

Harrisburg City Council  
Meeting Minutes

The regular meeting of the City Council was called to order on September 21, 2021 at 6:00 pm, with Mayor Wenck presiding. Council members present were, Tom Anez, Chris Kindt, and Danny Tank. Also present from the city were Jill Johnke, Toby Huizenga, Larry Klipfel, Joe Stonesifer, Andrew Pietrus and Mary McClung. A list of all others in attendance is on file at the city office.

No public comment offered for non-business or business items,

Mayor acknowledged his proclamation for the Harrisburg High School 2021 Championship Baseball Team.

Consent Agenda: Motion Tank, seconded Kindt to approve the consent agenda.

1. Approved of September 21, 2021 Agenda
2. Approved September 7, 2021 City Council Meeting Minutes
3. Approved September 21, 2021 Claims
4. Approved 2020 Annual Report
5. Approved WRF Purchase of Raven Portable Sludge Interface Detector, 30 ft. for \$1,116.83
6. Approved and Authorized the Mayor to Sign Water Reclamation Facility Pay Application #14 – Henry Carlson Construction \$665,996
7. Approved and Authorized the Mayor to Sign SRF Application \$19 for the Harrisburg Water Reclamation 0- \$788,107
8. Approved and Authorized the Mayor to Sign Phase 2 Grading Project – Central Park Pay Application #1 – Soukup Construction - \$117,806.17
9. Mayoral Proclamation – Harrisburg High School 2021 Championship Baseball Team Day – September 15, 2021
10. Approved moving City Council Meeting Date from Tuesday, October 5, 2021 to Monday, October 4, 2021

Upon roll call, all members present in favor.

A & B Business Inc. – Rentals (Govt Bldgs) \$116.57; A & B Business Inc. – Rentals (Engineering) \$115.50; AE2S – Professional Services/Fees (Engineering – Sewer, Water) \$6,141.50; Asphalt Seal Coating and Repair (Repairs/Maintenance (Streets) \$37,965.93; Banner Associates, Inc. – Professional Services/Fees (Sewer, Storm Drainage) \$29,565.78; City of Sibley – Water for Resale (Water) \$8,370.00; Code Works Inc – Professional Services/Fees (Planner) \$2,771.20; Cooperative Energy Company – Energy (Streets, Water, Sewer, Parks) \$1,481.09; Customeyez Designs – Supplies/Materials (Snow Removal) \$100.00; Cutler Law Firm LLP – Professional Services/Fees (Attorney - General, Water, Sewer) \$4,661.25; Department of Treasury – Withholding Taxes \$10,640.34; Fareway Stores Inc #178 – Community Education/Event (Parks) \$155.22; Harris, Todd – Supplies/Materials (Streets, Water, Sewer, Parks) \$117.99; HDR Engineering, Inc. – Professional Services/Fees (Engineering – General) \$11,875.13; Health Equity – Professional Services/Fees (City Admin, Fin Admin, Engineering, Streets, Water, Sewer, Parks) \$25.00; Health Equity – H.S.A. Withholdings \$454.62; Hillyard – Supplies/Materials (Parks) \$58.23; Home Definition – Professional Services/Fees (Govt Bldgs) \$25.00; IMEG – Professional Services/Fees (Engineering – General) \$1,000.00; Lacey’s – Rentals (Parks) \$725.00; LG Everist – Buildings (Govt Bldgs) \$195.21; Lincoln Co. Auditor – Professional Services/Fees (Police) \$100,220.12; Linc. Co. Rural Water System – Improve Other Than Buildings (Water) \$72,896.66; Lincoln County Sheriff – Professional Services/Fees (Police) \$2,375.84; Marco, Inc. – Rentals, Supplies/Materials (Streets, Water, Sewer, Parks) \$183.13; Menards – East – Supplies/Materials (Sewer) \$134.93; Menards – Supplies/Materials (Streets) \$71.47; MidAmerican Energy – Energy (Sewer, Govt Bldgs) \$142.90; Optilegra, Inc. – Group Insurance, Insurance Withholdings (City Admin, Fina Admin, Engineering, Planner, Streets, Water, Sewer, Parks) \$141.24; Payment Service Network –

