

## City Council Meeting – Regular Meeting March 17, 2020

Mayor Jeremy Menning called the meeting to order at 7:00pm at Hartford City Hall with the following city council members present: Mark Monahan, Mark Brenneman, Arden Jones, Travis Kuehl, Brittany Glanzer and Scott Nelson. Also present were City Administrator Teresa Sidel, City Finance Officer Karen Wilber, Public Works Superintendent Craig Wagner, Chamber & Economic Development Director Jesse Fonkert, City Engineer Mitch Mergen and approximately twelve people from the public.

### BUSINESS ITEMS:

- **Approve Agenda:** A motion was made by Jones, second by Brenneman to approve the agenda as set - all voted yes, motion carried.
- **Approval of the Minutes:** A motion was made by Kuehl, second by Jones to approve the meeting minutes from March 3, 2020 – all voted yes, motion carried.
- **Approval of the Bills:** A motion was made by Kuehl, second by Brenneman to approve the bills submitted for payment – all voted yes, motion carried.

**PUBLIC COMMENTS:** Gabby Hoing, with the Hartford Area Chamber of Commerce (HACC), was present to address the council about the transition to the new Chamber & Economic Development Director. Fonkert's last day in this roll will be Mar 27<sup>th</sup>. Hoing is concerned that duties Fonkert currently does for the HACC will not get done in the interim of the new director being hired. She proposed that, during the transition, city funds be allocated to outsource some of the items Fonkert did such as the quarterly newsletter, marketing, advertising and social media. Mayor Menning indicated that they have started reviewing applicants for the position and expect to be conducting interview in the coming weeks. Since this is not an agenda item, no action can be taken. Hoing will present a proposal at a future meeting.

**VISITORS:** Al Doeve, with NCDS, was present to provide the council an update on the HADF's Hartford Envision 2024 campaign.

### ORDINANCES, RESOLUTIONS, APPLICATIONS AND HEARINGS:

- **7:05 Hearing of Resolution 2020-4 – Vacate S Portion of Alley, Block 8 Drakes Addition:** The City has received a signed vacate petition to vacate the south 161.54 ft of the 15 ft wide alley running north/south between E 1<sup>st</sup> St and E Railroad St in Block 8 of Drakes Addition. This would be the portion of alley that runs between the property of Sioux Valley Energy and Golden West. There are existing utility easements on the property. The Planning & Zoning Board has reviewed this application and is recommending approval with the condition that all existing easements remain in place. A motion was made by Nelson, second by Jones to approve Resolution 2020-4 to vacate the south 161.54 ft of the 15 ft wide alley running north/south between E 1<sup>st</sup> St and E Railroad St in Block 8 of Drakes Addition and leaving all existing easements in place – Kuehl abstained, Monahan voted no and all others voting yes, motion carried.
- **7:10 Hearing of Resolution 2020-5 – Vacate ROW for “Old” Mickelson Road:** The City has received a signed vacate petition to vacate a portion of the “old” Mickelson Road ROW that will no longer be used with the construction of the new road. It would be the section of the old road starting at Hwy 38 and to the west about 413 ft. There is an existing utility easement on the property. The Planning & Zoning Board has reviewed this application and is recommending approval with the condition that the existing easement remains in place. A motion was made by Nelson, second by Brenneman to approve Resolution 2020-5 to vacate a strip of statutory right-of-way in the N1/2, NW1/4 of Section 26 and the S1/2, SW1/4 of Section 23, Township 102N, Range 51W in Minnehaha County and leaving all existing easements in place – all voted yes, motion carried.
- **2<sup>nd</sup> Reading of Ordinance #684:** Jarding Development has applied to rezone a parcel of land located on the NW corner of Mickelson Rd & Colton Rd. When this land was annexed into the City it was zoned as community commercial. The developer would now like to develop 3 single family dwelling lots. A motion was made by Jones, second by Nelson to approve 2<sup>nd</sup> Reading of Ordinance #684 to rezone Parcel #15988 from community commercial to residential – all voted yes, motion carried.
- **Resolution 2020-3 – Agreement between City of Hartford & Hartford Area Development Corporation (HADC):** Resolution 2020-3 acknowledges the City's support of the HADC and the pursuit of economic development initiatives. This resolution also acknowledges the City's endorsement of the Envision Hartford 2024 campaign, including both organizational and fiduciary responsibilities. A motion was made by Jones, second by Brenneman to approve Resolution 2020-3 – Kuehl abstained, Monahan voted no and all others voting yes, motion carried.

