

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
February 17, 2015**

Pursuant to due call and notice thereof, a Regular Meeting of the Common Council of the City of Mobridge, South Dakota was held in City Hall in said City on Tuesday, February 17, 2015 at 5:30 PM. Mayor Jamie Dietterle, Finance Officer Heather Beck, City Administrator Christine Goldsmith, City Attorney Rick Cain and the following council persons were present: Cox, Cerney, Henderson, O'Connell (by phone), Yellow Boy and Carlson.

ADOPT AGENDA:

The agenda was adopted on a motion by Henderson, second by Cox and carried.

MINUTES:

Moved by Henderson, second by Cox and carried, to approve the minutes from the February 2, 2015 regular meeting and the February 6, 2015 special meeting. Yellow Boy abstained.

DEPT HEAD REPORTS:

POLICE DEPT, Chief Justin Jungwirth

- **Grant Update** – Chief Jungwirth reported that they have been awarded a grant from the SD Attorney General in the amount of \$4,982 for in-car video recording systems.
- **Wage Correction** – Police Officer Trevor Asmann's wage was incorrectly data entered on the 2015 Wage Resolution. Moved by Yellow Boy, second by Carlson and carried, to approve correcting Trevor Asmann's hourly wage from \$15.55 to \$16.55 effective December 29, 2014.

OLD BUSINESS:

2nd READING ORDINANCE NO. 937, PARK & RECREATION – This ordinance changes the supervision of the parks department from the park and rec committee to the City Administrator. The parks and rec committee will now be in an advisory roll to the City. Moved by Carlson, second by Henderson, and carried, to approve the 2nd reading of Ordinance No. 937, an ordinance in the revision of Chapter 9-8 of the ordinances of the City of Mobridge, South Dakota amending Sections 9-8-1 through 9-8-17 park and recreation.

ORDINANCE NO. 937

**AN ORDINANCE ENTITLED:
AN ORDINANCE IN REVISION OF CHAPTER 9-8
OF THE ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA AMENDING
SECTIONS 9-8-1 THROUGH 9-8-17
PARK AND RECREATION**

BE IT ORDAINED by the City of Mobridge, South Dakota:

That Ordinances 9-8-1 through 9-8-17 of CHAPTER 9-8 of the Revised Ordinances of the City of Mobridge, South Dakota shall be amended to read as follows:

9-8-1 SUPERVISION Primary supervision of the City's public parks, including the control and management over the planting, maintaining, trimming and removal of trees, shrubs and plants in any and all public grounds or as may be provided by other ordinances of the city shall be performed by the City Administrator subject to approval by the City Council.

9-8-1.1 REPEALED

9-8-2 Definition

Wherever in this chapter the term "Board" is used, it shall be deemed to mean the Park and Recreation Board as established by this ordinance.

9-8-3 Creation

There is hereby created in and for the City of Mobridge a Park And Recreation Board for the City and for the land within three miles of its corporate limits and not located within any other municipality with the powers and duties as set forth in this Chapter.

9-8-4 Members of Park and Recreation Board

The City Park and Recreation Board shall consist of seven members, citizens and residents of this city, appointed by the Mayor subject to the approval of the City Council. At least one member shall be from the City Council. Members of the Board shall serve without compensation for service on the Board.

9-8-5 Terms of Members

The terms of each member of the Park and Recreation Board shall be for 3 years, except that when such Park and Recreation Board is first appointed, Two members shall be appointed to serve a one year term, two members shall be appointed to serve a two year term and three members shall be appointed for a three year term. Thereafter, appointments of each member shall be for three years so that there will be an overlapping of tenures.

9-8-6 Vacancies

Any vacancy in a membership on the Board shall be filled for the unexpired term in the same manner as for appointment.

9-8-7 Organization

Upon appointment the Board shall be called together by the Mayor and shall organize by electing a Chairperson, Vice-chairperson, and a Secretary from among its members for a term of one year with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Board. The Vice-Chairperson shall act in the absence or disability of the President. In case of death or retirement of an officer, a successor shall be elected immediately. The Board shall hold regular meetings at least once each month and as many special meetings as it deems proper. Four members of the Board shall constitute a quorum for the transaction of business.

9-8-8 Duties

The Board shall have the following duties:

- (1) To initiate, review, and make recommendations for ordinances, policies, and rules governing the use of the city's public parks and other facilities in connection therewith.
- (2) To provide the city council with a comprehensive parks and recreation system plan.
- (3) To develop plans based upon projected growth and expansion of the city for future park needs, locations and necessary facilities.
- (4) To initiate and review parks and recreation programs, and to make recommendations to the mayor and city council for their adoption.
- (5) To review and make recommendations to the mayor and city council on any matters affecting the establishment, improvement, maintenance, and regulation of the parks.
- (6) Advise and assist the City Administrator relative to parks and recreation.

