

Harrisburg City Council
Meeting Minutes

The regular meeting of the City Council was called to order on May 5, 2020 at 6:00 pm, with Council President Ryan Olson presiding. Council members present by teleconference were Kevin Maxwell, Ryan Berg and Danny Tank. Absent, Mayor Burke – Van Luvanee. Also present from the city were Mary McClung, Jill Johnke, Michael McMahon, Joe Stonesifer, Toby Huizenga and Andrew Pietrus. A list of all others in attendance is on file at the city office.

Pledge of Allegiance was recited.

Consent Agenda: Motion Tank, seconded Maxwell to approve the consent agenda consisting of the following items:

1. Approval of May 5, 2020 Agenda
2. Approval of minutes – April 21, 2020 City Council Meeting Minutes
3. Approval of May 5, 2020 – Approval of Claims
4. Authorized Mayor's Signature on Subdivision Construction Agreement for Signature Companies, LLC Creekside Addition Phase 4.
5. Re-appointed Chris Kindt to Planning & Zoning Board. (Term 2025)
6. Re-appointed Jonathan DeBruin, Tom Anez and Kristin Larson to Park Board (Term 2023)
7. Authorized Mayor to Sign Encroachment Agreement for Lot 10, Block 19 Harrisburg Homesite 6th Addition – 617 United Avenue

Upon roll call vote; all in favor

Ace Hardware – Supplies/Materials (Streets, Water, Sewer, Parks, Govt Bldgs) Repairs/Maintenance (Snow Removal) \$490.94; Aflac – Aflac Withholdings April 2020 \$479.60; Baedke, Michael – Customer Deposit Refund (Water) \$150.00; Banyon Data Systems – Professional Services/Fees (Fin Admin) \$195.00; Brush, Bev – Customer Deposit Refund (Water) \$25.00; Burkard, Alicia – Customer Deposit Refund (Water) \$72.70; Cardmember Services – Professional Services/Fees, Books, Supplies/Materials (Fin Admin, Library, Sewer, Water, Parks, Streets, Weed Control, Engineering) \$3,964.87; City of Sioux Falls – Professional Services/Fees (Sewer) \$1,000.00; Concrete Materials – Repairs/Maintenance (Streets) \$846.66; Core & Main LP – Supplies/Materials (Sewer) \$57.80; Core & Main LP – Supplies/Materials (Water) \$2,787.46; Cottrill, Whitney & Derek – Customer Deposit Refund (Water) \$150.00; Crisman, Travis & St. Pierre, Bria – Customer Deposit Refund (Water) \$85.86; Dakota Pump – Repairs/Maintenance (Sewer) \$605.87; First National Bank – Professional Services/Fees (Sewer) \$33.00; First Rate Excavate Inc. – Improvements Other than Bldgs (Sewer, Water, Streets) \$132,164.73; Fleming, Shantel – Customer Deposit Refund (Water) \$150.00; Forward Sioux Falls – Professional Services/Fees (Economic Development) \$500.00; Geotek Engineering & Testing – Professional Services/Fees (Sewer, Streets, Water) \$2,330.00; Gilsdorf, Joseph – Customer Deposit Refund (Water) \$150.00; Harrisburg Fire Dept. – Professional Services/Fees (Fire) \$32,607.54; Harrisburg Water System – Utilities (Govt Bldgs, Parks) \$619.96; Hurco Technologies, Inc. – Machinery/Equipment (Water) \$4,500.00; Jewett, Ryan & McMahon, Andrew – Customer Deposit Refund (Water) \$150.00; Lee, Jason – Customer Deposit Refund (Water) \$51.00; Lewis and Clark Regional Water – Water for Resale (Water) \$11,410.00; Lincoln Co. Register of Deeds – Professional Services/Fees, Supplies/Materials (Planner) \$215.00; Marco, Inc. – Rentals, Supplies/Materials (Fin Admin, Planner) \$484.36; Martin, Brandie & Brad – Customer Deposit Refund (Water) \$150.00; Matheson Tri-Gas Inc. – Supplies/Materials (Streets, Water, Sewer, Parks) \$136.20; Mathiowetz, Dan & Melissa – Customer Deposit Refund (Water) \$39.72; Mattke, Ashton & Terry – Customer Deposit Refund (Water) \$35.45; McLeods Printing – Supplies/Materials (Election)

