

City Council Meeting – Regular Meeting October 6, 2020

Mayor Jeremy Menning called the meeting to order at 7:00pm with the following city council members present: Mark Monahan, Arden Jones, Mark Brenneman, Mark O'Hara and LaVonne Randall. Travis Kuehl was present via teleconference. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Chamber & Economic Development Director Gabe Steinmeyer, City Engineer Mitch Mergen, City Attorney Tom Frieberg and approximately eight people from the public.

BUSINESS ITEMS:

- **Approve Agenda:** A motion was made by Jones, second by Monahan to approve the agenda as set - all voted yes, motion carried.
- **Approval of the Minutes:** A motion was made by Monahan, second by Jones to approve the meeting minutes from September 15, 2020 – all voted yes, motion carried.

PUBLIC COMMENTS: Callie Tuschen, on behalf of the Hartford Downtown Farmers Market, was present to address the Council. Their last market of the season was held this past Thursday. Tuschen reported that they had a very successful season, and she thanked the City and Council for all the help and support.

ORDINANCES, RESOLUTIONS, APPLICATIONS, AGREEMENTS AND HEARINGS:

- **Special Events Application – Witches & Warlocks Wine Walk:** Jessica Evans, on behalf of DHI, was present to request a special event permit for the Witches & Warlocks Wine Walk to be held Oct 17th 6pm to 9pm. They are requesting the closure of Main Ave between 2nd St and Menth St and 1st St between Main Ave and the alley to the east and the use of alcoholic beverages in the closure area. A motion was made by Jones, second by Brenneman to approve the special event application as applied for – all voted yes, motion carried.
- **7:05 Hearing for Assessment Roll – Resolution 2019-18A Vandemark Ave Street/Sidewalk Assessment:** Last fall the City passed an assessment roll for the Vandemark Ave street/sidewalk assessments. The property owners were given until Oct 1, 2020 to make payments, interest free. After this date, any unpaid balance is to be turned over to Minnehaha County to collect with their property taxes over 10 years at a rate of 10%. Resolution #2019-18A includes only those properties with an unpaid balance. A motion was made by Jones, second by Brenneman to approve Resolution 2019-18A Vandemark Ave Street/Sidewalk Assessment – all voted yes, motion carried.
- **2nd Reading of Ordinance #694 – Amended Zoning Regulations:** Ordinance #694 would amend the City's zoning regulation to allow places of worship as a permitted use in all zoning districts. As the regulation are now, churches are permitted in residential and manufactured housing residential districts only. Changes include removing "churches" from residential districts and adding "place of worship" to all districts. A motion was made by Monahan, second by Randall to approve 2nd reading of Ordinance #694 Amended Zoning Regulations – all voted yes, motion carried.
- **2nd Reading of Ordinance #696 – Zoning of Lot 3 Swenson Addition:** This parcel was recently annexed into city limits and now needs to be zoned. Adjacent lots 2 & 4 are zoned light industrial. Ordinance #696 would zone Lot 3 light industrial as well. A motion was made by Monahan, second by O'Hara to approve 2nd Reading of Ordinance #696 to zone Lot 3 of Swenson Addition as light industrial – all voted yes, motion carried.
- **2nd Reading of Ordinance #697 – Rezone Lots 7 & 8, Block 4 of Hartford City Proper:** The City owes Lots 2 thru 8, Block 4 of Hartford City Proper. The two north lots, #7 & #8, are zoned community commercial while the other five lots are zoned central business. When marketing these lots for development, it would be beneficial to have them all zoned the same in the event that someone would want to develop on more than one, they would not have to worry about the zoning being different. A motion was made by Monahan, second by Jones to approve 2nd reading of Ordinance #697 to rezone of Lots 7 & 8, Block 4 of Hartford City Proper from community commercial to central business – all voted yes, motion carried.
- **1st Reading of Ordinance #700 – Amend Lands Included within Rural Service District:** Ordinance #700 would update the City's list of property that would fall under the Rural Service District classification. When classified as a Rural Service District, rather than Urban Service District, the land is taxed at the county tax rate verse the city tax rate. A motion was made by Jones, second by Monahan to approve 1st reading of Ordinance #700 to amend lands included within Rural Service District – all voted yes, motion carried.

