

City Council Meeting – Regular Meeting August 20, 2019

Mayor Jeremy Menning called the meeting to order at 7:17pm at Hartford City Hall with the following city council members present: Arden Jones, Mark Brenneman, Travis Kuehl and Scott Nelson. Mark Monahan was absent with notice. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, Chamber & Economic Development Director Jesse Fonkert, Recreation Director Nate Velander, City Attorney Larry Nelson and City Engineer Mitch Mergen.

BUSINESS ITEMS:

- **Approve Agenda:** A motion was made by Jones, second by Nelson to approve the agenda as set - all voted yes, motion carried.
- **Approval of the Minutes:** A motion was made by Jones, second by Nelson to approve the meeting minutes from August 7, 2019 – all voted yes, motion carried.
- **Approval of the Bills:** A motion was made by Nelson, second by Jones to approve the bills submitted for payment – all voted yes, motion carried.

OATH OF OFFICE: Brittany Glanzer took the oath of office for the Ward 2 council position and took her place at the table.

PUBLIC COMMENTS: Catherine Shambelski and Jennifer Fonder were present to discuss allowing chickens within city limits. The current ordinance states that no livestock shall be permitted within city limits unless approved by the city in conjunction with a special event permit. Chickens fall under the ordinance definition of livestock. After providing their information to the council, Shambelski and Fonder request that this item be put on the next meeting agenda. Due to lack of support from the council at this time, their request was denied. Mayor Menning encouraged Shambelski and Fonder to reach out to their council members and share their data and, if supported, the topic could be added to a future agenda.

ORDINANCES, RESOLUTIONS, APPLICATIONS AND HEARINGS:

- **Special Event Application – WC Junior Achievement Bean Bag Fundraiser:** Jesse Fonkert was present on behalf of West Central Junior Achievement. They have submitted a special event application to hold their annual bean bag fundraiser on Sept 27, 2019 from 5pm to 10pm. They are requesting that Main Ave be closed from Modish to Menth St and 1st St from alley to the east to alley to the west, to allow the use of alcoholic beverages in this area and to waive the permit application fee. A motion was made by Nelson, second by Kuehl to approve the special event permit and to waive the application fee – all voted yes, motion carried.
- **Resolution 2019-7 – Amend Sales Tax Bond Resolution:** In June the council passed Resolution 2019-4 which authorized the sale of bonds to fund the Vandemark Ave street project. Since that time, the City has been made aware that purchasing bond insurance would lower the interest rate on the bonds. This interest savings, after considering the cost of the bond insurance, would end up saving the City an estimate of \$90,000 over the life of the bond. Resolution 2019-7 would amend Resolution 2019-4 by adding this bond insurance verbiage to the resolution. A motion was made by Kuehl, second by Nelson to approve Resolution 2019-7 Amend Sales Tax Bond Resolution 2019-4 – all voted yes, motion carried.
- **Resolution 2019-8 – Street Maintenance Resolution:** Resolution 2019-8 will authorize the assessment of an annual street maintenance fee at a rate of \$1 per front footage with a minimum assessment of \$65. An exhibit was provided of all parcels and their assessed amounts. A motion was made by Nelson, second by Jones to approve Resolution 2019-8 Street Maintenance Fee Assessment. Further discussion was held regarding multi-housing situations. Currently, for these types of situation, the exhibit shows the front footage divided amongst all units of the multi-housing dwelling. In total, the fee would be greater then \$65 but once divided, these situations provided a fee less than \$65. Councilman Kuehl feels that in these situations, the \$65 minimum should apply as well. Nelson called the vote – all voted no, motion failed. A motion was made by Nelson, second by Kuehl to approve Resolution 2019-8 Street Maintenance Fee Assessment with the amendment that every parcel has a minimum of \$65 – all voted yes, motion carried.
- **2nd Reading of Ordinance #673 – Diseased Vegetation:** Currently the City’s ordinance regarding diseased vegetation specifically states that any trees, brush, wood or debris infected with Dutch Elm disease or other infestations or infectious disease can be declared a public nuisance. Now, since Emerald Ash Borer has entered our area, this has been listed specifically. A motion was made by Jones, second by Nelson to approve 2nd reading of Ordinance #673 – Diseased Vegetation – all vote yes, motion carried.
- **2nd Reading of Ordinance #674 – Duty to Remove:** Currently the City’s ordinance regarding snow removal states that a property owner is responsible for keeping any abutting sidewalks free from snow and ice. Even though it is implied to be the entire sidewalk, it does not specifically state this. The verbiage has been changed to state that the entire width of the sidewalk be free from snow and ice. A motion was made by Jones, second by Glanzer to approve 2nd reading of Ordinance #674 – Duty to Remove – all voted yes, motion carried.
- **2nd Reading of Ordinance #675 – Prohibited Parking After Snowfall:** Currently the City’s ordinance states that if there is a forecast or actual snowfall of two inches or more then there is no parking on public streets until they have been plowed. Since there could be a blowing snow event, rather than an actual snowfall, that would

