

**Unapproved Minutes of
REDFIELD CITY COUNCIL**

December 15, 2014

7:00 p.m.

The City Council met in regular session at City Hall on Monday, December 15, 2014 at 7:00 p.m.

MEMBERS PRESENT: Mike Siebrecht, Eileen Kearney, Randy Maddox, Darrell Ronnfeldt, Joe Morrissette, Larry Eldeen, and David Moeller

MEMBERS ABSENT: Mayor Jayme Akin and Frank Schwartz

STAFF PRESENT: Adam L. Hansen and City Attorney Paul Gillette @ 7:06 p.m.

VISITORS: Kevin Schurch @ 7:02 p.m., Dave Romanski @ 7:06 p.m.

CALL TO ORDER: Council President Ronnfeldt called the meeting to order at 7:00 p.m.

ADOPT AGENDA: Motion by Siebrecht, seconded by Maddox to adopt the agenda as presented. Motion carried.

MINUTES: Motion by Morrissette, seconded by Maddox to approve the December 1, 2014 minutes. Motion carried.

CONSENT CALENDAR:

Motion by Siebrecht, seconded by Maddox to approve the following items on the consent calendar:
Departments' Reports:

A. Parks & Recreation Report – minutes dated December 1, 2014

Receive and place on file. Motion carried.

VISITORS:

Kevin Schurch – Spink County Sheriff – Schurch presented the monthly Sheriff Department's activity report to the Council. Parking around the school was discussed.

Exit: Schurch @ 7:20 p.m.

OLD BUSINESS:

Notice of Code Enforcement Activities – Discussion ensued about various properties.

NEW BUSINESS:

SDML WC Fund Safety Benefits Training (Aberdeen, SD) – Motion by Siebrecht, seconded by Maddox to send Jim Haider, Tom Lesselyoung, Curt Dykstra, Chad Moore, and Jason Wurtz to the SDML WC Fund Safety Benefits Training in Aberdeen, SD on January 27 and 28, 2015. Motion carried.

2015 Pesticide Recertification (Aberdeen, SD) – Motion by Morrissette, seconded by Moeller to send Jim Haider, Tom Lesselyoung, Curt Dykstra, and Jason Wurtz to pesticide recertification in Aberdeen, SD on January 9, 12, 28, and February 13, 2015. Motion carried.

2015 Business Licenses – Motion by Maddox, seconded by Moeller to approve the following 2015 Business Licenses: Starters Lanes & Sports Lounge, Clausen Sanitation, and Chrystal’s LLC. Motion carried.

2014 Parks and Recreation Girls Basketball Officials – Motion by Kearney, seconded by Morrissette to approve and pay the following 2014 Parks and Recreation Girls Basketball Officials \$10.00 per game: Dalton Howe \$30.00, Jordanne Howe \$20.00, Frank Krumm \$20.00, Shane Jordan \$30.00, Lance Howe \$20.00, Ephram Albrecht \$20.00, Jamie Tebben \$40.00, Zach Jordan \$30.00, and Rylie Gall \$40.00. Motion carried.

Sales Tax Proposal – Motion by Maddox, seconded by Moeller that “The City of Redfield supports a local option additional penny of municipal sales tax, with the approval of our voters, for specific infrastructure projects.” Motion carried.

Change Order No. 3 for 2014 Shar-Winn Estates Storm & Sanitary Sewer Improvements – Motion by Maddox, seconded by Morrissette to approve Change Order No. 3 in the amount of (\$47,629.40). Motion carried on a roll call vote with all members voting “Yes.”

Pay Request No. 4 to Dahme Construction Co., Inc. for 2014 Shar-Winn Estates Storm & Sanitary Sewer Improvements – Motion by Morrissette, seconded by Siebrecht to approve Pay Request No. 4 to Dahme Construction Co., Inc. in the amount of \$168,936.87. Motion carried on roll call vote with all members voting “Yes.”

Advertise for 2015 Summer Help – Motion by Morrissette, seconded by Maddox to approve advertising for 2015 summer help. Motion carried.

Advertise for 2015 Hav-A-Rest Campground Host – Motion by Maddox, seconded by Morrissette to approve advertising for a 2015 Hav-A-Rest Campground Host. Motion carried.

ORDINANCES AND RESOLUTIONS:

Ronfeldt gave the Second Reading of Ordinance No. 06-2014 (Chapter 12.28 Snow Removal)

Ordinance No. 06-2014

Chapter 12.28 Snow Removal

An Ordinance of the City of Redfield, SD, Restating Chapter 12.28 of the Revised Ordinances of the City of Redfield – Snow Removal.

