

## **City Council Meeting – Regular Meeting February 18, 2014**

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, Scott Yount, Mark Monahan, Gail Olson-Duck and Doyle Johnson. Leah Johnson arrived at 7:02pm. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, and City Engineers Mitch Mergen and Nick Borns.

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

**Approve Minutes of Feb 4, 2014 Regular Meeting:** A motion was made by Doyle Johnson, second by Olson-Duck to approve the Feb 4, 2014 regular meeting minutes – all voted yes, motion carried.

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

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

#### **7:10 Conditional Use Hearing Appeal – Proposed 4-plex at 503 N Oaks Ave (Lot 5 of Smith & Grovers**

**Addn):** The city received a second conditional use permit application from Jon Maras for the construction of a 4-plex housing unit with attached garages at 503 N Oaks Ave. The first application was denied by the City Council on Dec. 17<sup>th</sup>. The plans submitted with the second application are the same except that the roof has been changed from a hip roof to a gable roof. This application went before the Planning & Zoning board on Jan 14<sup>th</sup> and was approved with a vote of 6 to 1 with the following conditions: 1.) the developer must provide easements to the city for city maintained infrastructure per engineer comments; and 2.) the developer must erect a 6' privacy fence along the south property line between the developer's property at 503 N Oaks Ave and the two properties to the south at 200 W 5<sup>th</sup> St and 202 W 5<sup>th</sup> St. On Jan 21<sup>st</sup> the city received a letter signed by 6 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 and Rogert Gilbert addressed the council and both stated that they have the same concerns at this hearing that they've expressed at the previous hearings. The council then heard from the developer's attorney, Mark Meierhenry. Mr. Meierhenry reiterated to the council that the city's zoning ordinance is a legal document. This ordinance is created so everyone is treated fairly. The Planning & Zoning board concluded that the proposed 4-plex met all the conditions of the ordinance and the conditional use permit was approved. With this appeal, the city council must now look at the facts and the legal findings to determine if this appeal should be granted. Opinions and speculations should not be considered. Closing statements were then made. Bob Nielsen spoke on behalf of the neighborhood group. He cited the city's zoning ordinance as follows: The zoning ordinance is intended: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentrations of populations; and to facilitate the adequate provision and transportation, water, sewers, school parks and other public necessities. Matt Maras then gave his statement saying that they have complied with all the regulations set by the zoning ordinance. They have followed the laws of the city. Further discussion was held amongst the council. A motion was made by Nelson, second by Yount to deny the appeal of the conditional use permit based on insufficient reasoning by appealing neighbors and further, that allowing this appeal would be an infraction of the city's zoning ordinance – Olson-Duck, Nelson and Yount voting yes with Monahan, Doyle Johnson and Leah Johnson voting no. Mayor Zimmer voting yes to break the tie – motion carried.

### **Old Business:**

**Review of Engineer Proposal for Construction Plan on 2 Ball Diamonds:** At the Feb 4<sup>th</sup> council meeting the council approved having Stockwell Engineering proceed with doing a complete set of construction plans on the two ball fields at the sports complex. Due to the cost associated with doing a full set of plans and the funds the Sports Complex Committee has available, other options are now being considered. Stockwells has submitted a proposal that will not include any utility or sidewalk planning. By eliminating this scope of work from the plans, the cost will decrease substantially. However, with this option comes the risk of having to redo some items when the point in time comes for those improvements to be added to the site, thus the possibility of incurring additional expense. Further discussion was held regarding this risk and if this is a risk that should be taken. Discussion was then held with committee members present regarding quotes that they have received for fencing and agri-lime for the two ball

fields. Taking everything into consideration, the committee doesn't have the funds needed to complete the fencing and agri-lime on two fields and pay the engineering costs. A motion was made by Monahan, second by Doyle Johnson for Stockwell Engineering to move forward with a complete set of construction plans on the two ball fields at the sports complex and payment of these services would not be made with committee funds – all voted yes, motion carried.

**New Business:** None

**Visitors/Correspondence:** Darci Jansen was present to address the council about the recent changes made to the job description for the pool manager and pool assistant manager. The council had previously approved to add lifeguarding as a job duty and to require the managers to do a lifeguarding rotation each shift they are working. Jansen voiced her concerns as to why she feels this would not be a good change. She request that the council reconsider. This item will be place on the agenda for the Mar 4<sup>th</sup> council meeting.

