

Harrisburg City Council
Approved Meeting Minutes

The regular meeting of the City Council was called to order on December 19, 2023 at 6:00 pm, with Mayor Derick Wenck presiding. Council members were Tom Anez, Kevin Maxwell, Chris Kindt. Westerman-absent. Also present from the city were Toby Huizenga, Andrew Pietrus, Jill Johnke, Chad Huwe and Deb Harris. A list of all others in attendance is on file at the city office.

Pledge of Allegiance was recited.

No Public Comment

Consent Agenda: Motion Kindt, seconded Maxwell to approve the consent agenda as presented. Upon roll call vote; all present in favor

1. Approved Agenda
2. Approved Dec 5, 2023 City Council Meeting Minutes
3. Approved Dec 19, 2023 Claims
4. Approved library surplus items
5. Approved and authorized Mayor to sign sales agreement – Butler Cat 140 15A AWD Motor Grader (2024 Budget Item no funds to be spent until 2024) \$164,251.13.
6. Approved and authorized purchase of Public Works Pickup (2024 budgeted item no funds to be spent until 2024) not to exceed \$50,000
7. Approved and authorized Mayor to sign Pay Application # 1 – Central Park Irrigation Improvements LT Companies Inc in the amount of \$153,319.62
8. Appoint Bruce Bicknase to the Planning Commission for a five-year term
9. Approved and authorized Mayor to sign Plat of Tract 2A of Slack’s addition and Pre-Annexation Agreement.

A & B Business \$141.05; Accounts Management \$366.56; Ace Hardware \$2,009.77; Banner Assoc \$3,866.10; Black Sheep Landscaping \$7,630.00; Bluepeak \$962.26; Cardmember Services \$3,963.78; CHS \$6,712.94; City of Harrisburg \$1,405.93; Construction Products \$165.00; Creekside Place LLC \$183,188.75; Customeyez Signs \$765.00; Dakota Hardscape \$586.80; Dakota Pump \$512.25; Dakota Supply Group \$8,242.01; Dave Putzke Well Drilling \$49,734.00; Department of Treasury \$13,535.74; DFS Insurance \$50.00; Direct Digital Control \$2,700.50; Flagshooter \$329.54; Frisbee Plumbing \$151.47; gWorks \$31,791.50; Hammond, Magenta \$78.65; Harrisburg Heritage \$261,555.73; Health Equity \$965.45; Health Equity \$35.00; Heiman Fire Equipment \$2,095.00; Home Definition \$25.00; Innovative Office \$234.90; Kullander, Chris \$164.68; Linc Cty Planning & Zoning \$100.00; Madison Apartments \$38,961.93; Marco \$620.00; Menards East \$1,303.94; Midamerican Energy \$1,363.20; Midcontinent \$143.39; Novak Sanitary \$539.01; Pfeifer Implement \$106.82; R & L Supply \$1,315.65; Retail Strategies LLC \$50,000.00; RMS Drainage & Excavation \$265,038.13; Schoeneman’s \$176.20; SDRS Supplemental \$100.00; SE Electric \$8,408.31; SealPros Inc \$487,890.24; Secretary of State \$30.00; Sioux Falls Humane Society \$305.22; Sioux Falls Networks \$2,072.75; Siouxland Trailers \$479.75; South Dakota 811 \$217.35; Spielman Excavating LLC \$680.00; Stockwell Engineers \$170,391.78; Tejral, Adam \$74.00; Truist Gov’t Finance \$50,377.49; Truist Gov’t Finance \$108,616.76; VanBuskirk Co \$300,000.00; Verizon \$400.10; White Glove Cleaning \$416.25; Xcel Energy \$360.53; Zabel Steel \$191.22; Payroll \$40,343.60

Business Item 1. Motion Maxwell, seconded Anez to approve Resolution 2023-15, a Resolution to urge South Dakota legislature to approve joint resolution providing legislative approval for a future use water permit application by the Lewis and Clark Regional Water System. Upon roll call vote: all present in favor.

RESOLUTION NO. 2023-15

RESOLUTION TO URGE THE SOUTH DAKOTA LEGISLATURE TO APPROVE THE JOINT RESOLUTION PROVIDING LEGISLATIVE APPROVAL FOR A FUTURE USE WATER PERMIT APPLICATION BY THE LEWIS & CLARK REGIONAL WATER SYSTEM

WHEREAS, the Lewis & Clark Regional Water System (L&C) currently has a total of 47.7 million gallons a day (MGD) of ground water rights from the Missouri-Elk Point Aquifer (53,442 acre feet/year), and

WHEREAS, in 2022 L&C started construction to expand the System from 44.19 MGD to 60 MGD, which is expected to be completed in 2031, and

WHEREAS, in April 2023 L&C submitted an application to the South Dakota Department of Agriculture & Natural Resources (DANR) for an additional 17.07 MGD (19,121 acre feet/year), which accounting for treatment and line losses is the amount of additional capacity needed in order to deliver 60 MGD of firm capacity, and

WHEREAS, DANR and the South Dakota Geological Survey conducted their analysis, which led to an approval recommendation of L&C's application based on three factors: 1.) there is enough capacity in the Missouri – Elk Point Aquifer, 2.) there is a demonstrated need for the capacity and the need would be a beneficial use of the water, and 3.) existing water rights will not be impaired, and

WHEREAS, there was a public comment period on L&C's application and no comments were submitted, and

WHEREAS, State statute requires legislative approval for any water right application that exceeds 10,000 acre feet before the South Dakota Water Management Board can take final action, which last occurred in 1994 and coincidentally was for L&C, and

WHEREAS, the South Dakota Water Management Board at their July 12, 2023 hearing voted unanimously to present L&C's application to the Legislature with an approval recommendation.

