

City Council Meeting – Regular Meeting June 5, 2012

President Mark Monahan called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mike Swier, Gail Olson-Duck, Leah Johnson, Bill Barnett, and Scott Nelson. Mayor Zimmer was absent with notice. Also present were City Administrator, Teresa Sidel, Finance Officer, Deb Macdonald, Public Works Superintendent, Craig Wagner along with Deputy Sheriff, Steve Maciejewski, City Attorney, Larry Nelson, and City Engineers, Jon Brown and Mitch Mergen.

Removal from Agenda: Monahan recommended removal of Kevin Nothdurft from the Visitors Section of the agenda. A motion was made by Johnson, second by Olson-Duck to remove Kevin Nothdurft from the agenda - all voted yes, motion carried. With no further deletions, a motion was made by Olson-Duck, second by Johnson to approve the agenda including the deletion - all voted yes, motion carried.

Approve Minutes of Previous Meeting: A motion was made by Johnson, second by Nelson to approve the May 15, 2012 regular meeting minutes – all voted yes, motion carried.

Ordinances and Hearings:

7:05 Public Hearing and 1st Reading of Ordinance #577 – MidAmerican Gas Franchise. This ordinance is necessary to reinstate the franchise agreement between MidAmerican Energy Company and the city. The City Attorney and MidAmerican Energy have been in contact and will be finalizing the agreement. A motion was made by Olson-Duck, second by Johnson to approve first reading of Ordinance #577 – MidAmerican Gas Franchise – all voted yes, motion carried.

7:10 Public Hearing – Renewal of Malt Beverage License. A 7:10 p.m. hearing was held to consider malt beverage license renewals. A motion was made by Swier, second by Johnson to approve malt beverage license renewals for 2012-2013 for the American Legion Club, retail on-off sale malt beverage license; Harms Oil Company (Hartford BP), retail on-off sale malt beverage license; Hartford Supermarket, Inc. (Sunshine Foods), package off sale malt beverage license; Knigge Companies, LLC (Bosco's), retail on-off sale malt beverage license; L&H Pizza Ranch, Inc., retail on-off sale malt beverage license; Olson Oil Company (Get 'n Go), package off sale malt beverage license; Sundermann Holdings, Inc. (South Bar), retail on-off sale malt beverage license; Attanica, Inc. (Heart T Stop), retail on-off sale malt beverage license; and Phoenix Group, LLC (Ten Pin Alley), retail on-off sale malt beverage license – all voted yes, motion carried.

7:15 Hearing – Bosco's Special Event Application. Bosco's Bar & Grill submitted an Application for Use of Alcoholic Beverages in a Public Area and Application for a Special Events Permit. This permit would allow Bosco's to hold a street dance in its parking lot on June 30, 2012 and July 1, 2012. In addition, this permit would allow consumption of alcohol in the parking lot. A motion was made by Swier, second by Nelson to approve Bosco's application for a special events permit for a street dance to be held from 8:00 p.m. on June 30, 2012 to 2:00 a.m. on July 1, 2012 – all voted yes, motion carried.

7:17 Hearing – Drive to Revive Downtown Committee Special Malt Beverage Permit. On behalf of the Drive to Revive Downtown Committee, Gail Olson-Duck submitted an application to request a special malt beverage license for June 15, 2012. This license would allow for the sale of malt beverages in the alley between the Senior Center and City Hall in conjunction with the Jamboree Days Car Show. A motion was made by Johnson, second by Swier to approve the application for a special malt beverage license for the sale of malt beverages by the Drive to Revive Downtown Committee in the alley between the Senior Citizen's Center and City Hall on June 15, 2012 from 5:00 p.m. to 10:00 p.m. – all voted yes, motion carried.