\$148.55; Melchert, Melissa – Customer Deposit Refund (Water) \$68.43; Meyer, Bobbi & Jason – Customer Deposit Refund (Water) \$100.74; MidAmerican Energy – Energy (Govt Bldgs) \$46.38; Midwestern Mechanical Inc. – Repairs/Maintenance (Sewer) \$2,164.00; Miles, Annette – Rental Fee Refund (Legion) \$100.00; North Central Rental & Leasing – Rentals (Snow Removal) \$3,168.00; Payment Service Network – Professional Services/Fees (Water, Sewer, Planner) \$1,547.77; Pheasantland Industries – Supplies/Materials (Streets) \$36.87; Qualified Presort Service, LLC – Supplies/Materials (Water, Sewer) \$1,017.91; Remotelink – Professional Services/Fees (Fin Admin) \$138.33; Sams Club GEMB – Professional Services/Fees (Fin Admin, Library) \$90.52; Schoeneman Bros. Co. – Supplies/Materials (Govt Bldgs) \$68.00; Schumacher, Sandy – Customer Deposit Refund (Water) \$150.00; Sinnette, Lynn – Customer Deposit Refund (Water) \$6.44; Sioux Falls Utilities – Utility (Sewer) \$112,396.12; Sioux International – Supplies/Materials (Streets, Water, Sewer, Parks) \$323.10; Sioux Valley News – Publications (Ord, Res Proceedings, Election, Sewer) \$564.53; Siteone Landscape Supply, LLC – Supplies/Materials (Storm Drainage, Weed Control) \$1,282.49; SD Supplemental Retirement Plan – Retirement Withholdings \$325.00; SE Electric Cooperative, Inc. – Energy (Sewer, Street Lighting, Water) \$5,305.57; Stockwell Engineers Inc. – Engineering (Sewer, Storm Drainage, General) \$230,308.78; Sturdevant’s Auto Supply – Supplies/Materials (West Nile Prevention) \$29.94; Tiedeman, Joel & Kristi – Customer Deposit Refund (Water) \$150.00; Traffic Solutions Inc. – Supplies/Materials (Streets) \$188.93; United States Post Office – Supplies/Materials (Water, Sewer, Fin Admin, Elections) \$770.00; VanMiddendorp, Casey & Kaylee – Customer Deposit Refund (Water) \$55.31; Vast Broadband – Utilities (Govt Bldgs, Library) \$638.62; Wells, Jeff – Customer Deposit Refund (Water) \$103.29; White Glove Cleaning Services – Utilities (Govt Bldgs) \$81.25; Xcel Energy – Energy (Park Lighting, Govt Bldgs, Water, Sewer, Street Lighting) \$10,934.95;

No public comment

Business Item 1. Resolution 2020-11 – A Resolution Declaring the Existence of An Emergency, Establishing Public Health Regulations Pursuant to Ordinance 2020-05, and Repealing Ordinance 2020-03. Motion Tank, seconded Maxwell to approve Resolution 2020-11 Declaring the Existence of An Emergency Establishing Public Health Regulations Pursuant to Ordinance 2020-05 and Repealing Ordinance 2020-03. Upon roll call vote; all in favor.

RESOLUTION NO. 2020-11

A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY, ESTABLISHING PUBLIC HEALTH REGULATIONS PURSUANT TO ORDINANCE 2020-05, AND REPEALING ORDINANCE 2020-03.

WHEREAS, an outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States;

WHEREAS, COVID-19 is spread by person-to-person contact via both airborne and fecal-oral transmission, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death;

WHEREAS, COVID-19 is an imminent hazard to public health, safety, or welfare;

WHEREAS, the World Health Organization (WHO) has designated COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (CDC) has declared a public health emergency;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19;

WHEREAS, cases of COVID-19 have been confirmed in several counties in South Dakota;

WHEREAS, on March 13, 2020, Executive Order 2020-04 declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19, which was extended through May 31, 2020 by Executive Order 2020-15;

WHEREAS, the CDC & SD Department of Health (SD DOH) have issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak;

WHEREAS, on April 7, 2020, the City Council of the City of Harrisburg (the "City") passed Ordinance 2020-03 in support of the directives of the executive orders and CDC guidance as it relates to COVID-19 in the state of South Dakota;

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over and that the recommendations, as found in the White House Guidelines for Opening Up America Again, are to reopen in phases when certain criteria have been met; and

WHEREAS, the failure to continue effective social distancing techniques will likely result in higher numbers of infected individuals, hospitalizations, and fatalities, and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it remains important that control measures be in place to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

NOW THEREFORE, BE IT RESOLVED, by the Harrisburg City Council that the City, surrounding community, State of South Dakota, and the nation continue to be in a public health emergency due to the COVID-19 pandemic and that the City shall be in a declared state of emergency pursuant to Ordinance 2020-5 until May 31, 2020, unless extended by resolution of the City Council.

BE IT FURTHER RESOLVED, that pursuant to Ordinance 2020-5, the City adopts the public health recommendations of the CDC and SD DOH to prevent the community spread and guard against a COVID-19 outbreak.

BE IT FURTHER RESOLVED, that pursuant to Ordinance 2020-5, the City adopts the public health recommendations of the Governor's Executive Order 2020-20 and any other current executive orders issued by the Governor related to the COVID-19 public health emergency.

