

City Council Meeting – Regular Meeting October 2, 2012

Mayor Paul Zimmer called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mike Swier, Gail Olson-Duck, Scott Nelson, Mark Monahan, and Leah Johnson. Bill Barnett was absent with notice. Also present were City Administrator Teresa Sidel, Public Works Superintendent Craig Wagner along with City Attorney Larry Nelson, Deputy Jared Terrones and City Engineers, Mitch Mergen and Nick Borns.

Approve Agenda: A motion was made by Johnson, second by Olson-Duck to approve the agenda as set - all voted yes, motion carried.

Approve Minutes of Previous Meetings: A motion was made by Olson-Duck, second by Johnson to approve the September 18, 2012 regular meeting minutes – all voted yes, motion carried.

Sheriff's Deputy Report: Deputy Jared Terrones updated the city council on activities within Hartford during this past month. Deputy Terrones has addressed traffic violations, pet issues and vandalism reports.

Ordinances, Resolutions & Hearings:

7:05 Hearing – Special Events Application: Dani Terkildsen and Kristi Sidel submitted an application to conduct a 5K walk/run from 2pm to 4pm on October 21, 2012 to raise funds for CCFA-Crohn's and Colitis Foundation of American. Travis Terkildsen appeared on behalf of the applicants to address any questions from the council. Terkildsen noted that he would mark the route and the city offered to donate that paint. A motion was made by Olson-Duck, second by Johnson to approve the special events application submitted by Terkildsen and Sidel on behalf of CCFA – all voted yes, motion carried.

7:10 Hearing – Transfer of Alcoholic Beverage Licenses: Mausbach Enterprises, LLC submitted an application to transfer the retail on-sale restaurant license (RR-12101) and the retail on/off sale malt beverage license (RB-2724) from Knigge Companies, LLC (Bosco's) to Mausbach Enterprises, LLC (Spikes Bar and Grill). A motion was made by Monahan, second by Johnson to approve the transfer of restaurant license (RR-12101) and malt beverage license (RB-2724) from Knigge Companies, LLC to Mausbach Enterprises, LLC –all voted yes, motion carried.

Old Business:

Discussion of Sidewalk Inlet at City Park: As a follow-up to the September 18, 2012 city council meeting, Superintendent Craig Wagner reviewed the city park sidewalk system and recommended the placement of a sidewalk inlet to park at the north end of the intersection of Vandemark and 4th Street. The inlet would be placed just to the north of the parking lot along Vandemark and would line up with the sidewalk on the west side of Vandemark. Cost of the project would be approximately \$400.00. A motion was made Olson-Duck, second by Johnson to approve the placement of a sidewalk inlet on the east side of the city park at the intersection of Vandemark and 4th Street – all voted yes, motion carried.

Review of PUD/PD recommendation from Planning & Zoning: Under direction of the city council, the Planning and Zoning Board has been reviewing the specifics of a Planned Unit Development (PUD) and a Planned Development (PD). Both a PUD and a PD would amend the city's zoning regulations. After research and input from Toby Brown from SECOG, it was the opinion of the Board that a PUD or PD will not provide any desirable enhancements to the city's current zoning regulations at this time. It is the recommendation of the Planning and Zoning Board to not add residential zoning regulations for a Planned Unit Development or Planned Development. A motion was made by Johnson, second by Olson-Duck to follow the Planning and Zoning Boards recommendation and take no further action in regards to adopting a PUD or PD within our current regulations – Nelson voted no, with all others voting yes, motion carried.

New Business:

Kelly Point Partners – Amended proposal for creek improvements: On September 18, 2012, Cindy Monnin, representative for Kelly Point Partners, presented to the city council their proposal for doing creek work within the unnamed tributary of Skunk Creek which runs east and west throughout Hartford. Ms. Monnin once again came before the City Council to ask for their approval to do work within the creek channel from the SRTS walking bridge to approximately 1000 feet downstream. This project will allow the 100 year flood plain to shift and Kelly Point Partner would request a LOMR from FEMA and the two homeowners within the project scope could file a LOMA with FEMA to place their property out of the floodplain. Cost estimate for this project would be \$34,013.00. Kelly Point Partners is requesting from the city permission to do this work within the creek bed and payment for the project if the LOMR and LOMAs

are approved by FEMA and they will agree to not accept payment until 2014. Erik Case with Sayre Associates gave the council a quick overview of the project from the engineering standpoint and Dawn Ingalls addressed the council asking for their support of the project and noted the benefit to the city by doing this project. A motion was made by Johnson, second by Nelson to approve the Kelly Point Partners creek proposal and use city funds for this project not to exceed \$34,013.00 contingent upon an agreement, drafted by the city attorney, stating: 1) Kelly Point Partners will secure the work and it will be their project- 2) The project will not exceed \$34,013.00 and it will not be payable until 2014 with no interest or payment penalties- 3) City engineers must approve the work and dollar amount- 4) Kelly Point Partners will take all the risks and liability for the work performed and will be responsible for filing the LOMR and seeking approval from FEMA- 5) Kelly Point Partners will take responsibility for the construction and design- 6) Kelly Point Partners, Ingalls and Wenk will sign hold harmless agreements with the City- 7) Kelly Point Partners must sign an indemnity agreement or have insurance- 8) Legislative audit must give their approval- 9) Kelly Point Partner's engineer must sign off on plans- 10) The city must be released from all liability/damages of property within floodplain- 10) Kelly Point Partners must release the City from all future claims on phase 3 of their development and state that there will be no future claims or assistance requested from the city – Monahan voted no, with all others voting yes, motion carried.

