

## **City Council Meeting – Regular Meeting December 17, 2013 – REVISED**

Mayor Paul Zimmer called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Scott Nelson, Leah Johnson, Scott Yount, Mark Monahan, Gail Olson-Duck and Doyle Johnson. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, City Attorney Larry Nelson and City Engineers Mitch Mergen and Nick Borns.

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

**Approve Minutes of Dec 3, 2013 Regular Meeting:** A motion was made by Doyle Johnson, second by Olson-Duck to approve the Dec 3, 2013 regular meeting minutes – all voted yes, motion carried.

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

**Visitors/Correspondence:** Garrett Miles was present to update the council on his Eagle Scout project. Garrett has completed his project which consisted of constructing and installing 12 wooden signs along the bike & nature trail. Each sign was engraved with information about a particular species of tree and installed by that tree. The council congratulated him on a project well done.

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

**Resolution 2013-10 Authorizing the Issuance of Sales Tax Bonds:** This resolution is required for Reliabank to issue sales tax bonds to cover the expenses of the West Diamond Trail project. A motion was made by Leah Johnson, second by Doyle Johnson to approve Resolution 2013-10 Authorizing the Issuance of Sales Tax Bonds – all voted yes, motion carried.

**2<sup>nd</sup> Reading of Ordinance #602 – Amending Ordinance #505 On-Street Parking:** This ordinance defines “abandon vehicles” and also defines what cannot be parked or stored on public right-of-ways, including streets and alleys, during the year. A motion was made by Olson-Duck, second by Nelson to approve 2<sup>nd</sup> Reading of Ordinance #602 – Amending Ordinance #505 On-Street Parking – all voted yes, motion carried.

### **7:15 Conditional Use Hearing Appeal – Proposed 4-Plex at 503 N Oaks Ave (Lot 5 of Smith & Grovers**

**Addition):** The city received a conditional use permit application from John Maras for the construction of a 4-plex housing unit with attached garages at 503 N Oaks Ave. This application went before the Planning & Zoning board on Nov 12<sup>th</sup> and was approved with a vote of 5 to 1 with the following conditions: 1.) fencing shall be placed on the south side of the property between the 4-plex and the property directly to the south of the 4-plex for a buffer. 2.) All plans and engineer comments must be addressed and followed. On Nov 18<sup>th</sup> the city received a letter signed by 20 residents requesting to appeal the Planning & Zoning board’s decision. First the council heard from all parties opposed to the proposed 4-plex. Andy Eggebraaten, Bob Nielsen, Roger Gilbert, Joy Baumann, Mike Jacobson, Mike Swier, Daniel Bangston and Dan Beck all addressed their concerns which included the following: this 4-plex doesn’t fit the neighborhood of mostly single family homes, the increased traffic and congestion it may cause, the additional parking issues it may cause, the increase in the already populated neighborhood, safety concerns with the increase in traffic, the drainage on the proposed lot of the 4-plex. Next the council heard from those in favor of the proposed 4-plex: Matt Maras was present to reiterate to the council that they have followed and conformed to all zoning regulations, ordinances and laws of the city. He made note of the housing study that was recently done on Hartford. The study indicated a need of additional multi-family housing in Hartford. He feels this 4-plex meets this need and fits the property as proposed. The council then heard from George Ham and Dean Munce of the Planning and Zoning board. They explained that when a conditional use permit comes before the board they have to look at the zoning regulations and determine if the request meets all the standards set forth in Section 19-Condition Use Permits. The majority of the board felt that this request did and approval was given. The council then heard one more time from the opposition – Bob Nielson spoke on behalf of the neighborhood group. He stated, once again, that this 4-plex just simply does not fit the neighborhood. That, along with the increase in traffic, congestion and parking issues Nielson requested that the council deny this conditional use permit. Those for the project were given the opportunity to speak again but chose not to. The council then asked input from the city engineer. Mitch Mergen of Stockwell Engineers commented that this project meets the minimum engineering standards set by the city and all

