

## DELL RAPIDS CITY COUNCIL MINUTES

Monday, August 4, 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: Chad Andrews, Lee Burggraff, Mark Crisp, Mike Geraets, Gary Haak, Paul Miles and President David Sommerfeld.

Absent: Vice President Craig Lauritzen.

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

Pledge of Allegiance was recited.

**Approval of Agenda:** Burggraff moved to approve the agenda. Motion seconded by Sommerfeld. Motion carried.

**Approval of Minutes:** Hammer asked that the roll call votes for the two ordinances having second readings, (#803 & #805) be added to the minutes. Sommerfeld moved to approve the minutes of the regular meeting held on July 21, 2014 with said correction. Haak seconded. Motion carried.

**Claims Approved:** Kerzman verbally informed council of additional claims that weren't in the pre-packet materials. Sommerfeld moved to approve the claims as presented. Second by Burggraff. Motion carried.

A-Ox Welding Supply Company, glasses/supply 150.04; Advanced Moving, library relocate 2790.00; American Underground Sprinkler, repair 269.00; Borns Group, July bills 790.41; BX Civil & Construction, dust control 494.00; City of Dell Rapids, utilities 400.48; County Fair Foods, pool supply 24.00; Dakota Pump & Control, lift service 1275.00; DakotaCare, insurance 8008.46; Dell Rapids Baseball Association, concessions 321.15; Dell Rapids Community Ambulance, annual support 40,000.00; Dell Rapids Society for Historic Preservation, annual support 2,500.00; Dell Rapids Township, road maintenance 3080.11; Dells Electric, temp power/repair 2349.07; DGR, engineering 5142.48; Dust-tex services, run service 17.25; EFTPS, payroll liabilities 7481.44; Fiegen Tree Service, parks maintenance 175.00; First Bank Card, library supply/street part/postage 598.62; Gil Haugen Construction Inc, Library addition #1 91,177.02; Golden West Telecommunications, telecommunications 894.39; Gruis, Karla, maintenance 340.00; H&W Contracting, SE Sanitary Sewer Project #1 90,746.64; HD Supply Waterworks, meter parts 936.84; Lacey's Portable Restrooms, rentals 936.84; Malloy, part 1293.49; Marty's Upholstery, recover seat 95.00; McLeod's Printing, envelopes 327.80; MidAmerican Energy, natural gas 86.48; Midwest Alarm, pump station 29.38; Minnehaha Community Water, July water 17,846.97; Minnehaha County Register of Deeds, D. Fiegen filing 30.00; Northern Truck Equipment, tailgate 381.55; Republic National Distributing, July liquor 13,106.37; Restaurant Equipment Repair, cooler repair 697.50; Sam's Club/MasterCard, pool concessions/supply 1000.56; Schuneman Equipment Company, mower parts 250.05; SD Public Assurance Alliance, annual insurance renewal 34,402.42; SD State Treasurer, lottery 1128.28; SD Unemployment Insurance Division, payroll liabilities 44.83; SDRS Supplemental Retirement, supplemental retirement 200.00; Sioux Falls Area Humane Society, animal control 102.40; Titan Machinery, batteries 412.00; Virg's Service, repair/maintenance 217.05; Welbig, Jeff, mowing 139.50; Xcel Energy, electricity/street lighting 5615.94.

**Added or Increased Salaries:** July payroll - General Government: 12,245.42; Public Safety 2828.80; Public Works 26,415.42; Library 5,534.46; Water 8,622.63; Wastewater 8,622.66.

**Resolutions & Ordinances – Ordinance #806 – Open Burning:** Input was requested from the Dell Rapids Fire Department regarding the previous council discussion on smoke nuisance and the enforcement of any complaints or concerns. Weiland offered an example of an ordinance for the council to consider. Main points emphasize the burning of charcoal, manufactured fire logs or clean, dry, unpainted and untreated wood within a pit, ring or manufactured fire pit or chiminea or outdoor fireplace. Placement of the burning was referenced to be at least fifteen (15) feet away from structures and at least six (6) feet from an adjoining property line. Penalty for violation of \$100 for the first offense with stepped increases of \$50 per violation within one (1) year for each additional offense. Haak and Burggraff were each in support of removing the proximity to building and property line wording. Burggraff moved to table for further review. Haak seconded. Russ Miller spoke in support of an

ordinance and also asked that a smoke nuisance ordinance be considered as well. Motion carried to table any council action pending further review.