require plowing of the streets, the ordinance has been updated to include both situations. A motion was made by Jones, second by Brenneman to approve 2nd reading of Ordinance #675 – Prohibited Parking After Snowfall. Further discussion was held. Nelson called the vote. All voted yes, motion carried.

- **2nd Reading of Ordinance #676 – Prohibited Burning:** Currently the City does not allow open burning unless it is done in a grill, fireplace or firepit that is screened. The ordinance specifically states that no garbage, waste or refuse can be burned but it is not clear on hazardous materials. Wording has been added to state no burning of hazardous materials and defines what those materials would be. A motion was made by Jones, second by Kuehl to approve 2nd reading of Ordinance #676 – Prohibited Burning – all voted yes, motion carried.
- **2nd Reading of Ordinance #677 – Amended Zoning Regulations:** Ordinance #677 would amend the current zoning regulation reducing the lot size requirement for a two-family dwelling from 14,000 sq. ft. with a zero-lot line split of 7,000 sq. ft. to 11,250 sq. ft. with a zero-lot line split of 5,625 sq. ft. The lot width and setbacks would remain unchanged to maintain the required green space. It is the recommendation of the Planning & Zoning Board to approve Ordinance #677. A motion was made by Kuehl, second by Brenneman to approve 2nd reading of Ordinance #677 – Amend Zoning Regulation #627 Chapter 4 Residential District – all voted yes, motion carried.

REPORTS:

- **Fire Department Report:** Fire Chief Bryon Shumaker was present to give a department update to the council. Shumaker reported that June had 34 total calls with 12 in city limits and July had 27 total calls with 9 in city limits. Year to date the department has seen a 14% increase in calls. An update was given on the various trainings that were held for fire and EMS services. The department is hosting a community open house on Aug 24th from 11am to 2pm with various activities and events planned. The department recently purchased a new EMS truck. Shumaker is requesting payment of the \$35,000 balance in the City's equipment replacement fund. A motion was made by Kuehl, second by Brenneman to approve the payment of \$35,000 from the equipment replacement fund – all voted yes, motion carried.
- **Recreational Director Report:** Director Nate Velander's report was provided to the council. Highlights include work on the following: Hartford Area Recreation (HAR) website, bike & rec trails brochure, video promoting HAR; graphics for social media, designing HAR logo, program survey and attending meetings. Velander requested approval from the council to attend the SD Parks & Recreation Assoc annual conference Oct 1st – 3rd in Rapid City. No action was taken. Seven more logo designs were provided to the council. Council members provided their opinions. A motion was made by Kuehl, second by Glanzer to approve logo #1 – Jones voted no with all others voting yes, motion carried.
- **Chamber & Economic Development Director Report:** Director Jesse Fonkert's report, recapping activities for both the Chamber and HADF, was provided to the council. Highlights: Chamber hosted Business in the Park, four new members joined in July, ribbon cutting for Even in the Midwest, Hartford Living Magazine has been published and delivered, booth at Turner County Fair, planning session for 2020 budgets/goals, discussion on 2019 housing study update, and attending various meetings/events. Fonkert has been approached by local Girl Scout Troop #50087. The group is working on their gold star project for 2020 and is wanting feedback from the council on the possibility of their project being a Dog Park in Hartford. If supported, the group would start by forming a committee and looking at land options. It is the consensus of the council that the group move forward with the project and work with Public Works Superintendent Wagner on possible locations.
- **Engineer Report:** Mitch Mergen was present to provide engineer updates: Mickelson Road Improvements – The project is substantially complete now. There will be some punch list items that will still need to be completed. Pay application #12 for work completed to date was presented to the council. A motion was made by Brenneman, second by Jones to approve pay application #12 to Soukup Construction, Inc. in the amount of \$297,250.19 – all votes yes, motion carried. Vandemark Roadway Improvements – Paving is scheduled to be done next week. Pricing is being obtained for the additional work on 9th St. A change order for this work will be provided at a later date. Pay application #4 for work completed to date was presented to the council. A motion was made by Jones, second by Kuehl to approve pay application #4 to Soukup Construction, Inc. in the amount of \$272,486.38 – all votes yes, motion carried. Swenson Park Grading – Reseeding of the entire site is now complete.
- **Public Works Report:** Public Works Superintendent, Craig Wagner's report was provided to the council. Highlights include:
 - Streets – The slurry seal project is complete for this year. Crack sealing will be scheduled at a later date. Mag water will be applied to the gravel roads in the coming weeks. More speed limit signs will be added to Mickelson Rd along with buckle up signs. Mosquito spraying continues as needed.
 - Water – Knapp's Landing water main has passed testing and is online.
 - Sewer – Samples are scheduled to be taken again in Sept. Staff has cleaned out the drainage area and mowed the Sagehorn Lift station property.
 - Parks – The parks have been sprayed for weeds. Fertilizing will be done later this fall.
 - Pool – The pool closed for the season on Monday. Staff will work on shutting it down.Wagner requested approval for himself and Neil Hanisch to attend the annual SD Water & Wastewater Conf Sept 10th thru 13th in Pierre. A motion was made by Nelson, second by Kuehl to approve Wagner and Hanisch attendance at the annual SD Water & Wastewater Conf – all voted yes, motion carried.

