

June 13, 2016 Minutes

The Howard City Council met in regular session on Monday, June 13th at 7:00 pm in the Council Chambers. Mayor Andrew Dold presided with Aldermen Jean Thompson, Greg Dufault, Mark Karstens and Ryan Spader. Bernard Feldhaus and Mary Leary were absent. City Attorney David Jencks came at 7:30 pm.

Sewer Project

Camden Hofer from SPN, Gerald Adler, Greg Gross and Chad Podhradsky were present to discuss the progress of the cleaning and camering of the sewer lines. A pay request was submitted for \$29,055.25 to be paid to Empire Pipe Services. Spader moved, Thompson seconded and carried to approve the pay request. The need of heavy cleaning was necessary so a change order of \$24,993.60 with an extension date of 6/14/16 will be submitted after SPN reviews. Dufault moved, Spader seconded and carried to approve the change order.

Board of Zoning

Dufault moved, Spader seconded and carried to convene as the Planning and Zoning Commission.

An annexation hearing was held to hear pros and cons of the petition to annex into the City Outlot A in the Plat of Greenleaf 2nd Addition in NW 1.4 of section 11, T106N, R56W of the 5th P.M., Miner County, South Dakota. Spader moved, Thompson seconded and carried to recommend approval of annexation.

A variance hearing was carried over from the last meeting to consider an application from Tony Stuhr. Tony withdrew his application for a variance and will meet all specifications of a building permit instead.

A plat map was submitted by Director of Equalization Tami Severson for Continental Real Estate Services. They are requesting to plat the two lots of Westside Apartments separately. Karstens moved, Dufault seconded and carried to recommend approval of the plat map.

see attached*

RESOLUTION #1303

WHEREAS, it appears that the City Planning Commission of the City of Howard, South Dakota did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 13th day of June 2016; and

THEREFORE, be it resolved by the City Commission of Howard, South Dakota, that the plat of LOT A1 AND LOT B1 OF PENCE ADDITION TO THE CITY OF HOWARD AND VACATES A PORTION OF LOT 1 OF PENCE ADDITION TO THE CITY OF HOWARD, having been examined is approved in accordance with the provisions of SDCL of 1967, chapter 11-6, and any amendments thereof.

I, Andrew Dold, of the City Commission for the City of Howard, SD do hereby certify that the foregoing resolution was passed by the City Commission of Howard, SD at a meeting thereof held on the 13th day of June 2016.

Thompson moved, Karstens seconded and carried to return to regular session. Meeting as the City Council, Karstens moved, Dufault seconded and carried to approve the recommendation to annex into the City property by passing Resolution #1302.
see attached*

RESOLUTION #1302

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF HOWARD BY ANNEXING THE WITHIN DESCRIBED TERRITORY AND SETTING FORTH THE SCHEDULE AND COSTS PROVIDING SERVICE THERETO

WHEREAS, the City Council of the City of Howard has received a series of written petitions from the voters and landowners of the territory hereinafter described requesting an annexation to the municipality of the City of Howard; and

WHEREAS, the petitions are signed by not less than 3/4ths of the registered voters and by the owners of not less than 3/4ths of a value of the territory seeking annexation; and

WHEREAS, the territory seeking annexation is contiguous with the City of Howard;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOWARD, SOUTH DAKOTA:

That the City of Howard hereby annexes the following described territory:

Outlot A in the Plat of Greenleaf 2nd Addition in the NW 1.4 of section 11, T106N, R56W of the 5th P.M., Miner County, South Dakota.

BE IT FURTHER RESOLVED THAT THE CITY COMMISSION OF THE CITY OF HOWARD, SOUTH DAKOTA DETERMINES:

I.

That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, considered in terms of the boundary extension.

II.

The following is a definite timetable upon which municipal services will be extended into said territory:

TIMETABLE

1. GENERAL SERVICES - All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.
2. POLICE - All services provided by the Howard Police Department will be extended to the annexed area on the same basis such services are provided to the rest of the City. Police services will be provided by existing personnel with no anticipation of hiring of additional personnel in the department solely due to the annexation of this territory.
3. FIRE - Until completion of new water mains, fire protection will be provided upon the same basis as currently provided to other areas of town where water mains do not exist. Upon completion of the new water mains and fire hydrants all services provided by the Howard Fire Department will be extended to the annexed area. Fire services will be provided by the existing volunteer fire department under the auspicious authority of the City of Howard.
4. WATER SERVICE - Water service, substantially equivalent in standard and scope to such service provided to the rest of the City will be made available to the annexed area, on the following basis:

(a) Water main extension will be constructed by developers as future development takes place or by private parties constructing such extensions after notice and approval by the City in compliance with the City standards, or by the City under a resolution of necessity therefore.

