

ADJUSTED APPROVED REGULAR MONTHLY MEETING
BALTIMORE CITY COUNCIL
March 14, 2023 7:00 PM BALTIMORE CITY HALL
130 ST. OLAF AVENUE BALTIMORE, SOUTH DAKOTA

- I. CALL TO ORDER Mayor Mclsaac called the meeting to order at 7:00 PM in the Baltimore City Hall, 130 St Olaf Avenue
- II. ROLL CALL Answering roll call were Aldermen Sinding, Oien, Schreurs and McGreevy. Also in attendance were City Attorney John Hughes, Justin Heim of ISG, Finance Officer Linda Hunnel, Public Works Supervisor Ryan Fods and Community Relations Manager Lacey Branham.
- III. PLEDGE OF ALLEGIANCE Mayor Mclsaac led the meeting in the Pledge of Allegiance.
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES Schreurs made a motion to approve the February 14 minutes as presented. Sinding seconded. All ayes. Motion passed.
- VI. APPROVAL OF CLAIMS PAYABLE Schreurs made a motion to approve the claims as presented. Sinding seconded. All ayes. Motion passed.
- VII. PUBLIC TIME Myron Nohava asked that the city please not schedule hold meetings on Wednesday, particularly during the Lent Season. Jamie Ingemansen wanted to know if Planning & Zoning would be discussing alternative plans since the school wasn't interested in the land swap. Brian Twedt, directed his comment to the city attorney, questioned how much our taxes would go up if the bonds for the school did not increase in value. Zach Nebben asked if there was an update on 5th Street.
- VIII. OLD BUSINESS Attorney John Hughes summarized the recent March 7 ruling by Judge Barnett on two of the three lawsuits from Grant Park Capital LLC toward the City (a full transcript is available on the city website). Both lawsuits were improperly filed and were ultimately dismissed. Approval of the plat does not mean the city is responsible for public improvements such as streets or infrastructure. Judge Barnett agreed with the city's argument that it is the responsibility of the developer to complete the development's infrastructure before the city approves it. He also agreed the city is in the right to ask for improvements to the watermain system and addressing concerns of water pressure before accepting the development. Hughes noted current engineering standards are not being met. The city is correct to enforce the Subdivision Regulations to have Grant Park Capital create a development as required by state law and state statute. The only way to sue a Planning & Zoning Commission, in South Dakota, is if there is a statute that authorizes it. Grant Park Capital could cite no statute and Judge Barnett could not find one. Last summer when the erosion and storm water issues began, the city was within its rights to ask that those issues be addressed and rules enforced. 6 warning letters from the Department of Agriculture and Natural Resources were issued as a result.
Hughes noted Judge Barnett said nothing was alleged, shown or demonstrated that would require the city to take over the development and put in a retention pond. Due to natural water flow until a retention pond put in, Murphy's Pond is being used as a capturing basin for any water runoff. As a result, it will continue to be filled with sludge until Grant Park Capital dredges it out as has been

requested by the city. The requirement of a developer to exhaust its administrative appeals process through the city was not followed. On February 7, 2023, Grant Park Capital filed a third lawsuit seeking a judicial review of the Board of Adjustment joint motion on October 26, 2022. The city has filed to dismiss.

Attorney Hughes noted on November 9, 2022 Andy Grocott of Goosman Law firm, Brian Hefty of Grant Park Capital and Banner Associates received a memo from Justin Heim that states as noted in previous correspondence maintenance of the streets in the development are the responsibility of the developer until acceptance and approval of the city. This maintenance included snow removal for the upcoming winter. The city offered to provide those services within the development for a rate agreed upon between the developer and city. No communication was received back from any of the noted parties.