9-8-9 REPEALED

9-8-10 REPEALED

9-8-11 REPEALED

9-8-12 REPEALED

9-8-13 REPEALED

9-8-14 REPEALED

9-8-15 REPEALED

9-8-16 REPEALED

9-8-17 REPEALED

2nd READING ORDINANCE NO. 938, PERTAINING TO CEMETERY – This ordinance changes the supervision of the cemetery from the park and rec committee to the City Administrator. Moved by Henderson, second by Cox, and carried, to approve the 2nd reading of Ordinance No. 938, an ordinance in revision of Ordinance 9-9-2 of the ordinances of the City of Mobridge, South Dakota pertaining to cemetery supervision.

ORDINANCE NO. 938

**AN ORDINANCE ENTITLED:
AN ORDINANCE IN REVISION OF ORDINANCE 9-9-2
OF THE ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA
PERTAINING TO CEMETERY SUPERVISION**

9-9-2 Supervision

Mobridge Municipal Cemetery and Greenwood Cemetery shall be under the supervision and control of the City Administrator subject to approval by the City Council. A Cemetery Superintendent may be appointed by the City Council for coordinating the daily operations if needed. The City Finance Officer is hereby designated the Sexton. The City will provide for the basic care of leveling, seeding, and maintaining of lots and spaces.

NEW BUSINESS:

PUBLIC HEARING FOR NEW MALT BEVERAGE LICENSE – An application was received from Shopko Stores Operating Co., LLC for an off sale malt beverage license. Hearing no opinion for or against, moved by Yellow Boy, second by Cox and carried, to approve an off sale package malt beverage license to Shopko Stores Operating Co., LLC dba Shopko Hometown located at 2008 W Highway 12, Mobridge.

ADVERTISE FOR PUBLIC HEARING – Moved by Cox, second by Henderson and carried, to approve advertising for a public hearing for an application received from the Mobridge Rodeo Association for a temporary liquor license.

VOLUNTEER FIREFIGHTERS – Moved by Yellow Boy, second by Carlson and carried, to approve the following list of volunteer firefighters: Chief – Mitchel Voller; Assistant Chief – Craig Schaeffbauer; Secretary/Treasurer – Scott Mertz; Jason Voegel; Justin Wiest; Gordon Hintz; Kelly Silbernagel; Ryan Ries; Ed Ries; James Bieber; Doug DeLaRoi; Zack Milliken; Steve Schneider Jr. and Brent Wiederholt.

RESOLUTION 15-04, SEWER IMPROVEMENT FUNDING – Moved by Cox, second by Cerney and carried, to approve Resolution 15-04, giving approval to sewer improvements and funding.

RESOLUTION 15-04

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the “Act”) as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Mobridge (the “City”) currently operates a sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage

and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the “System”) and has applied to the South Dakota Conservancy District (the “District”) for a Clean Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“**Project**” means the City of Mobridge Wastewater Improvements.

“**Revenue Bond**” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“**System**” means the City’s system of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-2, and the federal Clean Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$1,475,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

3.2. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the "Loan Agreement"), the form of which is on file with the Finance Officer (the "Finance Officer") and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$1,475,000 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the "Revenue Bond") shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

3.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal of, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 4. Special Charge or Surcharge for Revenue Bond.

4.1. The City does hereby create the Revenue Bond Special-Surcharge District (the "Surcharge District") which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance,

repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

4.2. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

4.3. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due.

4.4. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

4.5. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement's rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 5. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 6. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Mobridge, South Dakota (collectively the "Rate Resolution"). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

6.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City's governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following January 15, April 15, July 15, or October 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

6.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General

Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

6.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of The First National Bank in Sioux Falls, Sioux Falls, South Dakota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal and interest on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 15. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

RESOLUTION NO. 15-05, SETTING ASIDE SURCHARGE FEES – Moved by Cerney, second by Henderson and carried, to approve Resolution 15-05, sanitary sewer rates with surcharge fees set aside for clarifier project loan.

**RESOLUTION NO. 15-05
SETTING FEES FOR SANITARY SEWER RATES**

WHEREAS, the City of Mobridge desires to set by resolution the fees to be charged for sanitary sewer usage, both within the City Limits and Outside the City Limits.

