

DELL RAPIDS CITY COUNCIL MINUTES

Monday, October 21, 2013 at 7:30 p.m.

Mayor Scott Fiegen called the meeting to order at 7:30 p.m. at the Dell Rapids City Council Chambers. The Roll was called finding the following members present: Chad Andrews, Lee Burggraff, Mark Crisp, Mike Geraets, Gary Haak, Paul Miles, President David Sommerfeld and Mayor Scott Fiegen. Absent: Vice President Craig Lauritzen.

Staff Present: Administrator Justin Weiland, Finance Officer LeAnn Kerzman, and City Attorney Dean Hammer. Pledge of Allegiance was recited.

Approval of Agenda: Sommerfeld moved to approve the agenda. Second by Miles. Motion carried.

Approval of Minutes: Sommerfeld moved to approve the minutes of the regular meeting held on October 7, 2013. Miles seconded. Motion carried.

Bids – Snow Removal 2013/2014 Season: Weiland presented an agreement for snow removal services for the 2013/2014 season from BX Civil with mobilization and hourly rates for equipment and man hours that remained the same as last year's proposal. Crisp moved to approve. Burggraff seconded. Motion carried.

Claims Approved: Haak moved to approve the claims as presented. Second by Miles. Motion carried. American Underground Sprinkler, winterize 106.00; Argus Leader Media, subscription 27.75; Badger Meter, transmission 206.25; Beal Distributing, malt 24,563.85; Concrete Materials, asphalt 4523.35; Creative Forms & Concepts, forms 117.59; Dakota Beverage, liquor 18,699.48; Dakota Security, repair 254.95; Dakota Care, insurance 5593.64; Dell Rapids Lumber, supplies 127.48; Dells Electric, repair 373.16; DGR, engineering 15,310.25; Don's Tree Service, arboreal 200.00; Dust-tex Services, rug service 22.18; Eco Water Systems, rental 8.00; EFTPS, withholding 5,116.33; Entringer Backhoe & Trenching, culvert 617.34; Global Distributing, malt 51.75; Gruis, Karla, maintenance 170.00; Huewe Plumbing, Heating & AC, repair 77.70; ICAP, Sept transit 3051.44; Johnson Brothers Famous Brands, liquor 6590.95; McLeod's Printing, envelopes 200.00; Midwest Alarm, alarm 29.38; Republic National Distributing, liquor 6291.09; Schuneman Equipment, parts 381.40; SD Municipal League, election school 50.00; SD State Treasurer, sales tax 195.89; Sioux Falls Area Humane Society, animal control 13.16; Southeast SD Tourism Association, advertising 1811.00; Titan Machinery, parts 345.93; Verizon Wireless, cell service 93.18; Vogt, Brown, Merry & Hammer, retainer 1900.00; Xcel Energy, street lights/electricity 6616.71.

First Reading of Ordinance #779 – Discharge of Fireworks: Weiland presented the first reading of Ordinance #779 which would allow the discharge of fireworks within city limits on New Year's Eve between the hours of 5 p.m. to 12:30 a.m. the next day. Burggraff moved to approve. Sommerfeld seconded. Motion carried.

Resolution 2013 – 12 – Special Assessment Roll for Nuisance Abatement: Kerzman presented and read Resolution 2013 – 12 to assess unpaid utility fees to the county for collection. Kerzman recommended to write-off two accounts which were not the responsibility of the current owners. Burggraff moved to approve writing off parcel #22228 in the amount of \$30.89 and parcel #82692 in the amount of \$25.77. Haak seconded. Motion carried.

Burggraff moved to also write-off parcel #79530 in the amount of \$70.00 due to the letter submitted to the council by the property owner. Geraets seconded. Motion carried.

Sommerfeld moved to approve Resolution #2013-12 with the above stated write-off's included. Andrews seconded. Motion carried.

RESOLUTION #2013 - 12

Approving Special Assessment Roll for Nuisance Abatement

WHEREAS, the City of Dell Rapids City Council, South Dakota deemed it necessary abate nuisance violations, and;
WHEREAS, the Governing Board has provided that said assessments shall be payable in one installment, payable under Plan One, Collection by the County Treasurer, and

WHEREAS, the whole of such assessment or any installment thereof may be paid at any time.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body, in and for the City of Dell Rapids, South Dakota, that

the City of Dell Rapids Governing Body does hereby approve the Special Assessment Roll, Exhibit "A", for nuisance abatements.

