

Hartford City Council Meeting – Regular Meeting May 2, 2023

Mayor Arden Jones called the meeting to order at 7:00pm with the following city council members present: Chris Woslager, Cindy Matson, Mark Brenneman, Travis Kuehl, and Mark O’Hara. Jake Jass 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 Amy Farr, City Attorney Tom Frieberg, City Engineer Justin Heim and 25 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 O’Hara, second by Matson to approve the meeting minutes from April 18, 2023 – all voted yes, motion carried.

PUBLIC COMMENTS: None

OLD BUSINESS:

- **2nd Reading of Ordinance #741 Amending Section 8.0110 Extension of Water/Sewer Services:** Section 8.0110 of the City’s Municipal Ordinance currently states that the city may serve water or sewer customers outside the municipal corporate limits solely at the discretion of the council. The City Attorney is suggesting that verbiage be added that would require anyone seeking service that is outside of city limits to sign a pre-annexation agreement. Verbiage was also added that would exclude this requirement from a municipality that is entering into an agreement with the City for waste water treatment services. A motion was made by Kuehl, second by Woslager to approve 2nd reading of Ordinance #741 amending Section 8.0110 Extension of Water/Sewer Services as presented – all voted yes, motion carried.
- **Oath of Office:** Mayor Arden Jones, who ran unopposed for the 2-year term for mayor, took his oath of office. Shaun Boen, newly elected Ward 2 representative, took his oath of office for his 2-year term.
- **Certificate of Appreciation:** Mayor Jones presented outgoing Ward 2 representative Mark O’Hara with a certificate of appreciation and thanked him for his years of service to the City of Hartford.

ADJOURN AS OLD COUNCIL: A motion was made by Kuehl, second by Woslager to adjourn as the old council at 7:06pm – all voted yes, motion carried.

RECONVENE AS NEW COUNCIL: Mayor Arden Jones called the meeting to order at 7:07pm with the following city council members present: Chris Woslager, Cindy Matson, Travis Kuehl, and Shaun Boen. Jake Jass was absent with notice.

BUSINESS ITEMS:

- **Council Appointment:** Since no petitions were received for the two-year term in Ward 1, Mayor Jones recommended the appointment of Mark Brenneman for a one-year term. A motion was made by Kuehl, second by Matson to approve the appointment of Mark Brenneman to the Ward 1 one-year term – all voted yes, motion carried.
- **Oath of Office:** Newly appointed Ward 1 representative Mark Brenneman took his oath of office.

ORDINANCES, RESOLUTIONS, APPLICATIONS, AGREEMENTS AND HEARINGS:

- **7:05 Public Hearing for Resolution 2023-6 Annexation Petition for Parcel #16106:** Picket Fence Investments, LLC has submitted an annexation petition for Parcel #16106, which is approximately 12.61 acres and sits to the west of the Maple Pass Development. This petition was reviewed by the Planning & Zoning Board at their April 25, 2023 meeting and they are recommending approval of this annexation. A motion was made by Matson, second by Brenneman to approve Resolution 2023-6 to annex Parcel #16106 into city limits – all voted yes, motion carried.
- **7:10 Public Hearing for Appeal of Conditional Use Permit for Temporary Asphalt Plant on Parcel #16015:** The City has received a conditional use application from Bituminous Paving, Inc. to erect a temporary asphalt plant on Parcel #16015. This application was reviewed by the Planning and Zoning board at their March 28, 2023 meeting and again at their April 11, 2023 meeting, at which time they denied the application. The Hartford Heights neighborhood, which is not in city limits, sits to the north of this parcel. Several residents from this area addressed the Council in opposition of this asphalt plant. Some of their concerns included the proposed plant’s smell, smoke, emissions causing poor air quality, and increase in traffic in the area, among others. When this application was being reviewed by the Planning & Zoning board, the board had discussed adding several conditions to the conditional use permit, if approved, such as hours/days of operation, proper safety signage, truck traffic tracking control measures, requiring an air quality permit, among others. It was noted that this property is zoned Heavy Industrial with an asphalt plant being an allowed use upon obtaining a conditional use permit. In

addition, when this parcel was annexed into city limits in June 2020, the City entered into an annexation agreement with the property owner that allows an asphalt production plant upon this property. Based on the zoning of the property and the current agreement in place, denial of this permit could open the City up to legal issues. A motion was made by Matson, second by Brenneman to approve the conditional use permit for Bituminous Paving, Inc to erect a temporary asphalt plant on Parcel #16015 with the following conditions:

1. If one (1) or more acre of area is disturbed, the application is required to obtain a General Permit from the Department of Agriculture and Natural Resources.
2. Conditional use shall operate in the southwest corner of the property as verbalized by the application and shown on the staff map.
3. The hours of operation shall be limited from 6am to 8pm, Monday through Saturday – no Sunday operations.
4. All temporary lighting must be positioned and directed away from residential dwellings of SD Highway 38.
5. The temporary asphalt plant shall be removed from the site by December 31, 2023.
6. If there is any truck traffic onto Highway 38, tracking control measures must be put in place with a properly maintained tracking station.
7. Proper safety signage needs to be put into place.
8. All loading and unloading shall be on site.
9. A state Air Quality Permit must be obtained that is specific to this site.

