

City Council Meeting – Regular Meeting November 7, 2018

Mayor Jeremy Menning called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mark Monahan, Arden Jones, Mark Brenneman, Travis Kuehl and Scott Nelson. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Chamber and Economic Development Director Jesse Fonkert, City Attorney Larry Nelson and City Engineers Jon Brown & Ross Kuchta.

BUSINESS ITEMS:

- **Approve Agenda:** A motion was made by Monahan, second by Nelson to approve the agenda as set - all voted yes, motion carried.
- **Approval of the Minutes:** Regular meeting minutes from October 16, 2018 were reviewed by the council. A motion was made by Monahan, second by Kuehl to approve the October 16, 2018 regular meeting minutes – all voted yes, motion carried. The minutes from the special meeting on October 25, 2018 were reviewed by the council. A motion was made by Kuehl, second by Jones to approve the October 25, 2018 special meeting minutes – all voted yes, motion carried.

OTH OF OFFICE: Jessica Johnson took her oath of office and was sworn in as council member representing Ward 2.

PUBLIC COMMENTS: - None

VISITORS: Dave Obenauer was present to request permission to place an AC/heat pump unit on the sidewalk located on the south side of his building. The building was originally erected on the south property line, so this sidewalk area is in the public right-of-way. Currently there is a stairwell that is original to the building that is also located on the south side in the public right-of-way. Obenauer would place the AC unit just to the west of the stairwell. He has indicated that the unit will not protrude out onto the sidewalk any further than the railing of the stairwell does. Discussion was held on other possible placement locations. A motion was made by Nelson, second by Monahan to allow Dave Obenauer of 101 N Main Ave to place an AC/heat pump unit in the public right-of-way on the south side of his building just to the west of the existing stairwell – Brenneman & Kuehl voted no with all others voting yes, motion carried.

ORDINANCES, RESOLUTIONS, APPLICATIONS AND HEARINGS:

- **Special Event Application for Hometown Christmas:** Lisa Hellvig, on behalf of the Hometown Christmas Committee, submitted a special event application for the Hartford Hometown Christmas event to be held Dec 2nd. Activities will be similar to previous years. The committee is requesting the following road closures: Main Ave - 2nd St to Menth St starting at 11am; Main Ave - Hwy 38 to South St starting at 4pm; Oaks Ave – 2nd St to South St starting at 4pm; Railroad St – Main Ave to Western Ave starting at 4pm. All road closures to re-open at the conclusion of the parade. Also requesting use of the city shop for parade coordination along with approval to mark the streets for the 5k route and for the fireworks display along Railroad St. A motion was made by Nelson, second by Monahan to approve the Hartford Hometown Christmas special event permit as applied for and to authorize the road closures and to waive the \$5 permit fee – all voted yes, motion carried.
- **Special Event Application for Buffalo Ridge Brewing Co Grand Opening:** Buffalo Ridge Brewery submitted a special event application for their grand opening to be held Nov 10th from 2pm-11pm. They are requesting the closure of 1st St from Main Ave east to the alley behind their property located at 102 N Main Ave. They are having three food vendors and plan for the food trucks to be parked on the closed portion of 1st St to the south of their property. They are aware that alcohol is not allowed off their premises. They will be positing signage indicating this along with monitoring by their staff. A motion was made by Brenneman, second by Jones to approve Buffalo Ridge Brewing special event permit as applied for and to authorize the closure of 1st St from Main Ave to the alley to the east of their property – all voted yes, motion carried.
- **1st Reading of Ordinance #659 – Amend City’s Fines & Fees Ordinance:** Due to changes in State law and changes made by council action, several items in Ordinance #605 – Fines and Fees needs to be updated to reflect the proper amounts. Ordinance #659 amends Ordinance #605 – Fines and Fees. A motion was made by Kuehl, second by Brenneman to approve 1st Reading of Ordinance #659 amending Ordinance #605 Fines and Fees – all voted yes, motion carried.

REPORTS:

- **Sheriff’s Department Report:** Deputy Tyrone Albers was present to give the council an update on recent activities within the city. For the month of October there were 280 calls for service and 46 traffic stops. There were several juvenile issues also. Deputy Albers provided some information on a new Trespass Form that the City of Sioux Falls has implemented. Albers feels this may be a good option to address the

ongoing issues in the city parks. City Administrator Sidel will draft an Ordinance for discussion purposes at the Dec 4th council meeting.