Professional Services/Fees (Planner, Water, Sewer) \$2,034.46; Public Health Laboratory – Professional Services/Fees (Water) \$181.00; Sanitation Products – Repairs/Maintenance (Govt Bldgs Street Cleaning) \$183.47; Sioux Falls Humane Society – Professional Services/Fees (Animal Control) \$218.16; Sioux Falls Humane Society – Professional Services/Fees (Animal Control) \$245.16; South Dak Municipal League – Travel/Conference (Board, City Admin, Fin Admin) \$400.00; South Dakota One Call – Professional Services/Fees (Water, Sewer) \$279.30; SDPAA – Insurance (Fina Admin, Govt Bldgs, Engineering, Public Safety, Streets, Snow Removal, Parks, Library, Water, Sewer, West Nile Prevention) \$64,813.25; SD Supplemental Retirement Plan – SDRS Withholdings \$225.00; USA Blue Book – Supplies/Materials (Sewer) \$598.44; Vast Broadband – Utilities (Sewer) \$697.85; Verizon Wireless – Utilities (Sewer, Water, Engineering) \$240.06; VanDiest Supply Company – Machinery/Equipment (Sewer) \$13,714.00; Wellmark Blue Cross Blue Shield – Group Insurance (City Admin, Engineering, Fin Admin, Streets, Water, Sewer, Parks, Insurance Withholdings) \$8,121.20; Wellmark Blue Cross Blue Shield – Group Insurance (Planner) \$197.70; White Glove Cleaning Services – Utilities (Govt Bldgs) \$81.25

Business Item 1. 2<sup>nd</sup> Reading Ordinance 2021-13 Supplemental Appropriations Ordinance. Motion Tank, seconded Anez to approve Ordinance 2021-13 Supplemental Appropriations Ordinance. Upon roll call, all members present in favor.

Business Item 2. 2<sup>nd</sup> Reading Ordinance 2021-12 2022 Appropriations Ordinance. Motion Kindt, seconded Tank to approve Ordinance 2021-12 Appropriations Ordinance. Upon roll call, all members present in favor.

Business Item 3. 1<sup>st</sup> Reading Ordinance 2021-14 Amend Municipal Ordinance Chapter 8.02 Water Provisions Chapter 8.0205 Meter Requirements. Further amendments of the ordinance will be brought to the council at a later date. No discussion or action taken on this item.

Business Item 4. Resolution 2021-25 Designating Property as Rural Service District. Motion Anez, seconded Tank to approve Resolution 2021-25 designating the following property as Rural Service District; E1/2SE1/4 of Section 26, T100N, R50W, 5<sup>th</sup> P.M., Lincoln County, South Dakota except the south 530' and except the east 30 rods of the north 10 2/3 rods (2 acres) thereof and excluding the storage unit buildings site (Approximately 30.97 – 9.28 = 21.69 acres). Upon roll call, all members present in favor.

#### RESOLUTION 2021-25

#### A RESOLUTION TO APPROVE A REQUEST TO DESIGNATE CERTAIN PROPERTY WITHIN THE CITY OF HARRISBURG AS RURAL SERVICE DISTRICT.

