

Harrisburg City Council Meeting Minutes

The regular meeting of the City Council was called to order on November 19, 2018, at 6:00 pm, with Mayor Julie Burke–Van Luvanee presiding. Council members present were Ryan Berg, Joe Stonesifer, Kevin Maxwell and Ryan Olson. Also present from the city were Mary McClung, Andrew Pietrus, Michael McMahon, Toby Huizenga, and Jill Johnke. A list of all others in attendance is on file at the city office. Motions: All motions were by majority vote and approved unanimously by those members present unless otherwise indicated.

Pledge of Allegiance was recited.

Consent Agenda:

Alderman Stonesifer will abstain from Business Item #27. Motion Olson, seconded Maxwell, to approve the consent agenda consisting of the following items with Stonesifer abstaining from Business Item #27:

1. Approval of November 19, 2018 Agenda
2. Approval of the November 5, 2018 City Council Meeting Minutes
3. Approval of November 19, 2018 – Approval of Claims
4. Approval of Consumption of Alcoholic Beverage Request at Legion Hall on Dec. 8, 2018 (McCloud)
5. Approval of the plat of NEW Harrisburg Reg – station Addition to Moir's Tract 2, located in the E1/2SE1/4SE of Section 27, Township 100N, Range 50W, 5th P.M., Lincoln County SD
6. Appointment of Planning and Zoning Board - Rob Doyen (Term 2021)
7. 2019 Metropolitan Planning Organization Sub Recipient Agreement with South Eastern Council of Governments

Action Electric – Repairs/Maintenance (Streets) \$607.91; All Seasons Inc. – Professional Services/Fees (Weed Control) \$90.00; Americinn Lodge Suites (Aberdeen) – Travel/Conference (West Nile Prevention) \$282.00; Barnes & Noble Booksellers – Books (Library) \$214.83; Blackburn Mfging Co. – Supplies/Materials (Water) \$102.41; CHS – Supplies/Materials (Streets, Water, Sewer, Parks) \$863.65; Concrete Materials – Repairs/Maintenance (Streets) \$240.90; Cutler Law Firm LLP – Professional Services/Fees (Attorney) \$6,977.67; Department of Treasury – Federal Withholdings \$5,857.76; Harrisburg Baseball Assoc. – Improvements other than Bldgs (Parks) \$10,000.00; Harrisburg Fire Dept. – Professional Services/Fees (Fire) \$31,746.04; Health Equity – H S A Withholdings \$20.00; Health Equity – H S A Withholdings \$340.00; Home Definition, Inc. – Professional Services/Fees (Govt Bldgs.) \$25.00; Interpretcorps – Professional Services/Fees (Fin Admin) \$205.50; Johansen, Justin – Rentals (Planner) \$234.68; Matheson Tri-Gas Inc. – Supplies/Materials (Streets, Water, Sewer, Parks) \$19.22; MJR – Cost Recovery Payment Reimbursement (Sewer) \$135.42; MLC Construction Inc. – Buildings (Govt Bldgs) \$105,725.02; Novak Sanitary Service – Utilities (Govt Bldgs) \$83.58; Onsolve LLC – Professional Services/Fees (Streets, Water, Sewer, Parks) \$3,500.00; Optilegra, Inc. – Group Insurance (City

Admin, Fin Admin, Planner, Streets, Water, Sewer, Parks, Econo Dev Promo) \$121.16; Qualified Presort Service, LLC – Supplies/Materials (Water, Sewer) \$1,102.68; Ramkota Hotel - Pierre – Travel/Conference (Fin Admin, Planner) \$447.96; Roto Rooter – Repairs/Maintenance (Sewer) \$1,260.00; Rural Route 1 Services – Utilities, Supplies/Materials (Govt Bldgs) \$174.35; Sanford Health Plan – Group Insurance (Streets, Water, Sewer, Parks) \$102.17; Sanitation Products – Machinery /Equipment, Supplies/Materials (Sewer) \$3,491.58; Sioux Falls Humane Society – Professional Services/Fees (Animal Control) \$293.61; Sioux Falls Networks – Professional Services/Fees (Fin Admin) \$209.35; SD One Call Systems – Professional Services/Fees (Water, Sewer) \$161.70; SD Supplemental Retirement Plan – SDRS Withholdings \$475.00; SE Electric Cooperative, Inc. – Utilities (Sewer, Street Lighting, Water) \$4,171.11; Staples Advantage – Supplies/Materials (Streets, Water, Sewer, Parks) \$103.06; Stockwell Engineers Inc. – Professional Services/Fees (Engineering – Water, Sewer, General) \$170,790.25; Tomcrete Concrete Construction – Improvements other than Bldgs (Streets) \$1,740.00; Wellmark Blue Cross Blue Shield – Group Insurance (Planner) \$158.20; Wellmark Blue Cross Blue Shield – Group Insurance (City Admin, Fin Admin, Econ Dev Promo, Streets, Water, Sewer, Parks) \$5,652.32; White Glove Cleaning Services – Utilities (Govt Bldgs) \$81.25; Winqvist, Curt & Carla – Professional Services/Fees (Library) \$200.00

Public Comment – Tami Harms gave an update on the pool committee. They are looking for someone to lead the group.