7:20 Hearing – Special Malt Beverage License for Hartford Area Fire & Rescue. The Hartford Area Fire & Rescue submitted an application to request a special malt beverage license for June 16-17, 2012. This license would allow for the sale of malt beverages in a beer garden located at the corner of 1st Street and Main Avenue in conjunction with Jamboree Days. A motion was made by Swier, second by Johnson to approve the application for a special malt beverage license for the sale of malt beverages by the Hartford Area Fire & Rescue at the corner of 1st Street and Main Avenue on June 16-17, 2012 from 5:00 p.m. to 2:00 a.m. – Olson-Duck abstained with all others voting yes, motion carried.

Resolution 2012-4B – Amended Resolution of Annexation – Lots 1 and 2 of Swenson Addition. On May 1st, Resolution 2012-4 was adopted annexing Lots 1 and 2 of Swenson Addition into the city. Resolution 2012-4B is necessary to correct verbiage and amend Resolution 2012-4. A motion was made by Johnson, second by Olson-Duck to approve and adopt Resolution 2012-4B – Amended Resolution of Annexation - Lots 1 and 2 of Swenson Addition - all voted yes, motion carried.

Resolution 2012-7 – Adoption of the Lincoln and Minnehaha County Multi-Hazard Pre-Disaster Mitigation Plan 2011 Update. In order to be eligible for aid in the event of a disaster, every town is required by federal law to review and update its pre-disaster mitigation plan every five years. The City Administrator has been involved in the mitigation planning process. A motion was made by Johnson, second by Olson-Duck to approve and adopt Resolution 2012-7 – Adoption of the Lincoln and Minnehaha County Multi-Hazard Pre-Disaster Mitigation Plan 2011 Update - all voted yes, motion carried.

Old Business:

ADA Hearing Impaired System for Council Room. Sidel presented information received from Mid States Audio regarding an ADA hearing impaired system for possible use in the council room in lieu of a complete microphone system. This system includes two overhead microphones and four wireless receiving devices. A motion was made by Johnson, second by Nelson to table this matter until such time as a reference check has been done by the City Administrator – all voted yes, motion carried.

Discussion on North Vandemark by Jueneman Property – Pat Jueneman. The City Engineer presented two cost estimates for improvements to North Vandemark Avenue. Discussion was held on both improvement proposals, property along North Vandemark Avenue, and special assessment issues. A motion was made by Olson-Duck, second by Johnson to table this matter until such time as the City Attorney can research matters pertaining to special assessments – all voted yes, motion carried.

Sale or Consumption of Alcoholic Beverages on Sidewalks Abutting Licensed Premises. The City Administrator presented information and sample ordinances pertaining to the sale or consumption of alcohol on sidewalks. A motion was made by Barnett, second by Olson-Duck to authorize the City Attorney to draft an ordinance wherein a conditional permit would need to be issued and terms and conditions would be placed upon the permit for the sale or consumption of alcoholic beverages on sidewalks abutting licensed premises – all voted yes, motion carried.

New Business:

SRTS Grant Amendment. A Safe Routes to School Grant Amendment was presented to the council. This amendment would authorize the use of excess funds from Round 1 to pay Round 2 expenses. A motion was made by Johnson, second by Nelson to authorize the mayor to sign the Safe Routes to School Grant Amendment Agreement on behalf of the city – all voted yes, motion carried.

Discussion of Commercial Vehicle Ordinance. Zoning Ordinance #575 addresses off-street parking and sets restrictions on what commercial vehicles can be parked on private property or “off-street”. Ordinance #449 pertains to “street” parking and does not address commercial vehicles that do not require a CDL license. Discussion was held on whether or not to allow commercial vehicles that do not require a CDL to park along the city street. A motion was made by Johnson, second by Olson-Duck to table this matter until the next meeting – all voted yes, motion carried.

Discussion of MCWC Annexation Agreement for Water Services – Scott Buss, MCWC. Scott Buss, Executive Director of the Minnehaha Community Water Corporation addressed the council about the possibility of securing an annexation agreement to cover future expansion. A motion was made by Johnson, second by Olson-Duck to authorize the City Attorney to work with Minnehaha Community Water Corporation on an agreement to present to the council for review – all voted yes, motion carried.

