

## DELL RAPIDS CITY COUNCIL MINUTES

Monday, March 18, 2013 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, Mark Downs, Vice-President Craig Lauritzen, Jim Rueckert, David Sommerfeld (via Skype), President Carrie Testerman, Todd Wiebenga and Mayor Scott Fiegen. Absent: None.

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

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

**Minutes:** Lauritzen moved to approve the minutes of the regular meeting held on March 4, 2013. Andrews seconded. Motion carried unanimously.

**Claims Approved and Denied:** Lauritzen moved to approve the claims as presented and to deny the claims for Pheasantland Industries and Sioux City Insulations as recommended by Finance Officer Kerzman. Andrews seconded.

**Claims Denied:** Pheasantland Industries, campground signs \$282.24 – dispute on the number of signs ordered; Sioux City Insulation as a subcontractor for Rick’s Plumbing and Heating for Fire Station Construction of \$8,495.00 – Release of lien submitted by Rick’s Plumbing and Heating to City of Dell Rapids.

Motion carried unanimously.

**Claims Approved:** A-Ox Welding Supply, rental 22.32; Argus Leader, publishing 130.69; Beal Distributing, malt 19,490.61; Borns Group, Feb mailing 755.95; Brown & Saenger, election supplies 39.95; Bunkers Oil, fuel 1839.50; County Fair, office supply 17.40; Dakota Beverage, malt 17,111.31; DakotaCare, health insurance 6455.30; DakotaCare, flex reimbursement 55.00; East, Vander Woude & Grant, annual report assistance 3740.00; Global Distributing, malt 205.50; Hoffman Sanitation, trash hauling 75.00; Johnson Brothers Famous Brands, liquor 6566.30; LG Everist, road stone 621.96; Linweld, tank rental 31.08; Longville Logic, Nexus tablet (Excel donation) 199.99; McLeod Printing, envelopes 227.80; NAPA, parts 141.75; RDO Equipment, filters 40.38; Republic National Distributing, liquor 9896.15; SD Lottery, state portion of lottery 4442.94; SD Dept of Revenue, taxes payable 34.58; Sioux Falls Area Humane Society, animal control 288.07; T & C’s Self Service, propane 225.00; Vogt, Brown, Merry & Hammer, retainer 1900.00; Xcel Energy, electricity 7001.71.

**Visitors to be heard:** None.

**Public Hearing – Variance Request:** Downs moved to convene as the Board of Adjustment. Rueckert seconded. Motion carried 8/0. The council convened as the Board of Adjustment at 7:31 p.m.

Weiland stated that Lamb Properties submitted a variance request on behalf of Casey’s General Store which is attempting to build a convenience store with fuel sales at 309 W 4<sup>th</sup> Street. The property is B-2 (General Business) which is also a ‘Double Frontage’ lot with two front setbacks of 25 feet. Two requests are therefore necessary.

- 1) Request for a 20’ 5” setback from the front property (north side) abutting 4<sup>th</sup> Street in lieu of required 25’ setback for a variance request of 4’ 7”.
- 2) Request for a 15’ 3” setback from the front property (south side) abutting 3<sup>rd</sup> Street in lieu of the required 25’ setback for a variance request of 9’ 9”.

Mr. Martin Blath read a prepared letter against supporting the construction.

Lauritzen moved to approve both requests for a variance. Testerman seconded. Motion carried 8/0.

Testerman moved to approve adjourn as the Board of Adjustment and reconvene as the City Council. Wiebenga seconded. Motion carried 8/0. City Council was again in session at 7:43 p.m.

**Resolution #2013-05 - Creation of Tax Increment Financing District #1 – County Fair:** Mr. Don Pedersen, Attorney with Morgan Theeler of Mitchell, representing County Fair Foods, explained that they are proposing a developer financed TIF with a Developers Agreement to protect the interests of the city for the construction of a

new grocery store and possible additional retail facilities. The resolution establishes the area that is relevant to the TIF district. Weiland stated that also included in the legal description is the drainage area to the south down to Rocky Run. This would allow to city to use TIF funds for improvements incorporated in that drainage within the first five years of the TIF. No plans are currently in place to do so but it does allow the city the option. Mr. John Clarke, President of County Fair Foods, spoke to the value of economic impact the new store would bring to the community. Sommerfeld moved to approve Resolution #2013-05. Downs seconded. Motion carried 8/0.