Business Item 2. 1st Reading Ordinance 2018-16 Supplement to the 2018 Budget. Motion Olson, seconded Stonesifer to set the 2nd reading of Ordinance 2018-16 Supplement to the 2018 Budget for December 3, 2018.

Public Hearings and/or Presentation

6:05 pm – Public Hearing – Rezone request to rezone Lot 8 in Block 1 of the Harrisburg Homesites Addition from A-1 Agricultural District to GB General Business District. – No Public Comment

Business Item 1. 1st Reading – Ordinance 2018-15 Rezone Lot 8 in Block 1 of the Harrisburg Homesites Addition from A-1 Agricultural District to GB General Business District. Motion Olson seconded Berg, to set the 2nd reading of Ordinance 2018-15 Rezone of Lot 8 in Block 1 of the Harrisburg Homesites Addition from A-1 Agricultural District to GB General Business District.

Business Item 3. 2nd Reading Ordinance 2018-14 Rezone of Lots 2-16 in Block 16 of the Green Meadows Addition from GB General Business to R-2 Low Density Residential District. Motion Stonesifer, seconded Maxwell to approve Ordinance 2018-14 Rezone of Lots 2-16 in Block 16 of the Green Meadows Addition from GB General Business District to R-2 Low Density Residential District. Ordinance published separate from the minutes.

Business Item 4. Consider Request from 310 Grand Avenue for location of fence within ROW. Will request petitioner to resubmit petition indicating the correct fence location with signatures. Motion Berg, seconded Stonesifer to grant the Planning and Zoning

Administrator the authority to grant a waiver for one year from requiring the removal of the fence at 310 Grand that encroaches on the adjacent right of way in violation of the zoning ordinance, contingent on the owner agreeing in writing to hold the City harmless from any claims against the City related to the fence being placed in the right of way, and agreeing that the City or private utilities may remove the fence with no duty to replace or reimburse the owner should street or utility work be required in the right of way or if the City determines it is in the public interest to remove the fence.

Business Item 5. Consider Sump Pump Sanitary Sewer Waiver Policy. Motion Berg, seconded Maxwell, to move that the City Administrator in consultation with the Public Works Director may issue a waiver to a home owner to discharge their sump pump into the city's sanitary sewer system if the deem it is in the publics interest. A list of waivers shall be kept in the office of the City Administrator.

Business Item 6. Authorize petition for voluntary annexation and City Administrator to sign petition. Motion Olson, seconded Maxwell to authorize a petition for voluntary annexation of Tract 1 of Southern Views First Addition and Tract 2 of Southern Views Second Addition be signed by the City Administrator.

Business Item 7. Resolution 2018-23 to approve annexation of Tract 1 Southern Views First Addition and Tract 2 of Southern Views Second Addition, both located in the N1/2 of Section 7, Township 100 N, Range 49W, 5th P.M., Lincoln County South Dakota. Motion Olson, seconded Stonesifer to approve Resolution 2018-23 the annexation of Tract 1 of Southern Views First Addition and Tract 2 of Southern Views Second Addition, both located in the N1/2 of Section 7, Township 100 N Range 49W 5th P.M., Lincoln County South Dakota.

RESOLUTION 2018-23

A RESOLUTION TO APPROVE A PETITION FOR ANNEXATION OF CERTAIN PROPERTY CONTIGUOUS TO THE CITY OF HARRISBURG, LINCOLN COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Harrisburg has purchased two parcels of land and seeks to annex these parcels into the municipality;

WHEREAS, certain territory, hereinafter more particularly described, is contiguous to the City of Harrisburg, South Dakota; and

WHEREAS, the Planning Commission of the City of Harrisburg recommends that said area be annexed thereto;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Harrisburg, South Dakota, that the boundaries of said City of Harrisburg, South Dakota, be and they hereby are extended to include the area contiguous to the City of Harrisburg described as follows:

Tract 1 of Southern Views First Addition (139.23 acres) and Tract 2 of Southern Views Second Addition (68.59 acres), both located in the N½ of Section 7, T99N, R49W, 5th P.M., Lincoln County, South Dakota. (Approximately 207.82 acres)

NOW THEREFORE BE IT FURTHER RESOLVED by the City of Harrisburg that the within-described territory is hereby designated Rural Service District, thus amending Ordinance #2006-016;

NOW THEREFORE BE IT FURTHER RESOLVED by the City of Harrisburg that the zoning for the within described territory be designated as NR, Natural Resource District.

