

DELL RAPIDS CITY COUNCIL MINUTES

Monday, July 7, 2014 at 7:30 p.m.

Mayor Scott Fiegen called the Dell Rapids City Council meeting to order at 7:30 p.m. at the City Hall Council Chambers. The Roll was called finding the following members present: Lee Burggraff (left at 9:20 p.m.), Mark Crisp, Mike Geraets, Gary Haak, and Paul Miles.

Absent: Chad Andrews (arrived at 7:31 p.m.), Vice President Craig Lauritzen and President David Sommerfeld (arrived at 7:45 p.m.).

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

Pledge of Allegiance was recited.

Approval of Agenda: Miles moved to approve the agenda. Motion seconded by Haak. Motion carried.

Approval of Minutes: Miles moved to approve the minutes of the regular meeting held on June 16, 2014 with a correction to his motion regarding the Library Building project Bid Award. His intent was to approve the bid award to the low bid(der of Gil Haugen Construction in the amount of \$1,094,400). Geraets seconded. Motion carried.

Claims Approved: Miles moved to approve the claims as presented. Second by Burggraff. Motion carried. Argus Leader, publishing 756.54; Badger Meter, backhaul 215.25; Beal Distributing, June beer 38,315.92; Borns Group, June billing 785.22; Boyer Trucks, transit repair 133.82; Cedar Shore Resort, FO school 474.75; City of Dell Rapids, utility 356.57; County Fair Foods, concessions 36.00; Dakota Beverage, malt 31,684.17; Dakota Technology Consulting, server upgrade 1,400.42; DakotaCare, flex reimbursement 3,000.00; Dell City Greenhouse, park vegetation 163.67; Dell Rapids Baseball Association, pool concessions 25.96; Dell Rapids Coop Grain, lawn chemical 618.75; Dells Farm & Tire, repair 260.00; Dells Plumbing, pool repair 580.41; Dental Dental, insurance 670.20; DGR, engineering 9,962.64; Dustex, pool rug service 34.50; EFTPS, payroll liability 14,062.86; Fiegen Tree Service, tree removal 900.00; First Bank Card, National GFOA & FO school travel expenses 459.67; First National Bank, loan installments 77,868.43; Garbage & More, maintenance 75.00; Global Distributing, malt 136.56; Golden West Telecommunications, communications 890.66; Gruis, Karla, maintenance 612.00; Hanson Logo wear, clothing 703.55; Hawkins, pool chemicals 1429.47; HD Supply Waterworks, parts 154.93; ICAP, May transit 3136.44; Johnson Brothers, June liquor 15,463.38; Lacey's Portable Restrooms, rentals 2075.00; LG Everist, materials 2616.48; Microcomm, module replacement 6112.19; MidAmerican Energy, utilities 82.09; Midwest Alarm, alarm 29.38; Minnehaha Community Water, water 10,694.73; Minnehaha County Register of Deeds, filing fee 30.00; Minnehaha County Treasurer, property taxes 258.97; NAPA Auto Parts, supplies 116.39; Queen City Wholesale, pool concessions 28.47; RDO Equipment, supply 143.08; Republic National Distributing, June liquor 15,299.37; Sam's Club, pool concessions/supply 3524.78; Schade Vineyard, June wine 120.00; Schuneman Equipment, parts 915.61; SD Dept of Transportation, Garfield bridge 35,853.07; SD One Call, locates 203.13; SD Public Health Laboratory, testing 424.00; SD State Treasurer, sales tax/lottery 3,138.60; SD Retirement System, retirement 5059.44; SDRS, supplemental retirement 400.00; Southeast SD Tourism Association, membership 350.00; Tyler Technologies, software maintenance 606.38; Welbig, Jeff, property maintenance 175.50; Wildermuth, Paul, reimbursement 31.27; Xcel Energy, electricity/street lighting 6684.10; Zee Medical Service, pool supply 132.65.

Added or Increased Salaries: June payroll - General Government: 12,049.42; Public Safety 1,980.16; Public Works 19,809.37; Library 5,426.36; Water 8,542.22; Wastewater 8,542.26. Annual merit reviews for General Government: Finance Officer LeAnn Kerzman 2% salary increase from \$51,085.15 per year to \$52,106.85. Public Works: Director Larry Schildhauer 1% salary increase from \$69,788.58 per year to \$70,486.47 and Street Laborer David Schuch 2% hourly increase from \$17.04 per hour to \$17.38 per hour. All increases will be retroactive to the employee's anniversary date.