**RESOLUTION NO. 2013-05  
A RESOLUTION CREATING DELL RAPIDS  
TAX INCREMENT DISTRICT # 1**

WHEREAS the Dell Rapids City Council has received a recommendation from the Dell Rapids Planning & Zoning Board that the creation of a tax increment district within the City of Dell Rapids is appropriate; and  
WHEREAS the property within the district meets the qualifications and criteria set forth in SDCL Chapter 11-9; and  
WHEREAS the Dell Rapids City Council finds that the aggregate assessed value of the taxable property in this district plus all other existing districts does not exceed 10% of the total assessed value of the taxable property in Dell Rapids, South Dakota; and  
WHEREAS, the Dell Rapids City Council finds that:

- (1) Not less than 25%, by area, of the real property in the district is a blighted area as defined by SDCL 11-9-9 through 11-9-11; and
- (2) That the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district; and
- (3) That there is a reasonable likelihood that there will be one or more businesses engaged in economic development activities as defined in SDCL 13-13-10.2 located within the District.

NOW THEREFORE, be it resolved by the Dell Rapids City Council as follows:

That all lands within the following boundaries shall be and are here designated as the Dell Rapids Tax Increment District #1;  
Parcel 1: Tract One (1) of County Fair Addition to the City of Dell Rapids, Minnehaha County, South Dakota  
Parcel 2: That portion of Old Highway 77 right of way lying adjacent to Tract One (1) of County Fair Addition south to 4th Street in the City of Dell Rapids, Minnehaha County, South Dakota, including the 30' Drainage Easement depicted on the plat of Lots 1A, 1B, 1C and Lots 2 through 9, all in Block 1 of Blue Ridge Addition to the City of Dell Rapids; Lot 2 and Lot 3 of Bob Davis Addition to the City of Dell Rapids; Tract 8 of Dell Rapids Golf and Recreation Addition to the City of Dell Rapids.

Dated at Dell Rapids, South Dakota this 18<sup>th</sup> day of March, 2013.

FOR THE GOVERNING BODY OF THE  
CITY OF DELL RAPIDS, SOUTH DAKOTA  
By: /s/ Scott Fiegen  
Its: Mayor

ATTEST:  
/s/ LeAnn Kerzman  
Finance Officer

**County Fair TIF District – Project Plan:** The project plan includes the specifics of the proposed development with County Fair including cost estimates, possible amortization schedule and estimated tax revenues and repayment plan. Lauritzen moved to approve the project plan as presented. Rueckert seconded. Motion carried 8/0.

**Resolution #2013-06 – Transfer of Property to Dell Rapids Volunteer Fire Department:** Weiland stated as part of the transition for the Dell Rapids Volunteer Fire Department to operate as a separate entity, a clean transfer of the titles of the Fire Department vehicle titles should be conducted. Testerman moved to approve Resolution #2013-06. Lauritzen seconded. Motion carried 8/0.

**RESOLUTION NO. 2013-06  
A RESOLUTION TRANSFERRING PERSONAL PROPERTY TO THE DELL RAPIDS  
VOLUNTEER FIRE DEPARTMENT, INC.**

WHEREAS, the City Council of the City of Dell Rapids, South Dakota, desires to actively support the health and welfare of the citizens of Dell Rapids;

WHEREAS, the City of Dell Rapids currently owns personal property, described as:

YEAR	MAKE	MODEL	BODY	VIN NUMBER	BOOK VALUE
1991	Chevy	CK309	Pickup	1GCHV33K7MF303508	0.00
1999	Ford	F550	Truck	1FDAW57S6XEC24552	37,925.83
2000	GMC	C7H042	Truck	1GDP7H1B5YJ513996	52,173.33
1994	Chevy	C35	Truck	1GBGK34K7RE2890370	29,657.08
2004	Ford	F55	Truck	1FDAF57P74ED66240	91,980.00
2007	Frht	M2	Truck	1FVACYDJ37HY03639	110,422.86
2006	Spartan	VA40M-2142	Fire Truck	4S7HT2D906C054807	208,280.00
2011	International	7000 Series 740	Truck	1HTWEAZN7BJ315832	227,716.44
2001	Arctic Cat	Touring	Snowmobile	4UF01SNW01T159597	2,135.00
2001	Arctic Cat	Panther	Snowmobile	4UF01SNW71T159600	1,020.00
2004	DCT	8x27	Trailer	4GBC2724X41007279	0.00

WHEREAS, the City Council has determined that that it would be proper for the City to transfer said property at this time for and in consideration of the terms, conditions and covenants contained in the Fire Protection Service Agreement and Bill of Sale and Assignment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Dell Rapids, South Dakota, that the City will transfer ownership of the above described real property, and the Mayor and the Municipal Finance Officer of the City of Dell Rapids are hereby authorized to execute any and all necessary documents transferring said property to the Dell Rapids Volunteer Fire Department Inc.

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

Dated this 18<sup>th</sup> day of March, 2013.

FOR THE GOVERNING BODY OF THE  
CITY OF DELL RAPIDS, SOUTH DAKOTA  
By /s/ Scott Fiegen, Mayor

ATTEST:

By /s/ LeAnn Kerzman, Finance Officer

**Resolution #2013-07 – Support Current Access Approaches to State Highway 115:** Downs moved to approve Resolution #2013-07. Lauritzen seconded. Motion carried 8/0.