- **Engineer Report:** Jon Brown & Ross Kuchta were present to provide engineer updates: Waste Water Treatment Facility – Discussions with property owners are ongoing. Engineers are progressing with securing land and they are hopeful that the process will be complete by Feb/Mar 2019. Vandemark Ave Sewer Extension – The sewer work is completed, and the gravel road is in place. There is some testing left to do along with some punch list items. The first pay application was submitted for payment of work completed to date. A motion was made by Jones, second by Brenneman to approve pay application #1 to Duinick, Inc. for \$161,674.43 – all voted yes, motion carried. Vandemark Roadway Improvements – Engineers continue to work on designs and construction documents. Swenson Park Sports Complex Grading – The contractor reached substantial completion on Oct 19th. There are some punch list items to address yet and seeding, which has been rescheduled by the contractor to next spring. The fourth pay application was submitted for payment of work completed to date. A motion was made by Kuehl, second by Brenneman to approve pay application #4 to RMS Drainage & Excavation for \$59,874.48 – all voted yes, motion carried. Mickelson Road Improvements – The contractor has reached substantial completion on phase 2 of the project and the completed portion of the road for this phase is now open. They will be addressing punch list items over the next few weeks. The sixth pay application was submitted for payment of work completed to date. A motion was made by Nelson, second by Jones to approve pay application #6 to Soukup Construction for \$465,096.59 – all voted yes, motion carried.
- **Public Works Report:** Public Works Superintendent, Craig Wagner’s report was provided to the council for their review. Highlights include:
 - Streets – Staff will be working on grading the gravel roads. Sweeping of streets continues as weather allows. The new payloader was delivered. Repairs are being made to the 2003 Chevy Pickup.
 - Water – The new main off Oaks Ave has been installed but has not passed testing. It will remain off until it passes. All went well with the DENR on-site inspection done a few weeks ago.
 - Sewer – Staff will be working on repairs to the aerators next week. Discharging was completed a few weeks ago and samples were done to see if further discharging can be done. Quarterly reports have been sent to EPA & DENR.
 - Parks – The bathrooms have been shut down for the winter. Staff has been mulching and picking up leaves. There are a few trees that are scheduled to be removed yet this fall.
 - Sports Complex – Quotes were obtained from American Fence Company and Michaels Fence & Supply for fencing repairs needed as a result of damage received from high winds during a snow storm. Both companies provided quotes for 4” and 6” posts. A motion was made by Kuehl, second by Jones to approve the quote from Michaels Fence & Supply in the amount of \$30,587 for fence repairs using 6” posts. An amended motion was made by Kuehl, second by Jones to also include that the repairs will be paid from the general fund – all voted yes, motion carried.
- **Finance Officer Report:** City Finance Officer Wilber’s report was provided to the council. Items included a summary of revenues received in October along with a review of the city’s cash balances, revenues and expenses through September. The November calendar of events was also provided.
- **City Administrator Report:** City Administrator Sidel’s report was provided to the council. Highlights included the following: There have been 3 applications submitted for the Recreational Director intern position. Interview will follow in the coming weeks. The part-time snow removal help has been hired. Letters have been sent to all residents with Ash trees in their boulevards to explain the City’s position on the treatment of Ash trees in the boulevard areas. As time allows, information on lot sizes is being compiled for the implementation of the street maintenance fee. There will be a public meeting on Nov 26th regarding the I-90 Exit 387 project.

OLD BUSINESS:

- **Sports Complex Donations:** After talking to some other communities, the City’s insurance company and City Attorney Nelson, City Administrator Sidel is advising the council that city should have an agreement in place with the Sports Complex Committee. The agreement would spell out several things including sponsorships, donations, insurance, cash procedures, audit procedure, maintenance, repairs, etc. It was suggested that a committee be formed to work on getting these procedures in place. Mayor Menning appointed, with pay, Jones & Kuehl to the committee that will work with city staff, city attorney and committee members. A motion was made by Nelson, second by Monahan to approve the appointment of Jones & Kuehl to the committee to establish procedures for the Sports Complex – Kuehl & Jones abstained with all others voting yes, motion carried. Sidel will work on drafting an agreement for the committee to review.

NEW BUSINESS:

- **Discuss Traffic Control on Mickelson Road:** With Mickelson Rd now open to traffic, two traffic related items need to be addressed. First is the existing gravel road portion of Mickelson Rd between the new

pavement and Hwy 38. It is the recommendation of staff that this portion be closed through the winter due to the unstable road bed of the new gravel connection and the issues with maintenance during snow events. A motion was made by Monahan, second by Kuehl to close the gravel portion of Mickelson Rd to the public – all voted yes, motion carried. The second item is if any new stop signs should be placed along the new portion of Mickelson Rd. Deputy Albers offered the following advice: Stop sign should not be used to control speed but rather to control traffic flow. Speed should be controlled by signage & enforcement. The current speed limit on Mickelson Rd is 30mph. Chris Graff, who resides at Clover Leaf & Mickelson, addressed the council. Graff feels that until further development is done south of Mickelson Rd, speed will continue to be a factor, so he supports stop signs along Mickelson Rd at this time. Michael Ingalls, who resides at Shamrock & Mickelson, also addressed the council. He voiced concern at the speed people are traveling when turning off Mickelson Rd on to Shamrock. Permanent signage that flashes traveling speeds was also discussed. Sidel will obtain pricing on these for a future meeting. A motion was made by Monahan, second by Jones to leave the speed limit at 30mph with no additional stop signs and for the Sheriff's Office to strictly enforce the speed limit on Mickelson Rd – all voted yes, motion carried.