NOW THEREFORE BE IT FURTHER RESOLVED by the City of Harrisburg that this resolution shall become effective according to law.

Dated at Harrisburg, South Dakota, this 19th day of November 2018.

COMMON COUNCIL OF THE CITY OF HARRISBURG

Seal:
Attest:

Julie Burke - Van Luvanee

Mayor

Mary McClung

Finance Officer

Published: November 29, 2018

Effective: December 19, 2018

Business Item 8. Resolution 2018-24 A Resolution Declaring it is in the Public Interest to Utilize the Services of a Construction Manager at Risk for the Construction of a Wastewater Treatment Plant and to establish procedures for the solicitation and award of the Construction Manager at Risk. Motion Olson, seconded Berg to approve Resolution 2018-24 A Resolution Declaring it is in the Public interest to utilize the services of a Construction Manager at Risk for the Construction of a Wastewater Treatment Plant and to establish procedures for the solicitation and award of the Construction Manager at Risk contract.

RESOLUTION 2018 - 24

A RESOLUTION DECLARING IT IS IN THE PUBLIC INTEREST TO UTILIZE THE SERVICES OF A CONSTRUCTION MANAGER AT RISK FOR THE CONSTRUCTION OF A WASTEWATER TREATMENT PLANT AND TO ESTABLISH PROCEDURES FOR THE SOLICITATION AND AWARD OF THE CONSTRUCTION MANAGER AT RISK CONTRACT

WHEREAS, the City of Harrisburg, South Dakota (the "City"), through its City Council (the "Council") has acquired land and applied for financing for the construction of a wastewater treatment plant to serve the City of Harrisburg (the "Treatment Plant");

WHEREAS, the Council has determined it is the public interest to utilize the services of a Construction Manager at Risk (the "CMAR") to assist the City in the planning and design phase as well as the construction phase of the Treatment Plant;

WHEREAS, the Council has determined that the CMAR services will not unreasonable duplicate and are in addition to the normal scope of separate architect or engineer contracts; and

WHEREAS, the Council shall establish procedure for the solicitation and award of a CMAR contract.

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

1. **City Determinations**. The Council hereby has determined that it is the public interest to utilize the services of a CMAR to assist the City in the planning and design phase as well as the construction phase of the Treatment Plant and that the CMAR services will not unreasonable duplicate and are in addition to the normal scope of separate architect or engineer contracts.
2. **Procedures for Solicitation and Award of CMAR Contract**.
 - a. **Selection Committee**. A Selection Committee shall be established with the size and membership approved by the Council. The City Administrator shall present recommendations for the size and makeup of the Selection Committee to the Council for approval.
 - b. **Request for Proposals**. The City Engineer shall prepare a Request for Proposals (the "RFP") for CMAR services. The RFP shall contain, at a minimum, the following elements.:
 - i. Identify the City of Harrisburg as the purchasing agency;
 - ii. A description of the proposed Treatment Plant;
 - iii. A description of the required qualifications of the CMAR;
 - iv. An outline of the submittal procedure, proposal and interview evaluation criteria including relative weights, and procedures for making awards;
 - v. The proposed terms and conditions for the CMAR services contract, including a description of the scope of services to be provided; and
 - vi. The RFP shall indicate that a registry of all submitted proposals will be maintained containing the names of submitting firms and the name of the firm awarded the contract. The RFP shall also indicate the proposal and professional service contract of the firm awarded the work are deemed public records and will be available to the public upon request, except for proprietary and confidential information. Proposals of firms not awarded the contract are nonpublic records and will remain confidential.

- c. **Advertisement**. Notice of any request for proposals shall be advertised in accordance with the provisions of SDCL 5-18A-14.
- d. **Submitting and Evaluation of CMAR Proposals**.
 - i. The RFP shall have, at a minimum, the following submittal requirements:
 - 1. Cover letter that summarizes the proposal;
 - 2. Proposed project team including availability during anticipated term of project;
 - 3. Proposed team structure;
 - 4. History of proposed team working together;
 - 5. Approach to cost, schedule, and quality control;
 - 6. Relevant company experience with projects of similar type and scale;
 - 7. Résumés of key team members including detail of applicable experience; and
 - 8. Statement of financial strength/stability, bonding capacity, and insurance coverage.
 - ii. The RFP submittals will be evaluated by the Selection Committee on the following criteria:
 - 1. Company background and applicable experience;
 - 2. Project approach and management capabilities;
 - 3. Financial and bonding capacity; and
 - 4. Other factors deemed applicable.
 - iii. The RFP shall list the relative weight given to each criteria. The Selection Committee shall invite at least two, but no more than four, CMAR firms deemed most qualified for interviews.
 - iv. Interviewed firms will be required to submit additional information including, but not limited to, general conditions and fee.
 - v. Interview responses will be evaluated by the Selection Committee on the following criteria:
 - 1. Experience, qualifications, and availability of proposed team leaders;
 - 2. Broader team structure;
 - 3. History of project team working together on similar projects;
 - 4. Technical work process;
 - 5. Proposal, interview response;
 - 6. General conditions and fee; and
 - 7. Other factors deemed applicable.
 - vi. The RFP shall list the relative weight given to each criteria. The Selection Committee will rank the firms according to the interview criteria.