**RESOLUTION #2013-07  
A RESOLUTION IN SUPPORT OF RETAINING CURRENT  
ACCESS APPROACHES TO STATE HIGHWAY 115**

**WHEREAS**, certain commercial property located at 309 West Fourth Street within the General Business District of the City of Dell Rapids currently has two access approaches from State Highway 115 (West Fourth Street) on the north side of the property, which access approaches have existed in their current location for over twenty years; and

**WHEREAS**, the owner of said commercial property has contracted to sell said property to a national franchise for the purpose of building a convenience store and gas station at said location; and

**WHEREAS**, the Dell Rapids City Council supports economic development within the City of Dell Rapids and believes this new store will have a positive impact on the local economy; and

**WHEREAS**, the Dell Rapids City Council is aware of a recent decision by the South Dakota Department of Transportation (SDDOT) Regional Office requiring removal of the west access approach to said property and recommending Third Street for secondary access to said property; and

**WHEREAS**, the Dell Rapids City Council believes that removing one of the State Highway 115 access approaches will make said property less desirable for commercial development and will likely prevent the sale and development of said property for its intended purpose; and

**WHEREAS**, the City of Dell Rapids is opposed to utilizing Third Street as a secondary access to said property because Third Street is located in a residential neighborhood and is not intended or constructed for commercial truck traffic.

**NOW, THEREFORE, BE IT RESOLVED** that the Dell Rapids City Council opposes the decision of the SDDOT Regional Office requiring removal of the west access approach to the commercial property located at 309 West Fourth Street, we support the property owner's appeal to Darin Bergquist, Secretary of the Department of Transportation, and we urge the Secretary to approve the appeal in a timely manner.

Dated at Dell Rapids, South Dakota this 18<sup>th</sup> day of March, 2013.

FOR THE GOVERNING BODY OF THE  
CITY OF DELL RAPIDS, SOUTH DAKOTA  
By /s/ Scott Fiegen, Mayor

ATTEST:

By/s/ LeAnn Kerzman, Finance Officer

**Outdoor Event Permit – Film Production by Dalton Coffey:** Mr. Coffey was present to explain his intention to tape a short film using the Dell Rapids downtown as his backdrop. Production would begin on Saturday, April 27 and would complete on Sunday, April 28<sup>th</sup> from 6 a.m. to 8 p.m. Request includes street closure encompassing the area from Ladelle to Garfield from E 3<sup>rd</sup> Street and E 4<sup>th</sup> Street. Antique cars will be brought in for the shoot with extras to be included within the filming. There will be some signage that will need removal and will be addressed between Weiland and Coffey. Contact with business owners and church property is essential and will be the responsibility of Coffey with Wieland's assistance. Downs moved to approve. Testerman seconded. Motion carried unanimously.

**Outdoor Event Permit – Easter Egg Hunt:** Dell Rapids Chamber of Commerce applied to host an Easter Egg Hunt on Saturday, March 30 at 10:00 a.m. in the City Park and requested the fee be waived. Downs moved to approve the application and waive the fee. Andrews seconded. Motion carried 8/0.

**Election Workers – Appoint and set wage:** Municipal Election to be held April 9 at the Fire Station. Workers contacted and able to work are: Delores McKee, Doris Mitchell, Bonnie Ahlers and alternate Kris Langer. Kerzman requested the council approve the assignments and set a rate of pay. Downs moved to approve the election workers as presented and pay an hourly rate of \$10.00. Andrews seconded. Motion carried 8/0.

**Public Access Channel - Discussion:** Alderman Rueckert wanted to make the council aware that the franchise agreement with Goldenwest will expire in 2014. Currently the school is operating the Local Channel and churches are not allowed to broadcast church services as they previously did.

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

- Repairs for the riser pipe within the water tower have been engineered and RFP's will be solicited.
- Claim received from Sioux City Insulation, Inc who was a subcontractor of Rick Plumbing & Heating for the Fire Station construction project. We have received a lien release from Rick Plumbing.
- Tuesday, March 19, 2013 at 7:30 p.m. will be the Board of Equalization meeting.
- Wednesday, March 27, 2013 beginning with social at 6 p.m. will be the District 3 Meeting which will be held in the Grand Opera House. Event invites municipal officials for all area local governments to attend.

**Claims Approved for Payment by Other Municipal Boards:** Library Board: None.

Downs moved and Andrews seconded to adjourn. Motion carried 8/0. Meeting convened at 8:48 p.m.

Downs moved and Andrews seconded to convene as the Board of Equalization at 8:48 p.m. and adjourn until Tuesday, March 19 at 7:30 p.m. in City Council Chambers. Motion carried 8/0.

LeAnn Kerzman, Finance Officer