

DELL RAPIDS CITY COUNCIL MINUTES
Tuesday, February 16, 2016 at 7:30 p.m.

President Mark Crisp 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, Mike Sterud, Mary Klockman, Tom Earley, Lee Burggraff, Gary Haak, and Dave Sommerfeld (Via Speakerphone). Mayor Fiegen was available via speakerphone, however did not run the meeting. Staff present: Administrator Justin Weiland, Finance Officer Claire Baartman, and City Attorney Dean Hammer

Absent: None

Community Members Present (who addressed the Council):

Will Boever of 202 Sunset Dr., Dell Rapids, SD

Virginia Miller of 805 N Dakota Ave., Dell Rapids, SD

Jeremy Merry of 718 E. 5th St., Dell Rapids, SD

Jeff Miles of 509 E 2nd Ave., Dell Rapids, SD

Chad Andrews of 807 E 4th St., Dell Rapids, SD

Teri Fiegen of 203 E 4th St., Dell Rapids SD

Trent Bruce of DGR Engineering

Pledge of Allegiance was recited.

Approval of Agenda: Earley motioned to approve the agenda, seconded by Burggraff. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Approval of Minutes February 1, 2016 Regular Session: Haak motioned to approve, seconded by Klockman. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Visitors to be Heard: None

Board of Adjustment – Public Hearing for Variance Request at 510 E 2nd Street – Jeff Miles- Request for 7' (Feet) Rear Setback in Lieu of 20' (Feet) Rear Setback Required in a B-2: General Business District When Abutting Residential District, For a Variance Request of 13' (Feet)

Sommerfeld motioned to convene as the Board of Adjustment, seconded by Geraets. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried. Burggraff excused himself from the discussion and Abstained from voting. Mr. Jeff Miles addressed the council with his request. The Council discussed the variance. Haak motioned to deny the variance, seconded by Sommerfeld. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Nay, Crisp – Aye, Earley – Aye, Burggraff – Abstain, Haak – Aye, Sommerfeld – Aye. Motion carried.

Motion by Early to re-convene as the City Council at 7:42, seconded by Sterud. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Public Hearing – Resolution 2016-04: Resolution of Necessity 10th Street Portion of Right of Way between Iowa Avenue and Rebekah Avenue

Crisp spoke on behalf of the appointed Finance/Utility Committee (Crisp, Earley, and Geraets). The Committee has been in discussion with the property owners. Property owners have concerns; however, discussions have been positive. Burggraff moved to adopt Resolution 2016-04, seconded by Klockman. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

RESOLUTION OF NECESSITY

RESOLUTION #2016-04

BE IT RESOLVED, BY THE City Council of the City of Dell Rapids, South Dakota, that the convenience and necessity has arisen to improve substantially a portion of 10th Street from Iowa Avenue to Rebekah Avenue, all in the City of Dell Rapids, Minnehaha County, South Dakota, by the addition of asphalt street, concrete curb & gutter, sidewalks and driveway approaches and installation of sanitary sewer services and water services and drainage improvements all as more fully specified in plans and specifications by the City's Engineer.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Dell Rapids, and on file in the office of the Municipal Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the following is a description of the classes of lots and the legal descriptions of the affected property fronting or abutting upon the affected streets which lots and property are to be assessed and levied by way of special assessment to pay for said improvement:

Vacated 9th Street Lying Adjacent and Vacated Rebekah Avenue Inclusive with ½ Intersection of 9th Street and Rebekah Avenue Lying adjacent and Tract A (Ex Lots 1, 2 & 3) and Tract C of Health Center Addition to the City of Dell Rapids; N ½ Vacated 9th Street Lying Adjacent and Tract B of Health Center Addition to the City of Dell Rapids; Block 18 of Graves Addition to the City of Dell Rapids; Lot 1 of Tract A of Health Center Addition to the City of Dell Rapids; Lot 2 of Tract A of Health Center Addition to the City of Dell Rapids; Lot 3 in Tract A of Health Center Addition to the City of Dell Rapids; South 277.5 Feet of Lot A (Ex H1) W ½ NE ¼ Section 9-104-49 Dell Rapids City Unplatted;

