

## **City Council Meeting – Regular Meeting December 14, 2015**

Mayor Bill Campbell called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mark Monahan, Doyle Johnson, Bill Haugen and Scott Nelson. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, City Attorney Larry Nelson and City Engineer Jon Brown.

**Approve Agenda:** A motion was made by Nelson, second by Johnson to approve the agenda as set – all voted yes, motion carried.

**Approve Minutes of December 1, 2015 Regular Meeting:** A motion was made by Johnson, second by Haugen to approve the Dec 1, 2015 regular meeting minutes. A substitute motion was made by Monahan, second by Nelson to approve the Dec 1, 2015 regular meeting minutes with the following additions at the end of the Correspondence section: (Mark Brenneman) Is it signed by Growing Hartford? (Councilman Johnson) I will not share the name. I am not going to give that person the satisfaction – all voted yes, motion carried.

**Approval of the Bills:** A motion was made by Nelson, second by Johnson to approve the bills submitted for payment – all voted yes, motion carried.

**Visitors:** None

### **Ordinances, Resolutions & Hearings:**

**7:05 Hearing to Transfer the Retail On-Sale Restaurant Liquor License and the Retail On-Off Sale Malt Beverage License from Mausbach Enterprises, LLC to The Goat, LLC and the 2016 Renewal of the On-Sale Restaurant Liquor License for The Goat, LLC:** A motion was made by Johnson, second by Nelson to approve the transfer of the Retail On-Sale Restaurant Liquor License (RR-12101) and the Retail On-Off Sale Malt Beverage License (RB-2724) from Mausbach Enterprises, LLC to The Goat, LLC – all voted yes, motion carried. A motion was made by Johnson, second by Monahan to approve the 2016 renewal of the Retail On-Sale Restaurant Liquor License (RR-12101) for The Goat, LLC – all voted yes, motion carried

**7:10 Hearing to Transfer the Package Off-Sale Liquor License and the Retail On-Off Sale Malt Beverage License from Harms Oil Company to Cup Services, Inc:** A motion was made by Monahan, second by Johnson to approve the transfer of the Package Off-Sale Liquor License (PL-22000) and the Retail On-Off Sale Malt Beverage License (RB-2699) from Harms Oil Company to Cup Services, Inc – all voted yes, motion carried.

### **Old Business:**

**Review/Approval of Purchase Agreement for Lots 6, 7 & 8, Block 4 of Original Town of Hartford:** The city has accepted an offer from the Hartford Farmers Elevator to purchase the city owned lots located at 1<sup>st</sup> & Main. The lots will be transferred to the HADC and then sold to the Elevator. A motion was made by Johnson, second by Haugen to approve the purchase agreement for Lots 6, 7 & 8, Block 4 of Original Town of Hartford – all voted yes, motion carried.

### **New Business:**

**2016 Fire Protection Service Agreement:** The city's agreement with Hartford Area Fire & Rescue, Inc. to furnish fire protection services is up for renewal. The terms of the agreement are the same as the prior year. A motion was made by Monahan, second by Haugen to approve the 2016 fire protection services agreement with Hartford Area Fire & Rescue, Inc. – all voted yes, motion carried.

**2016 Minnehaha County Sheriff Contract:** The 2016 Minnehaha County Sheriff's Contract was provided to the council for review. The only change to the 2016 contract is that the fee is slightly higher than 2015. This increase was accounted for in the 2016 budget. A motion was made by Johnson, second by Monahan to approve the 2016 Minnehaha County Sheriff's Contract – all voted yes, motion carried.

**2016 Engineer Contract:** The 2016 engineer contract with Stockwell Engineers was provided to the council for review. The only change to the 2016 contract is a rate increase of approximately 4%. Jon Brown, with Stockwell Engineers, attributed the increase to higher insurance and payroll costs. A motion was made by Monahan, second by Nelson to approve the 2016 engineering contract with Stockwell Engineers – all voted yes, motion carried.

