

## **City Council Meeting – Regular Meeting September 17, 2013**

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

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

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

**Approve Minutes of Sept 12, 2013 Special Meeting:** A motion was made by Olson-Duck, second by Leah Johnson to approve the Sept 12, 2013 special meeting minutes – Doyle Johnson abstained with all others voting yes, motion carried.

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

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

**Approve Plats for Diamond Trail lying west of Western Ave:** A motion was made by Monahan, second by Leah Johnson to approve the five plats for Diamond Trail lying west of Western Ave – all voted yes, motion carried.

**7:10 Hearing – Appeal on Conditional Use Application for Lot 12C of North Lawn Addition:** Venice Becker has applied for a conditional use permit to erect an 8-plex housing unit with garages upon his lot at 301 E 5<sup>th</sup> Street. He purchased 3 lots 8 years ago and two years ago he erected one 8-plex building and one 4-plex building, now he wishes to erect a third building on his last lot. On Aug 27<sup>th</sup>, the Planning & Zoning Board voted 5-2 to deny the conditional use permit noting concerns regarding Mr. Becker's drainage plan and lack of green space. Mr. Becker is now appealing this decision to the city council. Mr. Becker was present to address the council. He feels he has met all the building standards that are required by the city, yet he was still denied his conditional use permit. He discussed his current drainage plan with the council. Joann Messersmith, from Legacy Real Estate, was also present to address the council. She is the property manager for Mr. Becker's existing apartment buildings. She informed the council of their procedures and requirements in obtaining tenants for the apartment buildings. She indicated that these are upscale apartments and they only rent to well screened applicants. Also present to address a variety of concerns over the proposed development were neighboring property owners Loren Carver, Charles Meyer, Rick Cross and Tim Groenewold. Hartford Planning & Zoning Chairman Dean Munce and City Engineer Mitch Mergan also address the council with their comments. The majority of the discussion held was regarding the drainage issues on this property. Mr. Becker has submitted a drainage plan to the city that has not been approved by City Engineers. City Engineers have provided their comments to this drainage plan and to date the city has not received any additional information addressing the engineer's comments from either Mr. Becker or his engineer. A motion was made by Monahan, second by Olson-Duck to deny the condition use permit because the permit request was denied by the Planning & Zoning board and because the drainage plan has not been approved by City Engineers – all voted yes, motion carried.

**2<sup>nd</sup> Reading of Ordinance #593 – 2014 Appropriations:** A motion was made by Doyle Johnson, second by Nelson to approve 2<sup>nd</sup> Reading of Ordinance #593 – 2014 Appropriations – all voted yes, motion carried.

**International Building Code:** The International Code Council reviews the building and property maintenance codes every three years. Currently, the city has adopted the 2006 International Codes. The following four ordinances would adopt the 2012 International Codes:

**1<sup>st</sup> Reading of Ordinance #594 – 2012 International Existing Building Code:** A motion was made by Monahan, second by Olson-Duck to approve 1<sup>st</sup> Reading of Ordinance #594 – 2012 International Existing Building Code – all voted yes, motion carried.

**1<sup>st</sup> Reading of Ordinance #595 – 2012 International Property Maintenance Code:** A motion was made by Monahan, second by Leah Johnson to approve 1<sup>st</sup> Reading of Ordinance #595 – 2012 International Property Maintenance Code – all voted yes, motion carried.

**1<sup>st</sup> Reading of Ordinance #596 – 2012 International Building Code:** A motion was made by Olson-Duck, second by Nelson to approve 1<sup>st</sup> Reading of Ordinance #596 – 2012 International Building Code – all voted yes, motion carried.

**1<sup>st</sup> Reading of Ordinance #597 – 2012 International Residential Code:** A motion was made by Olson-Duck, second by Doyle Johnson to approve 1<sup>st</sup> Reading of Ordinance #597 – 2012 International Residential Code – all voted yes, motion carried.

**Old Business:**

**Sports Complex – Review of Draft Lease Agreement:** The lease agreement that City Attorney Nelson drafted for the planting of alfalfa on the east portion of the sports complex land was reviewed by the council. A motion was made by Monahan, second by Leah Johnson to approve the lease agreement and to put out for sealed bids but to include a change to the lease language to better define how the actual field yield will be verified – all voted yes, motion carried.

**City-Wide Curfew Hours:** Currently, the curfew for the city is 12am to 6am for anyone under 18 years of age. A motion was made by Olson-Duck, second by Leah Johnson to change the curfew for age 15 and under to 11pm to 6am to match the hours the park is closed – all voted yes, motion carried. A motion was made by Olson-Duck, second by Nelson to leave the current curfew of 12am to 6am for anyone age 16 to 17 and that current exceptions to the curfew will remain in place for all ages – all voted yes, motion carried.

**Bikes in Skate Park:** Currently the city does not allow bicycles in the skate park. Discussion was held on the pros and cons of changing this rule to allow bicycles. It is the consensus of the council to leave this rule in place and to not allow bicycles in the skate park.

**Billboard #5:** Scott Nelson addressed the council on behalf of the Hartford Area Chamber of Commerce. The use of billboard #5 by the Chamber had been previously approved by the council. At this time Nelson is requesting the use of city staff to install the vinyl, which was purchased by the Chamber, and for the city to rent a boom truck needed for the installation. A motion was made by Doyle Johnson, second by Yount to approve the use of city staff to install the vinyl to billboard #5 and to pay for the rental of a boom truck to complete such installation – Nelson abstained with all others voting yes, motion carried.

**Review Quotes on Council Shirts:** Quotes from American Sports and Checkered GrafX were reviewed. A motion was made by Doyle Johnson, second by Nelson to accept the quote from American Sports at \$31 per shirt – all voted yes, motion carried.