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land, whether platted or unplatted, fronting or abutting thereon, according to the provisions of SDCL 9-43-79 as to each of such lots or tracts above stated. The total cost of the project shall include the labor and materials for the Mobilization and Traffic control, Removals, Grading and Base Course, Asphalt Surfacing with 40% credit (because of existing surfacing), Asphalt Street Surfacing 100%, Concrete Curb & Gutter, Property Access to include concrete fillets and driveways, Concrete Sidewalks, Topsoil Permanent Vegetation and Erosion Control, Drainage and Storm Sewer, Water Main Services, Sanitary Sewer Services and Retaining Wall and any other special items as required by the project or specifically requested by the property owner. After determining the amount of the total cost of said project, the same shall be assessed according to the provisions of SDCL 9-43-79, on a per-foot basis and/or as constructed quantity. The *estimated cost* of construction is as follows:

Mobilization/Traffic Control - \$21.87 L. FT of Frontage

Removals - \$12.50 L.FT of Frontage

Grading and Base Course - \$41.79 L. FT of Frontage

Asphalt Street Surfacing (40%) - \$18.84 L.FT of Frontage

Asphalt Street Surfacing - \$47.09 L.FT of Frontage

Curb & gutter (6" Equivalent) - \$15.23 L.FT of Frontage

Property Access - \$12.04 L.FT of Frontage

Concrete Sidewalk - \$21.95 L. FT of Frontage

Topsoil/Permanent Vegetation/Erosion Control - \$10.68 L.FT of Frontage

Drainage/Storm Sewer - \$29.00 L.FT of Frontage

Water Service - \$2,940.00 EACH

Sanitary Sewer (West) - \$14,600.00 EACH

Sanitary Sewer (East) - \$18,100.00 EACH

Retaining Wall - \$55.00 L. FT of Frontage

All lots, whether intermediate or corner lots will be assessed by the number of linear feet and/or as constructed quantity abutting upon the improvement. Costs for over width, over depth, over sizing and intersections will be paid by the City of Dell Rapids.

BE IT FURTHER RESOLVED that the assessments above described shall be determined immediately upon filing of the Assessment Roll in the office of the Municipal Finance Officer of the City of Dell Rapids and divided into ten equal annual installments, which shall be payable under Plan One, with collection by the Minnehaha County Treasurer, as set forth in SDCL 9-43-102, *et seq*, as amended, and that all deferred installments shall bear interest at such rate determined by the City Council, according to law.

BE IT FURTHER RESOLVED that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

THE COMMON COUNCIL OF THE
OF DELL RAPIDS, SOUTH DAKOTA

Mayor Scott Fiegen

ATTEST:

Municipal Finance Officer Claire Baartman

Old Business

Sidewalk Ordinance Enforcement

Sterud addressed fellow Council Members as to his thoughts on enforcing Ordinance # 783. Community Members – Jeremy Merry, Will Boever, Chad Andrews, Virginia Miller, and Teri Fiegen addressed the Council about the many snow removal problems around the City and have asked for the Ordinance #783 to be enforced rather than on a complaint basis. Sterud motioned to enforce Ordinance #783, seconded by Geraets. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried. After the motion discussion ensued on whether to enforce the Ordinance requiring all property owners to install sidewalk.

New Business

DGR Engineering – Project Design Contracts

1.) WWTF SBR Design Amendment

An amendment to the contract for the SBR facility and construction oversight. The contract covers Design, Bidding and an estimate of the Construction fees not to exceed \$615,000. Haak motioned to approve the WWTF Contract Amendment, seconded by Burggraff. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

2.) Quartzite Street/Garfield Avenue

This contract is for the Design, Bid, and Construction oversight of Quartzite Street. This Contract also provides a cost for designing and constructing Garfield Avenue. The total engineering for both of these projects is \$247,500. If the City doesn't pursue construction of Garfield Avenue or the State agrees to design the project for the detour, the amount of \$83,500 will be deducted from the contract. Earley moved to approve the Quartzite Street/Garfield Avenue contract, seconded by Geraets. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Zoning Ordinance Amendments – Discussion

- 1.) **B-2: General Business District, Contractors Shop as Permitted Use**
- 2.) **I-1: Light Industrial District, Automotive Repair as Permitted Use**

Council members discussed both amendments. Also, the topic of requiring sidewalks in the new industrial park was discussed. No action was taken.

