

City Council Meeting – Regular Meeting November 17, 2015

Council President Doyle Johnson called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mark Monahan, Ryan Bortnem, Brad Bjergaard, Bill Haugen and Scott Nelson. Mayor Bill Campbell excused himself due to the recall petition topic under the New Business section of the agenda. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, City Attorney Larry Nelson and City Engineer Mitch Mergen.

Approve Agenda: A motion was made by Nelson, second by Haugen to approve the agenda as set – Bjergaard abstained with all others voting yes, motion carried.

Approve Minutes of November 3, 2015 Regular Meeting: A motion was made by Haugen, second by Nelson to approve the Nov 3, 2015 regular meeting minutes – Bjergaard abstained with all others voting yes, motion carried.

New Business:

Review City Council Motion on Sept 15, 2015 Regarding the Use of Video/Audio Recordings: At the Sept 15, 2015 council meeting the council passed a motion to have audio/video recordings of city council meetings done for archive purposes only. Since this time it has come to the city's attention that once this recording is made it is considered public record and public records are open to inspections and copying unless state law specifically provides that it is not. After review by the City Attorney, it has been determined that these recordings need to be made available to the public. A motion was made by Bortnem, second by Bjergaard for the city to create a YouTube account for these videos and to link this YouTube account to the city's website – all voted yes, motion carried.

Presentation of Recall Petition: Finance Officer Wilber presented the recall petitions to the council. The petitions were delivered to city hall on Nov 10, 2015. Wilber verified that the petitions were on the correct form and in the correct format. There are a total of 314 signatures. After review, it was determined that 31 signature were invalid, leaving the total valid signature at 286. Wilber confirmed with the Minnehaha County Auditor's office that at least 275 signatures were needed to move forward with presenting the petitions to the governing board. A motion was made by Monahan, second by Nelson to set the recall election date for the first Tuesday in January 2016. Further discussion was held. City Attorney Nelson reviewed the law regarding recall petitions with the council. He also reviewed each of the nine points noted on the petition. Members of the audience, which included Tony Randall, Kathleen Putnam, Travis Hellvig, Mark Brennehan and James Buss were given the opportunity to give their input. A substitute motion was made by Haugen, second by Bortnem to reject the petition based on there not being sufficient claims to support the grounds for recall on petition as stated in SDCL 9-13-30. A motion was made by Monahan, second by Bortnem to call the vote – Bjergaard voted no with all others voting yes, motion carried. Vote was then taken on the substitute motion with Bortnem and Haugen voting yes, Monahan and Nelson voting no, and Bjergaard and Johnson abstaining – motion failed due to lack of voting quorum. Vote was then taken on the original motion with Bortnem, Monahan and Nelson voting yes, Haugen voting no and Bjergaard and Johnson abstaining – motion failed due to lack of voting quorum. A motion was made by Monahan, second by Nelson to set the recall election date for Dec 29, 2015. A motion was made by Monahan, second by Nelson to call the vote – Bjergaard abstained with all others voting yes, motion carried. Vote was then taken on the original motion with Monahan and Nelson voting yes, Haugen and Bortnem voting no, and Bjergaard and Johnson abstaining – motion failed due to lack of voting quorum. A motion was made by Bortnem, second by Bjergaard to take a 10 minute recess at 9:22pm – Monahan abstained with all others voting yes, motion carried. The council reconvened at 9:32pm. A motion was made by Haugen, second by Bortnem to reject the petition on the basis that it does not meet the requirements in state law for a recall petition – Bortnem, Haugen and Johnson voted yes and Monahan, Nelson and Bjergaard voted no. Council President Johnson broke the tie voting yes – motion carried.

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

Visitors: None

Ordinances, Resolutions & Hearings:

Resolution 2015-7 - Resolution to Transfer Contingency Funds: This resolution would approve the transfer of funds from the city's contingency account to other accounts in the general fund. A motion was made Monahan, second by Bortnem to approve Resolution 2015-7 to transfer \$36,518.60 from the city's contingency account to the following accounts: Elections \$474.01; Finance Office/Administration \$9,000.00; Police Administration \$3,903.60; Street \$6,200.00; Parks \$9,794.08; DTRD Expense \$1,146.91; Planning & Zoning \$6,000.00 -- all voted, motion carried.