Review of Bids and Financing Options for Sports Complex Grading: The City opened bids for a grading project on phase 1 & 2 of the sports complex on August 20, 2012. Five bids were received with two rejected for lack of acknowledgment of addendums. Low bid was Soukup Construction, with a bid of \$364,077.22. After review of the bids, the city council was presented with possible financing options gathered from the three local financial institutes. A motion was made by Monahan, second by Johnson to pursue financing from US Bank for a 20 year loan with no balloon for the total amount of \$789,000, which includes the balance of the Swenson land purchase loan and the cost of the grading project – Olson-Duck voted no, with all others voting yes, motion carried. A motion was made by Swier, second by Nelson to pursue financing with Reliabank for a 20 year loan with no balloon for \$383,000.00 as a second option – motion was rescinded. A motion was made by Monahan, second by Nelson to pursue financing with Home Federal for a 10 year loan with no balloon for \$383,000 as a second option – Olson-Duck voted no, with all others voting yes, motion carried. A motion was made by Monahan, second by Johnson to get a quote from US Bank on a 10 year loan with no balloon for \$383,000.00 – Olson-Duck voted no, with all others voting yes, motion carried. A motion was made by Swier to accept the low bid of \$364,077.22 from Soukup Construction – motion died for lack of a second.

Sub-division variances for Kidwiler Addition: Mary Kidwiler of The Meadows Development Co. has submitted several variance requests to the city for consideration since her proposed development does not conform to our current sub-division regulations. It has been determined that The Meadows Development Co. does not meet the exceptional conditions criteria set forth by the city's sub-division regulation – Ordinance #486 for any sub-division variances. Planning and Zoning has denied these variance requests on September 30, 2012 and now it is before the city council for final approval or denial. A motion was made by Swier, second by Johnson to deny the sub-division variance applications submitted by Mary Kidwiler of the Meadows Development Co. since they do not meet the City's exceptional conditions criteria needed for a sub-division variance – Nelson voted no, with all others voting yes, motion carried.

Discussion of Parking along East 5th Street: Councilman Monahan has noted that there has been a congestion of vehicles along E 5th Street between Mundt Avenue and Vandemark Avenue. A standard street right-of-way is 66' but this is a narrow street with only 49.5' at the east end and only 33' at the west end. The west end already has no parking from Mundt to approximately 150' east. To help with traffic congestion from parking along this street, discussion was held by the council and the city's street superintendent regarding moving the "no parking" signs further east. A motion was made by Monahan, second by Johnson to place "no parking" signs on the north side of E 5th street so there will be no parking between Mundt Avenue and Eastern Avenue and to place "no parking" signs on the south side of E 5th street so there will be no parking between Mundt Avenue and west entrance of the Fifth Street Apartments complex – all voted yes, motion carried

Part-Time Snow Removal Job Description: The job description for the position of temporary part-time snow removal was presented for review. A motion was made by Johnson, second by Olson-Duck to approve the job description for temporary part-time snow removal – all voted yes, motion carried.

Reports:

HADC Report: Economic Director Gary Sandholm gave the city council an update on the Hartford Area Development Corporation. He has been busy working on a couple of new business prospects. The council

was informed that the MCEDA Director Erica Beck resigned and they are in the process of finding a replacement – the city works very closely with MCEDA on prospective new businesses. Information was distributed about the Entrepreneurial Symposium that Sandholm attended. Sandholm also attended “Envision 2035” and received information about possible growth areas and land use around the Sioux Falls Metro Area. The housing committee has been looking at the Governors House Program and discussing a Housing Needs Study. The retail committee golf tournament went well and they continue to work on a Hartford coupon book. Sandholm is still working with Goldenwest to get Channel 19 up and running for the HADC. The erection of the Central States Building is on schedule. Sandholm also requested that the City consider a Sales Tax Rebate for Capital Equipment as a business incentive. Information was presented regarding Sioux Falls’ rebate program and Sandholm was directed to have a draft ordinance for the council to review at the October 16, 2012 city council meeting.

Fire Department Report: Fire Chief Kelly Boysen addressed the council and gave an update on the Hartford Area Fire and Rescue. The Hartford Fire Department hosted the SE District fire school on September 9, 2012 with over 130 attendees. The department is also hosting the Minnehaha County Fire Fighters class that is being held on Tuesdays, Thursdays and some Saturdays. A temporary structure (burn house) has been erected on the fire station lot. This structure is used for training purposes and it will be moved once the training sessions are completed. October 7-13, 2012 is fire prevention week. The department will hold a cookout on October 7, 2012 from 11am-2pm at the Hartford Building Center. A free donation will be accepted and the department will be giving rides on the fire trucks. In connection with fire prevention week, the department will also be at West Central School on October 10, 2012 and will be in the Kindergarten – 3rd grade classrooms in the morning and the 7th grade classrooms in the afternoon discussing fire safety.