Dell Rapids Transit – Bus/Van Grant Application

It is almost time to apply for funding for a replacement of the existing Transit Bus as well as an addition of a Sprinter Van. Klockman moved to apply for both grants, seconded by Geraets. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Resolution No. 2016-05: DOT Transportation Planning Grant – Support Application

The City has received correspondence from the DOT requesting submission from municipalities for Transportation Planning Grants due March 1. The DOT is offering 80%-20% matching grants for communities above 2,000 in population to conduct a Transportation study. Burggraff moved to approve Resolution No. 2016-05, seconded by Haak. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

CITY OF DELL RAPIDS

RESOLUTION NO. 2016-05

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Dell Rapids (the “City”) has identified the need for a Master Transportation Plan (the “Project”), including but not limited to developing a vision for a multi-modal transportation system through a series of recommended projects, programs, and policies; and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Department of Transportation for the Statewide Planning and Research Program (SPR) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$130,000 to the South Dakota Department of Transportation for the Project.

2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Department of Transportation, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted in Dell Rapids, South Dakota, on this ____ day of _____, 2016.

APPROVED:

Scott Fiegen, Mayor

City of Dell Rapids

ATTEST:

Claire Baartman, Finance Officer

New Stop Sign Placement

Klockman moved to approve 2 stop signs at the corner of 9th and State (north/south) and 1 stop sign on the corner of 10th and Powderhorn (north), seconded by Sterud. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

2014 Audit Report

Burggraff moved to approve the 2014 Audit Report, seconded by Haak. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

Claims Payable

Haak motioned to approve the Claims, seconded by Klockman. Motion carried. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Aye, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.

VENDOR NAME	DESCRIPTION	FUND	AMOUNT
ADVANCED SYSTEMS INC	COPIER CONTRACT	GENERAL FUND	26.23
AMANDA ROTH	BOOKS	GENERAL FUND	701.59
ARGUS LEADER	JANUARY BILL	GENERAL FUND	543.18
BEAL DISTRIBUTING, INC	JANUARY MALT	LIQUOR FUND	27,089.13
BUNKERS OIL CO	FUEL AND MOBILOIL	GENERAL FUND	1,460.90
BX CIVIL & CONSTRUCTION	SNOW REMOVAL 2/3 - 2/4	GENERAL FUND	2,298.75
CENGAGE LEARNING, INC	BOOKS	GENERAL FUND	476.58
CNHCAPITAL	TITAN STREET SUPPLIES	GENERAL FUND	76.00
COAST TO COAST SOLUTIONS	PROJECT SUPPLIES	GENERAL FUND	547.02
DAKOTA BEVERAGE CO, INC.	JANUARY MALT	LIQUOR FUND	19,247.83
DAKOTA TECHNOLOGY CONSULTING	FEBRUARY SERVICES	GENERAL FUND	317.01
DELL RAPIDS ACE	SUPPLIES	GENERAL FUND	84.43
	SUPPLIES	WATER FUND	73.98
DELL RAPIDS LUMBER COMPANY	PARK SUPPLIES	GENERAL FUND	100.86
DELL RAPIDS VOLUNTEER FIRE DEPT INC	2016 ANNUAL SUPPORT	GENERAL FUND	45,735.00
DELLS FARM & TIRE	STREET	GENERAL FUND	121.00
DELLS PLUMBING	NORBY'S NEW URINAL	LIQUOR FUND	341.83
DUST-TEX SERVICES, INC	JANUARY RUG CLEANING	GENERAL FUND	46.66
GEOTEK ENGINEERING & TESTING SERVICES,	10TH ST UTILITY IMPROVEMEN	GENERAL FUND	1,955.00
	HWY 115	WATER FUND	694.00
	HWY 115	WASTEWATER FUND	694.00
GLOBAL DISTRIBUTING	JANUARY MALT	LIQUOR FUND	519.25
GRUIS, KARLA	CLEAN 16 HOURS	GENERAL FUND	320.00
INGRAM LIBRARY SERVICES	7 BOOKS	GENERAL FUND	223.36
JOHNSON BROTHERS FAMOUS BRANDS INC	JANUARY LIQUOR	LIQUOR FUND	5,720.06
KIDS REFERENCE COMPANY, INC	3 BOOKS	GENERAL FUND	50.30
LINWELD, INC	JANUARY RENTAL	GENERAL FUND	39.99
MICROMARKETING LLC	34 AUDIO	GENERAL FUND	618.55
MIDAMERICAN ENERGY COMPANY	UTILITY	GENERAL FUND	322.73
MIDWEST ALARM	MARCH PUMP STATION	WASTEWATER FUND	30.38
MINNEHAHA COMMUNITY WATER, CORP	JANUARY SHOP WATER	GENERAL FUND	10.00
	JAN WATER 6,380 @1.56/1K	WATER FUND	9,962.80
	JANUARY SHOP WATER	WASTEWATER FUND	10.00
NEOFUNDS BY NEOPOST	JANUARY POSTAGE	GENERAL FUND	110.00
	JANUARY POSTAGE	WATER FUND	45.00
	JANUARY POSTAGE	WASTEWATER FUND	45.00
NORTHERN STATES SUPPLY, INC.	STREET SUPPLIES	GENERAL FUND	142.50
OVERDRIVE	OVERDRIVE	GENERAL FUND	1,500.00
PENWORTHY	BOOKS	GENERAL FUND	551.92
POPULAR SUBSCRIPTION SERVICE	51 MAGAZINES	GENERAL FUND	1,133.17
PRAIRIE BERRY WINERY	JANUARY WINE	LIQUOR FUND	726.00
QUALITY BOOKS INC	BOOKS	GENERAL FUND	1,100.67