1st Reading of Ordinance #626 – 2015 Supplemental Appropriation Ordinance: This ordinance will provide additional appropriations to the city's 2015 budget. A motion was made by Monahan, second by Nelson to approve the 1st Reading of ordinance #626 – 2015 Supplemental Appropriation which will add \$34,000.00 to the general fund budget; \$52,627.15 to the capital improvement fund 503 budget; \$73,007.41 to the capital improvement fund 504 budget; \$6,200.00 to the water fund budget; \$18,000.00 to the sewer fund budget; and \$1,500.00 to the customer deposit fund budget – all voted yes, motion carried.

Old Business: None

New Business Continued:

Review and Approval of Wellmark Foundation Grant Agreement: The city was recently awarded \$10,000 from the Wellmark Community Kickstarter Grant to help pay the city's share of costs for the Mike Franken Trail. A motion was made by Monahan, second by Nelson to approve the Wellmark Foundation grant agreement and authorize Mayor Campbell to sign the agreement on behalf of the city – all voted yes, motion carried.

Appointment to ISO Committee: Fire Chief Bryon Shumaker is starting an ISO Committee. This committee will review information such as building codes, enforcement programs and safety regulation in an effort to improve the city's rating, which in turn will improve homeowner insurance rates for the residents of Hartford. Shumaker is requesting that the city be represented on this committee. A motion was made by Monahan, second by Nelson for Craig Wagner and Teresa Sidel to be members of the ISO Committee and to attend meetings at their discretion – all voted yes, motion carried.

Review Firework Contract for Hometown Christmas Event: In conjunction with the Hometown Christmas celebration, a fireworks display will be lit in city limits by Lew's Fireworks, Inc. A permit and letter of authorization is required by Lew's. A motion was made by Nelson, second by Bortnem to approve the permit and letter of authorization required by Lew's Fireworks, Inc and authorize Mayor Campbell to sign the documents on behalf of the city contingent upon City Administrator Sidel determining that satisfactory insurance coverage is in place by both Lew's Fireworks, Inc and HACC – all voted yes, motion carried.

Correspondence: None

Reports:

City Engineer Report: Mitch Mergen with Stockwell Engineers was not present. His report was provided to the council for their review. The water model is being finalized and will be present to the city in the next several weeks. Final construction drawings are nearly completed on the pool project. A final inspection was completed on the water main extension project and punch list items were provided to the contractor. Pay App #3 for the project was provided to the council. A motion was made by Monahan, second by Bjergaard to approve pay app #3 for \$216,073.09 to Metro Construction, Inc. – all voted yes, motion carried. Stockwells is working with the DOT to secure new design agreements in regards to the Mike Franken Trail. Stockwells will be conducting inspections on grading work done by the developer to correct drainage issues in the South Main Addition.

Public Works Superintendent Report:

Streets – Blading continues on gravel roads. Staff is doing equipment maintenance as needed. The sidewalk along 1st St at Main Ave has been repaired. Staff will be putting up Christmas decorations after Thanksgiving.

Water – Wastewater samples continue to be taken at the lagoons with hopes of discharging in Dec. The pump at the lift stations has been repaired.

Park and Pool – The mowers have been serviced and put away for the winter. The skateboard park will be closed in the next few weeks.

Public Buildings – Fire extinguishers have been serviced.

Finance Officer Report: The finance officer included a summary of cash balances and sales tax figures through Oct 31, 2015. Also included were committee fund balances and a highlight of bills to be paid. The calendar of events was provided.

City Administrator Report: Sidel gave the council an update on EDD items she has been working on and meetings she has attended. The city continues to advertise for the Chamber & Economic Development Director position. At this time, the closing date to apply for this position is Nov 30, 2015. City staff has completed the 2015 sidewalk inspections per the city's Sidewalk Policy. Inspections will be done by ward with one ward being done

each year to place all sidewalks on a three year inspection rotation. Ward 1 was done this year with Ward 2 scheduled for 2016 and Ward 3 for 2017. Sidel extended a big thank you to Warren DeCou for bringing the Wellmark Community Kickstarter Grant to the City's attention and also a thank you to those who voted for the city's project. Sidel provided the council a copy of the design plans for the wading pool project. The city is planning to bid the project in January and a projected completion date of June 1st.

Adjournment: A motion was made by Nelson, second by Bortnem, to adjourn at 10:05 p.m. – 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