Public Works Superintendent Report:

Streets – Wagner reported that chip sealing were well and the streets will be swept. Equipment is being repaired and readied for winter. The city has also been doing some ditch work along Highway 38 and some drainage cleaning along Feyder Avenue. The County has been contacted and they will be bringing in the salt/sand for the winter.

Water & Sewer – The water tank on the jetter has been fixed. The quarterly DMRs and stage 2 disinfectant reports have been filled out and sent to DENR. The lagoons ponds are in good shape and the city will try and discharge later this fall.

Park and Pool – The ice rink is done. The city is cleaning up the parks. The park bathrooms will be winterized later this month or in November – depending on the weather. The skate park will be closed for the winter and the ramps covered right before Halloween. When the softball teams are done this week, the batting cage will be taken down. Park benches and picnic tables will be installed when received.

Public Buildings – Work continues on the new city shop – storage racks have been installed and the staff continues to organize as time allows.

Other items – Craig Wagner has been asked to serve on the SDML Street Association Board. A motion was made by Monahan, second by Olson-Duck to allow Wager to service on the SDML Street Association Board – all voted yes, motion carried.

City Engineer Report: Nick Borns with Stockwell Engineers updated the city council on several project they are working on: 1) Bids were opened for the sports complex grading plan on September 20, 2012. The city received 5 bids, with the low bidder being Soukup Construction in the amount \$364,077.22. Some discussion was held regarding a ground breaking ceremony. 2) Mitch Mergen is working with SECOG to review and develop new sub-division design standards for the city. He plans to present his recommended design standards to the Planning and Zoning Board on October 9, 2012 and then to the City Council on October 16, 2012. 3) Beth Luze has completed updating the city’s GIS system and new maps have been delivered to the city. 4) Mergen has also been working on cost estimates for utility extensions to the sports complex. Those estimates will be provided to the city.

Finance Officer Report: City Administrator Teresa Sidel gave the council a finance officer report. The report included a list of revenues received during the month, the cash balance of the general fund, the revenues and expenses received during the month and year-to-date. A Home Federal MasterCard has been received to be used for city purchases per policy. The 2013 budget was sent to the county on September 19th – well before the deadline date. A new signature card is needed to remove former City Finance Officer

Deb Macdonald. A motion was made by Olson-Duck, second by Johnson to remove Deb Macdonald from the city's bank account and send new signature cards to Home Federal. First National Bank has been contact in regards to payment of principal for the city's 2003 lease purchase loan. Also included on the report was a list of upcoming calendar of events.

City Administrator Report: The bike trail committee held a ribbon cutting for the Hartford Heights Trail on Saturday, September 29th. City Administrator Sidel will contact the SD DOT to follow-up with payment and reimbursements for the city's 20% share on the trail. Sidel noted that an application for a 50/50 grant was sent into emergency management for reimbursement of expenses on the city's new weather siren.

City Council Reports:

Ward 1: Johnson wanted to congratulate the West Central Football team on their homecoming win. The pool committee decided that only the board appointed council liaison or a pool committee board member shall speak to the city council on the pool committee's behalf. Johnson also noted that there is a possible grant opportunity with Sanford for the splash pool that the committee will be pursuing. The October Jamboree meeting was cancelled so the committee will not meet until November 5, 2012.

Ward 2: Monahan noted that the ribbon cutting for the Hartford Heights Trail went well with approximately 16 people in attendance. He also mentioned that the bike/rec committee would like the city to authorize a wetland study for phase 3 and 4 of the trail. Discussion of this item will be placed on the next council agenda. Mike Swier reported that the next sports complex meeting is scheduled for October 10, 2012 and he will bring up discussion regarding a ground breaking ceremony/ribbon cutting for the sports complex.

Ward 3: Olson-Duck noted that a Drive to Revive Downtown meeting was scheduled for this evening and they still hope to hold a mixer in the near future. Nelson congratulated Deb Peters, Lynae Redenius, Crystal Waltner and Michelle Uthe on their appointments as interim Chamber Board Members. Nelson also attended the Envision 2025 meeting and noted that PUDs and PDs are common in this area.

Mayor's Report: December 1, 2012 was set as the tentative date for the city's holiday party. Mayor Zimmer noted that Gary Sandholm and Deb Peters did an outstanding job at the Chamber informative meeting and wished the Chamber the best of luck. The Mayor also noted that the Minnehaha County Mayor's meeting is still set for October 17th and city council members are invited.

Executive Session: A motion was made by Johnson, second by Olson-Duck to enter into executive session, pursuant to SDCL 1-25-2, at 8:37 p.m. - all voted yes, motion carried. A motion was made by Monahan, second by Johnson to exit executive session at 8:58 p.m. - all voted yes, motion carried.

Adjourn: A motion was made by Monahan, second by Johnson to adjourn at 8:59 p.m. – all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator 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.

Teresa Sidel, City Administrator