WHEREAS, the City of Harrisburg approved a written petition, number 2018-19, for voluntary annexation signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the property known as the Flatiron Crossing Addition, which became effective on September 19, 2018; and

WHEREAS, the City of Harrisburg designated the west half of the Flatiron Crossing Addition property as Rural Service District and the east half as Urban Service District upon annexation; and

WHEREAS, the City of Harrisburg approved a Preliminary Plan for Flatiron Crossing Addition on July 15, 2019; and

WHEREAS, the City staff has extensively reviewed Engineering Submittals and Construction Plans and have explored regional stormwater management facilities that would include the property known as Flatiron Crossing Addition; and

WHEREAS, the owner/developer of the Flatiron Crossing Addition has concluded that it is not economically feasible to proceed further with the development of this property at this time and thanks the City of Harrisburg for its support of this development; and

WHEREAS, the owner/developer of the Flatiron Crossing Addition requests that the City Council

also redesignate the east half of the Flatiron Crossing Addition property from Urban Service District to Rural Service District until such time as it is economically feasible to proceed with the development of this property.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Harrisburg, South Dakota, that the boundaries of the City's Rural Service District be and they hereby are extended to include the east half of the area described as follows:

The E½SE¼ of Section 26, T100N, R50W, 5<sup>th</sup> P.M., Lincoln County, South Dakota except the south 530' and except the east 30 rods of the north 10 2/3 rods (2 acres) thereof and excluding the storage unit buildings site (approximately 30.97 – 9.28 = 21.69 acres).

thus amending Ordinance #2006-016;

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 17th day of August, 2021.

COMMON COUNCIL OF THE CITY OF HARRISBURG

Seal:

Attest:

Derick Wenck

Mary McClung

Mayor

Finance Officer

Published: September 30, 2021

Effective: October 20, 2021

Business Item 5. Resolution 2021-38 Annual Nuisance Assessments. Motion Tank, seconded Kindt to approve Resolution 2021-38 Annual Nuisance Assessments and certify to the Lincoln County Auditor for collection. Upon roll call, all members present in favor.

#### RESOLUTION NO. 2021-38

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE ABATEMENTS IN VARIOUS AREAS WITHIN THE CITY OF HARRISBURG, SD.

BE IT RESOLVED by the City Council of the City of Harrisburg, South Dakota:

SECTION 1: That the special assessment roll for nuisance abatements in various areas within Harrisburg, SD, is hereby approved and the assessments in the assessment roll are levied against the property described in it. The assessments become a lien against the property when the assessment roll is filed in the office of the Finance Officer.

SECTION 2: The assessment may be paid in one annual installment and shall be collected under Plan One—Collection by County Treasurer as provided in SDCL 9-43.

Dated this 21<sup>st</sup> day of September, 2021

Derick Wenck

Mayor

ATTEST:

Mary McClung

Finance Officer

(SEAL)

Harrisburg  
Nuisance Abatements (2021)

Legal Description	Supposed Property Owner	Interest Due 10/01/21 – 5/01/22 5.25% Per Year	Total Assessment	Invoice
Hsbg – Green Meadows Add – Lot 11 Blk 3 City of Harrisburg, SD Parcel 270.70.03.011 (701 Lois Lane)	Winge (Brinkerhoff), Robyn		\$135.25	22911
Hsbg – Lots 13 & 14 & S74’ of Lot 15 & S 74’ of E ½ Lot 16 – Blk 1 City of Harrisburg, SD Parcel 270.10.01.014 (308 Main Street)	Quien, Henry E Estate (Mitchell Quien)		\$877.50	23883
Hsbg – Green Meadows – Lot 5 Blk 2 City of Harrisburg, SD Parcel 270.70.02.005 (708 Shebal Avenue)	Whitham, Steven		\$147.00	22912
Hsbg – Creekside Add – Lot 7 Blk 7 City of Harrisburg, SD Parcel 270.86.07.007 (226 Creekside Avenue)	Wiedemann, Carson P		\$217.50	23540

Business Item 6. Resolution 2021-39 – Establish Administrative Procedure for Accepting and Processing Application for a Medical Cannabis Establishment License. Motion Tank, seconded Kindt to approve Resolution 2021-39 – Establish Administrative Procedure for Accepting and Processing Application for a Medical Cannabis Establishment License. Upon roll call, all members present in favor.

RESOLUTION NO. 2021-39

RESOLUTION OF THE CITY OF HARRISBURG, SOUTH DAKOTA TO ESTABLISH ADMINISTRATIVE PROCEDURE FOR ACCEPTING AND PROCESSING APPLICATIONS FOR A MEDICAL CANNABIS ESTABLISHMENT LICENSE.

