

## City Council Meeting – Regular Meeting March 1, 2022

Council President Arden Jones called the meeting to order at 7:00pm with the following city council members present: Mark Monahan, Mark Brenneman, LaVonne Randall, Travis Kuehl, and Mark O’Hara. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, Chamber & Economic Development Director Amy Farr, City Attorney Tom Frieberg, City Engineer Michael Redenbaugh and 9 people from the public.

### BUSINESS ITEMS:

- **Approve Agenda:** A motion was made by Kuehl, second by O’Hara to approve the agenda as set - all voted yes, motion carried.
- **Approval of the Minutes:** A motion was made by Kuehl, second by O’Hara to approve the meeting minutes from February 17, 2022 – Brenneman and Monahan abstained with all others voting yes, motion carried.

**PUBLIC COMMENTS:** None

### ORDINANCES, RESOLUTIONS, APPLICATIONS, AGREEMENTS AND HEARINGS:

- **2<sup>nd</sup> Reading of Ordinance #725, #726, #727, #728, #729 & #730 – 2021 International Building Codes:** Currently the City follows the 2018 International Building Codes (IBC). The draft ordinances presented will allow the City to adopt the 2021 IBC. These codes have been reviewed by Building Inspector Paul Clark and the Planning & Zoning Board, who is recommending adoption of the new codes. The following action was taken:
  - A motion was made by Kuehl, second by Brenneman to approve 2<sup>nd</sup> reading of Ordinance #725 2021 International Building Code – all voted yes, motion carried.
  - A motion was made by O’Hara, second by Brenneman to approve 2<sup>nd</sup> reading of Ordinance #726 2021 International Existing Building Code – all voted yes, motion carried.
  - A motion was made by Kuehl, second by Brenneman to approve 2<sup>nd</sup> reading of Ordinance #727 2021 International Property Maintenance Code – all voted yes, motion carried.
  - A motion was made by Kuehl, second by O’Hara to approve 2<sup>nd</sup> reading of Ordinance #728 2021 International Swimming Pool & Spa Code – all voted yes, motion carried.
  - A motion was made by Brenneman, second by Monahan to approve 2<sup>nd</sup> reading of Ordinance #729 2021 International Residential Building Code – all voted yes, motion carried.
  - A motion was made by Brenneman, second by Kuehl to approve 2<sup>nd</sup> reading of Ordinance #730 Adoption of Building Codes, Electrical Code, Mechanical Code, Fuel/Gas Code and Fire Code – all voted yes, motion carried.
- **Resolution 2022-2 Transfer Committed Funds to Mundt/6<sup>th</sup> Street Project:** Through the budget process the last few years, funds have been set aside for the upcoming Mundt/6<sup>th</sup> Street Project. There is 140k committed from the General Fund, 100k committed from the Water Fund, and 25k committed from the Sewer Fund. Resolution 2022-2 will transfer these commitments from each of those funds to the Mundt/6<sup>th</sup> Street Project Fund. A motion was made by Kuehl, second by O’Hara to approve Resolution 2022-2 to transfer committed funds to the Mundt/6<sup>th</sup> Street Project Fund – all voted yes, motion carried.
- **Special Event Permit – DHI Farmers Market:** Callie Tuschen, on behalf of Downtown Hartford, Inc., has submitted a special event permit application to hold a farmer’s market and artisan vendor event from 4-9pm on the first Thurs of each month running June 2<sup>nd</sup> through Sept 1<sup>st</sup> and also Thurs Sept 29<sup>th</sup>. They are requesting the closures of Main Ave from Modish to South Bar and 1<sup>st</sup> St from the intersection of 1<sup>st</sup> St & Main Ave to the alley east of Main Ave and to allow for the use of alcohol in this area during the event. A motion was made by Kuehl, second by Brenneman to approve the special event permit for the Hartford Downtown Market as presented – all voted yes, motion carried
- **Review/Approve Cannabis Dispensary Application for Dakota Cannabliss:** Lindsey Willers was present on behalf of Dakota Cannabliss. Last year Dakota Cannabliss applied for three different cannabis licenses - a dispensary, a cultivation & a manufacturing. At the Dec 21, 2021 meeting the cultivation & manufacturing licenses were approved but the dispensary license was put on hold until the proposed location of Lot 6 Block 7 of Western Meadows Addition be zoned correctly. State law requires dispensaries to be in a separate facility from any cultivation and manufacturing. The City’s zoning regulations require dispensaries be located in a zoning district of community commercial or central business while cultivation and manufacturing be located in light industrial. To address both of these requirements, the applicant platted the parcel into two lots – the cultivation and manufacturing facility would be located on the south half and the dispensary would be located on the north half. They also had the north half rezoned from light industrial to community commercial, therefore meeting all of the requirements. A motion was made by Brenneman, second by Monahan to approve the cannabis dispensary application for Dakota Cannabliss. Monahan explained to the applicant that he would be voting no, and that the no vote was not against them or their plans. Rather, the no vote is because he isn’t in favor of changing the zoning of