e. **Acceptance of Proposal.**

- i. After obtaining and evaluating proposals and interviews, the Selection Committee shall make a recommendation to the Council of the proposal it considers the most advantageous to the City. Upon approval of a proposal by the Council, acceptance of a proposal shall be by written notice to the CMAR submitting the accepted proposal and by simultaneously notifying in writing the other firms that their proposals were not accepted.
- ii. Unless all proposals are rejected, the City shall enter into negotiations of a fee for services with the CMAR who submitted the highest scoring proposal. If negotiations are not successful, the Selection Committee shall make a recommendation to the Council regarding who the Selection Committee deemed the next firm to be most advantageous to the City. Upon approval by Council, the City shall enter into negotiations with the next firm.
- iii. Upon successful negotiations with a firm, the City may enter into a contract with the selected CMAR upon approval of the final contract by Council.

f. **Rejection of Proposals.** The Council reserves the right to reject any or all proposals submitted. The RFP shall include this clause.

3. **Effective Date.** This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at City of Harrisburg, South Dakota, this 19th day of November 2018.

APPROVED:

Julie Burke Van-Luvanee
Mayor

(SEAL)

Attest: Mary McClung
City Finance Officer

Passed: Nov. 19, 2018

Published: Nov. 29, 2018

Effective: Dec. 19, 2018

Business Item 9. Wastewater Treatment Facility – Construction Manager at Risk and Technical Committee’s Designation of Members. Motion Berg, seconded Maxwell to identify the following members to the CMAR Selection Committee: Joe Stonesifer, Ryan Olson, Andrew Pietrus, Toby Huizenga, and Jason Schipper and McKeown as an alternate for Schipper. Motion Berg, seconded Maxwell to identify the following members to the WWTF Technical Committee: Toby Huizenga, Dustin Preheim, Andrew Pietrus, Mary McClung, City Engineer, and the Wastewater Treatment Facility Operator.

Business Item 10. Consider Amendment to Stockwell Engineers Force Account. Motion Stonesifer, seconded Maxwell to approve Stockwell Engineers Amendment to the force account.

Business Item 11. Consider Stockwell Engineers Proposal for Harrisburg High School Ballfields. Motion Berg, seconded Maxwell to approve the Stockwell Engineers proposal for the Harrisburg High School Ballfield in the amount not to exceed \$34953.00.

Business Item 12. Resolution 2018-25 Adopting a Water Main Cost Recovery and Assessing the Cost of such Cost Recovery to each lot or Tract of Land Benefitting (Nielson Development, LLC.) Motion Berg, seconded Maxwell to approve Resolution 2018-25 Adopting a Water Main Cost Recovery and Assessing the Cost of such Cost Recovery to each Lot or Tract of Land Benefitting.

RESOLUTION NO. 2018-25
CITY OF HARRISBURG

A Resolution ADOPTING A WATER MAIN COST RECOVERY AND ASSESSING THE COST OF SUCH COST RECOVERY TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

WHEREAS, Nielson Development, LLC, has constructed an oversized water main within the meaning of SDCL 9-47-29, which may be assessed pursuant the statute (the "Water Main"), which presently serves the Legendary Estates Addition to the City of Harrisburg, South Dakota, consisting of approximately 126.528 acres;

WHEREAS, the City of Harrisburg (the "City") for purposes of SDCL 9-47-29 has determined that it is appropriate to require that owners of the property served by the Water Main in the future pay their proportionate share of the cost of construction for which Nielson Development, LLC, has not otherwise been reimbursed as of the date of this Resolution, without interest, according to the benefits to accrue to such owner's property;

WHEREAS, in constructing the Water Main, Nielson Development, LLC, has incurred the sum of \$124,774.72, and such amount is eligible for cost recovery from the benefitted properties;

WHEREAS, upon investigation and information provided by Nielson Development, LLC, the property which will benefit from the Water Main consists of 286.24 additional acres which are legally described below and identified in the attached Exhibit A:

(parcel #1) The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), and the South Seventeen (17) Rods 5Feet and 5 Inches of Lot 1 of the Subdivision of the NW1/4SE1/4, Lots 1 and 2 of the Subdivision of the SE1/4SE1/4, Outlot 17 of Outlots in Harrisburg, and Outlot 16 of Outlots in Harrisburg, (except the South 330 Feet of the West 373 Feet Thereof), All in Section 36, Township 100, Range 50 (56 acres).