**Reports:**

**City Engineer Report:** Nick Borns with Stockwell Engineers updated the city council on projects they are working on. Stockwells has provided the City of Sioux Falls with plan maps and specifications for the micro surfacing project. This work is expected to bid in the next couple of weeks. Stockwells is working on adding a section to the Capital Improvement Plan which will address debt service. Stockwells, along with city staff, has attended meetings with the Assam group regarding their plans to develop their land located on the south side of the city.

**Public Works Superintendent Report:**

**Streets** – With the recent snow, staff has been busy plowing and sanding streets. Wagner has contacted Bumblebee Gibson regarding pricing on mag water. Wagner checked on epoxy paint for striping. This paint runs 4 to 5 times more expensive then the latex paint that has been used in the past. The bid letting for the micro surfacing is Feb 27<sup>th</sup>. Wagner has been watching the Federal Surplus website for used pickups.

**Water** – Results from the sample taken from pond 3 came back high. Another sample will be taken in a few weeks.

**Park and Pool** – Parts for the pool heater and water filter are in.

**Public Buildings:** The old heater has been removed from the shop. New handrail has been installed.

**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 Jan 31, 2014. Also included was a summary of funds available for each city committee and a highlight of bills to be paid. Minnehaha County has scheduled March 17–21, 2014 for local equalization meetings. A motion was made by Monahan, second by Yount to set Hartford's 2014 equalization meeting for March 19, 2014 at 6:00 p.m. at City Hall – all voted yes, motion carried. Mayor Zimmer appointed Marilyn Siemonsma (Ward 1), Carol Schutte (Ward 2), Myra Bornitz (Ward 3), and Christel Schroeder (alternate) as election workers. A motion was made by Monahan, second by Leah Johnson to approve Mayor Zimmer's election board appointments - all voted yes, motion carried. The calendar of events was also provided to the council.

**City Administrator Report:** In regards to Phase 2 of the bike trail, an invoice for 20% of the ADA corrections and 100% of the intersection realignment is expected from the DOT once they have closed the job with their contractor. Meetings with the Assam group have started. They have submitted an application to rezone a small portion of their land to residential. Costello is moving forward with rezoning their property along the interstate to light industrial. Sidel has visited with some of the residents interested in purchasing the city owned property between Mundt and Eastern. Once all interested parties have been contacted, the matter will be brought to the council to decide how the city wants to proceed. Sidel informed the council of a code enforcement conference that Paul Clarke would like to attend. It will be April 30<sup>th</sup> – May 1<sup>st</sup> in Pierre. A motion was made by Leah Johnson, second by Monahan to allow Paul Clarke to attend the code enforcement conference to be held April 30<sup>th</sup> – May 1<sup>st</sup> in Pierre – all voted yes, motion carried.

**Committee Reports by Liaison:**

**Mark Monahan – Bike/Rec & Community Bldg:** There was no Bike/Rec Trail meeting in Feb. There will be a meeting next week with a property owner in regards to land along main street.

**Scott Yount – Sports Complex:** Sports Complex Committee met on Feb 12<sup>th</sup>. They are doing a calendar fundraiser. The next meeting will be Mar 12<sup>th</sup> 7pm Midway Bar & Grill.

**Leah Johnson – Jamboree Days, Swimming Pool & Community Bldg:** The next Jamboree Committee meeting is Mar 3<sup>rd</sup> 6pm City Hall. The Swimming Pool Committee will meet on Mar 25<sup>th</sup> 7:30 Pizza Ranch.

**Gail Olson-Duck – Jamboree Days & Hometown Christmas:** Olson-Duck was unable to attend the last Jamboree meeting. Hometown Christmas is on hold until planning starts up again in the fall

**Doyle Johnson – Downtown & Hometown Christmas:** Thanked Stockwells for the coffee mugs provided to all council members. He wished Councilmember Leah Johnson a Happy Birthday. He invited all to the Attic Bar & Grill on Feb 22<sup>nd</sup> from 3-6pm for a Special Olympics fundraiser.

**Scott Nelson – HADC & Chamber:** Thanked Wagner for his help on recent water runoff issues. HADC will be having their annual meeting on Feb 20<sup>th</sup> 5:30pm Miller Funeral Home.

**Mayor’s Report:** Mayor Zimmer had nothing new to report.

A motion was made by Monahan, second by Olson-Duck to enter into executive session at 9:19 p.m. – all voted yes, motion carried.

A motion was made by Olson-Duck, second by Leah Johnson to exit executive session at 9:32 p.m. – all voted yes, motion carried.

**Adjournment:** A motion was made by Doyle Johnson, second by Yount, to adjourn at 9:33 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