5. SEWER SERVICE - Sewer service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area on the following basis:

(a) Sewer system extension will be constructed by the developers as future development takes place, by private parties constructing such extensions after notice and approval by the City in compliance with the City standards, or by the City under a resolution of necessity therefore.

6. ELECTRICITY - Electrical service, substantially equivalent in standard and scope to such services provided to the City made available to the annexed area on the following basis:

(a) Those customers presently being served by Central Electric will continue to be served by Central s until conversion to the City system.

(b) After conversion or an election to City services, those customers shall be served with same service and at same rate as the balance of the City.

7. STREETS - Street maintenance, sweeping, snow removal and roadside mowing shall be provided for existing public streets within the annexed area on the same basis as such services are provided to the rest of the City.

(a) Improvement of roads, lighting and sidewalk shall be done on the same basis and criteria as similar improvements within the City. Depending on the project, residents within the territory may be required to participate by special assessment on share basis as other impacted areas of the City.

(b) In order for some improvements to be made it may be necessary for residents to grant roadway right of way and/or easements.

(c) Street lighting generally is not provided on gravel or unimproved streets. Street lighting will be provided in accordance with criteria generally employed throughout the City and with due consideration of the wishes of the residents.

8. SOLID WASTE COLLECTION AND DISPOSAL - Collection of solid waste and disposal, substantially equivalent in standard, scope and cost as such services is provided to the balance of the City.

9. PARKS AND RECREATION - All services provided by the Parks and Recreation Department will be made available to residents of the annexed territory on the same basis such services are provided to the rest of the City.

10. LIBRARY - All services provided by the City shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City.

11. STORM DRAINAGE - It will be necessary for the developer to provide for culverts, storm sewers, catch basins, stormwater detention facilities and drainage easements across private land as required by the City.

(a) Storm drainage facilities will be constructed by the developer as future development takes place in accordance with the development drainage plans subject to final approval by the City.

(b) Costs for constructing storm drainage improvements/facilities will be paid directly by the developer. The developer shall be responsible for the design of the storm drainage improvements subject to the approval of the City. Said design shall be coordinated with and be in conformance with any City independent master drainage plan study.

(c) Maintenance of the detention pond facilities shall be the responsibility of the developer. The developer shall provide suitable means for access to all drainage facilities subject to the approval of the City.

III.

That the approximate costs of the extended service to the residents of said territory and to the City are as follows:

APPROXIMATE COSTS

1. GENERAL SERVICES - All services as set forth in Paragraph II of the Timetable will be provided to the annexed area at the first year costs as indicated below; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.

2. ADMINISTRATIVE SERVICES - It is anticipated no or minimal additional costs will be incurred by the City in providing services through the general fund in such areas as finance office, engineering, fire, library, police, street and parks.

3. WATER - The City's water system is operated on an enterprise fund basis; i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, constructed by the City, will be paid by the developer or other persons constructing such additions. All related water extension costs are to be

borne by the developer as the property is developed in accordance with the plans and specifications subject to the approval of the City.

4. SEWER - The City's sewer system is operated on an enterprise fund basis; i.e., the revenue produced from water service charges are used to provide sewer supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other sewer users for sewer supply and system maintenance would be the sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's sewer system will be assessed according to law, constructed by the City, will be paid by the developer or other persons constructing such additions. All related water extension costs are to be borne by the developer as the property is developed in accordance with the plans and specifications subject to the approval of the City.

5. SOLID WASTE COLLECTION AND DISPOSAL - The City's solid waste collection system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. The annexed area is included in the service area and the cost to the residents will be the garbage service charge prescribed by residents. As City is not providing commercial collection system and the exclusive use of the property is commercial solid waste collection will be the responsibility of the property owners.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service.

The cost of providing use of the City's landfill is on the basis of the cost to other City residents.

6. PARKS AND RECREATION - All existing services provided by the Parks and Recreation Department will be provided to the residents of the annexed territory on the same basis as to other City residents.

7. PUBLIC LIBRARY - All services provided by the City will be provided to the residents of the annexed area on basis as to other City residents.

8. UTILITY HOOKUPS - New customers, subject to approval of the City Commission, may be allowed to connect to utilities lines/mains upon payment of any required hookup fees or charges.

