

## DELL RAPIDS CITY COUNCIL MINUTES

Monday, September 15, 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 (via Skype), Lee Burggraff, Mark Crisp, Mike Geraets, Paul Miles and President David Sommerfeld, Gary Haak, Vice President Craig Lauritzen. Staff Present: Administrator, Justin Weiland. City Attorney, Dean Hammer.

Pledge of Allegiance was recited.

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

**Approval of Minutes:** Lauritzen moved to approve the minutes of the regular meeting held on September 2, 2014. Burggraff seconded. Motion carried.

**Claims Approved:** Burggraff moved to approve the claims as presented. Second by Haak. Motion carried. Argus Leader, publishing 1,556.24; Avera Queen of Peace 54.90; Beal Distributing, malt 29,781.32; Borns Group 791.34; Brookings Register 200.00; Bunkers Oil 3,979.28; County Fair Foods 48.80; Dakota Beverage, malt 25,096.20; Dakota Care, insurance 8735.24; Dell Rapids Ace, supply 251.87; Dell Rapids Coop Grain, chemical 493.44; Dell Rapids Lumber Company, supply 206.50; Dells Electric, repair 602.33; Dells Farm & Tire, repair 90.00; Dells Materials, supply 1,188.00; Dells Plumbing 767.85; EFTPS, payroll liabilities 6,885.24; Entringer Backhoe and Trenching LLC 1,465.30; Garbage N More, utility 75; Geotek Engineering and Testing Services 441.00; Gil Haugan Construction Inc. 156,248.86; Global Distributing, malt 35.65; Golden West Telecommunications 731.08; Gruis, Karla, maintenance 442.00; H&W Contracting 168,541.16; HD Supply Waterworks 1,737.64; Johnson Brothers Famous Brands, liquor 8,436.96; Koopman & Sons Gas Co. 3,300; Lacey's Portable Restrooms 625.00; LG Everist Inc. 628.10; Linweld, rental 36.27; Minnehaha Community Water Corp 13,258.64; Minnehaha County Register of Deeds 30.00; Napa Auto Parts 702.84; Roemen's Automotive, supply 391.18; One Time Vendor Young Broadcasting 188.00; SD State Department of Transportation 48.00; SD Municipal League 300; SD State Treasurer Dept of Revenue 801.10; SDRS, supplemental retirement 200.00; Sioux Falls Area Humane Society 50.62; Vogt, Brown, Merry & Hammer, retainer 1900.00; Jeff Welbig 139.50; Xcel Energy, electricity/street lighting 6,239.30.

**Visitors to be Heard:** Kelli Miles resident of 1114 Northview Drive addressed the Council to voice concerns about the water quality issues on Northview Drive. Ms. Miles along with other Northview Drive residents Donna Bergm, 1102 Northview Drive and Joe Weinacht, 1110 Northview Drive emphasized to the Council that they want something done in the near future to permanently fix the water quality issues.

**Outdoor Event Permit – Homecoming Parade and Events – School Districts and Connections Group:** Motion by Haak. Seconded by Miles to approve both School Districts request to hold a joint homecoming parade on October 3<sup>rd</sup> as well as the Connections group proposed activities in the park. Motion Carried.

### Resolutions & Ordinances –

**Public Hearing: Resolution 2014-11: Assessment Roll for Snow Removal Vegetation Abatement and Past Due Utilities:** Mayor Fiegen opened a public hearing up to any individual that wishes to dispute the proposed assessment roll. Administrator Weiland presented the Council with the proposed assessment roll with a total amount of \$3,727.85. Motion by Lauritzen Second by Haak to approve Resolution 2014-11: Assessment roll for Snow Removal Vegetation Abatement and Past Due Utilities. Upon Voice Vote all Aye. Motion carried.

## RESOLUTION NO. 2014-11 SPECIAL ASSESSMENT ROLL

The following Special Assessment Roll is hereby caused to be made by the Governing Body of the City of Dell Rapids, South Dakota, and filed in the office of the Municipal Finance Officer of said City in conformity with the provisions of SDCL 9-43-87, as amended, in conjunction with the assessments related to past due utility service accounts and nuisance abatements associated with nuisance vegetation and snow removal, all within the City of Dell Rapids, South Dakota, as shown by the attached Exhibit "A".