**New Business:**

**Community Building Update – Discussion of Location:** Committee Liaison Monahan brought the council up to date on the activities of the Community Building Committee. Monahan, along with Committee Liaison Leah Johnson and City Administrator Sidel have met to start the discussion on possible location sites for a new community building – whether existing city land could be used or new land be purchased. Monahan also informed the council about discussions that were held with the owners of the former Ten Pin Alley building. Options for the city to lease a portion of this building were discussed. Input was received from all council members and it is the consensus of the council to pass on any lease agreement at the former Ten Pin Alley building at this time.

**Reports:**

**Public Works Superintendent Report:**

**Streets** – Street patching will be done by the end of the week. Culvert replacement and maintenance work will be done yet this fall. Work on curbs and replacing sidewalks will happen over the next few weeks. Mosquito spraying continues as needed. Central Valley Golf Course would like to close a portion of 9<sup>th</sup> street for the State Golf Tournament. A motion was made by Nelson, second by Doyle Johnson to allow Central Valley Golf Course to shut down 9<sup>th</sup> St. on Oct 6<sup>th</sup> – 8<sup>th</sup> for the State Golf Tournament – all voted yes, motion carried.

**Water** – Annual stage 2 disinfection samples will be taken this week. Wagner and Hanisch attended the SDWWA conference this past week.

**Park and Pool** – Slab concrete work at the pool has been completed. Bike racks will be installed. Painting at the pool will be done yet this fall. Quotes received for the work that is needed to the ball field lights was discussed with the council. A motion was made by Monahan, second by Doyle Johnson to accept the quote for the repairs needed to the ball field lights from Travis Electric – all voted yes, motion carried. Wagner informed the council of a Sioux Falls resident that contacted him regarding some agri-lime that he wants to donate to the city. The council agreed that Wagner should follow up with this resident regarding this donation.

**Public Buildings:** Wagner is waiting on pricing on having the stucco repaired on the face of City Hall. Once this is done, it will be painted.

**City Engineer Report:** Nick Borns with Stockwell Engineers updated the city council on projects they are working on. In regards to the Diamond Trail extension from Western Ave to Ruud Lane, 8 bids were received earlier that day with the low bid coming from D&G Concrete Construction, Inc. A motion was made by Doyle Johnson, second by Monahan to authorize the City Engineer to award the bid for the construction of Diamond Trail from Western Ave to Ruud Lane on Oct 10, 2013 to D&G Concrete Construction, Inc. The authorization to the City Engineer to award the bid on Oct 10, 2013 is contingent upon the City obtaining ownership of the property upon which the road will be constructed in form and manner acceptable to the City - all voted yes, motion carried. Exhibits have been drafted and submitted to the state for the review process of Phase 3 & 4 of the bike trail. The notice to proceed with design work on this project is expected in early Oct. The micro surfacing project is complete and a request for final payment was presented. A motion was made by Monahan, second by Olson-Duck to approve final payment in the amount of \$72,721.08 to Intermountain Slurry Seal, Inc. – all voted yes, motion carried. Stockwells informed the council of the discussions held with the contractor regarding plans and pricing to dormant seed the playing fields at the sports complex site. Drainage issues at the sports complex site were discussed. Neighboring property owners have contacted the city with concerns regarding the current run off from the sports complex site onto their land. The plans that the city has to introduce alfalfa planting to this land will help with this run off. Discuss was held regarding other options that could be put in place to further help with this drainage issued. A motion was made by Monahan, second by Olson-Duck to have city staff install a berm and culvert at the southeast end of the sport complex site to help with run off onto neighboring properties and to notify neighboring property attorney, via letter, of the cities intentions to resolve the drainage problems – all voted yes, motion carried.

**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 Aug 31, 2013. Also included was a summary of funds available for each city committee and a highlight of bills to be paid. A listing of upcoming events and meetings was also provided to the council.

**City Administrator Report:** The final inspection of the work in regards to the Safe Routes to School Grant is scheduled for Sept 18<sup>th</sup>. Once this is complete, the city can apply for reimbursement of any costs. Sidel has met with the DOT in regards to the Hwy 38 bike trail. ADA issue will be corrected. Dredging and reseeded is complete on the Kelly Point Creek Project. Kelly Point Partners will now need for file paperwork with FEMA to ensure that all lots are removed from the flood plain.

### **City Council Reports**

**Ward 1:** Leah Johnson noted that the next Swimming Pool Committee meeting is Sept 24<sup>th</sup> and the first Jamboree meeting will be Oct 7<sup>th</sup>. Scott Yount reported that the Sport Complex Committee met on Sept 11<sup>th</sup>. Grants were the topic of discussion. The next meeting will be Oct 9<sup>th</sup>.

**Ward 2:** Mark Monahan reported that there was no Bike & Rec Trail Committee meeting in Sept. The next meeting will be Oct 8<sup>th</sup>. Doyle Johnson reported that he attended the Hometown Christmas Committee meeting on Sept 16<sup>th</sup>. The committee is looking into having a fireworks display for the event. The next meeting will be Sept 30<sup>th</sup>.

**Ward 3:** Gail Olson-Duck reported that she attended the Hometown Christmas Committee meeting on Sept 16<sup>th</sup>. The theme of this year's event will be "Candyland Christmas". A breakfast the morning of the event is being planned along with many activities to get everyone downtown. Scott Nelson said that the video promoting Hartford is just about done. In October it will be available for viewing on the HADC website. Nelson also gave a thank you

to Mark Monahan, Leah Johnson and Teresa Sidel for time spent and work done on the Community Building Committee.

**Adjournment:** A motion was made by Olson-Duck, second by Leah Johnson, to adjourn at 10:28 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