VISITORS:

- Scott Park, of 1103 N Vandemark Ave, was present to obtain approval to place a carriage walk in the boulevard area of his property. A carriage walk is a section of sidewalk, place between the sidewalk and street curb, that extends the sidewalk from the front door of the residence all the way to the street. Currently, the City has no regulations on carriage walks. Developer Don Sieverding with Knapp's Landing was present. He indicated that

he was aware of several other homeowners that are also interested in installing carriage walks. Sidel indicated that there are already several carriage walks located in the older part of the city. A motion was made by Brenneman, second by O'Hara to allow the Public Works Superintendent and City Administrator to review and approve any carriage walk requests – all voted yes, motion carried. It was the consensus of the Council that the City implement some regulations on carriage walks, which Sidel will present at a future meeting.

- Councilman Mark Monahan address the council about his property located at 103 South St. This property abuts city owned land to the south. Monahan is interested in purchasing some of this land to expand his lot to the south. This parcel encompasses Turtle Creek between Main Ave and Western Ave. Discussion was held on land needed for a future bike trail in this area and access needed to perform maintenance on the creek. Staff and engineers commented that both of these items would most likely be done on the south side of the creek rather than the area Monahan is interested in on the north side of the creek. City Attorney Freiberg indicated that for an elected official to purchase city owned property, the property would first have to be declared surplus and then a public auction would have to be held. Not wanting the City to have to incur the cost of an auction, Monahan withdrew his request.

REPORTS:

- **Sheriff's Department Report:** Deputy Kardas was unable to be present for the meeting.
- **Chamber & Economic Development Director Report:** Chamber & Economic Development Director Steinmeyer's report was provided to the council. Chamber items include updating the bylaws, finalizing the Oct direct mailer, work on Halloween Trunk-or-Treat event, finalizing the fall newsletter, working with various committees, and planning the 2021 annual banquet. For HADF, Steinmeyer continues to respond to RFI's and meet with entities interest in Hartford. He also continues to work on workforce housing & apartment focused housing projects. Steinmeyer gave an overview to the Council on the proposed COVID Relief and Grant Program aimed at providing relief funds to small business and start-ups impacted by COVID-19. Once the program details are finalized, he will be providing this information to the local business community.
- **Engineer Report:** Jon Brown was present to address the Council regarding concerns that were voice at the last meeting. The issues seem to stem from a lack of communication during bigger projects. Brown indicated that measures have been put in place to improve communication between engineers, contractors, staff, and council during these types of projects. Mitch Mergen was also present to provide engineer updates:
 - 9th Street Improvements** – The asphalt paving and final restoration of the site has been complete. A portion of the final lift of asphalt was placed during a rain event, which is in violation of the contract. A letter has been sent to the contractor rejecting this portion. To date, no corrective action plan has been received from the contractor and payment will be withheld on this until corrective measures are taken. Seed germination is also being monitored. Payment will be withheld until 70% establishment is obtained. Pay application #3 for work completed to date was presented to the Council. A motion was made by Monahan, second by Brenneman to approve pay application #3 to Zacharias Construction, Inc. in the amount of \$221,007.17 – all votes yes, motion carried.
 - Ruud/Opal Lane Intersection Improvements** – This project is now substantially complete. A final inspection has been conducted and a punch list of items has been presented to the contractor. Pay application #2 for work completed to date was presented to the Council. A motion was made by Monahan, second by Randall to approve pay application #2 to Zacharias Construction, Inc. in the amount of \$131,564.52 – all votes yes, motion carried.
 - Vandemark Avenue Improvements** – Warranty repairs are near completion. An inspection will be conducted once final restoration is complete.
 - Mickelson Road Improvements** – Warranty repairs are underway. Once the repairs are complete, an inspection will be conducted. Comments to the LOMR application have been received from FEMA. Engineers are addressing and responding to the comments.
- **Public Works Report:** Public Works Superintendent Wagner's report was provided to the council.
 - Streets** – Once we get some rain, Railroad St will be back dragged. Street patching is complete. For mosquito fogging, there will be about two more sprayings yet this season. Street sweeping will continue as weather allows. The speed trailer is back out after having to remove to recharge. Reports from speed trailer data were provided to the council.
 - Water** – Staff continues to change out meters as time allows. Hydrant repair work at 4th & Western is complete.
 - Sewer** – Samples will be taken in the next few weeks to see if we are able to discharge. A facility plan for the future WWTF was sent to DENR by the Oct 1st deadline.
 - Parks** – Work continues on refurbishing the playground equipment. Turtle Creek signage is now up.
 - Sports Complex** – Lines have been painted on the soccer fields. Mag water has been sprayed in the parking area to keep dust down.
 - Public Buildings** – The concrete work for the shop remodel is complete. Framing/insulation work is in progress.
- **Finance Officer Report:** City Finance Officer Wilber's report was provided to the Council. Items included a summary of revenues received in Sept along with an overview of the city's cash balances, revenues and expenses

through Aug. The Oct calendar of events was also provided. The 2021 budget appropriation ordinance has been sent to the County. The 2019 Audit Report was provided to the Council. A motion was made by Monahan, second by O'Hara to approve the 2019 Audit Report – all voted yes, motion carried.