BE IT ORDAINED BY THE CITY OF REDFIELD, SD:

- That Section 10.94.120 be repealed.
- That Section 10.40.050(c) be repealed.
- That Section 10.40.050(d) be renamed Section 10.40.050(c).
- That Chapter 12.28 be restated as follows:

**Chapter 12.28
Snow Removal**

12.28.010 Definitions. For the purposes of this Chapter, the following definitions shall apply:

Automatic Snow Removal Alert. In the event that there is a snow accumulation of two inches or more an automatic snow removal alert shall be in effect and the provisions regarding parking on public streets during snow removal operations shall become effective and will be enforced.

Public Snow Removal Alert. The Mayor, the City Finance Officer or their designee may declare a Public Snow Removal Alert declaring that snow removal operations will commence and the provisions

of this chapter in regard to parking on public streets during snow removal operations shall become effective and will be enforced. Such notice may be given by announcing the Public Snow Removal Alert through local media, which may include: the City's Website, radio stations which broadcast in the Redfield area, and/or television stations which broadcast in the Redfield Area.

Snow Alert. Reference to the term "snow alert" shall include both Automatic Snow Removal Alert and Public Snow Removal Alert.

No Travel Emergency. The Mayor, the City Finance Officer or their designee may declare a No Travel Emergency in the City because of snow, freezing rain, sleet, ice, snow drifts or other natural phenomena which creates, or is likely to create, hazardous road conditions resulting in stopped vehicles in within the public right of way. Upon issuance of the order, no person shall travel upon any designated public street for a period of up to forty eight (48) hours. Emergency vehicles which are responding to an emergency or engaged in critical occupations are exempt from this prohibition. The no travel emergency shall be given by announcing the No Travel Emergency through local media, which may include: the City's Website, radio stations which broadcast in the Redfield area, and/or television stations which broadcast in the Redfield Area.

Street. The entire width of any public roadway within the city.

Sidewalk. A cement path or walkway designed for primarily for foot traffic.

Person in Possession. The owner, tenant in possession, landlord or other such person who is in possession of the real property.

Lot. A parcel of real property whether it has been designated a lot, block, plot or any other term used to describe real property.

Winter. The period of time wherein it is likely for snow to fall. Specifically the period of time from October to March the following year.

12.28.020. No Parking. During an Automatic Snow Removal Alert or a Public Snow Removal Alert no person shall park or allow to remain parked any vehicle on any public street.

12.28.030. Towing. Vehicles found in violation of 12.28.020 may be towed by law enforcement or their designee. Towed vehicles may be impounded by law enforcement. The owner of the towed vehicle may recover it upon proof of ownership, payment of towing charges and storage fees. Until paid these charges shall constitute a lien upon the vehicle, which may be enforced in the same manner as a garage keeper's lien under South Dakota law.

12.28.050. Leaving Snow in Street. In the event that a person does not remove their vehicle from the public street during an automatic snow alert or a public snow alert the City Street Department is hereby authorized to plow around such vehicle. The owner or custodian of the vehicle which was plowed around has a duty to immediately remove the snow that the snow plow was unable remove as a result of that party's failure to remove the vehicle during such snow alert.

12.28.060. Putting Snow on Plowed Street. No person shall put snow upon a street which has already been plowed.

12.28.060. Termination of Alert. After a snow removal alert there shall be no declaration of its termination, but the alert shall terminate and the provisions of 12.28.020 shall cease to be effective and enforceable as to any portion of street that has been plowed and cleared of snow accumulation, curb to curb, and the snow removal equipment is no longer operating in that area.

12.28.070. Duty to Remove Snow from Sidewalks. It shall be the duty of the person in possession of any lot fronting or abutting upon any sidewalk, to keep such sidewalk free and clear from snow and ice at all times. When it is impossible to take snow and ice from such walk by reason of its being frozen to the sidewalk, the person in possession of such lot shall spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel.

12.28.080. Failure of Person in Possession to Remove Snow or Ice from Sidewalk. If the person in possession of any lots fails or refuses to remove the snow or ice from such sidewalk within eighteen hours of the falling of the snow or the forming of the ice, cessation of falling or blowing snow, the city shall remove or cause to be removed the snow or ice each time it is necessary. The cost of removing the snow or ice shall be assessed against the fronting or abutting property. The cost of removal shall be assessed by taking the time

of removal times the City's hourly rate. The city's hourly rate is \$100 per hour. The minimum time increment shall be thirty minutes.

12.28.090 Assessment of Costs.

A. The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and same shall be certified to the city finance officer on or before the fifteenth day of May of each year.