Discussion of Ordinance to Waive City Sales Tax on Machinery and Equipment Purchases – Gary Sandholm. On behalf of the Hartford Area Development Corporation, Gary Sandholm provided information on an incentive to bring businesses to town. This process would include adoption of an ordinance that would waive local sales tax on machinery and equipment if certain guidelines are met. A motion was made by Johnson, second by Barnett to allow the HADC and Sandholm to prepare a proposal

for council review – Olson-Duck voted no with all others voting yes, motion carried.

Visitors:

Brandon Pennock. Brandon Pennock reported that he has constructed the wooden bench and placed it in Century Square Park. He thanked the council for supporting him with his Eagle Scout Project and noted that he would like to donate the extra materials to the city. Council members expressed their appreciation to Pennock on a job well done!

Visitors:

Russ and Mary Englund – Complaint Against City Personnel. Russ and Mary Englund appeared before the council regarding their formal complaint filed against City Administrator, Teresa Sidel. The council asked the following city employees questions pertaining to matters contained in the complaint: Paul Clarke, Building Inspector/Code Official, Craig Wagner, Public Works Superintendent, Rhonda Kuchta, Administrative Assistant, Deb Macdonald, Finance Officer, and Teresa Sidel, City Administrator. After all parties were heard and after discussion was held, a motion was made by Johnson, second by Swier that the complaint filed by Russ and Mary Englund against Teresa Sidel was without merit and the city council found nothing in the complaint that would indicate Sidel was doing anything other than her job – all voted yes, motion carried.

Reports:

HADC Report. Sandholm reported that the groundbreaking ceremony for Central States Manufacturing is scheduled for June 15th at 11:30 a.m. Both the Community Information Night and Clean-Up Day were successful. However due to rising costs, the Clean-Up Day event will need to be discussed in further detail at budget time. Sandholm updated the council on other business prospects and options for providing affordable housing. The HADC has been receiving very strong support from MCEDA with projects and publicity. Sandholm noted that the new Jamboree Billboard has been erected. Sandholm met with Minnehaha Community Water Corporation to gather information regarding utility capacities. The HADC Action Plan Overview was presented to the council. This plan was crafted from input obtained at the planning retreat held in March.

Sheriff's Deputy Report: Deputy Maciejewski continues to monitor traffic on Vandemark Avenue near the city park and 9th Street. Alcohol compliance checks were conducted in Hartford with all businesses passing. Maciejewski reminded citizens to lock their vehicles, homes, and garages. Activity at the skate park has been normal for this time of year.

Public Works Superintendent Report:

Streets – Wagner reported that crack sealing and mag watering will be done in the near future. In addition, the new weather siren has arrived and will be installed in coordination with Sioux Valley Energy and East River Electric.

Water & Sewer – The city is currently inspecting manholes. Wagner noted that a few valve boxes by the new water tower have been replaced. In addition, the city will be replacing light bulbs in the center column of the water tower.

Parks and Pool – The city has been mowing, weed whipping, and cleaning flower beds in the park. In addition, the bathrooms and mower shed have been painted and new foam wraps placed around the ball field fence posts. Wagner reported that repairs are being made to the tennis court and the bleachers will be fixed this coming week. The dolphin pool cleaner has been sent in for repairs. In the meantime, pool personnel are using the old vacuum to clean the pool.

Public Buildings – Wagner reported that the bathrooms, the kitchen, and office area at the old fire station have been painted and a new office is being constructed. Wagner is hopeful that the maintenance department will be moved into the old fire station by Jamboree Days.

City Engineer Report: On behalf of Stockwell Engineers, Mitch Mergen gave the following report. 1) An agreement for engineering services on the SRTS-Round 4 project has been submitted to the DOT for approval. 2) A meeting has been scheduled with a developer to discuss a proposed development plan. 3) Stockwell and SECOG will be creating Engineering Design Standards for the city. 4) Kelly Point

Developers' plan to dredge and re-grade the drainage way has been reviewed. 5) Stockwell will be compiling and entering data into the city's GIS system over the next several weeks. Thereafter, the database will be updated on a routine basis.