Resolutions & Ordinances – Ordinance #801 – Amending Chapter 10, B-2 or the Zoning Ordinance Second Reading: Weiland explained that this will allow the option of a conditional use within B-2 (General Business District) for a contractor's shop/storage yard. Burggraff moved to approve. Sommerfeld seconded. Roll Call

vote: Andrews-Aye; Burggraff-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried by a vote of seven (7) to zero (0).

Resolution 2014-06: 15th Street Phase 1, Sanitary Sewer Cost Recovery Area No. 2: Weiland explained that the resolution is to recoup the cost expended by the city for the development of the property for the sanitary sewer costs. Majority of the expense falls to the property that could be served to the north of 15th Street. It was not pursued immediately because the sewer line wasn't functioning until the connection of the line with the installation for County Fair and the Dell Rapids Lumber property along Old Hwy 77. Mayor Fiegen advised seated council members Burggraff and Crisp that as interested parties in the transaction, they shouldn't speak to the issue. Haak moved to table. Sommerfeld seconded. Motion carried.

Resolution 2014-07: 15th Street Phase 2, Sanitary Sewer Cost Recovery Area No. 3: Hammer and Weiland explained this cost recovery area applies to the property to the north of 15th Street that would be benefitted by the sewer connection. Crisp moved to approve. Burggraff seconded. Motion carried.

RESOLUTION NO. 2014-07

A RESOLUTION ESTABLISHING A SANITARY SEWER CONNECTION FEE FOR SERVICES PROVIDED TO LAND WITHIN THE SANITARY SEWER DISTRICT SERVED BY THE SANITARY SEWER PIPE INSTALLED FROM THRESHER DRIVE NORTH TO 15th STREET AND GARFIELD AVENUE FROM 13th STREET TO 15th STREET.

15th Street Phase II – Sanitary Sewer Cost Recovery area No. 3

WHEREAS, the purpose of this resolution is to authorize the City of Dell Rapids to recover its estimated costs of constructing the 15th Street Sanitary Sewer piping north of Thresher Drive to 15th Street and Garfield Avenue from 13th Street to 15th Street installed in the summer of 2013 that will serve areas within the City of Dell Rapids and future growth areas outside the City Limits in the South Half (S½) of Section 4, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota and the South Half (S ½) of Section 3 Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota.

WHEREAS, the City of Dell Rapids is not in the development business. However, to insure that the basic infrastructure is large enough to accommodate current and future users, the City has arranged for the construction of a sanitary sewer line for the benefit of all land owners in the area designated as the 15th Street Sanitary Sewer District (Phase 2) Cost Recovery Area No. 3, attached hereto and marked as Exhibit "C";

WHEREAS, it is understood that properties within the sanitary sewer district will at some time in the future connect to the newly installed sanitary sewer infrastructure within said designated area; and

WHEREAS, the boundaries of the 15th Street Sanitary Sewer District (Phase 2) Cost Recovery Area No. 3 map were determined by the City's engineers as the area that will potentially gravity flow into the 15th Street Phase 2 Sanitary Sewer infrastructure; and any area or future property served by this sanitary sewer infrastructure that is not fully developed prior to the construction of the 15th Street Sanitary Sewer District (Phase 2) shall be subject to the connection fee.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Dell Rapids that the City of Dell Rapids will supply certain infrastructure and facilities at the following location:

Sanitary sewer pipe installed in the easement between Lot 34A Block 1 of Galen's Addition and Lot 4 Block 1 of Lois Addition extending to the north boulevard of the 15th Street Right of Way and sanitary sewer pipe installed in Garfield Avenue between 13th Street and the boulevard of the 15th Street Right of Way in the City of Dell Rapids, Minnehaha County, South Dakota;

all as more fully specified in plans and specifications of the City's engineers, DGR Engineering, in Sioux Falls, South Dakota.

BE IT FURTHER RESOLVED that the City of Dell Rapids will recover the costs of the above described improvements through a per-acre connection fee based on the actual costs of said improvements divided by 60.1 acres. This fee shall be collected from the owner or developer of the areas located within the 15th Street Sanitary Sewer District (Phase 2) Sewer Area No. 3 when the lots are platted, when substantial new construction occurs on previously platted lots, or at a time determined by the City of Dell Rapids.

