutting upon the affected streets which lots and property are to be assessed and levied by way of special assessment to pay for said improvement:

Lots 1 through 5 in Block 1 of Lois Addition; Lots 16 through 33 and Lot 34A in Block 1 Galen's Addition; Tract 1 of Dell Rapids School District Addition; Lots 1 through 3 in Block 2 of Northview Addition; Lot 1A in Block 1 of Galen's Addition; Lot 1 (exc. Tr. A), Tract A of Lot 1, Lot 2A, Lot 3A, Lots 4 through 8 in Block 1 of Charles Brown Addition; and Lot 3, Lot 4, Lot 4A, Lot 5A, Lot 6A, Lot 7A, Lot 8 and Lot 9 in Block 1 of Kelly's Addition to the City of Dell Rapids;

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land, whether platted or unplatted, fronting or abutting thereon, according to the provisions of SDCL 9-43-79 as to each of such lots or tracts above stated. The total cost of the project shall include the labor and materials for the Concrete Curb & Gutter, Topsoil and Terrace Grading, Concrete Fillets for Entrance, 6" Concrete Driveway Approaches, 6" Concrete Driveways, 4" and 6" Concrete Sidewalks, Sanitary Sewer Services, Water Main Services, Aggregate Gravel Base Course (for curb and gutter, sidewalks, driveways and approaches), Concrete Valley Gutters, Asphalt Concrete Composite, Detectable Warning Panels, Permanent Vegetation and Erosion Control, and any other special items as required by the project or specifically requested by the property owner. After determining the amount of the total cost of said project, the same shall be assessed according to the provisions of SDCL 9-43-79, on a per-foot basis and/or as constructed quantity. The *estimated cost* of construction is as follows:

Curb & gutter (6" Equivalent) - \$12.00 L.FT; Topsoil and Terrace Grading - \$5.00 L.FT of Frontage.; Permanent Vegetation/Erosion Control - \$8.00 L.FT of Frontage.; 6" Concrete Driveway Approaches- \$40.00 SQYD; 6" Concrete Driveway - \$40.00 SQYD; 4" Concrete Sidewalk - \$3.50 SQFT; 6" Concrete Sidewalk - \$5.00 SQFT.; Concrete Fillets for Entrance (6" Equivalent) - \$55.00 SQYD; Concrete Valley Gutter (6" Equivalent) - \$55.00 SQYD; Asphalt Concrete Composite - \$85.00 TON; Water Service - \$1,500 EACH; Sanitary Sewer - \$25.00 L.FT; Detectable Warning Panel - \$40.00 SQFT; Aggregate Base Course (Sidewalks & Approaches) - \$14.00 TON

All lots, whether intermediate or corner lots will be assessed by the number of linear feet and/or as constructed quantity abutting upon the improvement. Costs for over width, over depth, over sizing and intersections will be paid by the City of Dell Rapids.

BE IT FURTHER RESOLVED that the assessments above described shall be determined immediately upon filing of the Assessment Roll in the office of the Municipal Finance Officer of the City of Dell Rapids and divided into ten equal annual installments, which shall be payable under Plan One, with collection by the Minnehaha County Treasurer, as set forth in SDCL 9-43-102, *et seq.*, as amended, and that all deferred installments shall bear interest at such rate determined by the City Council, according to law.

BE IT FURTHER RESOLVED that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

THE COMMON COUNCIL OF THE
CITY OF DELL RAPIDS, SOUTH DAKOTA
/s/ Mayor Scott Fiegen

ATTEST:

/S/ LeAnn Kerzman
Municipal Finance Officer

Special Event Permit – Christmas at the Dells: Request received from Dan Ahlers, Dell Rapids Chamber, to hold Christmas at the Dells on November 30th and December 1st. Events to include a parade, sleigh rides and live entertainment. Downs moved to approve the application with the stipulation that any horses within the parade will need to have immediate clean-up plans in place and to waive the event fee of \$100. Motion seconded by Wiebenga. Motion carried unanimously.

Personnel Policy – Motion by Downs to table the item. Second by Lauritzen. Motion carried with Sommerfeld voting nay.

City Administrators Report – Weiland reported on the following:

- Land & Water Conservation Fund Grant award of \$38,000 from the State of SD for playground equipment.
- Special Meeting will be held on Monday, November 26 at 7:30 p.m. for the purpose of hearing a request for a special event wine license for the Dell Rapids Historical Society.

Claims Approved for Payment by Other Municipal Boards – Library Board Claims: Baker & Taylor, 10 books 85.33; Ecowater, water 16.50; Ingram, 12 books 243.83; Micromarketing, 5 books/ 2 DVD's 228.70.

Andrews moved and Lauritzen seconded to adjourn. Motion carried. Meeting adjourned at 9:52 p.m. The council remained present after adjournment to share pie provided by a vendor.

LeAnn Kerzman, Finance Officer