REPUBLIC NATIONAL DISTRIBUTING CO	1/2 FEB LIQUOR	LIQUOR FUND	5,268.19
SAM'S MASTERCARD	MISC SUPPLIES	GENERAL FUND	186.28
SD ASSOCIATION OF CODE ENFORCEMENT	CODE ENF. TRAINING CONFREN	GENERAL FUND	50.00
SD STATE TREASURER, DEPT OF REVENUE	JANUARY RECREATION TAX	GENERAL FUND	0.59
SDRS SUPPLEMENTAL RETIREMENT PLAN	ROTH RETIREMENT	GENERAL FUND	145.00
	ROTH RETIREMENT	WATER FUND	25.00
	ROTH RETIREMENT	WASTEWATER FUND	25.00
TEI LANDMARK AUDIO	12 AUDIO BOOKS	GENERAL FUND	945.00
VISION VIDEO INTERACTIVE	JANUARY TEXTING SERVICES	GENERAL FUND	59.19
VOGT, BROWN, MERRY & HAMMER	FEBRUARY RETAINER	GENERAL FUND	1,700.00
XCEL ENERGY	UTILITY	GENERAL FUND	7,021.33
	51-0011178097-4	WATER FUND	470.30
	51-4579460-5	WASTEWATER FUND	75.42

Administrator Report:

DOT Transportation Alternatives Program – HWY 115 Recreation Trail (4th Street West to Golf View Drive) Grant Award: The City received notice that we were successful in receiving a grant to fund the additional 5 feet of recreational path (10 feet total State covering first 5 feet) for the east west portion of the Hwy 115 project (4th Street Intersection West to Golf View Drive). The total cost of this length of the path is \$84,825. The TAP grant covers \$69,132 and the City is responsible for 18.05% of the total cost - \$15,692.

This is the 2nd TAP grant received for this project. The City received a TAP grant for the first phase north/south portion of the project. The total cost of the 1st phase is \$321,000. The City received a grant for \$263,000, leaving the City responsibility at \$58,000. The first phase from the overlook to Zero Street will be constructed in 2016. The second phase from Zero Street to 4th Street and west to Golf View Drive will be conducted in 2017.

Important Dates for Upcoming Meetings and Events:

Board of Equalization – March 22nd (March 23rd if necessary)

Municipal Election – Petitions due February 26th at City Hall by 5 pm.

Municipal Election – April 12th

Motion to adjourn at 9:25 p.m. by Haak, second by Burggraff. Roll Call Vote: Geraets- Aye, Sterud- Aye, Klockman- Aye, Crisp – Nay, Earley – Aye, Burggraff – Aye, Haak – Aye, Sommerfeld – Aye. Motion carried.