Dated at Dell Rapids, South Dakota this 21st day of October, 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

SPECIAL ASSESSMENT ROLL - EXHIBIT "A"
UNPAID SPECIAL ASSESSMENTS - 2013

Act #	Type	Parcel ID	Balance
1-00720-01	UT	21870	57.57
1-00800-01	UT	21878	62.93
1-01550-04	UT	22060	12.96
1-01849-00	UT	69816	161.67
1-01990-02	UT	22943	5.63
2-00860-06	UT	22814	44.90
2-01210-01	UT	22248	115.96
2-01520-08	UT	22268	30.93
3-02300-00	UT	22659	10.14
3-02490-01	UT	22645	64.46
4-00270-03	UT	22478	106.52
4-01000-02	UT	22188	96.07
4-01510-00	UT	22380	112.10
5-01050-03	UT	67598	20.67
201307031362	mow	22188	105.00
201306061342	mow	22248	295.00
201212141080	snow	59904	60.00
201301081157	snow	22077	130.00
201306061347	mow	22268	100.00
201307031363	mow/snow	22375	424.30
201307031364	mow/snow	22804	255.00
201212141073	snow	22803	60.00
201306061346	mow	22197	95.00
121580	mow	76376	95.00
201301081142	snow	69799	65.00
201301081148	snow/debris	22832	220.00
201212141089	snow	22035	60.00
201307031365	mow	21981	115.00
201306061345	mow	22375	205.00
			<u>\$3,186.81</u>

Public Hearing: Alcoholic Beverage Licenses – Cubby’s Inc: Application received from Cubby’s Inc to add an off-sale beverage license for their existing location at 220 Hwy 115 N and to include the newly acquired lot to the east of the property. The council discussed their concerns regarding the one failed malt sting conducted this year with Mr. VanBallegooyen. He explained the past instance, all workers are TAM certified and stated all liquor would be behind the counter with restricted access. Burggraff moved to approve the license. Haak seconded. Motion carried.

Special Event Wine/Malt License – Dell Rapids Historical Society: Application received from Alice Chamley, President of the Dell Rapids Historical Society to request the sale of wine/malt at the Dell Rapids Museum on December 8 from 4 p.m. to 11 p.m. for their annual fundraiser. Sommerfeld moved to approve. Burggraff seconded. Motion carried.

Plat of Lots 1 and 2 of the City Shop Addition: Crisp moved to approve Plat 1 of Lots 1 & 2 of the City Shop Addition to the City of Dell Rapids contingent upon the approval of the Planning & Zoning Board. Weiland stated the P&Z Board is scheduled to be held tomorrow, October 22. Geraets seconded. Burggraff requested clarification on zoning which is NRC. Motion carried.

Plat of 1, 2 and 3 of Dells’s South Acres Addition: Burggraff moved to approve plat 1, 2 and 3 of Dells South Acres to the City of Dell Rapids contingent upon the approval of the Planning & Zoning Board. Andrews seconded. Plat is also zoned NRC. Motion carried.

15th Street/State Ave/Garfield Ave Improvement Project: Trent Bruce, PE of DGR Engineering, briefed the council on the project to date and the discussed some of the perceived deficiencies that are being addressed with the contractor. More will be brought to the council to consider in the future for remedies.

Surplus Property Committee – Plat Discussion: Surplus property list submitted to the council for their consideration. Not all items will be sold at auction as some items are so specific that staff feels they would draw better interest by being advertised through the internet and to other government entities. Burggraff moved to surplus the property as submitted. Sommerfeld seconded. Motion carried by two-thirds vote.

Sommerfeld moved to approve the date recommended for the auction to be Thursday, November 21 at 1 p.m. at the Garfield shop (Old Fire Station). Miles seconded. Motion carried.