BE IT FURTHER RESOLVED that the 15th Street Sanitary Sewer District (Phase 2) Cost Recovery Area No. 3 is an estimate of the sanitary sewer infrastructure necessary for the future development within said area designated on the 15th Street Sanitary Sewer District (Phase 2) Map. The Governing Body of the City of Dell Rapids reserves the right to revise this map as it deems necessary from time to time, but will adhere to the general concept of providing sewer service for the areas within the City of Dell Rapids and future growth areas outside the City Limits in the South Half (S½) of Section 4, Township

104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, and South Half (S½) of Section 3, Township 104 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota as set forth in this resolution.

Dated at Dell Rapids, South Dakota this 7th day of July, 2014.

FOR THE GOVERNING BODY OF THE
CITY OF DELL RAPIDS, SOUTH DAKOTA

By /s/ Scott Fiegen
Scott Fiegen, Mayor

ATTEST:

By /s/ LeAnn Kerzman
LeAnn Kerzman, Finance Officer

Resolution 2014-08: Close Debt Service Fund: Debt Service Fund was established for the West 2nd Street improvement project. All applicable assessments have been paid in full and the loan has been completed. Resolution will transfer fund balance to the general fund.

RESOLUTION #2014-08

RESOLUTION BY THE CITY OF DELL RAPIDS TO DECLARE PROJECT COMPLETED AND CLOSE DEBT SERVICE FUND.

WHEREAS, the City of Dell Rapids, South Dakota, has created a Debt Service Fund #301 for the West 2nd Street Project; and
WHEREAS, all bond obligations have been met and are declared closed; and
WHEREAS, any remaining fund balance should be transferred back to the General Fund; and
THEREFORE BE IT RESOLVED by the City Council of Dell Rapids, South Dakota, that the following funds are closed:

Closing	Amount
Debt Service Fund #301	\$17,811.44

Dated this 7th day of July, 2014.

THE COMMON COUNCIL OF THE CITY
OF DELL RAPIDS, SOUTH DAKOTA

/s/ Scott Fiegen
Scott Fiegen
Mayor

ATTEST:

/s/ LeAnn Kerzman
LeAnn Kerzman
Municipal Finance Officer

Ordinance #802 – Rezone Protest Second Reading: Weiland explained that this protest process used to exist within the ordinances and was removed when subdivision ordinances were updated. Andrews stated he didn't believe it was necessary to have within our ordinances when it is already within state law. Crisp moved to approve. Burggraff seconded. Roll Call vote: Andrews-Nay; Burggraff-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Lauritzen-Aye; Miles-Aye; Sommerfeld-Aye. Motion carried six (6) to one (1).

Ordinance #803 – 2014 Supplemental Appropriations First Reading: Due to the approval of the funding assistance for the Dell Rapids Carnegie Library Building Project Addition, the budget needs to be supplemented for the year 2014 to allow for the transfer of funds in the approved amount of \$360,000. Burggraff moved to approve the first reading of Ordinance #803. Miles seconded. Motion carried with Andrews dissenting.

The council convened as the Board of Adjustment to consider.

Ordinance #804 – Rezone Request from R-1 to PD (Planned Development): Request and application received from Rick Zwart for his parcel at 1001 W 15th Street. Plan submitted for the council to consider. Planning & Zoning recommended approval of the Planned Development by a vote of 3/2. Discussion ensued regarding the access roadway being larger than standard. Burggraff moved to approve the first reading. Haak seconded. Motion carried.

Ordinance #805 – Rezone Request from NRC to R-1: Request and application received from Spruce Glen to rezone Lot 2 of LeBrun’s Addition from NRC (Natural Resource Conservation) to R-1 (Residential). Planning & Zoning recommendation was for approval. Burggraff moved to approve. Haak seconded. Motion carried.

Public Hearing – Variance Request 603 Prairie View Circle: Variance application submitted by Kathleen Hansen for the property located at 603 Prairie View Circle for a 19’ setback from rear property line on south side in lieu of 25’ requirement for a variance of 6’. The structure has already been constructed. Geraets moved to table the item until Planning and Zoning could assist in reviewing Ordinance 626 as it relates to this situation. Burggraff seconded. Motion carried with Andrews dissenting.