one lot within an industrial area to community commercial. The vote was taken with Monahan voting no and all others voting yes, motion carried.

## **REPORTS:**

- **Sheriff's Department Report:** Deputy Kardas was present to provide his report for the month of Feb, which had 203 calls for service for the month.
- **Chamber & Economic Development Report:** Amy Farr was present to provide her report. Chamber activities: the Mar 4<sup>th</sup> annual banquet should have a good turnout with 205 planning on attending; continues to plan breakfasts/luncheons/mixers; continues work on spring newsletter and several direct mailers; posts to social media/website as needed; has started preparations for the upcoming #DiscoverHartford campaign. HADF activities: continues to meet with landowners/developers; Envision2025 investor annual meeting set for Apr 7<sup>th</sup>; working with ISG on community development plan community meeting; held a groundbreaking ceremony for Hometown Budz on Feb 25<sup>th</sup>; scheduled upcoming tours at Humboldt Dairy Farm and Vanilla Bean with hopes of schedule with Amazon as well. Farr is requesting to attend two events this month: GOED Meet the State Conference in Pierre on Mar 22<sup>nd</sup>/23<sup>rd</sup> and Dakota Resource Network Housing Conference in Lemmon, SD Mar 29<sup>th</sup>/30<sup>th</sup>. There is no registration fee for either event but there will be lodging/meals/mileage expense. Farr indicated that up to \$400 for the GOED conference could be reimbursed. A motion was made by Monahan, second by Breneman to approve Farr's attendance at the GOED Meet the State Conference Mar 22<sup>nd</sup>/23<sup>rd</sup> – all voted yes motion carried. A motion was made by O'Hara, second by Kuehl to approve Farr's attendance at the Dakota Resource Network Housing Conference Mar 29<sup>th</sup>/30<sup>th</sup> – all voted yes, motion carried.
- **Engineer Report:** Michael Redenbaugh reported the following:
  - Development work is ongoing: Western Meadows, Knapp's Landing & Turtle Creek Highlands.
  - Contact has been made with Vance Peterson regarding the drainage issue. Peterson is working with a contractor to get the needed improvement done.
  - Engineers continue to update the community development plan based on input received. Another community engagement meeting is being planned.
  - Design plans for the 6<sup>th</sup> St/Mundt Ave project are complete. The bid opening date has been set for 10am Mar 10<sup>th</sup>. Redenbaugh indicated that 5 contractors have taken plans out.
- **Public Works Report:** Public Works Superintendent Wagner's report was provided.
  - Streets – Crews were out some last week when that light snow came through. They are sanding the intersections as needed. Wagner estimates that there will be enough salt sand to finish out the season. The new style street light head has been ordered. Once received and installed with no issues, Wanger will order the remaining needed to do all the lights along Hwy 38. Wagner continues to look for a truck. There will be an inspection of the tree drop site this week.
  - Water – There are around 8 meters left to change out. The goal is to be done with all of them by the next bill cycle the end of Mar.
  - Sewer – All reporting is done until late March. The last sample taken had high ammonia levels. Staff will take another sample when the ice comes off the lagoons.
  - Western Ave Sewer Extension – The contractor started the project Feb 14<sup>th</sup> and it is going well. If weather continues to cooperate, they should be done in a couple months.
  - Pool – New doors have been ordered and will be installed as soon as they arrive.
  - Sports Complex – Staff continues to spread ag-lime on the two new fields. American Fence continues to work on the fencing on those two fields as well.
  - Weather Siren – The new siren has been mounted. Once the frost is out of the ground, power will be installed.
- **Finance Officer Report:** City Finance Officer Wilber's report was provided to the Council. Items included a summary of revenues received in Feb along with an overview of the city's cash balances, revenues and expenses through Jan. The Mar calendar of events was also provided. The Board of Equalization meeting is set for 7pm Mar 22<sup>nd</sup> with the deadline for property owners to file an appeal being 5pm Mar 17<sup>th</sup>. Wilber attended a meeting last week hosted by the Director of Minnehaha County Equalization. He indicated that assessment values went up an average of 18.3% county wide and even more in the smaller cities out in the county. He stressed that assessment values are based on market values and with the way the market was this past year, that explains the increase people are experiencing this year. The deadline to submit a nominating petition for the City's election in April was Feb 25<sup>th</sup>. Three petitions were received. Since all were unopposed, the following will serve two-year terms: Travis Kuehl for Ward 1, Chris Woslager for Ward 2, and Cindy Matson for Ward 3. There were no petitions filed for the one-year term in each ward. Those seats will be filled by appointment. No election will be held. Now that we have the roll book for 2022, Wilber will start the process of updating the street maintenance fee spreadsheet. The City is now taking application for all of the summer positions. Applications and job descriptions for all positions can be found on the City's website or at City Hall.
- **City Administrator Report:** City Administrator Sidel's report was provided. The bike trail grant has been approved by the Federal Hwy Authority. Once the notice to proceed is received from the State, work can begin on the project. The Western Ave Sewer Project began on Feb 14<sup>th</sup> with no work being done last week due to the