NOW THEREFORE, be it RESOLVED,

Effective with the January 1, 2015 utility billing, the fees to be charged for sanitary sewer usage shall be as follows:

(1) Residence, apartments and mobile homes:

\$23.00 per month for each residential and/or apartment and/or mobile home connection; accumulative according to the number of residences, apartment users and mobile home users connected to one sewer outlet. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by each metered residence. In the event a residence uses more than 6000 gallons of water per month, the residence shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said residence in excess of the first 6000 gallons per month

(2) Commercial connections:

Each separate commercial sewer connection shall pay a minimum service rental of \$23.00, per month, and where more than one commercial business shall be connected to one sewer outlet each business shall pay a minimum sewer rental of \$23.00, per month. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by said business. In the event a business uses more than 6000 gallons of water per month, the business shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said business in excess of the first 6000 gallons per month

(3) Hotels and/or Motels with Combined Apartments and Sleeping Rooms and/or Business Connections:

All hotels and motels having combined apartments and/or separate businesses connected to the sewer system with one sewer outlet shall pay sewer rental at the base minimum commercial rate of \$23.00, per month plus \$23.00, per month for each apartment or business connected thereto. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by said hotel or motel plus 6000 gallons of water for each additional apartment or business connected thereto which pays the minimum base fee. In the event the hotel, motel and separate connected business uses more than 6000 gallons of water per month, the hotel or motel shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said hotel or motel in excess of the first 6000 gallons per month.

- (4) An account for services will be kept for each user and a separate account for separate premises. Each owner will be liable for service to the users of his premises. Bills for service shall be rendered monthly for residential and commercial users and will be due within 15 days of date of billing. The charge for sanitary sewer service may be included on the water bill, but if so, shall be separately stated thereon. The City Finance Officer will keep account and render the bills; he or she will receive payments of bills and give receipts therefore.
- (5) All sewer service charges when collected and all monies received from the date of any sewage collection facilities or equipment shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, and the balance shall be

used as the Common Council may direct and as provided by law, subject to the Surcharge Fees set forth below.

- (6) All sewer service charges shall be charged against the owner, lessee or occupant of the premises, and if such charges shall not be paid when due, the City shall have the right to disconnect water or sewer service to the premises and to collect the delinquent charges by civil action in any court.

BE IT FURTHER RESOLVED,

Surcharge Fees:

Out of the fees set forth above, there shall be removed and placed in a separate segregated account the monthly sum of \$2.80 for each sewer connection which amount shall be deemed a surcharge for the sole purposes of repayment of the Clean Water State Revolving Fund loan C461016-04 all as set forth in the Resolution No. 13-03. The \$2.80 surcharge shall remain and continue to be placed in the separate segregated account until the Revenue Bonds for the Clean Water State Revolving Fund loan C461016-04 are fully paid.

Out of the fees set forth above, there shall be removed and placed in a separate segregated account the monthly sum of \$5.16 for each sewer connection which amount shall be deemed a surcharge for the sole purposes of repayment of the Clean Water State Revolving Fund loan C461016-05 all as set forth in the Resolution No. 15-04. The \$5.16 surcharge shall remain and continue to be placed in the separate segregated account until the Revenue Bonds for the Clean Water State Revolving Fund loan C461016-05 are fully paid.

Until such time as the above fees become effective, the sewer rental availability and usage charges shall remain the same as they were on November 17, 2014.

PROPERTY PURCHASE – Sid Haux was present to discuss with the Council his property located at 212 Main Street. He's interested in selling it for \$6,500. Officer Brooks Johnson was also present to discuss negotiations he began with Haux. Moved by Yellow Boy, second by Carlson and carried, to approve drawing up a proposal to purchase 212 Main Street from Sid Haux in the amount of \$6,500.

AIRPORT COURTESY CAR – There is a need to provide a courtesy car at the airport for those that fly in and then need to do business around town. Moved by Henderson, second by Cerney and carried, to approve transferring the 2001 Tahoe from the police department to the airport for a courtesy car, the additional insurance cost of approximately \$2,500 and the use policy forms.

ADVERTISING FOR MOWING BID – Moved by Carlson, second by Cerney and carried, to approve advertising for mowing bids for the park and cemetery.

WAGE SCALE – The 2015 Wage Scale was presented to the Council. It included a new category for the property manager position that was recently created. Moved by Yellow Boy, second by Cerney and carried, to approve the 2015 Wage Scale.

PROPERTY MANAGER – Goldsmith recommended promoting Ted Ford, auditorium maintenance, to Property Manager position. Moved by Henderson, second by Cerney and carried, to promote Ted Ford to property manager with an hourly wage of \$15.00 per hour effective February 18, 2015.

AIRPORT MANAGER – One bid and one application was received for the Airport Manager position. Goldsmith recommended accepting the bid from Tyler Hearnan in the amount of \$3,200 per month. Moved by Cerney, second by Henderson and carried, to approve the bid from Tyler Hearnan for airport manager in the amount of \$3,200 for a 2 year contract.