The council adjourned as the Board of Adjustment and convened as the city council.

Visitors to be heard: None.

Library Addition/Renovation – Clarify Bid Award: After the clarification by Miles to the minutes of the June 16 council minutes. Further clarification should be unnecessary as to the bid award. Tom Early provided a recap of progress to date on the project. Preconstruction meeting has been held and ground breaking will be on Tuesday, July 8 at 4 p.m. Three phase power is necessary for the operation of the elevator but was not included within the construction plans. The library intends to move to the former elementary school building as of July 16. Temporary power will need to be installed at the library as construction plans are to cut the power to the building as construction begins. Plants donated for the landscaping are being removed and ‘fostered’ for the duration of the construction.

Dell Rapids Economic Development Corporation – Request for Funds: Request made by the Dell Rapids Economic Development Corporation for revenues received from the surplus property auction. Total amount less expenses would be approximately \$175,000. Sommerfeld requested additional finances be requested of the Development Corporation prior to transferring funds. Burggraff moved to approve the payment. Geraets seconded. Roll Call vote: Andrews-Nay; Burggraff-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Miles-Aye; Sommerfeld-Nay. Motion failed five (5) to two (2) as a 2/3 majority is needed. Mayor Fiegen referred the item to the Finance & Utility committee.

15th Street Proposal to Increase Speed Limit from 25 MPH to 35 MPH: Haak proposed that the speed limit along 15th Street be increased to 30 MPH since there are flashers to control traffic during school busy times and it is currently undeveloped. Miles and Weiland discussed the need for sight distance needs for any traffic turning onto 15th Street. The lower speed allows the safer traffic flow. Haak moved to increase the speed limit to 30 MPH. Andrews seconded. Mayor Fiegen stated his intention to veto the action. Roll Call: Andrews-Aye; Burggraff-Nay; Crisp-Nay; Geraets-Aye; Haak-Aye; Miles-Nay; Sommerfeld-Aye. Motion carried four (4) to three (3).

AT&T Contract Amendment – 15th Street Water Tower: Weiland has been negotiating with AT&T about placing six additional panels on the 15th Street Water Tower for additional monthly rent of \$900. Structural analysis has been given to DGR for review with no concerns. Burggraff moved to approve the amendment. Miles seconded. Motion carried.

Fire Pit Ordinance – Discussion: Mr. Russ Miller requested the council consider an enforceable ordinance that would limit the amount of smoke persons would be subjected to.

City Administrators Report – Weiland reported on the following:

- Employee performance reviews have been conducted and are being presented with the following recommendations: Finance Officer, LeAnn Kerzman 2% salary increase from \$51,106.85 per year to \$52,106.85. Public Works: Director, Larry Schildhauer 1% salary increase from \$69,788.58 per year to \$70,486.47 and Street Laborer, David Schuch 2% hourly increase from \$17.04 per hour to \$17.38 per hour. All increases will be retroactive to the employee's anniversary date.
- Project Updates: 15th Street/Garfield Ave punch list items are being addressed such as the diamond grinding of the transition area between the first and second phase of the project and discussion continues on the concrete cracking that occurred.
- SE Sanitary Sewer Extension has completed contracts. Preconstruction meeting was held on July 1 with work to begin July 8 with blasting to begin July 14.
- Garfield Avenue Bridge is on schedule with the south abutment constructed.
- Library Addition/Renovation has been previously discussed. Construction trailer will be placed on the lot to the south of the alley and the alley access will be closed.
- Verizon building placement on the 10th Street water tower location has occurred. It became a larger project than what was anticipated due to the size/weight of the building and equipment that was brought in for the placement.

President Sommerfeld questioned why many small communities received mosquito grants and we didn't apply. Weiland explained that the application requested a new procedure or plan for mosquito control and we didn't feel we would qualify with our existing procedures.

Claims Approved for Payment by Other Municipal Boards: Library Board: First Bank Card, Office Max supply 75.28; Short Elliott Hendrickson, engineering 18,594.76.

Miles moved to adjourn. Haak seconded. Council adjourned at 9:33 p.m.

LeAnn Kerzman
Finance Officer