- all voted yes, motion carried.

REPORTS:

- **Sheriff's Department Report:** Deputy Kardas was present to provide his report for the month of April. There were 256 calls for service for the month. With the construction on I-90, traffic is being detoured on Hwy 38 through town. Kardas has not yet seen an uptick in speeding or other issues as a result of this detour.
 - **Chamber & Economic Development Report:** CEDD Amy Farr provided her report. The Events Committee continues to plan for this year's Hartford Block Party and the annual golf tournament. Discover Hartford week started on Monday. Farr & Stacy Wengler were on the Bill Zortman Radio Show Monday morning promoting the Discover Hartford event. Farr recently attended both the Heartland Economic Development Course and the GOED Conference. She provided the Council a review of both of the events.
 - **Engineer Report:** Justin Heim reported the following:
 - Engineers and staff have met with members of the WC School District on the grade school expansion project. Issues with parking are being addressed.
 - A walk through of the 6th St/Mundt Ave project has been done. The contractor is working on the remaining punch list items.
 - While the bike trail plans are being reviewed by FEMA to ensure compliance with the floodplain model, Engineers move forward with the design of the retaining walls and geotechnical exploration. Once these designs are complete, the project will be bid. Construction cannot commence until approval is received from FEMA and the completion deadline for the project is Dec 31, 2023.
 - During the state's review of the WRRF plans, specs, and CMAR process it was discovered that the CMAR pre-solicitation process was not adequately advertised. Even though this information was included in the RFP, a pre-solicitation advertisement needs to be published prior to advertising for the RFP. The state has directed the City to re-advertise for the CMAR and go through the selection process again to ensure compliance. At this time, the previous action by the Council to hire Rice Lake as the CMAR for the project will have to be rescinded. The City can then move forward with the proper publications and interview/selection process for the CMAR again. The following motions were made:
 - A motion was made by Kuehl, second by Matson to rescind the City's Oct 18, 2022 motion to hire Rice Lake as the CMAR for the City's waste water treatment facility project – all voted yes, motion carried.
 - A motion was made by Matson, second by Woslager to republish the RFP for the CMAR for the City's waster water treatment facility project to include the required statutory requirement for the publication – all voted yes, motion carried.
 - A motion was made by Boen, second by Matson to approve the following criteria for the CMAR selection process for the RFP:
 - 1.) Experience, qualifications, and availability of proposed team leaders
 - 2.) Broader team structure
 - 3.) History of project team working together
 - 4.) Technical work process
 - 5.) Proposal, interview, and response
 - 6.) General conditions and fee
- all voted yes, motion carried.