(parcel #2) The North 761.27 feet of the South 1054.91 Feet of the East 516.94 Feet of the North Half of the Southeast Quarter (N1/2SE1/4) of Section 36, Township 100 North, Range 50, Lincoln County, South Dakota, according to the recorded plat thereof (8.7 acres).

(parcel #3) Lots 1 and 2 of the Southwest Quarter (SW1/4), except the North 213 feet of West 624 feet, Section 31, Township 100 north, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (145.04 acres).

(parcel #4) North 213 feet of West 624' of the Southwest Quarter (SW1/4), Section 31, Township 100 North, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (3.05 acres).

(parcel # 5) NW1/4 of Section Thirty-Six (31), Township One Hundred (100) North, Range fifty (49) West of the 5th P.M., Lincoln County, South Dakota (72.245 acres).

(parcel #6) West 208 feet of South 210 of Government Lot 2, Northwest Quarter (NW1/4), Section 31, Township 100 North, Range 49, Lincoln County, South Dakota, according to the recorded plat thereof (1.0).

(the "Benefitted Property"); and

WHEREAS, the City has investigated the matter as necessary and hereby find and determines that the cost recovery amount shall be apportioned as follows:

As a condition for property located outside Legendary Estates Addition to be served by the Water Main, the property requested to be so served shall be assessed a cost as follows: $\$124,774.72 \div 412.76 \times$ (the number of acres proposed to be served including Legendary Estates). The following district, therefore, shall be assessed \$302.29 per acre.

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

That payment of the costs allocated to the Benefitted Property shall be delayed, without interest, until such time as the Benefitted Property or portion thereof requests connection to the Water Main, at which time the cost recovery applicable thereto would become payable in full.

It is further resolved that a copy of this resolution shall be recorded at the Register of Deeds Office, Lincoln County, South Dakota, as a notice to all potential or actual future landowners that proof of payment is required prior to the time such property shall connect to the Water Main.

This Resolution shall not preclude request for cost recovery by third parties who reimbursed Nielson Development, LLC, on or directly paid for a portion of the costs of the Water Main.

Dated adopted: November 19, 2018

Julie Burke – Van-Luvanee
Mayor

ATTEST:
Mary McClung
Finance Officer

Adopted: November 19, 2018

Published: November 29, 2018

Effective: December 19, 2018

Business Item 13. Resolution 2018-26 Adopting a Sewer Cost Recovery and Assessing the Cost of Such Cost Recovery to each lot or tract of land benefitting (Nielson Development, LLC) Motion Berg, seconded Maxwell to approve Resolution 2018-26 Adopting a Sewer Cost Recovery and Assessing the Cost of Such Cost Recovery to each Lot or Tract of Land Benefitting.

RESOLUTION NO. 2018-26
CITY OF HARRISBURG

A RESOLUTION ADOPTING A SEWER COST RECOVERY AND ASSESSING THE COST OF SUCH COST RECOVERY TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

WHEREAS, City Resolution No. 2008-15, as amended by Resolution 2008-17, adopt by reference a sanitary sewer cost recovery evaluation completed by the City of Harrisburg (the "City") in June of 2018, which authorizes private developers to be reimbursed by assessment for sewer and related infrastructure costs from the property which benefits from such infrastructure;

WHEREAS, Nielson Development, LLC, has constructed an oversized sewer at a greater depth and size, and otherwise made sewer improvements within the meaning of SDCL 9-48-15 (the "Sewer Construction") which presently serves the Legendary Estates Addition to the City of Harrisburg, South Dakota, consisting of approximately 126.528 acres;

WHEREAS, the City for purposes of SDCL 9-48-15 has determined that it is appropriate to require that owners of the property served by the Sewer Construction in the future pay their proportionate share of the cost of construction for which Nielson Development, LLC, has not otherwise been reimbursed as of the date of this Resolution, without interest, according to the benefits to accrue to such owner's property;

WHEREAS, in constructing the Sewer Construction, Nielson Development, LLC, has incurred the additional, unreimbursed cost in the sum of \$127,300.27 in constructing the Sewer Construction, and such amount is eligible for cost recovery;