BE IT FURTHER RESOLVED, that in order to assist with the implementation of these recommendations, the City shall post current Executive Orders and the latest CDC and SD DOH

guidelines on its website and at City Hall. Recommendations shall be updated as soon as reasonably possible as new guidelines are issued.

BE IT FURTHER RESOLVED, that pursuant to Ordinance 2020-05, failure of individuals and/or businesses to follow the health recommendations adopted herein, may be declared a nuisance subject to abatement and any other penalties set out in Ordinance 2020-05.

BE IT FURTHER RESOLVED, that Ordinance 2020-03 is hereby repealed.

BE IT FURTHER RESOLVED, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, welfare, and support of the City and shall become effective immediately upon passage and publication.

Dated this 5th day of May, 2020.

CITY OF HARRISBURG, SOUTH DAKOTA

Ryan Olson
City Council President

ATTEST:
Mary McClung, Finance Officer

(SEAL)

Reading and Adoption: May 5, 2020

Publication: May 14, 2020

Effective Date: May 14, 2020

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Business Item 2. 2nd Reading Ordinance 2020-05. Motion Berg, seconded Maxwell to approve Ordinance 2020-05 an Ordinance adding Chapter 3.03 to Title 3 of the Municipal Ordinances of the City of Harrisburg South Dakota Addressing Nuisances in a Declared Emergency. Upon roll call vote; all in favor. Published separate from the meeting minutes.

Business Item 3. 2020-2021 Malt Beverage License Renewals.

- a) Agora X Inc / Sam's BP – Retail (on-off sale) Malt Beverage & SD Farm Wine. Motion Maxwell, seconded Tank to approve the 2020-2021 Retail (on-off sale) Malt Beverage & SD Farm Wine License for Agora X Inc. / Sam's BP. Upon roll call vote; all in favor
- b) Casey's General Store #2586 – Retail (on-off sale) Malt Beverage. Motion Maxwell, seconded Tank to approve the 2020-2021 Retail (on-off sale) Malt Beverage & SD Farm Wine License for Casey's General Store #2586. Upon roll call vote; all in favor.
- c) Wild Tiger Casino – Retail (on-off sale) Malt Beverage. Motion Tank, seconded Maxwell to approve the 2020-2021 Retail (on-off Sale) Malt Beverage & SD Farm Wine License for Wild Tiger Casino. Upon roll call vote; all in favor
- d) Resort By SDK – Retail (on-off sale) Malt Beverage. Motion Tank, seconded Maxwell to approve the 2020-2021 Retail (on-off sale) Malt Beverage & SD Farm Wine License for Resort by SDK. Upon roll call vote; all in favor.

Business Item 4. Consider Request to Decrease Performance Bond for Dynamic Development. Motion Tank, seconded Maxwell to approve request from Dynamic Development to decrease their performance bond to \$852,172.85. Upon roll call vote; all in favor.

Business Item 5. Consider Rebuild Bench and Invert Proposal from Hydro Klean for Columbia Street Sewer Line. Motion Maxwell, seconded Berg to approve proposals for rebuild bench and invert from Hydro Klean for the Columbia Street Sewer line in the amount of \$45,485.00. Upon roll call vote; all in favor.

Business Item 6. Consider Southeastern Grading Project – Phase 2. Project would begin within the next two weeks and closure of Chestnut St. and Southeastern Avenue will occur for a couple of days due to reconstruction. Motion Maxwell, seconded Tank to approve the quote from Backhaus Excavation & Underground for Southeastern Grading Project Phase 2 in the amount of \$28,500.00. Upon roll call vote; all in favor.

Business Item 7. Consider Asphalt Repairs – Perry Lane. Motion Maxwell, seconded Tank to approve quote from Seal Pros Inc for asphalt repairs on Perry Lane in the amount of \$6,754.97. Upon roll call vote; all in favor.

Business Item 8. Consider Transfer of One Mile of Lincoln County Hwy 123 (Cliff Avenue) and 1200 feet of Lincoln Highway 110 (Willow Street) from Lincoln County to City of Harrisburg.
No action taken

Reports: Pietrus gave a verbal report on Lincoln County Commission discussions on lowering the speed limit on Cty Hwy 110 from Minnesota to I29. Stonesifer gave updates on WWTF Force Main, WWTF bid opening, Westside Sewer - work to be done June 1 – October 1, 2020, Willow Street Path discussions with Harrisburg School regarding fencing and fiber optic line within the path area, bioretention project starting end of May, Columbia Street Improvements should be completed within the month, paving of public works facility.

The next regular meeting of the Harrisburg City Council (teleconference) will be held at 6:00 pm on Tuesday, May 19, 2020.

With no further business, a motion was made by Tank, seconded Maxwell, to adjourn the city council meeting at 6:52pm. Upon roll call vote; all in favor.

Submitted by Jill Johnke, Deputy Finance Officer

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