IX. NEW BUSINESS

- a. Brenton Wilson asked for forgiveness on the parking ticket he received from one of the snow alerts this year. *Motion by McGreevy to forgive B. Wilson parking ticket from snow alert. Seconded by Oien. Schreurs – aye. Sinding abstained.*
- b. The date for the June Car Show has changed to July 16. Council was asked for approval to adjust date the road closure request of Bulldog Avenue. Sinding made a motion to move the closure date to July 16. Seconded by McGreevy. All ayes. Motion passed.
- c. Mayor Mclsaac proposed that we allow the Legion to set up their Veteran’s Memorial on the city property, West of the school’s digital sign, around the avenue of flags. The Memorial would include a walking path and a burn pit. A Legion member felt they had a good opportunity to get an ADA Grant. The city would maintain the land while the Legion would handle the monuments. With no current objections, Mayor Mclsaac will get in contact with the Legion to get further plans.
- d. Baltic Athletic Association representative Brett Teveldal & Barb Haux asked that we take care of the outfield lawn maintenance while they handle the infield. We would also handle chalking of the field. Haux asked if they could use the land South of the Height’s field for parking. It was also noted there was some repair needed on the West backstop and fence bumpers to be replaced.
- e. Plans continue to develop for the Summer Recreation Program. A bus agreement is close to being finalized. The program will be open to ages 7-13. Tentatively cost would be approximately \$2/hr per child. Swimming lessons will be available. They will be held at the Colton Pool. Parents will need to sign their kids up through an online link with EMBE. They will run Monday – Thursday, June 19-26 from 9:30 AM to 1:00 PM. Cost is \$85/child. Details with the Y have not been finalized yet for a morning program. McGreevy made a motion to approve Mayor Mclsaac to negotiate & execute with area groups up to \$50,000 for the summer recreation program. *Motion seconded by Sinding. All ayes. Motion carried.*
- f. Names were drawn for the April 11th election, Ward 2 Alderman position. The election will be held at the Old School Gym, 503 3rd Street. Brian Twedt will be listed first followed by Brian McGreevy. Election workers have been picked: Kathy Faith Superintendent with Deputies Linda Johnson and Dave Linton. Schreurs made a motion to appoint election superintendent and deputies as stated. Oien seconded. All ayes. Motion carried.
- g. During the evaluation of the school drawings, it was discovered that parallel parking was planned. Currently there are only 2 streets in town that allow this. This was discussed with Architecture Inc

Contract Administrator Jason Pittmann confirmed that the plan has been adjusted to follow city code. There will now only be parking on the Southside of Bulldog Avenue. It is being requested by the school to amend Ordinance 72.05. Date was sent by council, March 28 at 6:00 PM, for the initial public hearing to have Ordinance amended. The second reading will follow on April 2 at 6:00 PM.

- h. Finance Officer Hunnel provided information on the process to be followed for the equalization appeal.
- i. Conversation has occurred with Kiri Sells, former committee chair, thought now is to make this a subcommittee of the city. Dog Days will be held August 11-13.
- X. Finance Officer Hunnel informed council of a DOT grant option she found. She felt our traffic situation on Lovely Avenue would be a good fit. She will proceed with the application.
- XI. Justin Heim, ISG, let everyone know he is working on plans in the Baltic Heights area for a splash pad, basketball courts and skating rink. Making the additions multipurpose are a goal to keep cost down. None of these items will interfere with the ball field areas.
No update on the CIP Grant.
Heim also noted they will be continuing to evaluate the Grant Park/Phillips Crossing development. to make sure the current city infrastructure can handle the Spring runoff. He will be providing a memo on the engineering standpoint of potential stress points the city infrastructure may see. A main concern is the watermain, currently there is only one way into and out of the development for water flow.
- XII. Finance Officer Hunnel asked Heim if he knew about the PFAS Cost Recovery program through SDRW. He will forward to a coworker who deals with water & wastewater to look at. It is a program that protects the city in cases of lawsuit.
- XIII. Oien made a motion at 8:56 PM to enter executive session for matters relating to personnel, counsel and contract negotiations. Sinding seconded.
- XIV. Sinding made a motion at 9:32 PM to come out of executive session. Oien seconded.
- XV. Oien made a motion to pay attorney fees thru March 12 for litigation of \$80,412.35. Seconded by Sinding. *All Ayes. Motion carried.*
- XVI. Schreurs made a motion to adjourn at 9:34 PM. Seconded by Sinding.

The next Regular City Council meeting will be held on April 13, 2023 at 7:00 PM.

Respectfully Submitted,

Linda Hunnel
Finance Officer

Deborah McIsaac
Mayor