**Review/Approve of 2014 Audit:** Quam & Berglin, P.C. has completed the 2014 audit. The report has been reviewed and accepted by the SD Dept of Legislative Audit. A motion was made by Nelson, second by Monahan to approve the 2014 audit – all voted yes, motion carried.

**Appointment of Planning & Zoning Members for 2016-2018 Term:** The terms of Matt Cain, Bob Bender and Mary Cunningham will be up on Dec 31<sup>st</sup>. After serving a number of years, Mary Cunningham has chosen to step down from board. Mayor Campbell thanked Mary for her many years of service. Mayor Campbell recommended the re-appointment of Matt Cain for a 2 year term. A motion was made by Nelson, second by Johnson to approve the re-appointment of Planning & Zoning board member Matt Cain – all voted yes, motion carried. Mayor Campbell recommended the re-appointment of Bob Bender for a 2 year term. A motion was made by Johnson, second by Haugen to approve the re-appointment of Planning & Zoning board member Bob Bender – all voted yes, motion carried. Mayor Campbell recommended the appointment of Rick Freemark for a 2 year term. A motion was made by Nelson, second by Haugen to approve the appointment of Rick Freemark to the Planning & Zoning board – all voted yes, motion carried.

**Discussion of U-Tube Video of 12/1 City Council Meeting:** No discussion or action was taken on this item.

**Correspondence:**

**The following statement was read by Councilman Johnson:**

Following the November 17, 2015 Council Meeting, during which I cast the tie-breaking vote to reject a mayoral recall petition, I received approximately two dozen emails, most of which demanded my resignation from the Council. Some of the individuals who sent those emails went beyond disagreeing with the decision I made at the November 17 Meeting and attacked me personally.

One of the emails I received went far beyond a personal attack by denigrating my family and suggesting that physical harm to me was in order. Outraged, and wanting the public to understand the kind of communications I had received, I elected to read this correspondence at the December 1, 2015 Council Meeting.

The name on the signature block, at the bottom of the correspondence, was of a person with who I am familiar and who I am aware is a member of Growing Hartford. I did not disclose the name of this individual, but when asked at the December 1 Meeting, I did state that the author was a member of Growing Hartford.

By Wednesday, December 2, it became apparent that there was a question whether the correspondence had in fact been written by the individual whose name was printed on the signature block. I was requested by the City Administrator to provide a copy, to the City, of what I had read. I did so on Thursday, December 3. Thereafter, I deleted my copy of the correspondence.

Since by December 3, it appeared likely that the individual whose name was printed in the signature block was not the author, I deleted all reference to that individual's name in the copy that I provided to the City Administrator, so as not to implicate any individual in a fabrication. Nevertheless, the copy of the correspondence that I provided to the City Administrator is precisely what I read at the December 1 Meeting and exactly what was sent to and received by me via email.

I regret that my reading of this correspondence has caused turmoil in our community. It was not my intent. My intent was to shed light upon the personally-disparaging nature of some of the communications I have received and that have been written about me, in hopes of raising the level of discourse in Hartford.

**The following statement was read by Jeremy Menning on behalf of Growing Hartford:**

On the behalf of Growing Hartford, the Hartford business owners and the Hartford residents I am speaking tonight in response to the email that was read by Doyle Johnson at the council meeting on December 1<sup>st</sup>.

The email that Doyle read was quite disturbing. Everyone who heard it cringed at the thought that someone could have put those words together and sent them to another person. Before reading that email he stated that it came from a prominent Hartford business person and a member of Growing Hartford. There are several irregularities surrounding that email and its source. There are even words from a KNOWN person embedded in that email without her prior knowledge.

- Doyle, on December 1<sup>st</sup> you spoke with complete confidence that you knew this email was from a prominent Hartford business person and a member of Growing Hartford.
- Doyle, you and I spoke on the phone 3 times the day after you read this email. During our first conversation you spoke with confidence that you knew who sent it and you refused to give me a name.

You did resort however to giving me clues. You told me that the person was male, not very outspoken and had been at the Nov 17<sup>th</sup> council meeting but not the Dec 1<sup>st</sup> council meeting.