- **City Administrator Report:** City Administrator Sidel's report was provided to the Council. The new phone system is now up and running. Nine RFQs for the future WWTF were received. Over the next couple of weeks, the Committee will be narrowing down the number of firms with those remaining moving on to the interview process with the Council. At the last meeting, the Council had asked Sidel to quote the City's insurance since that had not been done in a while. The City's insurance runs on the calendar year and requires a 90-day cancellation notice. It would be too late this year to get quotes and cancel any coverage. Sidel will address next year at an earlier date to ensure, if changes are needed, there will be adequate time. Longtime Hartford resident and WC school teacher Bonnie Lewin has passed away. Her funeral will be held Thursday 2pm at the City Park. The family is requesting to block off 2nd St from Kelley Ave to Vandemark Ave to provide additional parking. It was the consensus of the Council to allow this street closure. Sidel reported that building permits are up year to date from last year this time. Jill Gabbert and the WC Athletes are doing a community service project. They will be raking leaves for the elderly and disabled on Oct 30th. They have requested that the dumpsite be opened this day from 4:30pm to dusk. It was the consensus of the Council to allow the dumpsite to be open this day/time. The HASR is wanting to start marketing the advertising space at the Sports Complex. An advertising agreement has been drafted by the City's attorney. HASR is wanting direction as to who is or is not allowed to advertise at the facility. This topic will be placed on agenda for the next meeting.

OLD BUSINESS:

- **Review Plat of Tract 1 & Tract 2 of Anderson's Addition:** This plat, which is outside of city limits, is coming before the Council for approval as a result of our joint platting jurisdiction with Minnehaha County. These tracts are located in our growth area and are therefore subject to the approval of both Planning & Zoning Board and City Council before it can be submitted to Minnehaha County for approval. This plat came before the Council on September 15 but was tabled due to the pre-annexation agreement not being signed. The City has since received the signed pre-annexation agreement. A motion was made by Monahan, second by Brenneman to approve the plat of Tract 1 & Tract 2 of Anderson's Addition – all voted yes, motion carried.

NEW BUSINESS:

- **Review/Approve SECOG Agreement for Administrative Assistance with FEMBA Grant:** This item has been withdrawn as SECOG agreed to provide assistance free of charge.
- **Review/Approve Job Description for Part-Time Snow Removal Help:** The current job description for the part-time snow removal position was provided to the Council for their review. A motion was made by Monahan, second by O'Hara to approve the job description for the part-time snow removal position – all voted yes, motion carried.
- **Reschedule November 3rd Council Meeting:** Due to the general election on Nov 3rd and city hall being a polling place, the Nov 3rd council meeting will need to be rescheduled. A motion was made by Jones, second by Monahan to reschedule the Nov 3rd council meeting to Nov 4th – all voted yes, motion carried.
- **Planning & Zoning Appointment – Michelle Kilbourn:** Due to the vacancy created when Eric Bartmann resigned from the Planning & Zoning Board due to moving outside city limits, there is now an open seat. This seat will run until Dec 31, 2020. Mayor Menning recommends that appointment of Michelle Kilbourn. A motion was made by Jones, second by Brenneman to approve the appointment of Michelle Kilbourn to the Planning & Zoning Board – all voted yes, motion carried.

CORRESPONDENCE: None

EXECUTIVE SESSION: A motion was made Jones, second by Monahan to enter executive session pursuant to SDCL 1-25-2 (3) for legal at 8:32pm – all voted yes, motion carried.

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.

Karen Wilber, Finance Officer

Kuehl joined the meeting in person at 8:34pm

EXECUTIVE SESSION: A motion was made by Jones, second by Randall to exit executive session at 8:55pm – all voted yes, motion carried.

A motion was made by Jones, second by Brenneman, to authorize Stockwell Engineers to survey the property north of The Goat – Monahan voted no with all others voting yes, motion carried.

ADJOURNMENT: A motion was made by Jones, second by Kuehl to adjourn at 8:57pm – 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