- **Re-Location of Land Within Restrictive Deed Area:** John Jarding, on behalf of the Kelly Point Development, was present to address the council. Mr. Jarding is requesting approval to grade a portion of city owned Lot A that abuts the Kelly Point addition to the south. He would like to adjust the slope of a ½ acre of Lot A in the SW corner to allow for better drainage of the two lots to the south that he is developing. Lot A is under a restrictive deed that does not allow for any disturbing of the ground as it is a wetland area. After following up with the Corp of Engineers, it was determined that they would require that the ½ acre be relocated to the east side of Lot A along with several other documents including a work plan, maintenance plan, adaptive management plan among others. Mr. Jarding is proposing that the developer will incur the cost for the grading portion of the project if the city will do the paperwork for the Corp of Engineers. City engineers estimate the paperwork portion to cost around \$4,000. A motion was made by Kuehl, second by Nelson for City Administrator Sidel to work with city engineers to compile the requested information for the Corp of Engineers to allow for the adjustment of the deed restricted area at a cost not to exceed \$5,000 – all voted yes, motion carried. An agreement between the city and the developer will be drafted for the grading work to be done.

Council Member Monahan exited the meeting at 9:12pm

- **Review P&Z Recommendation to Change Building Permit Valuation Schedule:** The P&Z Board has reviewed the city's building permit valuation & fee schedules. The board is recommending changes to the valuation schedule only leaving the fee schedule as is. A motion was made by Kuehl, second by Brenneman to approve the changes to the building permit valuation schedule recommended by the P&Z Board – all voted yes, motion carried.
- **Discuss Possible Changes to Municipal Ordinance #430 – Chapter 7.06 (Dynamic Braking):** The City has received notice that the SD Dot will not replace our "No Dynamic Braking" signage unless our ordinance reflects the proper wording. Sidel provided a suggested verbiage change to the council for their review. City Attorney Nelson noted one change that needs to be made. A motion was made by Kuehl, second by Jones to draft an ordinance with the proposed wording change to be reviewed at the next council meeting – all voted yes, motion carried.
- **Discuss Possible Changes to Municipal Ordinance #430 – Chapter 5.01 (Alcoholic Beverages):** This past legislative session the State made several changes in the alcoholic beverage laws. In the past, the City's ordinance has mirrored State law. Now, with the State's changes, this is no longer the case for two items: Hours of Sale and Age to Sell. A motion was made by Kuehl, second by Nelson to draft an ordinance that would follow State law for Hours of Sale of alcoholic beverages – all voted yes, motion carried. A motion was made by Nelson, second by Jones to draft an ordinance that would follow State law for Age to Sale alcoholic beverages – all voted yes, motion carried.
- **Approval of Surplus Property:** The surplus property list was provided to the council. Listed are a packer and a John Deere loader that will be sold at auction, two obsolete computers that will be recycled and a broken push mower that will be disposed of. A motion was made by Jones, second by Brenneman to approve surplus property list as presented – all voted yes, motion carried.
- **Dissolution of Pool Committee:** As a result of the Pool Committee not filing their annual report with the Secretary of State, the organization has been dissolved. City Administrator Sidel has requested that the committee return and remaining funds they have on hand, along with their records and minutes, to the City. There are also funds in the Pool Committee account with the city. A motion was made by Nelson, second by Jones to transfer all pool funds held by the city and committee to the general fund – all voted yes, motion carried.
- **Consideration of the Transfer of City Property to HADC:** Chamber and Economic Development Director Jesse Fonkert addressed the council on behalf of the HADC. The HADC is working with a local daycare provider on a project to build a new larger daycare in Hartford. Project information, including a

business plan, design plans and an estimate of project costs, was provided to the council. The city owned lots on South St have been mentioned as a possible location for the new daycare. To move forward with the project, the HADC is asking the council to consider transferring the six city owned lots at 107, 201, 205, 209, 213 & 217 W South St. to the HADC. A motion was made by Breneman, second by Jones to transfer the six lots along W South St that are owned by the City to the HADC at the price of \$1. Further discussion was held on whether to stipulate that the lots be used for the daycare project only or leaving it open ended so the HADC could use the lots on other potential projects. Nelson called the vote. All voted yes, motion carried.

CORRESPONDENCE: It is the consensus of the council that thank you notes be sent to both Sioux Valley Energy and Hartford Community Foundation for the grants the city received from both for the remodel of the new library space.

ADJOURNMENT: A motion was made by Jones, second by Johnson to adjourn at 9:41 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