THEREFORE BE IT RESOLVED, the City of Harrisburg respectfully urges the South Dakota Legislature during the 2024 session to approve the Joint Resolution in support of L&C's future use water permit.

Dated this 19 day of December, 2023

Mayor Derick Wenck

ATTEST: Deb Harris Finance Officer

Business Item 2. Motion Kindt, seconded Maxwell to approve Resolution 2023-16, a Resolution acknowledging the assignment of Ordinance 2019-03 from Northwestern Corporation to Northwestern Energy Public Service Corporation. Upon roll call vote; all present in favor.

RESOLUTION NO. 2023-16

RESOLUTION ACKNOWLEDGING THE ASSIGNMENT OF ORDINANCE NO. 2019-03 FROM NORTHWESTERN CORPORATION TO NORTHWESTERN ENERGY PUBLIC SERVICE CORPORATION

WHEREAS, the City of Harrisburg adopted Ordinance No. 2019-03 on March 18, 2019 (the “*Franchise Ordinance*”), authorizing Northwestern Corporation to operate a gas distribution system within the City of Harrisburg; and

WHEREAS, as of January 1, 2024, NorthWestern Corporation’s South Dakota and Nebraska assets and related contractual obligations will transfer to a new entity named NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy consistent with a corporate reorganization authorized by the South Dakota Public Utilities Commission (GE22-002); and

WHEREAS, other than the above-referenced transfer there is no change to the terms or conditions of the Franchise Ordinance or performance thereto.

NOW, THEREFORE, BE IT RESOLVED that the City of Harrisburg hereby acknowledges and accepts the assignment of the Franchise Ordinance from NorthWestern Corporation to NorthWestern Energy Public Service Corporation.

Passed and approved this 19 day of December , 2023.

Derick Wenck Mayor

Attest: Deb Harris Finance Officer

Business Item 3. Motion Anez, seconded Maxwell to approve Resolution 2023-17, a Resolution accepting public infrastructure in the Sunny Haven Estates Addition. Upon roll call vote; all present in favor.

Resolution 2023 - 17

A Resolution accepting public infrastructure in the Sunny Haven Estates

Addition. WHEREAS the City of Harrisburg approved construction plans for

this work in the Sunny Haven Estates Addition

WHEREAS Sunny Haven, LLC installed a sanitary sewer system (\$370,120), a water distribution system (\$374,520), a storm drainage system (\$314,232), and street (\$1,149,226) per the City- approved plans; and

WHEREAS the City Engineer has inspected and approved the installation of this infrastructure and recommends this infrastructure be accepted for use and maintenance by the City; and

WHEREAS by plat Sunney Haven, LLC dedicated 10.53 aces of public right of way and easements, so the City has access to this infrastructure.

NOW, THEREFORE BE IT RESOLVED by the City of Harrisburg, South Dakota, that the City hereby accepts the public infrastructure improvements completed by Sunny Haven, LLC within the dedicated public right of way for Andrew Avenue, Tom Sawyer Trail, Brody Court, Dale Avenue, and Ethan Street and in the dedicated public easements and shall hereafter be responsible for the care and maintenance of said improvements from the date of this resolution; and

BE IT FURTHER RESOLVED that the City of Harrisburg hereby accepts the dedication of the public right of way for Andrew Avenue, Tom Sawyer Trail, Brody Court, Dale Avenue, and Ethan Street; and

BE IT FURTHER RESOLVED that a two-year warranty period for the sanitary, water, and storm drainage systems and a one-year warranty period for the street improvements shall begin upon adoption of this resolution by the City Council.

Dated this 19th Day of December, 2023

City of Harrisburg

Attest:

Derick Wenck
Mayor

Deb Harris
Finance Officer

Published: December 28, 2023

Business Item 4. Motion Kindt, seconded by Maxwell to approve Change Order # 5 – Westside Sanitary Sewer Improvements Phase 1 in the amount of \$1813.46. Upon roll call vote; all present in favor.

Business Item 5. Motion Anez, seconded Maxwell to approve Westside Sanitary Sewer Improvements Phase 1 – Pay Application # 10 to Siteworks Inc in the amount of \$275,186.63. Upon roll call vote; all present in favor.

Business Item 6. Motion Anez, seconded Maxwell to enter into Executive Session pursuant to SDCL 1-25-2 (1 & 4) Personnel and Contract Negotiations at 6:08pm. Upon roll call vote; all present in favor.

Mayor declared out of executive session at 6:59pm.

With no further business, a motion was made by Maxwell seconded Kindt to adjourn the city council meeting at 6:59pm. Upon roll call, all members present in favor.

The next regular meeting of the Harrisburg City Council will be held at 8:00am on Thursday December 28, 2023 at City Hall.

Submitted by Jill Johnke, Deputy Finance Officer

Published once in the Sioux Valley News at the approximate cost of _____.

Mayor _____

Deputy Finance Officer _____

Finance Officer _____

