

DELL RAPIDS CITY COUNCIL MINUTES

Monday, April 6, 2015 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: Mike Geraets, Paul Miles, Chad Andrews, Dave Sommerfeld (via phone), Gary Haak, and Mark Crisp.

Absent: Lee Burggraff, and Craig Lauritzen

Staff present: Administrator Justin Weiland and Finance Officer Claire Baartman.

Pledge of Allegiance was recited.

Approval of Agenda: Miles motioned to approve the agenda, seconded by Andrews. Motion carried.

Approval of Minutes: Amendments to the minutes of the regular meeting held on March 16, 2015: Sommerfeld moved to exit executive session at 9:15 p.m., seconded by Lauritzen. Discussion was held on when a 2/3 vote is required. Haak motioned to approve the minutes as amended, Andrews seconded. Motion carried 4-2.

Visitors to be Heard: None

Outdoor Event Permit – Wedding at Peninsula Park, September 19th – Rita Shank – Rita noted they'd be bringing in rental chairs, one speaker, and computer. Miles motioned to approve the Outdoor Event Permit, Andrews seconded. Motion carried.

Plat of Lot 1A and 1B of Tract A of Spruce Glen Addition – The Planning Commission approved the submitted plat at their March 24th meeting. The lot is currently zoned as R-3; therefore a duplex fits within the zoning classification. Geraets motioned to approve, Crisp seconded. Motion carried.

Library Building Project – Change Order #3 \$3,539.00 – Six issues were listed on the Change Order. Discussion was held on why item #1 (3 additional smoke detectors) were not initially included in the bid. Miles motioned to approve items 2-6 of the change order. Andrews seconded. Motion carried.

Library Building Project – Certificate of Substantial Completion– A punchlist walkthrough was conducted on March 6th. The Certificate of Substantial Completion is for all work with the exception of the elevator and finished site grading and turf establishment. Crisp motioned to approve, Andrews seconded.

Library Building Project – Midwestern Mechanical Fire Sprinkler Inspection Agreement– The Library Board recommended approval of an annual contract with Midwestern mechanical to conduct an annual inspection for \$235.00. Miles motioned to approve the contract, Crisp seconded. Motion carried.

2015 Chip Seal Bid – Consider Award – Recommended the Council approve the bid from Topkote Inc. of Yankton in the amount of \$156,823.71. The City plans to coordinate the timing of the chip seal to coincide with the necessary patching of streets that will need to be completed prior to Topkote's arrival. Crisp motioned to approve the bid with the possibility of working with Topkote to also Chip Seal the stretch of road between 15th St and the County line, Miles seconded. Motion carried.

Dump Truck Equipment Bid – Consider Award - The City received three bids for the dump truck box and plow equipment. Recommended the Council approve the bid from Northern Truck and Equipment for a Crysteel truck box and a Monroe brand plow in the amount of \$36,657.00. Geraets motioned to approve the dump truck equipment bid as recommended, Miles seconded. Motion carried.

Election, Tuesday, April 14th – Appoint Election Supervisor – Hire Election Workers – Recommended the Council approve Administrator Weiland as the Election Supervisor and approve the following election workers at the hourly rate of \$10.00 per hour – Jerry Fox, Delores McKee, Wayne Mitchell, Joyce Pfannenstein, Carolan Miller, Karen Viator. Crisp motioned to approve, Miles seconded. Motion carried.

Soccer Group – Formal Request to Use Dells Island Parcel – Alice Ann Krantz spoke to the Council about using the land for the purpose of soccer practice. Haak motioned to approve the use of the land, Miles seconded. Motion carried.

Hwy 115 Project – Land Acquisition Agreement – At the intersection of Quarry Road and Hwy 115, the DOT is planning a change to the approach into the Dells Island Peninsula. The DOT needs to acquire a piece of property on the north side of the existing approach to make this plan work. Recommended the Council make a motion to agree to the DOT's plans to acquire property and transfer ownership to the City. This will make the approach into the City property safer. Andrews motioned to approve the land acquisition, Geraets seconded. Motion carried. The City has designated its Mayor as the City's authorized representative and has empowered the Mayor with the authority to negotiate, approve, and sign the agreement on behalf of the City for the acquisition of right of way for the purpose of road and bridge construction.

Free Rubble Site Days – Set Dates – The opening day of the Rubble Site (weather pending) is scheduled for Saturday April 11th from 9:00 a.m. to 4:00 p.m. The Rubble Site will then be open for its regular hours- Tuesday and Thursday from 2:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. – 4:00 p.m. Administration recommends the Council approve the following dates as Free Days: Thursday May 7th and Saturday May 9th. Crisp motioned to approve the Free Days, Geraets seconded. Motion carried.

Claims Approved: Miles moved to approve the claims as presented, seconded by Haak. Motion carried. A&B Business Solutions, March billing and usage 248.02; A-OX Welding Supply Company, Inc., March cylinder rental 20.16; Badger Meter, Inc., 1st qtr 2015 backhaul charges 237.00; Baumberger Vineyard & Winery, March wine 136.00; Bierschbach Equipment & Supply, rotary asphalt cutter 1,868.44; Borns Group, March billing 796.22; City of Dell Rapids, water bill 121.78; County Fair Foods, Inc., election supplies 9.39; Dakota Beverage Co, Inc., March malt 17,743.45; Dakota Clearing & Grading, clear and cover rubble site 4,489.80; Dakota Technology Consulting, Library move/set-up 1,866.13; DakotaCare, health insurance 7,175.12; Dell Rapids Ace, supplies 109.24; Dell Rapids Coop Grain, hyd. hose/fitting 42.29; Dell Rapids Haven, 2015 stipend 6,600.00; Dells Diesel Service, Inc., Transit oil/filter/etc. 128.39; Delta Dental, insurance 649.50; DGR, 2015 chip seal, HWY 115, Northview projects 10,273.00; EFTS, FICA and Medicare 5,417.59; Fiigen Tree Service LLC, remove 12 trees 2,500.00; First Bank Card, March statements 363.87; Golden West Telecommunications, April statement 756.23; Karla Gruis, City Hall and Library cleaning 680.00; HD Supply Waterworks, supplies 721.54; ICAP, Inc., Feb expense 3,234.75; Les Fenicle, safety glasses stipend 150.00; LG Everist, Inc., street supplies 459.17; McLeod's Printing & Office Supply, election supplies 56.50; Christopher Mergen, clothing allowance 196.09; MidAmerican Energy Company, March utilities 697.74; Minnehaha Community Water, Corp., March water usage 9,325.02;