- You told me on the phone that if you did submit the email to the city you would take the name off of it to protect the sender of the email. I asked you, “so you mean you will alter it before submitting it?” “You said yes, I will take the name off of it. I guess that means yes, I will alter it”....That conversation happened between 8 am and 9 am on December 2<sup>nd</sup>.
  - Dolye, when we spoke the 2<sup>nd</sup> time on December 2<sup>nd</sup> (early afternoon) you were flustered. You said you had taken more time to review the email and something didn't look right. You weren't sure what had happened but you felt like possibly your email account had been hacked or possibly Stephanie's email account had been hacked. You asked me if I knew a “Jim” because the name on the email was “Jim”.
  - The email you submitted to the City did not contain the name “Jim”.
  - You finally submitted the email to the City on the morning of December 3<sup>rd</sup> after multiple requests from Teresa, the City Administrator, were ignored. I understand that the City Attorney contacted you and told you that you HAVE to submit the email for the public record. Nearly 38 hours after reading it at the council meeting you submitted an email that did not contain the name of a prominent Hartford Business person, it did not contain a Jim....it only contained “Joe Below” and it was from the email address xtra8goforme@gmail.com.
  - The email Doyle read contained word for word, the opening and closing paragraphs of Stephanie Olson-Voth's email that was sent to Doyle Johnson on Thursday Nov 19<sup>th</sup> at 12:53pm Several hateful and disgusting things were added to her original words, but without question, 101 words from Stephanie's email were used in creating this email that Doyle received on Friday November 20 at 9:41 am. You can't create the email that Doyle read without first having the email that Stephanie sent. Less than 24 hours later.
  - Stephanie's email was sent to Doyle with a blind CC to Teresa Sidel, the City Administrator. Stephanie hadn't shared that email with ANYONE else during that time, but Doyle, as you stated in our conversation on December 2<sup>nd</sup>, you had forwarded Stephanie's email to others.
  - During one of our three phone conversations on December 2<sup>nd</sup> you told me that you had forwarded Stephanie's email to Mayor Campbell and Councilman Haugen and possibly former Councilmen Bjergaad and Bortnem.
  - Stephanie is so confident in the fact that she only sent it to you with a blind CC to the City Administrator that she has gone on record with the Minnehaha County Sheriff's Department and legal counsel to discuss the fact. Stephanie is willing to have this explored by the best computer forensic teams in the region.
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We are NOT afraid to find out who this email came from. We have a passion to find the truth and find out who could have sent this. We want you to share that passion with us. It has always been our mission to bring the facts out for the public to see. We know that if there is a person in our group that is capable of sending such an email we would want to part ways with them. We believe you would want the same. With all of the information that has come forward there are only a few people that this could have spread out from; anyone who had access to Stephanie's email. Right now the people on that list are; Councilman Johnson, Mayor Campbell, Councilman Haugen, along with Teresa Sidel and Stephanie Olson-Voth. The reputation of Hartford, the Hartford business people and Growing Hartford have already been tarnished by the unfortunate reading and publishing of this email. For the protection of your reputations, the reputation of the City Staff and the protection of Hartford as a whole are YOU willing to join us in finding the sender?

Thank You.

On the behalf of Growing Hartford

-Jeremy Menning

**The following statement was read by City Administrator Teresa Sidel on behalf of Councilman Monahan and Councilman Nelson:**

On December 1st, City Council President Doyle Johnson read the most vile and hateful words that we have ever heard in a public city council meeting. Had we known that Doyle was NOT going to state who wrote those words or that the name on the email was Joe Below@xtra8goforme@gmail.com we would not have allowed that correspondence to be read. In the near future we will be working on a policy to address making public statements or

reading correspondence ensuring that the author or person making the statement is given full credit in the meeting minutes.

First and foremost we would like to apologize to Doyle's son. Why he was invoked at that meeting is beyond comprehension. We would also like to apologize to Growing Hartford, Ward 2, city staff, every business owner and business professional in Hartford and the Hometown Christmas committee. Last but not least we would like to apologize to every tax payer in the City of Hartford for allowing what in our opinion was a fraudulent email to be read during a public meeting and wasting taxpayer's money in the days that followed to try and sort it out. Moving forward we will not make that mistake again.

