

City Council Meeting – Regular Meeting August 4, 2015

Mayor Bill Campbell called the meeting to order at 7:00 p.m. at Hartford City Hall with the following city council members present: Mark Monahan, Doyle Johnson, Bill Haugen and Scott Nelson. Ryan Bortnem and Brad Bjergaard were absent with notice, Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, City Attorney Larry Nelson and City Engineer Mitch Mergen.

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

Approve Minutes of July 21, 2015 Regular Meeting: A motion was made by Monahan, second by Haugen to approve the July 21, 2015 regular meeting minutes – all voted yes, motion carried.

Deputy Report: Deputy Terrones was present to give his report. He noted areas where speeding and stop sign violations are occurring. A number of campers have been warned for parking over the allotted time on city streets.

Fire Department Report: Bryon Schumacher was present to report on the Fire Dept. The Fire Dept made 25 calls in July with 13 being in city limits. The dept business meeting will be Aug 12th, EMS training on Aug 18th and fire training on Aug 26th. The department will be hosting a street dance on Aug 29th with doors opening at 8pm. Schumacher extended an invitation to the council to attend any fire department meeting or training sessions.

Park/ Rec 2015 Report: Laura Johnson was present to give the council a report on this year Park/Rec program. 120 registered for the program this year with an average daily attendance of 90 to 100. One day was cancelled due to weather. Johnson feels things ran very smooth and feels the kids had fun. Johnson also noted that expenses were below the budgeted amount.

Ordinances, Resolutions & Hearings:

1st Reading of Ordinance #622 – Amend Off-Street Parking Ordinance for Commercial Vehicles:

Ordinance #622 was provided to the council for their review. This ordinance will amend the current Ordinance #611. Ordinance #611 prohibits, except for certain instances as noted in the ordinance, the parking of commercial vehicles on city streets or residential property leaving no place for commercial vehicles to be parked. Ordinance #611 conflicts with the City's zoning Ordinance #575 in regards to off-street parking of commercial vehicles. The zoning ordinance states that commercial vehicles can be parked within NRC or residential districts with a limit of 2 vehicles per resident, the vehicle must be owned or operated by the occupant of the dwelling, and it cannot be a solid waste collection vehicle, tractor and/or trailer truck, dump truck, cement-mixer truck, wrecker over 18,000 pounds, or similar vehicles or equipment. The proposed amendment to Ordinance #611 will add that there will be no parking of commercial vehicles on residential property unless it conforms to the city's zoning regulations for off-street parking. A motion was made by Johnson, second by Nelson to approve 1st Reading of Ordinance #622 – Amend Off-Street Parking Ordinance for Commercial Vehicles – all voted yes, motion carried.

Visitors:

Gail Olson-Duck was present to ask Councilmember Johnson for clarification on the figures he presented at the forum on July 28th in regards to the EDD salary.

Jeremy Menning, on behalf of Growing Hartford, was present to ask Mayor Campbell and Councilmember Haugen if they had determined a date that would work for them to participate in a second forum on the upcoming referendum election. Both Mayor Campbell and Councilmember Haugen indicated to Mr. Menning that they have no intention of participating in a forum.

Brian Voth was present to ask for confirmation from City Administrator Sidel that for calendar year 2014 the cost to the city for the EDD position, including salary and benefits, was \$56,828.02. Sidel confirmed that this information is correct.

Old Business:

Review of Cost Estimates to Record/Broadcast City Council Meetings: City Administrator Sidel has done some pricing of audio/video equipment that would be needed if the city should decide to record its council meetings. Sidel estimates that the cost to purchase the needed equipment would be \$400 to \$500. Sidel has confirmed with GovOffice, the host of the city's website, that we have the capability of uploading

audio and video to the website, if need be. A motion was made by Monahan, second by Nelson for City Administrator Sidel to use her discretion to buy the needed audio/video equipment not to exceed \$800. Further discussion was held. The importance of the city having an official video of recorded meetings was discussed with the question of what the city would do with such recordings to be determined at a later meeting. A substitute motion was made by Haugen, second by Johnson to table discussion of this item until the budget meeting. Bob Nielsen of Hwy38News was present to reiterate to the council that there is an interest in these meetings from residents. Mr. Nielsen posted a video of the last council meeting on his website and to date over 300 people have viewed the video. Vote was then taken on the substitute motion with Haugen and Johnson voting yes and Monahan and Nelson voting no, motion failed. Vote was then taken on the original motion with Hagen abstaining and all others voting yes, motion failed for lack of majority of quorum. A motion was made by Monahan, second by Johnson to table discussion of this item until the next council meeting – Haugen abstained with all others voting yes, motion failed for lack of majority of quorum.

Dakota Access Pipeline Information: City Attorney Nelson has been in contact with the PUC in regards to the Dakota Access Pipeline project. He has confirmed that, should an oil spill occur, it would first be the responsibility of the contractor to take care of any necessary cleanup and damages. If the contractor is unable, the cleanup would then move to the state level and finally the federal level. The contractor has indicated that they work with the city and city engineers to place the pipeline that is going to fall in the city's growth area at an acceptable depth. The city engineer has reviewed the pipeline plans and has noted eight areas where they would like the pipe to be at a lower level to allow for 12 foot of cover over the pipe. A motion was made by Haugen, second by Monahan that in respect to the areas along the pipeline that Stockwell Engineers suggests to have 12 foot cover, that representatives from Stockwell Engineers be on site to verify those depths when those areas of the pipeline are constructed – all voted yes, motion carried.