WHEREAS, on September 7, 2021, the City Council adopted Ordinance No. 2021-11 (the “License Ordinance”) creating licensing regulations for Cannabis Establishments in the City of Harrisburg, South Dakota (the “City”); and

WHEREAS, the License Ordinance set a numerical cap on the number of Cannabis Establishment Licenses that may be issued in the City; and

WHEREAS, the City Council has determined it necessary to establish administrative procedures for the acceptance and processing for Cannabis Establishment Licenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Action by City Council:
  - a. The City Council will consider a completed application at the next available City Council meeting following submittal, provided that such application must be submitted in advance of the general agenda item submission deadline established by the Finance

Officer. Applications are generally processed on a first come, first served basis except as further provided by this resolution.

- b. The City Council may approve or deny an application in full or on condition. Such action of the City Council must take place within thirty (30) days after the application's first presentment to the City Council.
- c. If approved, the Mayor and Finance Officer will endorse the application and notify the applicant of approval by close of business on the next business day following the City Council's approval. If the Council imposes any conditions, such conditions shall be listed on the license at the time of issuance. No approved application shall become effective and no license shall be issued until the applicant provides to the Finance Officer a copy of the applicant's certificate of registration from the state relating to the cannabis establishment for which the license was approved.
- d. If denied, the Council must state the basis on which the application was denied, which may include, but is not limited to: incorrect application information, missing required application criteria, insufficient detail in application, nonpayment of any obligation, proposed activity would violate City ordinance, proposed activity would violate state law or regulations, no license available due to maximum number already issued, proposed location not zoned properly, proposed location does not comply with an applicable buffer zone, or concerns over potential building, fire, or nuisance code issues.
- e. No application for a license of any kind under this chapter may be received by the Finance Officer until such time as the State of South Dakota promulgates their initial regulations under SDCL Section 34- 20G-72. Any application submitted prior to such time shall be deemed rejected.

2. Special Procedures for Capped Licenses:

- a. For license classes where the City Council has established a numerical cap, applications shall be accepted by the special procedures provided in this section.
- b. These special procedures shall apply whenever a new license becomes available in a capped license class.
- c. When such availability occurs, the City shall publish an invitation for applications on the City's website stating the deadline to apply and the location applications may be submitted. No application for a capped license class will be accepted prior to publication of the invitation nor after the deadline established in the invitation.
- d. Applications submitted pursuant to an invitation must be submitted in writing and sealed. An applicant may not supplement their application after the deadline has passed.
- e. Once the deadline has passed, the Finance Officer shall open all sealed applications received during the invitation submittal window and review each application for completeness. Applications which are objectively incomplete shall be rejected and ineligible for further consideration. Applications which may be incomplete, but which require subjective interpretation, may continue through the process for the City Council to make such determination. Such review shall be completed within 10

business days from the established deadline to receive applications.

- f. The remaining applications shall be placed into order by the Finance Officer utilizing a lottery system to establish the order in which applications will be considered. Following the review period, the Finance Officer shall publish notice of the lottery on the City's website at least twenty-four (24) hours in advance of the lottery being conducted and such lottery shall be open to the public. Once the lottery is completed, the remaining applications will be placed on the agenda of the next regularly available City Council meeting.
  - g. Remaining applications will then be considered by City Council on their merits in the order set by lottery. City Council will approve or deny applications in the established order, but may review all applications before deciding on any individual application. City Council will approve or deny the applications in order until all applications have been acted on or the numerical cap has been reached. If the numerical cap has been reached and there are still applications which have not been acted on, such undecided applications shall be deemed rejected.
  - h. If no applications are received following an invitation for applications, or if the numerical cap is not reached pursuant to an invitation for applications, these special rules shall no longer apply and applications may be received, processed, and considered on a first come, first served basis beginning at open of business the day following the City Council meeting at which the last application was acted upon pursuant to the invitation for applications. Such applications must be delivered in writing to the Finance Officer no earlier than the time specified above and applications received before such time shall be deemed rejected.
  - i. If the numerical cap is then reached while using the first come, first served system, and a license subsequently lapses making a new license available, these special procedures shall apply to issuing the new license.
3. Severability. The provisions of this resolution are severable. If any provision of this resolution or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application.
4. Effective Date. This resolution, after its final passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the Mayor and Finance Officer, shall be published in the City's officially designated newspaper, and shall be effective on the 20<sup>th</sup> day following such publication. After becoming effective, this resolution may be amended or repealed at any time by adoption of an administrative resolution or ordinance.