- **Public Works Report:** Public Works Superintendent Wagner provided his report.
 - Streets – The sweeper was out last week and is scheduled to be out again next week. Wagner received a quote from Bumblebee Gibson for mag water. The price quoted is \$1.80/gal, which is \$.20 higher than last year. During the 2023 budget process, funds in the amount of 30k were budgeted for mag water. A motion was made by Brenneman, second by Matson to approve the quote for mag water from Bumblebee Gibson at \$1.80/gal – all voted yes, motion carried. Wagner received a quote from Highway Improvement, Inc. for this season’s crack sealing (\$.90/lf), mastic (\$1.35/lb), and sealcoat of the bike trail (\$1.30/sy). Prices are slightly higher than last year. During the 2023 budget process, funds were budgeted as follows: 30k crack sealing; 5k mastic; 14k sealcoat bike trail. A motion was made by Matson, second by Woslager to approve Highway Improvement, Inc. quote of \$.90/lf for crack sealing, \$1.35/lb for mastic, and \$1.30/sy for sealcoating the bike trail – all voted yes, motion carried. There is a preconstruction meeting scheduled for May 16th for this year’s slurry seal project. Wagner and Mike Smith reviewed boulevard trees last week. There will be a number of trees along Mickelson Rd that will be replaced due to damage by rabbits over the winter. Planting is scheduled for the coming week.
 - Water – Next reporting due July 10th.
 - Sewer – Reporting for April is done. We had one violation for our March discharge as our ammonia 30-day average was too high. Wagner has been in contact with DANR so they are aware. The contractor on last year’s sewer extension project has until May 15th to complete all punch list items.
 - Parks – Work in both restrooms is now finished and they are open for the season. The ball fields at Lyon’s Park are now open. The new slide for the playground is in and will be installed once the ground is firm.
 - Sports Complex: The soccer and ball fields are open for the season.
 - Public Buildings – Staff has finished their portion of the renovations at the Gage House. Remaining items include electrical and HVAC.
- **Finance Officer Report:** City Finance Officer Wilber’s report was provided. Items included a summary of revenues received in Apr along with an overview of the city’s cash balances, revenues and expenses through Mar. The May calendar of events was provided as well. The Council’s payroll has been processed with direct deposits scheduled for May 2nd. Wilber requested approval to attend the SDML Finance Officer School that will be held June 7th/9th in Pierre. Registration is \$75 and rooms will run \$159/night. A motion was made by Woslager, second by Matson to approve Wilber’s attendance at the SDML FO School in Pierre June 7th/9th – all voted yes, motion carried.
- **City Administrator Report:** City Administrator Sidel provided her report. The bike trail project is being reviewed by FEMA for floodplain compliance. One of FEMA’s requirements is that a letter be sent to adjoining property owners to notify them of the work in the floodplain. Sidel has sent this letter along with a letter explaining the project. The City applied for an SRF loan for the Hwy 38 Water Main Extension project. This application is currently under review. Design work on plans for both the Western Ave expansion project and WRRF is ongoing. The contractor on the Western Ave Sewer project has been given a deadline of May 15th to get all remaining punch list items done. A hire update on summer positions was provided. Design of the City’s new website is ongoing. The new welcome billboard is tentatively scheduled to be set in the next couple weeks. A thank you to Sioux Valley Energy who has donated the poles and the labor to place them. The next Pre-Disaster Mitigation Plan meeting is scheduled for May 18th, which Sidel plans to attend. The building permit for the WC Elementary School expansion project has been issued. A reminder was given that the new hours at city hall started this week. Over the next couple meetings, more funding options for the WRRF will be discussed.

NEW BUSINESS:

- **Election of Council President:** A motion was made by Brenneman, second by Matson to nominate Travis Kuehl as council president. A motion was made by Matson, second by Boen to cease nominations and unanimous elect Travis Kuehl as council president – Kuehl abstained with all others voting yes, motion carried.
- **Election of Council Vice President:** A motion was made by Kuehl, second by Woslager to nominate Mark Brenneman as council vice president. A motion was made by Matson, second by Boen to cease nominations and unanimous elect Mark Brenneman as council vice president – Brenneman abstained with all others voting yes, motion carried.
- **Mayoral Appointments – Official Newspaper, Official Health Care Facility, Official Depositories:** Mayor Jones appointed the official newspaper as the Minnehaha Messenger. A motion was made by Kuehl, second by Matson, to approve the Mayor’s appointments of the Minnehaha Messenger as the official newspaper – all voted yes, motion carried. Mayor Jones appointed the official health care facility as Sanford Clinic. A motion was made by Kuehl, second by Woslager, to approve the Mayor’s appointments of the Sandford Clinic as the official health care facility – Matson abstained with all others voting yes, motion carried. Mayor Jones appointed the official depositories as First Interstate Bank, Reliabank and USBank. A motion was made by Matson, second by Boen, to approve the Mayor’s appointments of First Interstate Bank, Reliabank and USBank as the official depositories – all voted yes, motion carried.
- **Update on Summit Carbon Solutions Pipeline:** At the May 2nd Minnehaha County Commission meeting, an ordinance was introduced that would set some regulations for pipelines running through the county. The portion of the regulations that would affect Hartford in regard to the SCS pipeline is the separation criteria. The county is

recommending a minimum separation of $\frac{3}{4}$ of a mile from any hazardous pipeline to a municipal boundary. If enacted, this would affect the pipeline's proposed route along a sections of Hartford's western boundary. There will be a public hearing on May 23rd, which Sidel is planning to attend. Mayor Jones also commented that SCS has started the eminent domain process in some northern counties along the route.

- **Review/Approve Tax Abatement for Parcel #84076 & Parcel #23685:** State law allows eligible elderly property owners to apply for an elderly tax freeze. If approved, their property tax assessment will not increase therefore allowing them property tax relief. The Minnehaha County Auditor has received an elderly tax freeze request on two parcels of land that are located within Hartford city limits. These requests need to be approved by the governing board. A motion was made by Kuehl, second by Woslager to approve the elderly tax freeze abatement on Parcel #84076 & Parcel #23685 – all voted yes, motion carried.

EXECUTIVE SESSION: A motion was made by Kuehl, second by Matson to enter executive session pursuant to SDCL 1-25-2(1) for personnel, and SDCL 9-34-19 for economic development at 8:28pm – 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 Kuehl, second by Matson to exit executive session at 8:39pm – all voted yes, motion carried.

ADJOURNMENT: . A motion was made by Matson, second by Woslager to adjourn at 8:40pm – 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