NAPA Auto Parts, supplies 387.25; Neofunds, postage 200.00; Custom Truck Equipment, Transit exhaust 296.62; Falls Nursery, move 1 tree 295.00; Lutheran Church, election space 70.00; Republic National Distribution Co., March liquor 13,120.95; S&S Stump Removal, grind 7 stumps 675.00; Sam's MasterCard, supplies 110.64; SD Governmental Finance Officers Association, Finance Officer School registration 150.00; SD Municipal League, 2015 District Meeting 24.00; SD Public Assurance Alliance, Property Coverage 796.44; State Treasurer, Department of Revenue, Lottery Draw 1,508.90; SDRS Supplemental Retirement Plan, Roth Retirement 195.00; South Dakota Retirement System, Retirement 5,269.58; Stan Houston Equipment Co. Inc., street supplies 79.98; Stockwell Engineers, Inc., wastewater treatment project 3,906.78; Strawbale Winery, March wine 144.00; Verizon, March cell bill 443.61; Xcel Energy, March utility 4,920.90.

Administrators Report:

608 E 6th Street Rezone Written Protest - Update: At the March 16th meeting, the City Council heard, discussed, and made no motion regarding over turning the submitted protest petition for the lot at 608 E 6th Street. Therefore the end result of the re-zone by Paul Roemen change from R-2 to B-2 has failed. Attorney Hammer and Administrator Weiland have determined that there is not a waiting period for Mr. Roemen to re-apply for a Re-zone application. As a matter of clarification and to tie up loose ends from the previous meeting it was decided by Attorney Hammer and Administrator Weiland the submitted affidavit from a resident requesting to remove their name from the Protest Petition could not be accepted. State Statute 9-20-6, states the referendum petitions need to be filed no later than the closing hours of City Hall. The statute that governs the written protest petition states that the written protest is to follow the same procedures as a referendum process. Therefore, Administrator Weiland and Attorney Hammer have determined that the affidavit submitted after 5:00 p.m. could not be accepted. This means the neighbors gathered the 40% required signatures necessary to stop the re-zone and with the Council not moving to overturn the signatures results in the lot remaining zoned as R-2. **Plans for Street Repair/Patching and Project Updates:**

The recent spring thaw created several problem areas throughout the community, mainly in those areas that have a blotter coat of asphalt with a combination of a poor base supporting the blotter. The Public Works Department is monitoring all of the locations and making plans for patching when asphalt becomes available (weather pending). The Public Works Department plans to conduct their own patching on a number of the areas that are smaller in size. The larger areas will be done with a paving machine. City Administration is working with asphalt contractors to get numbers for patching quantities. A plan will be presented to the Council at the second meeting in April or first meeting in May. **IOWA AVENUE** - The City has budgeted to remove and replaced the street surface on Iowa Ave between 6th and 9th Street. City Administration is working with Double H paving to put together numbers on completing this project. The current plan is to use the bid costs from the Northview project to have Double H paving complete Iowa when they are here to complete the Northview Drive project. The bid costs from the Northview Drive project were favorable; therefore the City can save costs of bidding the Iowa project. **GARFIELD AVENUE AND BEACH AVENUE:** T&R, the contractor the DOT has hired to complete Garfield Ave on the north and south side of the bridge, is the same contractor scheduled to complete Beach Avenue. The City hasn't received communication from T&R as to when they will arrive to complete both of these projects. **NORTHVIEW DRIVE and 10th STREET:** Contracts have been signed by the City and H&W Contracting. H&W plans to mobilize and begin work the final week of May or early June. Administration is working to send correspondence to all properties effected by the project, notifying them of the City's plans and the inconveniences they will face during the construction. **409 E 15th Street Tree – Update:** The property owner of 409 E 15th Street, Jim Schildhauer, spoke during the Visitors to be Heard portion of the March 16th meeting regarding the tree promised to him following

the 15th Street project. The City completed the planting of a 7 inch Autumn Blaze Maple on April 1st. The total cost of the tree was \$550 and the cost of spading was \$295 for a total of \$845. **Personnel – Library Employee Sherry Bradner – Merit Increase:** The Library Board and Library Director Brittany Moeller conducted an evaluation of Full-Time Library Assistant Sherry Bradner. They recommended a 3% increase in Ms. Bradner’s current wage of \$11.64. Therefore, the new wage effective on Ms. Bradner’s anniversary date is \$11.99.

Andrews left the meeting at 8:22pm

Mayor Fiagen pulled up the June 16, 2014 minutes and read the Carnegie Library Bid Award section aloud. There was no mention as to the reasoning for the 2/3 vote required at the meeting. Attorney Hammer and Administrator Weiland stated they’d look into the particular situation and provide the Council with an answer at a later date.

Motion to adjourn at 8:26 p.m. by Miles, seconded by Haak. Motion carried.