The Special Assessments shown on the attached Exhibit "A" shall be payable in one (1=) annual installments, with interest at the rate of eight (4%) percent per annum, from the 15th day of December, 2014, on all deferred installments, and the whole of any such assessment or any installment thereof may be paid at any time, and that all installments paid prior to their respective due dates shall be deemed paid in inverse order of their due dates. (SDCL 9-43-89)

Further, any assessment or any installment thereof may be paid without interest, to the Municipal Finance Officer of the City of Dell Rapids, South Dakota, within thirty (30) days after approval by the City Council of this Special Assessment Roll. (SDCL 9-43-99)

Thereafter, any assessment or any installment thereof shall bear interest as aforesaid, and shall be payable under statutory Plan One to the County Treasurer of Minnehaha County, South Dakota, the due dates of each installment being January 1 of each year, with the first installment plus interest being due January 1, 2015. (SDCL 9-43-105)

All special assessments herein levied shall constitute a continuing lien upon all real property above described until paid in full or otherwise discharged as provided by law. (SDCL 9-43-100)

Filed in the office of the Municipal Finance Officer of the City of Dell Rapids, South Dakota, on the 15th day of September 2014.

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Scott Fiegen, Mayor

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Justin Weiland, Finance Officer

Attachment A

2014 Assessment Roll for Snow Removal, Utility Services and  
Abatement of Noxious Vegetation

<b>Legal</b>		<b>Balance</b>
S 36' Lot 1 & S 36' E 14' Lot 2, Block 31	UT	47.06
W 45' E 331' S 100' Lying S of Right of Way	UT	118.24
W 45' E 331' S 100' Lying S of Right of Way	Mow	86.00
S 1/2 Vac Alley & W 1/2 Vac May Ave & E 40' Lot 12 Block 13	UT	98.57
E 1/2 Lot 6 Block 4 Cunninghams 1st Addn	UT	104.36
Lots 1 to 8 Block 48	UT	572.86
Lots 1 to 8 Block 48	UT	28.51
Lots 1 to 8 Block 48	UT	150.81

Lots 1 to 8 Block 48	UT	47.29
Lot 33 Block 1, Galens Addn	UT	166.18
W 80' lot 1 and All Lot 3 Block 1, Bjordahl Addn	UT	235.97
Lot 4 Block 3 Highland Heights Addn	Mow	86.00
W 17' Lot 8 & all Lot 9 & N 20' Lot 10 & W 17' N 20' Lot 11 & Vac Alley Block 65	Snow/Mow	504.20
Lot 10 Block 39 Dell Rapids City Original	SNOW	79.50
S 218' W 148 Block 47 Dell Rapids City Original	MOW	587.50
Lots 5 & Lot 6 Block 30	SNOW	214.80
Lot 7 Block 2 Peoples Add	MOW/SNOW	170.00
Lot 9 Block 3 Dell Rapids City Original	MOW	430.00
		\$3,727.85

The assessments set forth in the assessment role will become due and payable in one (1) annual installment together with interest at a rate prescribed by the City Council, by resolution, per annum, in accordance with SDCL 9-43. The above assessments may be paid without interest to the City Finance officer on or before December 15, 2014, thereafter, the entire assessment may be paid with interest from the date of filing with the City Finance Officer at the rate of 0%.

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Justin Weiland  
Finance Officer

**Ordinance #806 – Permitted Open Burning Second Reading and Adoption:** The proposed Ordinance regulates open burning in Dell Rapids. Amendments were made to the first reading draft. Burgraff moved to approve second reading and adoption. Haak seconded. Upon Roll Call Vote, all Aye. Motion Carried.