Contract for Force Account – Miscellaneous Services: Jon Brown with Stockwell Engineers presented an agreement for miscellaneous services. He explained that this contract is for charges billable to the force account which is primarily for miscellaneous services not associated with any particular project. Services will be charged on an hourly basis according to the schedule contained in the contract. A motion was made by Johnson, second by Olson-Duck to authorize the mayor to sign the Force Account Agreement for Professional Services on behalf of the city – all voted yes, motion carried.

Contract for Sports Complex Review Services: Brown presented a contract for Sports Complex review services which shall include engineer services to conduct a topography survey and to evaluate the current master plan. These services shall be charged on an hourly basis not to exceed \$10,000. A motion was made by Johnson, second by Swier to authorize the mayor to sign the Sports Complex Agreement for Professional Services on behalf of the city – all voted yes, motion carried.

Finance Officer Report: Macdonald reported that the park rec program started June 4th and the first session of swimming lesson is slated to begin June 18th. May revenue highlights and the Hartford Jamboree Days schedule of events were provided to the council.

City Administrator Report: Sidel gave an update on both the SRTS-Rounds 2 and 4 and the Bike/Rec Trail projects. Sidel has been in contact with a business who may be interested in sub-leasing Ten Pin Alley's billboard. Sidel reported that the pool manager is having a difficult time filling lifeguard shifts, especially on the weekend. The city is currently advertising for the position of lifeguards. In the meantime, Sidel has instructed the pool managers to use their discretion to close a portion of the pool if there are not enough lifeguards on duty. On June 22th, a meeting will be held with city officials and a developer regarding a development proposal. The April Code Enforcer/Building Inspector's Report was presented. Information was presented to the council on the upcoming Elected Officials' Workshop to be held in Pierre.

City Council Reports:

Ward 1: Johnson congratulated the West Central Girls Track Team on its second state championship. Also, thanks were extended to Brandon Pennock for the wooden bench located in Century Square Park. The Swimming Pool Committee recently met regarding its Jamboree booth and float. The Jamboree Days Committee is in its final stages of planning the event. Barnett received good information from a meeting he and Nelson had with Gary Sandholm regarding HADC issues and the chamber vision. Barnett is looking forward to the Jamboree Days celebration.

Ward 2: Monahan reported that the Bike/Rec Trail Committee will be having a Jamboree Days booth. In addition, three benches are complete. These benches will be placed along the Turtle Creek Bike Trail. The next meeting will be held July 10th at 6:30 p.m. at Ten Pin Alley.

Ward 3: Olson-Duck congratulated Brandon Pennock on obtaining his Eagle Scout Badge and thanked Deputy Maciejewski for placing the speed trailer on Vandemark Avenue. Olson-Duck reported that the Drive to Revive Downtown Committee will be having a food and beverage booth on June 15th during the Jamboree Car Show and the Fire Department will be having a beer garden during the Jamboree dance on June 16th. Nelson reported that the HADC is promoting Jamboree Days through social media and TV advertisements. Leah Johnson, Jeremy Menning, and Teresa Sidel will be interviewed during the week of Jamboree Days. Nelson pointed out that the groundbreaking ceremony for Central States Manufacturing will be held on June 15th. Nelson expressed his condolences to the Dan Thaler Family.

Mayor's Report: On behalf of the Mayor and the city council, Monahan extended condolences to the Thaler Family.

Adjourn: A motion was made by Olson-Duck, second by Swier to adjourn at 10:15 p.m. – all voted yes, motion carried.

Minutes recorded by Finance Officer, Deb Macdonald.

I, the undersigned, Debra L. Macdonald, 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.

Debra L. Macdonald, Finance Officer