- **Update to Sidewalk Policy P2014-1A:** The City currently has a policy in place for Sidewalk Inspections. Inspections are done a three-year rotation, inspecting one of the three wards each year. The City will identify sidewalks that are defective, and a courtesy letter will be sent to the property owner. This policy was updated to add the following as a criteria for defect: if the sidewalk has vegetation growth or debris on over 50% of any panel. A motion was made by Brenneman, second by Jones to approve updated Sidewalk Policy P2014-1A – all voted yes, motion carried.
- **1<sup>st</sup> Reading of Ordinance #685 – Amend Chapter 3.01 Nuisances:** Ordinance #685 would amend Chapter 3.01 - Nuisances to include blowing/throwing grass in city streets and burning leaves to the list of nuisances. It was also amended to include an annual fine to individuals in violation of not mowing or maintaining noxious weeds on undeveloped areas within the city. Proposed verbiage states an annual fine of \$250 for the first offence and \$500 for the second offence. It was the consensus of the council that the fine should be per occurrence rather than annually. There was also an interest expressed in obtaining information as to what other communities do in regard to this. Revisions will be made, and it will be presented at a later meeting.
- **Special Event Request – National Honor Society Miles for Murphy 5K Run/Walk:** The WC High School National Honor Society has submitted special event application to hold a 5k run in honor of counselor Kier Murphy. The 5k would require the use of City streets. A map of the route was provided. The group is requesting the use of paint to mark the street and that the \$5 application fee be waive. A motion was made by Nelson, second by Glanzer to approve special event permit to hold 5k race on city streets on Apr 4, 2020 from 8am to 10am with City to provided paint to mark the streets and the application fee to be waived – all voted yes, motion carried.
- **Review Plat for Lot 1 of Haines Addition:** Wyatt Haines was present to address the council. Mr. Haines is platting a portion of his land that is located outside of Hartford city limits but within our platting jurisdiction with Minnehaha County. The plat has come before the council for approval. The City’s Subdivision Regulation require that before approval can be granted on a plat within the platting jurisdiction, a pre-annexation agreement must be signed by the landowner. Mr. Haines is requesting that the city waive the requirement of the pre-annexation agreement. He purchased this property in April 2018 before this regulation was put in place. They are making a substantial long-term infrastructure investment, such as water and septic, on this property. Their fear is that years down the road they may be required to spend even more money to hook on to city services when the infrastructure they have is servicing their needs adequately. This plat did go before the Planning & Zoning Board and they recommended approval the plat with the requirement of the pre-annexation agreement. A motion was made by Monahan, second by Nelson to approve the plat for Lot 1 of Haines Addition and to waive the requirement of the signed pre-annexation agreement – Jones & Kuehl voted no with all others voting yes, motion carried.

## **REPORTS:**

- **Fire Department Report:** Fire Chief Bryon Shumaker was present to give a department update to the council. Shumaker reported that Feb had 28 total calls with 19 in city limits. An update was given on the various trainings that were held for fire and EMS services. Shumaker has participated in meeting regarding COVID-19 and steps responders need to take to stay safe.
- **Chamber & Economic Development Director Report:** Director Jesse Fonkert’s report, recapping activities for both the Chamber and HADF, was provided to the council. Highlights: #DiscoverHartford campaign is planned for Apr 27-May 2, Chamber Executive Committee has met to discuss planning for director vacancy, Chamber annual banquet was successful with nearly 200 in attendance, work continues on Envision Hartford 2024, HADF continues to work on several active prospective projects, HADF 2020 board members include President Justin Eich, Vice-President Lyle Howey, Secretary Dave Larson, Treasurer Blair Bathke, Travis Kuehl, Keith Mattiesen, Jake Droge, Merlin Goebel & Eric Bartmann.
- **Engineer Report:** Mitch Mergen’s report was provided to the council.
  - Ruud/Opal Lane Intersection Improvements** – Survey work is complete and design work is underway. Once complete, plans will be presented to City staff for review.
  - 9<sup>th</sup> Street Improvements** – A preconstruction meeting will be schedule in the coming weeks.
  - Industrial Park Sanitary Sewer Extension** – Bid documents are now complete and engineers are requesting approval to advertise the project for bid. Awarding of any bid would be contingent on acquiring final easement documents. A motion was made by Nelson, second by Monahan to advertise the Industrial Park Sanitary Sewer Extension project for bid. Further discussion was held on the timeframe of awarding the bid and funding source for the project. Nelson called the vote. All voted yes, motion carried.
  - Swenson Park Restroom Building** – Cost estimates and drawings are complete and have been provided to City staff.