WHEREAS, upon investigation and information provided by Nielson Development, LLC, the basin which will benefit from the Sewer Construction consists of 458.37 additional acres which are legally described below and identified in the attached Exhibit A:

(Parcel #1) The East Half of the Southeast Quarter (E1/2 SE1/4) of Section 26, Township 100, Range 50 West of the 5th P.M., Lincoln County, South Dakota, Except the South 530 Feet and Except the East 30 Rods of the North 10 2/3 Rods

(Parcel #2) The South Half of the Southwest Quarter (S1/2 SW1/4) and the South Half of the North Half of the Southwest Quarter (S1/2 N1/2 SW1/4); (Except Lot 1, Block 5 of Dynamic Development 1st Addition.) all of Section 25, Township 100, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota

(Parcel #3) The Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), and the West 730 Feet (W730') of the North 150 Feet (N150') of the Southwest Quarter of the Northwest Quarter (SW1/4 SW1/4), of Section 36, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota, According to Government Survey Thereof

(Parcel #4) The South East Quarter (SE1/4), Except Railroad Right of Way, and Except Harris Tracts One (1) and Two (2), all in Section 25, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Government Survey Thereof

(Parcel #5) Harris Tract 2 in the Southeast Quarter (SE1/4) of Section 25, Township 100 North, Range 5 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #6) The North 272 Feet of Harris Tract 1 in the Southeast Quarter (SE1/4) Section 25, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #7) Harris Tract 1 in the Southeast Quarter (SE1/4) of Section Twenty-Five (25), Township One Hundred (100) North, Range Fifty (50) West, Lincoln County, SD. Less N272' of Harris Tract 1 SE1/4 – 25-100-50 Lot 3.00 AC Harrisburg, S.D. 57032

(Parcel #8) The North Half of the Northeast Quarter (N1/2 NE1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, Except for Railroad Right of Way, and Except Johnson Tract 1 Thereof, and Except Conveyed Subject to an Outstanding Mortgage to Valley Exchange Bank of Lennox, Tea Branch, in Tea, South Dakota

(Parcel #9) The East Half of the Northwest Quarter (E1/2 NW1/4) Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Government Survey Thereof

(Parcel #10) Tract 18 of Industrial Park Addition in the Northwest Quarter (NW1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County South Dakota

(Parcel #11) Tract 17 of Industrial Park Addition in the Northwest Quarter of Section 36, Township 100, North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota

(Parcel #12) Lot 1, Block 5 of Dynamic Development First Addition Located in the South Half of the Southwest Quarter (S1/2 SW1/4) and the South Half of the North Half of the Southwest Quarter (S1/2 N1/2 SW1/4), all of Section 25, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #13) Johnson Tract 1 in the North Half of the Northeast Quarter (N1/2 NE1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(the "Benefitted Property"); and

WHEREAS, the City of Harrisburg has investigated the matter as necessary and hereby find and determines that the cost recovery amount shall be apportioned as follows:

As a condition for property located outside Legendary Estates Addition to be served by the Sewer Construction, the property requested to be served shall be assessed a cost as follows: $\$127,330.27 \div 584.90$ (the number of acres proposed to be served including Legendary Estates). The following district, therefore, shall be assessed \$217.70 per acre.

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

That payment of the costs allocated to the Benefitted Property shall be delayed, without interest, until such time as the Benefitted Property or portion thereof requests connection to the Sewer Construction, at which time the cost recovery applicable thereto would become payable in full.

It is further resolved that a copy of this resolution shall be recorded at the Register of Deeds Office, Lincoln County, South Dakota, as a notice to all potential or actual future landowners that proof of payment is required prior to the time such property shall connect to the Sewer Construction.

This Resolution shall not preclude request for cost recovery by third parties who reimbursed Nielson Development, LLC, on or directly paid for a portion of the costs of the Sewer Construction.

Dated adopted: November 19, 2018

Julie Burke – Van Luvanee
Mayor

ATTEST:
Mary McClung
Finance Officer

Adopted: November 19, 2018
Published: November 29, 2018
Effective: December 19, 2018

Business Item 14. Resolution 2018-27 Adopting a Sewer Cost Recovery for Construction of a Lift Station and Assessing the Cost of Such Cost Recovery to each Lot or Tract of Land Benefitting (Nielson Development, LLC). Motion Olson, seconded Maxwell to approve Resolution 2018-27 Adopting a Sewer Cost Recovery for Construction of a Lift Station and Assessing the Cost of Such Recovery to each Lot or Tract of Land Benefitting.