Notice of Auction of Surplus Property

Notice is hereby given that the Finance Officer of the City of Dell Rapids, South Dakota, will hold a public auction for the sale of the following surplus personal property and real estate, pursuant to the provisions of SDCL 6-13-6 at City Hall 302 E 4th Street in Dell Rapids, South Dakota on the **21st day of November, at 1:00 p.m.** Auction of Real Estate will begin at 2:00 PM and Auction of personal property items will follow. The real estate and personal property to be sold at public auction are as follows;

- Parcel #1 A 2.68 Acre parcel of land abutting Quarry Road in the City of Dell Rapids. Legal Description - Lot 1 of Dell’s South Acres Addition to the City of Dell Rapids, Minnehaha County, South Dakota. (Plat available for inspection).
- Parcel #2 A 7,088 square foot parcel abutting State Avenue South with an existing 3,200 square foot structure. (Former City Shop) Legal Description – Lot 1 of City Shop Addition to the City of Dell Rapids, Minnehaha County, South Dakota. (Plat available for inspection).
- Parcel #3 A 21,648 square foot parcel abutting Garfield Ave and 6th Street with an existing 4,680 square foot structure (Former Fire Hall) Legal Description – Lots 1 and 8 Block M of Alexanders Subdivision to the City of Dell Rapids, Minnehaha County, South Dakota.
- Item #1 Rainbow Play Systems playground equipment (See Attached Pictures)
- Item #2 1986 Chevrolet Dump Truck Model C70 (Gas) Single Axle – Miles = 35,575; VIN # 1GBJ701B8GV109797
- Item #3 240 International Tractor with 6 foot Sickle Mower Attachment

Additional Items List Attached – individual items valued under \$500.00

All real and personal property will be sold at public auction to the highest bidder for cash, subject to any reserve prices set by the Seller. A bank letter showing proof of funds shall be required for real estate purchases. All real property shall be sold "as is" with no guarantee as to the condition of the property, subject to existing easements, restrictions, reservations and rights of way of record, if any, and subject to all applicable zoning ordinances. Real Estate Parcel #2 will be sold by Quit Claim Deed, with no assurance as to marketable title to said property. Purchasers of real property must deposit with the finance Officer fifteen percent (15%) of the purchase price for all real property at the time of acceptance of said bid, with closing to occur within 30 days of the sale. All personal property items are sold "as is" with no guarantee as to the condition of the property and must be removed from the auction site on the day of the auction unless other arrangements are made. Purchasers of personal property must deposit the full purchase price with the finance Officer at the time said bid is accepted by the City of Dell Rapids. Seller has the right to reject any and all bids.

Interested parties may contact the City of Dell Rapids City Administrator, 302 E 4th Street, Dell Rapids, South Dakota, 605-428-3595 between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information and to inspect the property. The City Council reserves the right to reject any or all bids.

Dated at Dell Rapids, South Dakota this 21st day of October, 2013.

City of Dell Rapids
By /s/ LeAnn Kerzman, Finance Officer

240 International Tractor with 6' sickle mower
1986 Chevy 5T dump truck- single axle 35,575 miles, 5 speed split axle
Monroe spreader sander (hydraulic)
2 wheel trailer
Rainbow Play Systems playground fort
Christmas decorations 9 wreaths w/ candle - 4' - pole mount
Christmas decorations 9 bells w/ lights - 6'
2 antique horse toddler swings
15 drawer library card file
Antique Simplex 329 jack
antique vise
Masterweld 220 volt 175 amp wood box welder (antique)
3 wood chairs (antique)
6 drawer spool cabinet (antique)
10' wood conference table
12 drawer wood cabinet
6' wood table with drawer
wall cabinet
metal cabinet
metal table
cabinet w/ K-T5 vise
Marquette welder
Farwell #22 antique press
pipe vise up to 6" pipe
paint striper
Knipco heater
2 water dispensers
25 gallon sprayer boom type (missing one boom)
truck tires 1 10.00 - 20, 2 - 9.00 - 20
4' square louver
Onan transfer switch
Control panel

A.O. Smith 100 gallon water heater
DeWalt 14.4 Volt impact - works (need batteries)
Oxy-acetylene torch #750
Hydraulic reservoir 5 gallon & hoses
Wooden bridge
25 hp electric motor - GE
3 hp 2" pump
1/3 hp well pump
Echo weed wacker - runs
2 Stihl weed wacker 5T - 85 - both run
Stihl chainsaw model 039 - for parts
Poulan chainsaw model 2150 - for parts
11 drawer bolt cabinet
3" Minbar trash pump
Transfer pump
Box 14" Cutoff wheels 7/8" Arbor
Grinding wheel for sickle bars
6 - 6' sickle bars
Miscellaneous rubber & plastic hoses
Johnson Batcher scale
Bulbs for Christmas decorations
Hasler M3000 Folder/insertor - Serial # 04DO-5226
HP Scannerjet 5370C CNOB321144
Dell Monitor FP - MX08G1524760536AATBX
HP Printer Professional Series C6410B - SN:MY97H171J3
2 Plantronics - Cordless telephone headsets
Computer speakers
Ergonomic footrest
Electronic Sharpener
Assorted bicycles
Crutches (Guardian)
Standing counter - 7 drawers, 1 cupboard
2 - 2 drawer lockable file safes
4 drawer metal file cabinet
Motorola radio home base
IBM wheelwriter 35 typewriter
12 large oak shelves