zoning requirements. Approval of the developer's sight plan was recommended on that basis. Monahan made a motion, second by Leah Johnson to overrule the Planning & Zoning board's decision and deny the conditional use permit for 503 N Oaks Ave based on the negative impact on adjacent properties and the population of people in this block. Further discussion was held amongst the council. Mayor Zimmer expressed his approval of this conditional use permit based on the 5 to 1 approval by the Planning & Zoning board and based on information received from city engineers and because this project meets the minimum engineering standards set by the city. He recommended that the council turn down Monahan's motion. Further discussion was held amongst the council regarding parking, congestion and safety concerns in the area. Vote was taken with Monahan, Yount, Leah Johnson and Doyle Johnson voting yes, Nelson and Olson-Duck voting no – motion carried.

**Old Business:** None

**New Business:**

**Plat – Lot 1A & 1B, Block 1 and Lot 1A & 1B, Block 2 of Maras Addition:** The city currently owns two lots in the middle of the block between 5<sup>th</sup> and 6<sup>th</sup> St between Mundt and Eastern. Per council motion on Oct 1, 2013, these two lots have been replatted into four smaller parcels. A motion was made by Doyle Johnson, second by Leah Johnson to approve the plat of Lot 1A & 1B, Block 1 and Lot 1A & 1B, Block 2 of Maras Addition – all voted yes, motion carried.

**2014 Animal Control Contract:** The city's contract with Sioux Falls Area Humane Society for animal control services is up for renewal. A motion was made by Leah Johnson, second by Olson-Duck to approve the contract with Sioux Falls Area Humane Society for animal control services for 2014 – all voted yes, motion carried.

**2014 Engineer Contract:** The city's contract with Stockwell Engineers for engineering services is up for renewal. A motion was made by Olson-Duck, second by Yount to approve the contract with Stockwell Engineers for engineering services in 2014 – all voted yes, motion carried.

**2014 Attorney Contract:** The city's contract with Larry Nelson for attorney services is up for renewal. A motion was made by Olson-Duck, second by Leah Johnson to approve the contract with Larry Nelson for attorney services in 2014 – all voted yes, motion carried

**Approval of Amended Transportation Alternative Program Grant Agreement:** Due to the changes in the route of Phase 3 of the bike trail, the cost of the project has increased. A new agreement is needed to reflect all of these changes. A motion was made by Nelson, second by Olson-Duck to approve the amended Transportation Alternative Program Grant agreement and authorize Mayor Zimmer to sign on the city's behalf – all voted yes, motion carried.

**Appointment of Planning & Zoning Members:** Mayor Zimmer recommended the re-appointment of current Planning & Zoning board members Bob Bender, George Ham and Mary Cunningham for the 2014-2016 term. A motion was made by Olson-Duck, second by Leah Johnson to approve the re-appointment of current Planning & Zoning board members Bob Bender, George Ham and Mary Cunningham for the 2014-2016 term – all voted yes, motion carried. Mayor Zimmer recommended the appointment of Brad Bjergaard to the Planning & Zoning Board for the 2014-2015 term. A motion was made by Leah Johnson, second by Olson-Duck to approve the appointment of Brad Bjergaard to the Planning & Zoning Board for the 2014-2015 term – all voted yes, motion carried.

**Reports:**

**Public Works Superintendent Report:**

**Streets** – Staff has been scraping streets & hauling snow. Maintenance work is being done on the equipment as needed. Christmas decorations will be taken down after the 1<sup>st</sup> of the year.

**Water** – Samples at the ponds have been taken and came back high. They will take them again in January with hopes of being able to discharge one more time.

**Park and Pool** – The skate park has been closed. Work has begun to get the ice rink up.

**Public Buildings:** The light for the flagpole at City Hall has been put up. The poles for the addition have been delivered. Work on the addition will move forward as the weather permits. The new furnace for the shop is scheduled to be installed this week.