Adopted at City of Harrisburg, South Dakota, this 21<sup>st</sup> day of September, 2021.

APPROVED:

Derick Wenck  
Mayor

(SEAL)

Attest: Mary McClung  
City Finance Officer  
Passed: September 21, 2021

Published: September 30, 2021  
Effective: October 20, 2021

Business Item 7. Consider Stockwell Engineers Amendment to Agreement – Water Reclamation Facility. Motion Tank, seconded Anez to approve amendment to agreement for the water reclamation facility in the amount not to exceed \$32,256. Upon roll call, all members present in favor.

Business Item 8. Consider Amendment to Phase 6 Creekside Subdivision Construction Agreement. Motion Kindt, seconded Tank to approve amendment to Phase 6 Creekside Subdivision Construction Agreement. Upon roll call, all members present in favor.

Business Item 9. Authorize Mayor to Sign State Water Plan Application for the Trunk Sewer Phase 1. Stonesifer informed council that the application will be amended to include a larger portion of the improvements. Motion Tank, seconded Kindt to authorize the mayor to sign the State Water Plan Application for the Trunk Sewer project as being amended. Upon roll call, all members present in favor.

Business Item 10. Consider Quote from Asphalt Seal Coating and Repairs for Overlay on Prairie St. and Misc. patching. Motion Kindt, seconded Anez to approve the quote from Asphalt Seal Coating and Repairs for an overlay on Prairie St and other misc. patching in the amount of \$25,202.50. Upon roll call, all members present in favor.

Business Item 11. Consider Proposal from Stockwell Engineers for Legendary Estates Model Updates. Council would like to see action taken on the results to take care of future drainage concerns. Motion Tank, seconded Kindt to approve the proposal from Stockwell Engineers for Legendary Estates Model Updates in an amount not to exceed \$73,885.40. Upon roll call, all members present in favor.

Maxwell joined the meeting at 6:33pm

Business Item 12. Consider Proposal from Stockwell Engineers for Municipal Drainage Engineering Services. Motion Kindt, seconded Maxwell, to approve the proposal from Stockwell Engineers for Municipal Drainage Engineering Services providing on call services as requested by city staff.

Business Item 13. Consider Proposal from Banner Engineers to Update Stormwater Engineering Design Standards. Motion Tank, seconded Maxwell, to approve the proposal from Banner Engineers to update Stormwater Engineering Design Standards to review various existing and proposed developments in an amount of \$40,090.

Tank made a motion, seconded Kindt to reconsider motion for business item #9. Motion Tank, seconded Kindt to amend the original motion to include authorizing the mayor to sign the State Water Plan Applications for the Southeastern Utility Improvements.

Business Item 14. Executive Session – Pursuant to SDCL 1-25-2 (4) Contract Negotiations. Motion Tank, seconded Maxwell to enter executive session at 6:50pm.

Mayor declared out of executive session at 7:15pm

With no further business, a motion was made by Tank, seconded Maxwell to adjourn the city council meeting at 7:15pm. Upon roll call, all members present in favor.

The next regular meeting of the Harrisburg City Council will be held at 6:00 pm on Monday, October 4, 2021.

Submitted by Jill Johnke, Deputy Finance Officer

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