9. SALES TAX- The annexed territory shall be subject to sales tax on the same basis and terms as the balance of the City.

10. MISCELLANEOUS SERVICES - The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services

provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees, to library book fines, from copy charges to charges for swimming pool passes.

IV.

The estimated difference in tax assessment rate for the residents of said territory is as follows:

For property within the annexed area, based upon current mill levies property taxes would be increased approximately 8.757 mills.

V.

That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing City limit lines, existing features, existing property boundaries, existing occupancies and uses and upon the petition of the legal voters and landowners.

VI.

That there is reasonable present and demonstrable future needs for annexing said territory.

VII.

That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.

VIII.

That there exists a community of interest between the within described territory and the existing City of Howard.

IX.

That there are no significant physical barriers between the within described territory and the existing City of Howard.

X.

That annexation of the within described territory of the City of Howard will result in a more compact, integrated entity.

XI.

This resolution is based upon the petition previously set forth.

Thompson moved, Spader seconded and carried to approve the plat by passing Resolution #1304.

see attached*

RESOLUTION #1304

WHEREAS, it appears that the City Planning Commission of the City of Howard, South Dakota did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the 13th day of June 2016; and

THEREFORE, be it resolved by the City Commission of Howard, South Dakota, that the plat of LOT A1 AND LOT B1 OF PENCE ADDITION TO THE CITY OF HOWARD AND VACATES A PORTION OF LOT 1 OF PENCE ADDITION TO THE CITY OF HOWARD, having been examined is approved in accordance with the provisions of SDCL of 1967, chapter 11-6, and any amendments thereof.

I, Andrew Dold, of the City Commission for the City of Howard, SD do hereby certify that the foregoing resolution was passed by the City Commission of Howard, SD at a meeting thereof held on the 13th day of June 2016.

Dawson Garbage Contract

Due to lower fuel costs, Karstens moved, Dufault seconded and carried to lower the garbage base charge .20 and approve the first reading of Ordinance #697.

Wine License Application

Thompson moved, Spader seconded and carried to approve Diner 34, Lot 4A-1, Block 2 of Otterø First Addition retail (on-off sale) wine license application.

Ordinance #696 – amending price of cemetery plot

Dufault moved, Thompson seconded and carried to approve the first reading of Ordinance #696.

Infotech Quote

Spader moved, Dufault seconded and carried to approve Infotech Solutions quotes as follows: Setup hours: 2,100.00; hardware: 2434.80; managed services: 455.00.

Electric License Renewal

Thompson moved, Dufault seconded and carried to approve the electric license renewal from Barger Electric.

1999 Ford Pickup appraisal & bids

The appointed appraisers appraised the 1999 Ford Pickup at \$1,000.00. Karstens moved, Dufault seconded and carried to accept the one bid of \$1,005.00 from Rick Klinkhammer.

Hay Land or Pasture Bids

Two bids were received as follows: Jon Feldhaus - \$425.00 and James Jungwirth - \$200.00. Thompson moved, Dufault seconded and carried to accept the highest bid of \$425.00 from Jon Feldhaus.

Employees

Kody Dawson brought before the Council two certifications he had completed ó mosquito spraying and applicatorø license. Thompson moved, Spader seconded and carried to increase Dawsonø wage .50 per certification, which would be a \$1.00 per hour.

Finance Officer Klinkhammer asked the Council to classify which departments Chad Podhradsky and Greg Grossø salaries should come out of. For now, the Council agreed that Podhradskyø should come out of Parks and Grossø should be 75% Water and 25% Sewer.

Supt. Gross got a quote from Kramerø Construction to fix the cement at the corner of Market & Section Line in the amount of \$11,000.00. Karstens moved, Thompson seconded and carried to hire Kramerø.

Health Insurance

July 1st renewal of Avera Health Insurance brings a 34.88% increase, so the agent also quoted a \$1,000 deductible which would reduce the premium \$70.33/month per employee. Pam Lewis from Dacotah Insurance submitted alternative options from Wellmark. After much comparing and discussion it was agreed to renew Avera with the \$1,000 deductible.