**Ordinance #808 – 2015 Appropriations Ordinance Second Reading and Adoption:** Administrator Weiland presented the Council with two versions of the 2015 Appropriations Ordinance for consideration. Version number 1 was the original budget presented at the September 2<sup>nd</sup> meeting. Version number 2 is the result of the September 10<sup>th</sup> Special Meeting. Version number 2 eliminates the 1.4 % Consumer Price Index increase and as a result also eliminates spending in the General Fund of \$24,000. Version number 2 also only reflect a 3% increase to the water rates and not a 3% increase to the sewer rates. Lauritzen moved to approve Ordinance 808 Version number 1. Andrews seconded. Upon Roll Call Vote; Voting Aye - Geraets, Andrews, Sommerfeld, Lauritzen, Haak. Voting Naye – Miles, Burgraff Crisp. Motion carried 5 – 3.

**Ordinance #809 Re-Zone Request Lot 8 of Block 6 Timber Ridge Addition and all Other Unplatted Property in the Timber Ridge Addition – From NRC: Natural Resource Conservation to R-1: Single Family Residential District – Second Reading and Adoption:**

Public Hearing was held to consider the rezone of Lots 8 of Block 6 of Timber Ridge Addition and all other unplatted property in the Timber Ridge Addition from NRC, Natural Resource Conservation, to R-1, Single Family Residential. Weiland stated the action of the Planning Commission was to approve. Sommerfeld moved to approve second reading and adoption. Lauritzen seconded. Upon Roll Call Vote; Voting Aye – Geraets, Miles, Andrews, Sommerfeld, Lauritzen, Haak. Burggraff and Crisp abstained. Motion carried.

**Ordinance #810 Re-zone Request – Lot 16 Block 54 of Dell Rapids City Original – From R-1: Single Family Residential to B-2: General Business District – Second Reading and Adoption:** Public Hearing was held to consider rezone of Lot 16 Block 54 of Dell Rapids City Original from R-1: Single Family Residential to B-2: General Business District. Weiland stated the action of the Planning Commission was to approve. Andrews moved to approve second reading and adoption. Seconded by Miles. Upon Roll Call Vote all member present voted Aye. Motion Carried.

**Resolution 2014 -10: Transportation Alternative Program Application Support:** Administrator Weiland presented the Council with a Resolution of Support for the City to apply for a DOT TAP grant. The purpose of the grant application is to offset the City's local responsibility to cover a portion of the costs of a shared use path on and along Hwy 115 during reconstruction of that roadway. Burgraff moved to approve. Seconded by Lauritzen. Motion Carried.

#### **RESOLUTION # 2014-10**

RESOLUTION BY THE CITY OF DELL RAPIDS DECLARING SUPPORT FOR APPLICATION TO THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION ALTERNATIVES GRANT PROGRAM FOR THE PURPOSE OF CONSTRUCTING A SHARED USE PATH ON AND ALONG HWY 115 IN COORDINATION WITH THE HWY 115 PROJECT SCHEDULED FOR CONSTRUCTION IN 2016 AND 2017.

#### **DOT TRANSPORTATION ALTERNATIVES GRANT APPLICATION SPONSORSHIP**

**WHEREAS**, the City of Dell Rapids desires assistance from the S.D. Department of Transportation Alternatives Program for the purpose of constructing a shared use path along Highway 115, and

**WHEREAS**, the City Council hereby commits to the continued maintenance of the shared use path, and

**WHEREAS**, the City Council commits to the local match for the project, and

**WHEREAS**, the project meets all local zoning, planning regulations, and ordinances, and

**WHEREAS**, the City Council acknowledges its responsibility to secure rights-of-way or easements for construction;

**BE IT RESOLVED** the City of Dell Rapids City Council hereby authorizes the filing of a grant application, including all understandings and assurances contained therein, for the Transportation Alternatives Grant, and hereby authorizes the Mayor to act in connection with the application and to provide such additional information as may be required.

Dated this 15th day of September, 2014.

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

**South East Sanitary Sewer Project – Change Order #1 for H&W Contracting:** Weiland presented the request for a change order from H&W Contracting for an additional \$500 for the purpose of installing a fully encased control panel at the new lift station and a 14 day extension to the project. Burggraff moved to approve Change Order #1 with the exception of the \$500 change for the lift station control panel. Haak seconded. Motion carried with Andrews and Lautizen dissenting.