RESOLUTION NO. 2018-27
CITY OF HARRISBURG

A RESOLUTION ADOPTING A SEWER COST RECOVERY FOR CONSTRUCTION OF A LIFT STATION AND ASSESSING THE COST OF SUCH COST RECOVERY TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

WHEREAS, City Resolution No. 2008-15, as amended by Resolution 2008-17, adopt by reference a sanitary sewer cost recovery evaluation completed by the City of Harrisburg (the “City”) in June of 2018, which authorizes private developers to be reimbursed by assessment for sewer and related infrastructure costs from the property which benefits from such infrastructure;

WHEREAS, Nielson Development, LLC, has constructed a lift station and force main, both of which are infrastructure services within the meaning of SDCL 9-48-15 (the “Lift Station”) which presently serves the Legendary Estates Addition to the City of Harrisburg, South Dakota, consisting of approximately 120 acres;

WHEREAS, the City for purposes of SDCL 9-48-15 has determined that it is appropriate to require that owners of the property served by the Lift Station in the future pay their proportionate share of the cost of construction for which Nielson Development, LLC, has not otherwise been reimbursed as of the date of this Resolution, without interest, according to the benefits to accrue to such owner’s property;

WHEREAS, Nielson Development, LLC, has incurred the additional, unreimbursed cost in the sum of \$182,778.68 in constructing the Lift Station, and such amount is eligible for cost recovery;

WHEREAS, upon investigation and information provided by Nielson Development, LLC, the basin which will benefit from the Sewer Construction consists of 458.37 additional acres which are legally described below and identified in the attached Exhibit A:

(Parcel #1) The East Half of the Southeast Quarter (E1/2 SE1/4) of Section 26, Township 100, Range 50 West of the 5th P.M., Lincoln County, South Dakota, Except the South 530 Feet and Except the East 30 Rods of the North 10 2/3 Rods

(Parcel #2) The South Half of the Southwest Quarter (S1/2 SW1/4) and the South Half of the North Half of the Southwest Quarter (S1/2 N1/2 SW1/4); (Except Lot 1, Block 5 of Dynamic Development 1st Addition.) all of Section 25, Township 100, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota

(Parcel #3) The Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), and the West 730 Feet (W730') of the North 150 Feet (N150') of the Southwest Quarter of the Northwest Quarter (SW1/4 SW1/4), of Section 36, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota, According to Government Survey Thereof

(Parcel #4) The South East Quarter (SE1/4), Except Railroad Right of Way, and Except Harris Tracts One (1) and Two (2), all in Section 25, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Government Survey Thereof

(Parcel #5) Harris Tract 2 in the Southeast Quarter (SE1/4) of Section 25, Township 100 North, Range 5 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #6) The North 272 Feet of Harris Tract 1 in the Southeast Quarter (SE1/4) Section 25, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #7) Harris Tract 1 in the Southeast Quarter (SE1/4) of Section Twenty-Five (25), Township One Hundred (100) North, Range Fifty (50) West, Lincoln County, SD. Less N272' of Harris Tract 1 SE1/4 – 25-100-50 Lot 3.00 AC Harrisburg, S.D. 57032

(Parcel #8) The North Half of the Northeast Quarter (N1/2 NE1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, Except for Railroad Right of Way, and Except Johnson Tract 1 Thereof, and Except Conveyed Subject to an Outstanding Mortgage to Valley Exchange Bank of Lennox, Tea Branch, in Tea, South Dakota

(Parcel #9) The East Half of the Northwest Quarter (E1/2 NW1/4) Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Government Survey Thereof

(Parcel #10) Tract 18 of Industrial Park Addition in the Northwest Quarter (NW1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County South Dakota

(Parcel #11) Tract 17 of Industrial Park Addition in the Northwest Quarter of Section 36, Township 100, North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota

(Parcel #12) Lot 1, Block 5 of Dynamic Development First Addition Located in the South Half of the Southwest Quarter (S1/2 SW1/4) and the South Half of the North Half of the Southwest Quarter (S1/2 N1/2 SW1/4), all of Section 25, Township 100 North, Range 50 West of the 5th P.M., City of Harrisburg, Lincoln County, South Dakota, According to the Recorded Plat Thereof

(Parcel #13) Johnson Tract 1 in the North Half of the Northeast Quarter (N1/2 NE1/4) of Section 36, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota, According to the Recorded Plat Thereof

(the "Benefitted Property"); and

WHEREAS, the City of Harrisburg has investigated the matter as necessary and hereby find and determines that the cost recovery amount shall be apportioned as follows:

As a condition for property located outside Legendary Estates Addition to be served by the Sewer Construction, the property requested to be so served shall be assessed a cost as follows: $\$182,778.68 \div 458.37$ acres x (the number of acres proposed to be served).

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

That payment of the costs allocated to the Benefitted Property shall be delayed, without interest, until such time as the Benefitted Property or portion thereof requests connection to the Lift Station, at which time the cost recovery applicable thereto would become payable in full.