**Resolution #2014-08 Zoning Regulations Establish Penalties for Violation:** Weiland explained that within the adopted 2011 Revised Zoning ordinance, the civil penalties need to be established by Resolution of the council and have not yet been set since the Ordinance was adopted. Proposed resolution sets the penalty to be not more than \$500 for each day the violation continues with the City Administrator as the Authorized Official. After much discussion, Burggraff moved to table the action. Haak seconded the motion with the request that it be referred to the Policy and Procedures committee for consideration. Andrews requested a Roll Call vote: Andrews-Nay; Burggraff-Aye; Crisp-Aye; Geraets-Aye; Haak-Aye; Miles-Aye; Sommerfeld-Nay. Motion carried by a vote of five (5) to two (2) in favor of tabling. Mayor Fiegen referred the matter to the Policy and Procedure committee for review.

**Visitors to be Heard:** Tom VanDaalen owns property on 10<sup>th</sup> Street adjacent to the water tower property where an additional building has been placed for use by Verizon. He expressed his concerns and displeasure with the process.

**Outdoor Event Permit – Jensen City Park Wedding:** Application received from Nichole Jensen for a wedding to be held within City Park at the band shelter on September 27 from 2 p.m. to 8 p.m. Fee of \$100 has been paid for the event. Burggraff moved to approve the application and confirmed the fee applies. Miles seconded the motion. Motion carried.

**South East Sanitary Sewer Project – Pay Request #1 for H&W Contracting \$90,746.64:** Weiland presented the request for payment from H&W Contracting for the work performed to July 26, 2014 for the installation of the sewer line south on Garfield Avenue with the lift station. Three manholes were also added to the project for replacement and that work has been completed. One week of blasting remains. Burggraff moved to approve pay request #1 for H&W Contracting in the amount of \$90,746.64. Haak seconded. Motion carried with Andrews dissenting.

**Library – Pay Request #1 from Gil Haugen Construction \$91,177.02:** Pay request received for progress to August 1, 2014 for the library addition/remodel project in the amount of \$91,177.02. Tom Early, of the Library Board, briefed the council on the progress to date. Footings, foundation and lower walls are up with the forms removed. Miles moved to approve the first payment request for Gil Haugen in the amount of \$91,177.02. Burggraff seconded the motion. Motion carried with Andrews dissenting.

**10<sup>th</sup> Street & Northview Drive Water Quality Issue:** Many residents of the area affected, were again present to inform the council of the degree of the water quality. Photos were presented that showed the yellow roadway after the flushing was conducted. Concerns were raised on the possible damage to appliances. Replacement cost of the water and sewer lines can be placed within the 2015 Annual Budget for the council to consider. A previous estimate had stipulated \$140,000 for the portion of Northview Drive water service replacement.

**My Town Text – Community Notification Option:** Weiland again requested the council consider implementing a service to provide notification to residents that have signed up and requested notifications regarding city public notices. My Town Text had presented to the council with a monthly fee of \$50 per month and .04 per text sent or received. Burggraff moved to approve implementing with a six month trial period. Andrews seconded. Motion carried.

**Personnel – Resignation:** Weiland informed the council of the planned resignation of Randy Decker to be effective August 31, 2014. Mr. Decker has been employed with the City of Dell Rapids since 2007. No action to be taken yet on the posting of the job position. Burggraff moved to accept his resignation. Sommerfeld seconded. Motion carried.

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

- Special Budget Planning meeting on Tuesday, August 19 at 7 p.m.

- Zoning Violation Update – A stop work order was issued for 1407 Ripple Creek Road by Zoning Administrator for construction work performed prior to the issuance of a building permit.
- Department of Transportation, Transportation Alternatives Program (TAP) Grant: A sidewalk will be installed as part of the Hwy 115 replacement project by the state. A width of 8 ft. is what is currently installed for the majority of the existing trail. Administrator recommends applying for the cost of the additional 3ft of trail width to be placed with the TAP Grant program for the approximate cost of \$35,000.
- 15<sup>th</sup> Street/Garfield Project – Metro Construction: Discussions have continued to finalize the contract but no formal response has been received.
- Traffic counters have been placed along 10<sup>th</sup> Street and 15<sup>th</sup> Street to provide information to the council regarding the amount of traffic utilizing the roadways.
- SD Municipal League conference will be held in Spearfish on October 7-10. The council is invited to attend for educational sessions and networking with other South Dakota communities.

Burggraff moved to adjourn. Haak seconded. Council adjourned at 9:25 p.m.

LeAnn Kerzman  
Finance Officer