- **Public Works Report:** Public Works Superintendent Wagner's report was provided to the council.  
Streets – The maintainer has been taken to RDO for what seems to be a fuel pump repair. Staff will be working on street sign installs in the coming weeks. The street sweeper has been serviced and is ready to go out this week. Staff has been hauling crushed concrete and gravel to replenish stockpiles for upcoming season. The speed trailer has been set out at various locations.  
Water – Five hundred additional meter have been ordered. Now that water samples have been taken, quarterly reporting will be done.  
Sewer – Monthly reporting has been done. Samples are scheduled to be taken in the spring.  
Park – Shelter sinks have been installed. Staff will be cleaning restrooms in coming week to prep for opening. New picnic tables & bleachers have been assembled. The new scoreboards have been installed.
- **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 Feb 29<sup>th</sup> and a recap of bills submitted for payment. The City's Equalization Board meeting will be Mar 18<sup>th</sup> at 7pm. There will be an election for Ward 3. A drawing was held to determine name placement on the ballot. LaVonne Randall will be listed first with Gail Olson-Duck second. The deadline to register to vote in the upcoming election is Mar 30<sup>th</sup>. With the COVID-19 outbreak, the City is urging voters to vote via absentee ballot, which will be made available this week. The calendar of events was also provided.
- **City Administrator Report:** City Administrator Sidel's report was provided to the council. Sidel gave an update on which employment positions have been filled and which ones are still open. The City of Sioux Falls has approved our application for landfill passes. They will be made available to residents starting Apr 1<sup>st</sup>. The FEMA grants for the generators and storm shelter building have been submitted. Sidel provided an update on what measures the city is taking to keep staff and the public safe during the COVID-19 pandemic. The SD Assoc of Code Enforcement is holding a training conference on May 13<sup>th</sup>-14<sup>th</sup>. Sidel request approval for Bryan Voth to attend. A motion was made by Monahan, second by Jones for Bryan Voth to attend the SD Assoc of Code Enforcement conference in Fort Pierre May 13<sup>th</sup>-14<sup>th</sup> – all voted yes, motion carried.

#### **OLD BUSINESS:**

- **Review/Approve Consent & Indemnification Agreement with Hartford Area Softball Assoc (HASA):** At the Feb 4<sup>th</sup> council meeting it was proposed that HASA board members, upon signing a waiver and providing insurance coverage, be able to operate the city's equipment to drag the ball field during weekend tournaments. A Consent and Indemnification Agreement was provided to the council for their review. This agreement, between the City and HASA, allows HASA board member to operate city equipment provided they are adults, ensure that no keys are duplicated, would be responsible for any damages and provide insurance. The agreement also includes a hold harmless clause. Kuehl request that HASA provide a current list of board members that would utilize the equipment. A motion was made by Jones, second by Brenneman to approve the Consent and Indemnification Agreement contingent on receiving a list of HASA board member that would be operating the equipment – all voted yes, motion carried.
- **Review DENR Brownsfield Asbestos Assessment Lot 6, Block 4 Hartford City Proper:** Recently the council approved the purchase of Lots 1-8, Block 4 Hartford City Proper provided all environmental studies/testing and title insurance came back good. During the review process, it was determined that there are minor traces of asbestos in the floor tile of the small building located on Lot 6. This material will need to be disposed of property, which will be an additional expense for the city. A motion was made by Kuehl, second by Brenneman to move forward with the purchase of Lot 1-8, Block 4 Hartford City Proper and authorize Mayor Menning to sign closing documents – Monahan voted no with all others voting yes, motion carried.

#### **NEW BUSINESS:**

- **Sports Complex Committee Request to Fund Sidewalk Project at Sports Complex:** Matt Evens with Hartford Area Sports and Rec (HASR) was present to request committee funds to put in a sidewalk at the Sports Complex. The sidewalk will go from the parking lot to a concrete pad area near the dugouts. The group feels this needs to be done sooner rather than later with the increase use at the Sports Complex. This will provide a safe and effective way for visitors, especially older or handicap individuals, to be able to get to the fields and enjoy the events. A motion was made by Brenneman, second by Kuehl to allocate up to \$15,000 out of the Sports Complex Committee fund to install a sidewalk at the Sports Complex – all voted yes, motion carried.
- **Review Tax Abatement Request on Parcel #58489:** State law allows property tax abatements for qualifying seniors and disabled veterans. The Minnehaha County Auditor has received an abatement request from a disabled veteran on a parcel of land that is located within Hartford city limits. This request needs to be approved by the governing board. A motion was made by Monahan, second by Jones to approve the property tax abatement request submitted on Parcel #58489 – all voted yes, motion carried.

**CORRESPONDENCE:** None

**EXECUTIVE SESSION:** A motion was made Brenneman, second by Jones to enter executive session pursuant to SDCL 1-25-2(1) for personnel, SDCL 1-25-2(3) for legal and SDCL 9-34-19 for economic development at 8:47pm – 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 Glanzer, second by Kuehl to exit executive session at 9:50pm – all voted yes, motion carried.

A motion was made by Jones, second by Glanzer to offer the full-time public works assistant position to candidate A at \$17.50 per hour – all voted yes, motion carried.

**ADJOURNMENT:** A motion was made by Jones, second by Monahan to adjourn at 9:51pm – 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