Additionally we wish we could rescind our motion/vote formally apologizing to Doyle at the meeting on 12/1. The thought of him reading an email from Joe Below and then voting to formally apologize to himself is beyond our comprehension.

As always, best regards  
Mark Monahan  
Scott Nelson

A motion was made by Monahan, second by Nelson to rescind City Council action on Dec 1, 2015 as it relates to the email correspondence read by Doyle Johnson - Monahan and Nelson voted yes, Haugen voted no, and Johnson abstained, motion failed due to lack of voting quorum.

The following people address the council in regards to the email correspondence: Mark Brennamen, Tony Randall, Kathleen Puttnam, Eric Bartmann, Sandy Dean and Brian Voth.

Mayor Campbell presented information to the audience from Ordinance 430 Section 1.211: Meetings Open to the Public.

Councilman Nelson extended an apology to the Hartford business owners and Stephanie Olson-Voth for any hardship they have endured as a result of the email read by Councilman Johnson.

**Reports:**

**City Engineer Report:** Jon Brown with Stockwell Engineers updated the council on projects they are working on. The water model is now complete and will be sent to city staff. Construction drawings for the pool project are complete. The project is expected to bid in January. Stockwells continues to work with the DOT to secure new design agreements for the Mike Franken trail. Stockwells is working with South Main Addition engineers to resolve drainage issues.

**Public Works Superintendent Report:**

**Streets** – Repairs to the dump truck and maintainer have been made. The plow was installed on the pickup on Monday. Staff has hauled salt sand. More will be hauled in January. Meyer Electric will be doing repair work on some lights along Hwy 38 that are not working. These lights are still under warranty. The city will be getting dirt from Central States that will used to build up the city lots off of South St.

**Water** – Staff will be discharging pond 3 over the next few weeks. Provided samples come back good, the next discharge will be in January.

**Park and Pool** – Christmas decoration will stay up until January. The ice rink will be put up once the temperatures are cold enough. Wagner attended a meeting with the County in regards to the Colton Road. When mowing resumes in the spring, staff will continue to mow the entire ditch along the Michael J Fitzmaurice Trail. Nelson thanked Wagner for getting the street light up at the intersection of W Diamond Trail and Western Ave.

**Finance Officer Report:** The finance officer report included a summary of cash balances and sales tax figures through Nov 30, 2015. Also included were committee fund balances and a highlight of bills to be paid. The 2016 schedule of council and planning & zoning meetings was provided to the council along with the current calendar of events.

**City Administrator Report:** Sidel gave the council an update on EDD items she has been working. She attended HADC board meetings on 11/4 and 11/11. Planning has started for the HADC annual meeting on 2/25/16. The Chamber elected their new officers at their meeting on 12/8. The new officers are: President – Vince Reilly, Vice President – Sherri Goebel, Secretary – Lisa Hellvig, and Treasurer – Gail Olson-Duck. Sidel continues to work on

drafting an ordinance regarding the filling of vacancies by special election. The PUC has approved the Dakota Access Pipeline and the project will be moving forward

A motion was made by Nelson, second by Haugen to enter into executive session per SDCL 1-25-2.1 for personnel at 8:19 p.m. – Nelson, Haugen and Johnson voted yes with Monahan voting no, motion failed due to lack of voting quorum.

**Adjournment:** A motion was made by Monahan, to adjourn at 8:19 p.m. – motion failed due to lack of second.

Monahan exited the meeting at 8:20 p.m.

Meeting ended due to lack of quorum.

Minutes recorded by Finance Officer, Karen Wilber.

I, the undersigned, Karen Wilber, Finance Officer in and for the City of Hartford, South Dakota, do hereby certify that the above and foregoing is a true and correct copy of the minutes which is on file at the Municipal Finance Office.

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Karen Wilber, Finance Officer