weather. The contractor is hoping to be done in a couple months, well ahead of the July 29<sup>th</sup> deadline. Sidel will be attending a floodplain management class in Sioux Falls on Mar 17<sup>th</sup>. The City of Sioux Falls approved the City's request for landfill passes again this year. Once received, we will put notices out for the public that they are available. An annexation petition has been received on a parcel of land east of town along Hwy 38. This annexation will go before the Planning & Zoning Board on Mar 8<sup>th</sup> and then to the Council on Mar 15<sup>th</sup>. The City received a notice from the SD Public Utilities Commission regarding an application that was received from SCS Carbon Transport. They are proposing to place a carbon dioxide pipeline that will run through SD. The proposed pipeline will run between Hartford and Humboldt. It will not be in city limits or the City's growth area. Sidel plans to attend a meeting in Sioux Falls on Mar 23<sup>rd</sup> to get more information.

#### **OLD BUSINESS:**

- **Discussion of Engineering Services for future WWTF:** A timeline of events/actions that have happened to date on the future WWTF was provided. Discussion was held by the Council on this timeline and engineering services for the WWTF. Councilman Jones requested that ISG submit a contract for these services and that it be put on the next council meeting agenda.
- **Discuss Staff Vehicle for Building Inspector/Code Enforcer:** The City recently hired a new building inspector/code enforcer that is a shared position with the City of Lennox. This position will split their time between both communities, which will involve traveling back and forth to Lennox. Sidel has reached out to the City of Lennox. In an effort to help with the cost associated with purchasing an additional vehicle, they have agreed to reimburse the City for mileage associated with driving to, from, or within Lennox at the IRS mileage rate of .585/mile vs the State mileage rate of .42/mile. Further discussion was held on the type of vehicle to purchase and price point. There was also discussion on if the employee should be clocked in when driving a city vehicle from Hartford to Lennox instead of clocking in when he gets to Lennox. A motion was made by Brenneman, second by Kuehl to approve the purchase of a staff vehicle up to 20k – Monahan and Randall voted no with all others voting yes, motion carried.