**Library Building Project – Change Order #1 for Gil Haugen Construction:** Weiland presented the request from Gil Haugen for a Change Order in the amount of \$16,607.00 for the installation of a phase convertor for the elevator. Miles moved to approve the change order request for Gil Haugen in the amount of \$16,607. Haak seconded the motion. Motion carried with Andrews dissenting.

**Library Utility Project – Final Pay Request #2 \$6,958.00 for H&W Contracting:** Weiland presented the final pay request from H&W construction for the work utility relocation work completed on the library property. Burggraff moved to approve the Final Pay Request to H&W Contracting in the amount of \$6,958.00. Andrews Seconded. Motion carried.

**15<sup>th</sup> Street/Garfield Ave/State Ave/Big Sioux River Crossing Project Change Order #3:** Weiland provided the Council with a final change order in the amount of \$1,565.14, to close out the 15<sup>th</sup> Street project. The change order reflected additional gravel quantities and the agreed upon deduct of \$10,000. Crisp moved to approve Change Order #3 in the amount of \$1,565.14. Andrews Seconded. Upon Roll Call vote Voting Aye – Geraets, Miles, Andrews Lauritzen, Crisp. Voting Naye - Sommerfel, Burgraff, Haak. Motion carried 5-3.

**15<sup>th</sup> Street/Garfield Ave/State Ave/Big Sioux River Crossing Project Final Pay Request for Metro Construction:** The Final Pay Request to close out the 15<sup>th</sup> Street second phase project was presented in the amount of \$100,796.23. This final pay request reflects releasing the final retainage. Burgraff moved to approve the Final Pay request to Metro construction in the amount of \$100,796.23. Lauritzen seconded. Upon Roll Call Vote all members voted Aye. Motion carried.

**15<sup>th</sup> Street/Garfield Ave/State Ave/Big Sioux River Crossing Project Engineering Agreement Amendment:** DGR Engineering provided an amendment to the original engineering agreement for the project. The amendment include additional design and coordination for the force main extension south, the cracking issues that occurred on Garfield Ave and the water quality issues that occurred on Northview Drive. The revised agreement is necessary to approve in order to be eligible for reimbursement for SRF funds. Crisp moved to approve the engineering agreement amendment. Andrews Seconded. Motion carried.

**Surplus Property – Award Water Slide Section Bid:** Weiland presented one bid in the amount of \$25.00 from Spencer Tisher for the advertised surplus property water slide plastic sections. Miles moved to approve the bid of \$25.00 from Spencer Tisher. Andrews seconded. Motion carried.

**Unnamed Island – Naming Recommendation:** The Board of Geographic Names has requested the City’s opinion of the naming of the island that exists in the south west area of Dell Rapids where the Big Sioux Rive splits to create the Dells of the Sioux. This is the island where the west quarry exists. The Board of Geographic names is considering the name “Quarry Island” or “Dells Island”. They are also interested in alternative names as recommended by the City. Sommerfeld moved to recommend “Dells Island” to the Board of Geographic names. Andrews Seconded.

**Claims Approved for Payment by Other Municipal Boards:** Library Board: Advanced Systems Inc, copier contract 22.65; Book Systems, annual support 695.00; Ingram Library Services, 17 books 346.95; SD Library Network, user fee 675.00; Short Elliott Hendrickson, engineering 3647.68; Video Plus, 16 DVD’s/maint 177.96.

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

- Zoning Ordinance Violations Update: Administrator Weiland informed the Council that the City would be conducting additional research on the best approach to implementing a fine for violation of the zoning ordinance. Attorney Hammer conducted research that suggested the plan to assess civil penalties may be

more complex. It may be necessary to adopt an amendment to the ordinance as opposed to a resolution setting the value of the fines.

- Garfield Avenue Bridge is progressing as crews have begun demolition of the north side abutment and pier. An additional crew is scheduled to move in to construct the decking on the south portion of the bridge. The contractor is a little behind schedule but hopes to make up time when the new crews arrive.

Burggraff moved to adjourn. Haak seconded. Council adjourned at 8:37 p.m.

Justin Weiland  
Finance Officer