**City Engineer Report:** Nick Borns with Stockwell Engineers updated the city council on projects they are working on. With the change in the design of Phase 3 & 4 of the bike trail, Stockwells has provided the necessary paperwork, estimates and exhibits to city staff and the DOT. The notice to proceed should be coming from the DOT shortly. A motion was made by Monahan, second by Nelson to have Stockwell Engineers be present at all inspections done by the DOT during the construction of Phase 3 & 4 of the bike trail – all voted yes, motion carried. In regards to the base flood elevation survey, final plans have been submitted to FEMA and their response is expected in the coming months. Reviews have been done and comments submitted to city staff on the site plan for the Interstate Inns AmericInn Hotel.

**Finance Officer Report:** The finance officer report was presented to the council. The report included a summary of cash balances and sales tax figures through Nov 30, 2013. Also included was a summary of funds available for each city committee and a highlight of bills to be paid. Wilber, along with Election Superintendent Carol Schutte, attended an election workshop put on by SDML. The council was provided the 2014 meeting schedules for both City Council and Planning & Zoning. Also provided was the calendar of events.

**City Administrator Report:** With changes to the route of Phase 3 of the bike trail, Sidel attended the West Central School board meeting to ask for a construction easement along school property. The board approved the request. With the approval of the replat of city owned lots in the Maras Addition, Sidel will now send letters to all adjoining property owners offering the land parcels for sale. A meeting was held on Dec 9<sup>th</sup> regarding starting a transit service in the city. Follow-up meetings are scheduled to take place in January. In regards to Ordinance #601 Section C which addresses required parking spaces, Sidel provided the council information on what surrounding communities require. It was determined that this needs to be discussed further and will be put on the next city council agenda. Hartford Inns Inc received approval for their conditional use permit to construct a 47 room hotel.

**Committee Reports by Liaison:**

**Mark Monahan – Bike/Rec & Community Bldg:** Possible locations for a community building are still being discussed. Nothing definite has been decided at this time. Monahan asked the council their thoughts on the possibility that he be hired by the city to help the Public Works Department with snow removal on an as needed basis. It was the consensus of the council that this would be a conflict of interest since he is a council member.

**Scott Yount – Sports Complex:** The Sports Complex Committee will meet again on Jan 15<sup>th</sup> 7pm at City Hall.

**Leah Johnson – Jamboree Days, Swimming Pool & Community Bldg:** The next Jamboree Committee meeting is Jan 6<sup>th</sup> 6pm at City Hall. The Swimming Pool Committee will meet again on Jan 27<sup>th</sup> 7:30 Pizza Ranch.

**Gail Olson-Duck – Jamboree Days & Hometown Christmas:** Olson-Duck has sent out correspondence to vendors regarding the 2014 Jamboree Days celebration with some responding back to her already. The Hometown Christmas celebration went very well. A wrap-up meeting was held Dec 15<sup>th</sup>. Corey & Sarah Nelson are the winners of the Christmas lighting contest.

**Doyle Johnson – Downtown & Hometown Christmas:** Johnson thanked those extending birthday wishes to him last week.

**Scott Nelson – HADC & Chamber:** Nelson congratulated Garrett Miles on the completion of his Eagle Scout project. There will be no HADC meeting in Dec. The Chamber had two planning meetings in Dec. The next Chamber meeting is Jan 23<sup>rd</sup> at the Hartford Steakhouse. Two videos promoting Hartford can now be viewed on the Chamber and City websites.

**Mayor's Report:** Mayor Zimmer wished everyone a Merry Christmas and Happy New Year.

A motion was made by Leah Johnson, second by Olson-Duck to enter into executive session at 8:49 p.m. – all voted yes, motion carried.

A motion was made by Doyle Johnson, second by Leah Johnson to exit executive session at 9:09 p.m. – all voted yes, motion carried.

A motion was made by Monahan, second by Doyle Johnson to give Teresa Sidel, Craig Wagner, Karen Wilber, Rhonda Kuchta, Neil Hanisch and Jesse O’Kane a \$.50 raise effective January 1, 2014 – all voted yes, motion carried.

A motion was made by Olson-Duck, second by Doyle Johnson to give all full-time and year-round city staff personnel \$50.00 each in Hartford Bucks – all voted yes, motion carried.

**Adjournment:** A motion was made by Olson-Duck, second by Doyle Johnson, to adjourn at 9:11 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.

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Karen Wilber, Finance Officer