#### **NEW BUSINESS:**

- **Review American Legion Request for Additional Flag Poles at Century Park:** Jerry Price with the American Legion is requesting to erect two more flag poles at Century Park. One to fly the Coast Guard flag and one for the Space Force flag. He is asking the City to purchase the poles and concrete needed to install them and the Legion will do the work on the granite at the site. Wagner estimates the cost of the poles/concrete to run no more than \$1,700. In 2015 Hartford resident Barb Thaler won the Power of Hope Award for \$1,000. She donated this money to the City. Half was used to purchase a lifeguard chair for the pool. Thaler would like the other half to be used towards this project. A motion was made by Brenneman, second by O'Hare to approve up to \$1,500 for the purchase and install of two new flag poles for Century Park – all voted yes, motion carried.
- **Park & Recreation Board Update & Recommendations:** Sidel gave a recap of the Park & Recreation Board's first meeting held Feb 28<sup>th</sup>. Officers were elected: Troy Larson – President, Josh Mulder – Vice President, and Gail Blocker – Secretary. They will hold meetings monthly on the 4<sup>th</sup> Monday of each month. They went over the budget and discussed projects. They made the decision to move forward with a dog park so that will be on the agenda for the next Council meeting. The engraved bricks for Turtle Creek Park that were previously handled by the Bike & Rec Trail Committee will now be handled through City Hall. Field scheduling has been done by Hartford Area Softball in the past. This group will continue to do it this year. This will be revisited next year. In addition to the five volunteer members that are on this board, the Mayor will appoint one City staff and one Councilmember to the board. This will be done in May after the new Council is in place.
- **Discuss Rebranding:** During the 2022 budget process the Council budgeted 50k for rebranding. During the planning of this summer's water tower painting project, the topic of the City's logo was discussed. If the logo is to be included on the tower, rebranding needs to be decided. It was the consensus of the Council that Sidel start this process by reaching out to some marketing companies for information.
- **Discuss/Appoint Mayor and City Council:** Mayor Menning submitted his resignation effective Feb 1, 2022. Since this time, Councilman Jones, as Council President, has been acting mayor. SD codified law states that the Council shall appoint an individual to complete Mayor Menning's term, which will end May 2023. It is the opinion of Councilman Kuehl that it makes the most sense that the council president transition to the roll of mayor. A motion was made by Kuehl, second by O'Hara to appoint Arden Jones to fill the vacancy in the mayor's position – Jones abstained with all others voting yes, motion carried. Arden Jones took his oath of office as Mayor. As a result of this appoint, there is now a vacancy in Mayor Jones' Ward 3 seat, which will end May 2022. SD codified law states that when a vacancy occurs on the board, the remaining members of the governing board shall appoint an individual to complete the remainder of the vacant position's term. Councilman Kuehl feels that Cindy Matson, who was unopposed for the 2yr Ward 3 seat that will start in May, would be a good option to fill this vacancy. A motion was made by Kuehl, second by O'Hara to appoint Cindy Matson to fill the vacancy in the Ward 3 position – all voted yes, motion carried.

**EXECUTIVE SESSION:** A motion was made Brenneman, second by O'Hara to enter executive session pursuant to SDCL 1-25-2(1) for personnel and SDCL 1-25-2(3) for legal at 8:59pm – 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

**EXECUTIVE SESSION:** A motion was made by O'Hara, second by Kuehl to exit executive session at 9:02pm – all voted yes, motion carried.

**ADJOURNMENT:** . A motion was made by O'Hara, second by Kuehl to adjourn at 9:03pm – 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.

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Teresa Sidel, City Administrator