- **Finance Officer Report:** City Finance Officer Wilber’s report was provided to the council. Items included cash balances, sales tax revenue and committee fund balances as of July 31st, a recap of bills submitted for payment and the calendar of events. A reminder of the upcoming registration deadline for the SDML annual conference was also given.
- **City Administrator Report:** City Administrator Sidel’s report was provided to the council. Sidel reminded the council of the upcoming budget meeting and joint meeting with the Minnehaha County Commission. Sidel will be putting together an ordinance to supplement this year’s budget for items added throughout the year. This will be presented to the council in Sept. Sidewalk inspections in Ward 2 have been done and letters sent. The letters inform property owners of any sidewalk defects. It is the property owner’s responsibility to correct, if they choose to do so.

OLD BUSINESS: None.

NEW BUSINESS:

- **Approve 2019 Budget Request to the Humboldt Fire & Ambulance Service:** Humboldt Fire & Ambulance is requesting that their 2019 appropriation of \$15,000 be release. A motion was made by Jones, second by Brenneman to release \$15,000 to Humboldt Fire & Ambulance Service – all voted yes, motion carried.
- **Approve 2019 Budget Request to the Hartford Senior Center:** Hartford Senior Center is requesting that their 2019 appropriation of \$9,000 be release. A motion was made by Nelson, second by Jones to release \$9,000 to Hartford Senior Center – all voted yes, motion carried.
- **Review/Approve 2018 Audit:** The 2018 audit report was provided to the council. A motion was made by Jones, second by Kuehl to approve the 2018 audit – all voted yes, motion carried.
- **Discuss Leo & Violet Scherer Donation to the City:** Councilman Monahan has request that this item be place on the agenda. Since he was not present, no discussion was held. A motion was made by Kuehl, second by Jones to table this item until the Oct 1st meeting – all voted yes, motion carried.

VISITORS: Brian Matthies was present to discuss his property located at 801 S Western Ave. At this time, the City has received approval to abate the nuisance at his property. Mr. Matthies is requesting the City hold off on this action to allow him more time to correct the situation by cleaning the property up and erecting a fence to screen some of the items. Based on how long the City has been trying to work with Mr. Matthies on this issue, it is the consensus of the council that he has had more than enough time to address the issues on his property. The city will proceed with the abatement.

CORRESPONDENCE: None.

EXECUTIVE SESSION: A motion was made Kuehl, second by Jones to enter executive session pursuant to SDCL 1-25-2(1) for personnel and SDCL 1-25-2 (3) for legal at 9:05pm – 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

EXECUTIVE SESSION: A motion was made by Brenneman, second by Kuehl to exit executive session at 9:25pm – all voted yes, motion carried.

ADJOURNMENT: A motion was made by Glanzer, second by Brenneman to adjourn at 9:26pm – all voted yes, motion carried.

Minutes recorded by City Administrator Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator 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.

Teresa Sidel, City Administrator