Approval of Claims, Minutes and Reports

Karstens moved, Spader seconded and carried to approve the minutes, reports and following claims: Gerald Adler, prof fee, 7400.00; Aflac, supplemental insurance, 67.80; Ellie Antrim, training, 500.00; Best Western, travel, 1619.82; Borgers Repair, repairs, 56.50; Campbells, supplies, 59.98; Central Electric, utilities, 67.00; Cole Paper, supplies, 205.92; County of Miner, in leau of taxes, 513.80; Dawsonø, sanitation & repairs, 14036.13; Kody Dawson, utilities, 45.00; DeSmet News, publish, 48.60; Doldø, repairs, 77.00; DSD, supplies, 1032.24; DSG, supplies, 75.29; East River, energy, 5074.75; Empire Pipe Services, improvements, 29055.25; Josh Esser, training, 137.20; Kamry Esser, training, 125.00; Fastenal, supplies, 37.71; Petty Cash, deposit return, 451.18; Forterra, repairs, 153.00; Gale, books, 67.87; Greg Gross, utilities, 45.00; Justina Hanson, deposit return, 76.50; Hauff, supplies, 48.65; Hawkins, supplies, 2817.69; Heartland, energy, 26623.80; Homestead, supplies, 64.83; Howard Band & Chorus, publish, 40.00; HFCA, repairs & supplies, 2139.91; Howard School, in leau of taxes, 1578.10; Phil Hudson, training, 137.20; Intuvio Solutions, prof fee, 425.00; Jencks Law, prof fee, 575.00; Johnson Brothers, repairs, 2740.68; Larry Johnson, deposit return, 47.32; Katelyn Kampshoff, training, 160.00; Kingbrook, water, 9582.00; Donna Klinkhammer, travel, 357.50; Nick Kramer, training, 137.20; Mary Leary, meeting, 35.00; Madison Nursery, supplies, 121.88; Marc, supplies, 4367.03; MC & R, supplies, 1922.90; James Mead, return camp fee, 72.00; Miner County Dispatch, dispatch, 19250.00; Miner County Pioneer, publish, 473.06; Miner County Sheriff, contract law, 7000.00; Nielsenø, repairs, 340.50; Office Peeps, supplies, 224.06; Omni-Pro, prof fee, 2800.00; One Call, locates, 14.56; Pitney Bowes, rental, 191.64; Pitney Bowes, postage, 600.00; Chad Podhradsky, training, 137.20; Pronto, supplies, 392.93; Quill, supplies, 46.37; R&R Drug, supplies, 12.57; Eric Rentschler, training, 137.20; Resykle, repairs, 64.13; Revier, repairs, 31.50; Bailey Rudebusch, training, 160.00; McKenna Rudebusch, training, 100.00; Ken Ruml, training, 137.20; Nathan Ruml, travel, 94.80; Rustyø, supplies, 596.19; S&S, repairs, 252.65; SD Federal Property, supplies, 8.00; Mike Sebert, training, 137.20; Servall, rental, 16.64; Michael Simmer, refund camp fee, 18.00; SF Two Way Radio, supplies, 981.94; Alliance, utilities, 342.00; SPN, prof fee, 3763.20; Jean Thompson, meeting, 105.00; Shelby Thompson, training, 90.00; Tomø Hardware, supplies, 1001.28; WAPA, energy, 21881.54; Wesco, supplies, 5393.96; Winwater, supplies, 430.95; Michaela Wipf, training, 155.00; Zep, supplies, 275.50; Kathy Zulk, supplies, 21.50.

Other Claims: East River, energy, 6190.40; Family Memorial, repairs, 2250.00; Aflac, supplemental retirement, 67.80; Avera, insurance, 1785.63; Capitol One, utilities, 32.92; Dept of Revenue, due to state, 700.00; Northwestern, utilities, 97.09; SD Housing, TIF payment, 10923.66; SDSRP, supplemental retirement, 150.00; Assurant, insurance,

54.95; SD Retirement, retirement, 1480.64; Miner County Bank, WHSS, 1665.45; Petty Cash, supplies & other, 272.25; SD Dept. Revenue, due to state, 150.00; **Wages:** F/O, 2375.44; Street, 3197.12; Water, 60.84; Electric, 3393.86; Parks, 698.86; Sewer, 745.11; Library, 2667.71; Cemetery, 518.46; Council, 1204.73; Custodian, 855.71; Rubble Site, 610.49; Animal Control, 159.70; Pool, 60.84; Recreation, 132.52.

Good Samaritan Center Emergency Service Agreement

Tabled until next meeting.

Executive Session

Thompson moved, Karstens seconded and carried to go into executive session to discuss personnel matters.

There being no further business, Karstens moved, Spader seconded and carried to adjourn to June 27th special meeting at 7:00 pm. for Supt. Grossø evaluation.

Andrew Dold, Mayor

ATTEST:

Donna Klinkhammer
Finance Officer