Donation of Property: Burggraff excused himself from the conversation due to a conflict of interest. LAMB Properties has offered to give to the city a small portion of land adjacent to the Dollar General property and the drainage area along Hwy 115. It is located within the existing floodway. Haak moved to accept the donation on behalf of the city. Crisp seconded. Motion carried with Sommerfeld dissenting.

Health Insurance Renewal - DakotaCare: Weiland presented the council with the contract for renewal with an increase of 7.99% or a monthly increase from \$7057.07 to \$7493.21. Comparable service from another carrier was quoted at over \$8000 per month. Andrews moved to approve the contract for DakotaCare. Sommerfeld seconded. Motion carried.

AT&T Wireless Agreement: Contract amendment from AT&T to allow for an additional microwave dish to be installed upon the water tower for a stipend increase of \$300 per month to the already established \$1,700.00 per month. Burggraff moved to approve. Miles seconded. Motion carried.

Safe Routes to Schools Grant Agreement with the South Dakota Department of Transportation: Weiland presented the Grant Agreement offered by the State of South Dakota for the participation in the Safe Routes to Schools Grant for an award amount of \$22,000 in infrastructure funding, \$2,000 for Design Engineering, \$2,000 for Construction Engineering and \$23,798 for non-infrastructure funding for a total of \$47,798. Miles moved to approve Mayor Scott Fiegen to act as signatory and to approve the agreement. Haak seconded. Motion carried.

Garbage Hauler License – Lacey’s Services submitted their license and application to operate for the remainder of the 2013 year within the city limits of Dell Rapids. Crisp moved to approve their application. Haak seconded. Motion carried.

Claims Approved for Payment by Other Municipal Boards: Library Board: Dust-Tex Services, rental 22.18; Eco Water Systems, rental 8.00; Ingram Library Services, 10 books 200.57.

Proclamation – Red Ribbon Campaign: Mayor Fiegen read the following proclamation:

Whereas, Alcohol and other drug abuse in this nation has reached epidemic stages; and

Whereas, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

Whereas, National Family Partnership (NFP) is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

Whereas, Business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organization and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign; and

Whereas, We intend to further commit our resources to ensure the success of the Red Ribbon Campaign.

Now Therefore Be It Resolved, that the City of Dell Rapids does hereby proclaim October 23-31, 2013, as RED RIBBON WEEK and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free state.

Mayor /s/ Scott Fiegen

Attest /s/ LeAnn Kerzman

City Administrators Report – Weiland reported on the following:

- Dell Rapids city employees were the recipient of two Safety Awards which were presented at the SDML Annual Conference in Aberdeen. They were the Gold and Platinum Level Awards for Safety and Loss Control which was presented by Safety Benefits on behalf of the South Dakota Municipal League Workers Compensation Fund and SD Public Assurance Alliance. These awards recognize the cities continued goal for safety in the workplace which also helps to reduce the insurance premiums paid.
- Administrator review forms are due to the mayor by Friday, October 25.
- Mill Wheel relocation is progressing from the Garfield shop to the City Park.
- Playground equipment is being installed in City Park this week.

Treasurer’s Report: A recap, of all income and expenses that occurred since the last meeting, was presented to the council.

Burggraff moved to adjourn. Andrews seconded.

Crisp informed the council that he feels the city shop would be benefitted by additional insulation in the rear of the building. It is currently not heated and the vehicles that are located within that area remain plugged-in all winter.

Miles requested crack sealing be pursued within the Blue Ridge and Mark Crisp Additions to maintain the new streets that have formed some cracks.

Andrews requested a review of the right-of-way along 2nd Street by the culvert. Weiland explained that it isn't a street but railroad right-of-way.

Crisp requested the Mayor call the question on the floor. Motion carried. Council adjourned at 9:15 p.m.

LeAnn Kerzman
Finance Officer