B. The finance officer shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the council for its approval on or before the first day of June of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the council will meet for the purpose of approving such estimate. Such notice shall be published at least one week prior to the date set for the hearing.

C. Upon the day so named, the council shall meet; and if they find the estimate correct, shall approve the same, with or without modification or amendments as they may deem proper, and file the assessment with the city finance officer. From the date of such approval and filing the same shall be a special lien against the various pieces of property described in the assessment and shall be collected in like manner as special assessments are now collected for public improvements.

12.28.100. Recovery of Cost of Removal by Civil Action. In lieu of spreading the cost of such snow removal as a special assessment against the property in the discretion of the council, the amount may be recovered in a civil action against the owner or occupant of the property.

12.29.120. Public Notice. The City Finance Officer or his designee shall by general public notice require that vehicles be removed from the public streets during snow alerts. The City Finance Officer or his designee shall also give public notice that sidewalks shall be kept clear of snow and ice. Such public notice shall be given by general publication in the official newspaper once per month in October, November, December, January, February and March of each year. The notice shall provide that parking a vehicle on the public street during a snow alert and failure to clear sidewalks of snow and ice are violations of Redfield's municipal ordinances. In addition, the notice shall state that the City may remove vehicles that are in violation of this ordinance by towing and assess the cost thereof to the owner of the vehicle. Further, the City may remove snow and ice which has not been removed in violation of this statute and charge the cost thereof against the lot as a special assessment.

12.28.130 Continuing Notice. Any person who is given written notice of a violation of this chapter by the City Code Enforcement Officer or law enforcement shall be deemed to have been served with continuing notice. Such continuing notice shall be deemed to continue for the remainder of the winter season during which such notice was served. The notice shall be personally served with a copy of Chapter 12.28.

12.28.140. Obstruction of Removal. It is public offense for any person to obstruct the City of Redfield from removing snow from public streets during a snow alert in violation of this chapter. It is a public offense for any person to obstruct the City of Redfield from removing snow and ice from a sidewalk in violation of this chapter.

12.28.150. Administrative Noncompliance Fees. In addition to the costs of removal, the City of Redfield may assess a graduated noncompliance fee for multiple violations during the course of a winter as follows:

- First Violation Abated: \$50.00
- Second Violation Abated: \$150.00
- Third Violation Abated: \$200.00

12.28.120. Criminal Penalty for Violation. A violation of any of the provisions of chapter 12:28 shall be a Class 2 Misdemeanor punishable by a fine not to exceed \$200 and/or 30 days in jail.

Motion by Siebrecht, seconded by Morrissette to adopt Ordinance No. 06-2014 (Chapter 12.28 Snow Removal). Motion carried on a roll call vote with all members voting "Yes."

INFORMATION AND DISCUSSION ITEMS:

SDML Rib Dinner – Ronnfeldt informed the Council that a count will be needed by the 1-5-15 meeting.

212/281 Lighting Project – Hansen informed the Council about the progress and design of the project.

Airport Project – Hansen inquired about using “vinegar flats” for restoring wetlands for the airport project. It was the consensus of the Council to proceed with the location.

COUNCIL MEMBER REPORTS:

Siebrecht informed the Council that Spink County is interested in the pole building on 3rd St E.

Kearney received a compliment from a Shar-Winn Estates homeowner about the 2014 project.

PAY CLAIMS:

City Prepaid	\$7,421.44
City Unpaid	\$43,010.29
Hospital & Clinic Prepaid	\$102,299.98
Hospital & Clinic Unpaid	\$48,530.34
Additional Claims:	

Motion by Morrissette, seconded by Maddox to pay the above claims with the addition of: Joy N. Sisler \$100.00 for damages to motorcycle, Dakotacare \$5,666.47 for the City’s portion of health insurance, and Combined Building Specialties \$539.00 for (6) Wall Padding for Armory. Motion carried on a roll call vote with all members voting "Yes."

Exit: Romanski @ 8:10 p.m.

Motion by Kearney, seconded by Moeller to enter executive session at 8:11 p.m. for personnel matters per SDCL 1-25-2 (1). Motion carried.

Council President Ronnfeldt declared executive session over at 8:45 p.m.

Action on Personnel Matters - Motion by Moeller, seconded by Maddox to suspend Street Superintendent James Haider three days without pay. Motion carried.

There being no further business, meeting was adjourned at 8:46 p.m.

Darrell Ronnfeldt
Council President

Adam L. Hansen
Finance Officer

Recorder: Adam L. Hansen