It is further resolved that a copy of this resolution shall be recorded at the Register of Deeds Office, Lincoln County, South Dakota, as a notice to all potential or actual future landowners that proof of payment is required prior to the time such property shall connect to the Lift Station.

This Resolution shall not preclude request for cost recovery by third parties who

reimbursed Nielson Development, LLC, on or directly paid for a portion of the costs of the Lift Station.

Dated adopted: November 19, 2018

Julie Burke – Van Luvanee
Mayor

ATTEST:
Mary McClung
Finance Officer

Adopted: November 19, 2018
Published: November 29, 2018
Effective: December 19, 2018

Business Item 15. Approval of Sanitary Sewer Oversize Reimbursement (Nielson Development LLC) Motion Berg, seconded Olson to approve reimbursement of \$130,615.54 to Nielson Development, LLC for the sanitary sewer oversize within Legendary Estates.

Business Item 16. Authorize Payment for and execution of any documents to purchase Lot 30 Block 20 Legendary Estates. Motion Berg, seconded Maxwell to authorize the payment for and execution of any documents to purchase Lot 30 Block 20 Legendary Estates not to exceed \$54,000.00.

Business Item 17. Performance Documents

- a.) Goal Planning Worksheet
- b.) Performance Appraisal and Goal Setting Procedure
- c.) Evaluation Form

Pietrus will check with legal to see where the appropriate place for the performance appraisal and goal setting procedure document should be added, whether it be in the personnel manual or standalone policy. He plans to use the goal planning worksheet and evaluation form during annual evaluations this year.

Business Item 18. Consider Request from Park Board to Expend Funds on Movie int the Park Equipment and PA System for Events. Motion Maxwell, seconded Berg to approve the Park Boards request to purchase equipment for showing movies in the park and a PA system.

Business Item 19. Pool Committee Direction. Motion Berg, seconded Stonesifer for the pool committee to continue, to find a chair for the committee and for the city to provide resources as requested.

Business Item 20. Revisit Designation of Board and Department Liaisons. Motion Berg, seconded Maxwell to designate the following liaisons to: Park/Adult/Youth Recreation; Maxwell, with Berg as the secondary, HEDC and Chamber; Olson, Library; Maxwell, with Stonesifer as the secondary, Public Works (streets, water, sewer, parks, Stonesifer, and Public Safety; Olson.

Business Item 21. Monthly Round Table Participants. Pietrus and the Mayor will draft a schedule for monthly round table meeting to be in January and bring to the December 3rd meeting for the council's consideration.

Business Item 22. Policy Suggestion: Listing Deliverables in Meeting Minutes via List Recap all on one (1) motion. Motion Stonesifer, seconded Olson to table until the December 3rd, 2018 city council meeting and directed Pietrus to discuss with legal.

Business Item 23. Policy Suggestion: Audio or Video Taping Council Meeting for Residents Post Meeting Viewing. Motion Olson, seconded Berg to table until the December 17, 2018 city council meeting. Mayor and staff will look at options and possible costs.

Business Item 24. Water Bill Flyer and/or Harrisburg Times Submission to Communicate Aldermanic Form of Government. Staff will publish in January Tiger Times and draft a flyer for welcome packets.

Business Item 25. Community Needs Assessment Public Survey and Next Steps. Mayor requested all Council and City Staff to bring three things we would like to see improved within the City to the next meeting.

Pietrus reminded everyone about the Harrisburg Economic Development / Chamber Annual Meeting to be held on December 4th, 2018.

Maxwell gave a report on going to Numbers and Such Ribbon Cutting, suggested we update the Code Enforcers email address, and think about changing to digital timecards. Berg talked about resident concerns regarding code enforcement issue in Harrisburg Homesites Addition and the Sewage back up that occurred in Harvest Acres Addition.

Business Item 26. Executive Session – pursuant to SDCL 1-25-2 (1) Personnel. Motion Olson, seconded Berg to enter into executive session pursuant to SDCL 1-25-2 (1) Personnel at 8:23 pm. Mayor declared out of executive session at 8:46 pm.

Business Item 27 Consider Authorization of Advertisement for Full Time Public Works Employee, City Engineer, WWTF Operator. Motion Berg, seconded Maxwell to authorize city staff to advertise for a full-time public works employee, city engineer, and WWTF Operator. Roll Call – Maxwell -aye, Berg – aye, Olson -aye, and Stonesifer abstains.

The next regular meeting of the Harrisburg City Council will be held at 6:00 pm on Monday, December 3, at the Liberty School Community Room.

With no further business, a motion was made by Maxwell, seconded by Stonesifer, to adjourn the city council meeting at 8:47pm.

Submitted by: Jill Johnke, Administrative Assistant