Becker Site Update and Review: Venice Becker was present to address the council regarding his 6-plex project located at 301 E 5th St. Mr. Becker's building permit allowed him until July 29, 2015 to finish his project in its entirety. To date, the fencing and the site work, including retaining wall, landscaping, detention pond, sod and sprinklers, are not complete. Mr. Becker did go before the Planning & Zoning Board on July 28, 2015 and was granted a 3 month extension to get the fencing work done. Mr. Becker sited rainy weather and delays with his contractor as the main reasons for not meeting the timeline. He asked the council to allow him until Aug 15, 2015 to complete the remaining site work. Two neighboring residents to Mr. Becker's property, Loren Carver and Rick Cross, were present to share their frustrations with the council. With the dirt and water that is running off of Mr. Becker's property on to theirs, this project has cost them a lot of time and money and feel that this issue needs to be addressed as soon as possible. A motion was made by Monahan, second by Johnson to fine Mr. Becker \$100 per day retroactive to July 29, 2015 when the building permit expired until such time when Stockwell Engineers signs off on the project as being complete – all voted yes, motion carried.

New Business:

Lot Purchase Proposal – Jim Johnson: At the July 7th council meeting the council suggested that Mr. Johnson visit with the HADC regarding his proposal to build two energy efficient homes on the two lots on S Vandemark Ave. Both parties have met and the HADC is in favor of Mr. Johnson's plans. Mr. Johnson is now coming before the council to discuss a proposal to increase the project from 2 lots/homes to 5 lots/homes. This new plan would require the city to contribute more money for the purchase of the additional lots. It is the consensus of the council to go with the original proposal of two energy efficient home on the two S Vandemark lots. A motion was made by Monahan, second by Johnson that City Administrator Sidel meet with representative of the HADC and Mr. Johnson to discuss Mr. Johnson's proposal and work out potential details of the project – all voted yes, motion carried.

Fourth Amendment to T-Mobile Site Agreement: T-Mobile is currently in a lease agreement with the city for the placement of their equipment on the 9th St water tower and for a small fenced area at the base of the tower for their ground facilities. They are planning on running new fiber. When this is done, they will need to run a new conduit for this line from the right-of-way along 9th St to their ground facilities. T-Mobile has submitted an amended agreement to allow them to move the existing fenced ground facilities at the base of the tower to a new location just to the NE of the tower base. Once the ground facilities are moved to the new location, the old area will be demolished. City Attorney Nelson has reviewed the agreement and has noted two areas of concern: that the easement is non-exclusive and that once the new ground facilities are up the current ground facilities will be demolished. A motion was made by Johnson, second by Nelson to approve the Fourth Amendment to T-Mobile Site Agreement contingent on the language to add that the easement is non-exclusive and that the current ground facilities be demolished once the new area is complete – all voted yes, motion carried.

Correspondence: None

Reports:

Chamber/HADC Director's Report: Gary Sandholm was not present. A copy of his report was provided to the council for their review. Mayor Campbell expressed his condolences on behalf of the city to Gary for the recent passing of his mother.

City Engineer Report: Mitch Mergen with Stockwell Engineers updated the council on projects they are working on. Plans for the Mike Franken Trail project are still under review of the DOT. The contractor on the water main extension projects plans to start work in late Aug or early Sept. The contractor has completed all underground utility work including the storm sewer. Engineers, along with city staff, will meet with the Swimming Pool Committee at 6pm on Aug 6th to review several different options for the new wading pool and splash park project.

Public Works Superintendent Report:

Streets – The micro surfacing project is done and crack sealing is being completed this week. Staff will be painting crosswalks in the coming weeks. Staff has removed 5 trees along Main Ave with a few more to be removed next spring. Tree trimming will continue throughout the rest of the summer and fall. Mosquito spraying was done last week and will continue as needed.

Water – Over the next few weeks staff will be working water valves, flushing and servicing hydrants, flushing manholes and cleaning storm sewer inlets.

Park and Pool – The last day at the pool will be Aug 26th. The park has been sprayed and the diggers have been installed.

Public Buildings – Staff has been compiling information regarding city owned buildings for the city's insurance company.

Wagner, along with Assistant Public Works Supt Hanisch, would like to attend the annual SD Water & Wastewater Association Conference to be held in Spearfish Sept 16-18. A motion was made by Nelson, second by Haugen to have Wagner and Hanisch attend the annual SD Water & Wastewater Association Conference in Spearfish Sept 16-18 – all voted yes, motion carried.

Finance Officer Report: Wilber provided a highlight of revenues that were received during July along with the general fund revenues and expenses to date thru June. There will be a pet clinic at the Hartford Vet Clinic on Aug 8th. City staff will be present to issue city pet licenses as needed. The calendar of events was provided to the council.

City Administrator Report: Sidel informed the council that the budget packets would be ready for pickup on Aug 21st with the budget meeting to be held Aug 26th. All the bond paperwork on the Diamond Trail project has been completed. The annexation paperwork for the property at 801 S Western Ave has been sent to the county. Once the annexation becomes effective on Aug 19th, the city can move forward with rezoning the property to a city zoning classification. Information on the SDML annual conference was provided to the council. The conference is in Watertown Oct 6-9.

A motion was made by Johnson, second by Haugen to enter into executive session per SDCL 1-25-2.3 to consult with legal counsel at 8:44 p.m. – all voted yes, motion carried.

A motion was made by Johnson, second by Nelson to exit executive session at 9:56 p.m. – all voted yes, motion carried.

Adjournment: A motion was made by Johnson, second by Monahan to adjourn at 9:57pm – 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