AIRPORT TUG PURCHASE – Goldsmith informed the Council that it has been determined a tug is needed to pull airplanes in and out of the new hangar. The tractor out there is not efficient and has more potential of damaging the planes. A tug has been located for purchase through federal surplus property in Box Elder. Moved by Cerney,

second by Henderson and carried, to approve purchasing a tug from federal surplus property in the amount of \$2,000 plus travel expenses to go get the tug.

DISCUSSION AND INFORMATION ITEMS:

- **Financial Report** – Beck presented a financial report to the Council.
- **City’s Strategic Priorities** – Goldsmith informed the Council that she would like to update the City’s strategic priorities, as many of them has been or is in the process of being completed.

TRAVEL:

- Moved by Carlson, second by Cerney and carried, to approve Heather Beck to Aberdeen on March 25th for GASB standards training.

PAYMENT OF BILLS:

Moved by Henderson, second by Cox and carried, to approve the following bills for payment:

Aberdeen Finance Corp, garnishment-275.00 ;AT&T, utilities-144.71 ;Beadles Chevy, vehicle maintenance-47.38 ;Berg Johnson Assoc., repairs-738.11 ;Best Western, travel-165.00 ;C NA Surety, prof services-50.00 ;Cam Wal, street lights-324.32 ;Central Diesel, repairs-612.33 ;Chamber of Commerce, 3B-8,124.43 ;Chris Keller, travel-90.00 ;Christine Goldsmith, travel-118.15 ;Cummins Central Power, repairs-1,561.44 ;Dish TV, other services-36.00 ;Eagle Eye Security, repairs-193.55 ;Eisemann Building Products, bldg maintenance-610.11 ;Family Dollar, supplies-50.95 ;Fisher Scientific, chemical-75.65 ;Fleet Services, gasoline-918.24 ;Gas N Goodies, supplies-11.00 ;Grand Central, gasoline/diesel/tires-240.07 ;Great Western Bank, payroll taxes-11,196.25 ;Green Pro Solutions, supplies-2,338.25 ;GTC Auto Parts, supplies-147.54 ;Helms & Associates, prof services-1,640.00 ;Hettinger Mobridge Candy, supplies-320.31 ;High Point Networks, computer repairs/software-480.00 ;Homestead Building Supplies, supplies-57.22 ;Jensen Rock & Sand, prof services-104.00 ;K&K Auto Parts, repairs-235.00 ;Larry’s Lock & Key, repairs-30.00 ;M&M Electric, repairs-1,020.41 ;Marco, Inc., supplies-298.26 ;MDU, utilities-13,706.82 ;Merkels Foods, supplies-63.23 ;Mobr Ace, supplies-26.98 ;Mobr Fire Dept., meetings/fires-1,572.00 ;Mobr Manufacturing, repairs-75.00 ;Mobr Tribune, publishing-52.48 ;Mobridge Ace, supplies-785.02 ;Mobridge Tribune, publishing-275.05 ;Neve’s Uniforms, uniforms-660.00 ;North Central Steel, bulding repairs-205.14 ;Oahe Vet, prof services-250.00 ;Office Depot, supplies-469.92 ;Payless foods, supplies-99.58 ;Pete Lien & Sons, chemicals-3,793.01 ;Plunketts Pest Control, prof services-55.16 ;Powerphone, CACH system-26,530.00 ;Quenzer Electric, repairs-317.12 ;RadarSign, Inc., equipment-4,035.00 ;Recovery Resources, garnishment-63.96 ;Rodenburg Law Firm, garnishment-150.00 ;SD Dept of Health, prof services-70.00 ;SD DOT, maps-15.50 ;SD State Treasurer, sales tax-1,301.14 ;SDRS Supplemental Retirement, retirement-50.00 ;Slater Oil, gasoline/heating oil-6,899.05 ;Tyler Hearnon, prof services/supplies-1,614.58 ;Unum Life Insurance, life insurance-174.90 ;USDA-Rural Development, loan payment-2,373.00 ;USDA-Rural Development, loan payment-2,925.00 ;Valley Telecommunications, utilities-858.16 ;West River Telecommunications, utilities-3,724.27 ;Westmor Fluid Solutions, repairs-939.36 ;WW Tire Service, tires-463.76.

Salaries: Administration-2442.84; City Administrator-2040.19; Police Department-24108.33; Street Department-4264.35; Library-2773.65; Auditorium-1144.80; 24/7-213.36; Water Department-6776.07; and Sewer Department-3588.45.

There being no further business to come before the council, the meeting adjourned at 6:10 PM on a motion by Yellow Boy, second by Carlson and carried.

Heather Beck, Finance Officer
Published once at the total approximate cost of \$

Jamie Dietterle, Mayor