

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
March 14, 2018**

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 Wednesday, March 14, 2018 at 5:30 PM. Finance Officer Heather Beck, City Administrator Christine Goldsmith, and the following council persons were present: Cox, Laundreaux, Quaschnick, O'Connell, and Yellow Boy. Mayor Dietterle and council person Carlson were absent.

AGENDA:

The agenda was approved on a motion by Yellow Boy, second by O'Connell.

MINUTES:

Moved by O'Connell, second by Yellow Boy and carried, to approve the minutes from the February 14, 2018 regular meeting.

PUBLIC FORUM & VISITORS:

Pat McNight, AB Contracting, was present to discuss the wastewater clarifier project with the Council. He wanted to make sure that the Council was happy with the end product. There will be a meeting the following week regarding the unapproved change orders and finalization of the project.

DEPT HEAD REPORTS:

Street Department – Superintendent Dwight Baumann

PURCHASE BROOM –Baumann spoke to the Council about the purchase of a new broom. The one they are currently using is a 50 year old pull behind. The equipment purchase is in the 2018 budget. Moved by Yellow Boy, second by O'Connell and carried, to approve the purchase of the 2015 Superior Broom from RDO Equipment in the amount of \$28,850.

Code Enforcement – Cindy Rische

SANGER APPEAL – Rische gave a Notice of Violation to Beverly Sanger for having a vehicle parked on the lawn; which is a violation of City Ordinance. Sanger wrote a written appeal requesting the City Council make an exception. She stated that they park in the lawn in order to plug their car in. The Council felt that a longer cord could be used to plug the vehicle in. Moved by O'Connell, second by Cox and carried, to deny the appeal.

ULMER APPEAL – Rische denied a demolition permit to Kim Ulmer for the property at 401 First Avenue West. It was denied because a permit can't be issued to a nuisance property. Abatement of this property has been started by the City. The City Attorney gave the recommendation to the Council to give Ulmer the demo permit on the condition that the City receive something in writing from a contractor by March 20, 2018 stating they are hired to complete the necessary work or the City will move forward with the abatement process. Moved by Yellow Boy, second by Laundreaux and carried, to approve the demolition permit appeal with the attorney's recommendation.

Police Department

STEP INCREASE – Moved by Quaschnick, second by Yellow Boy and carried, to approve a step increase for dispatcher Kimberly Longbrake increasing her hourly wage from \$16.34 to \$16.82 effective March 5, 2018.

Water/Wastewater – Superintendent Kurt Schmaltz

SUMMER HIRE – Moved by Quaschnick, second by O'Connell and carried, to approve the re-hire of Killian Warner for a seasonal employee at \$13.25 per hour.

Fire Department – Chief Zach Milliken

AIR PACK BIDS – Two bids were received. One from Alex Air Apparatus in the amount of \$61,680 and one from Allegiant Emergency Services in the amount of \$62,640.50. Chief Milliken stated that the department looked over the bids and recommended the low bidder. Moved by O’Connell, second by Quaschnick and carried, to accept the bid from Alex Air Apparatus in the amount of \$61,680.

OLD BUSINESS:

2nd READING ORDINANCE NO. 964, CEMETERY – Moved by Yellow Boy, second by O’Connell and carried, to approve the second reading of Ordinance no. 964, an ordinance amending Chapter 9-9 Cemeteries.

ORDINANCE NO. 964

**AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH
DAKOTA AMENDING THE REVISED
ORDINANCES OF THE CITY,
AMENDING CHAPTER 9-9 CEMETERIES**

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

That Chapter 9-9 CEMETERIES of the Revised Ordinances of the City of Mobridge, South Dakota, and the same is hereby amended as follows:

CHAPTER 9-9 CEMETERIES

9-9-1 Cemeteries

The word "cemetery" as used herein shall mean and include the Mobridge Municipal Cemetery. Section C thereof is located in the northwest corner of the NW 1/4 of the NE 1/4 of Section 29, Township 124 North of Range 79 west. Sections A and B thereof as hereinafter described, are located in the northeast corner of the NE 1/4 of the NW 1/4 of Section 29, Township 124, Range 79 all in Walworth County, South Dakota, as shown by plats filed in the office of the Register of Deeds of Walworth County, South Dakota and also including Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota; and also includes the Greenwood Cemetery now owned by the City, located and described as Lot One in the SW 1/4 of Section 17, Township 124, Range 79, comprising ten acres, and also the First Addition to Greenwood Cemetery located in the SW 1/4 of Section 17, Township 124, Range 79, comprising ten acres, a total of twenty acres for the said Greenwood Cemetery, all in Walworth County, South Dakota, as shown by plats filed in the Office of the Register of Deeds of Walworth County, South Dakota.

9-9-2 Supervision

Mobridge Municipal Cemetery and Greenwood Cemetery shall be under the supervision and control of the Parks Department. 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. (2001 ORD 779) (2002 ORD 790)

9-9-3 Description

The Mobridge Municipal Cemetery as now established consists of Sections A, B, C and Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota. Section C includes lots numbered 1 to 234, both inclusive, which was established by the Mobridge Cemetery Association, and which lots are now owned by individuals or occupied by purchasers now deceased or their heirs. Unsold lots in Section C are governed by the provisions for Sections A, B, and Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota.

Section A consists of Lots numbered 4 to 56, both inclusive, of Addition A. Section B consists of lots numbered 1 to 56, both inclusive, of Addition A. Said cemetery lots in Section A, B and Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota shall be disposed of as hereinafter provided. Reference is made to the plat of said lots as recorded in the office of the Register of Deeds of Walworth County, South Dakota and filed therein and as filed in the office of the City Finance Officer of the City of Mobridge.

9-9-4 Description

The Greenwood Cemetery as now established consists of Lot One of the Southwest Quarter of Section 17, Township 124, Range 79, comprising ten acres, and also the First Addition to Greenwood Cemetery located in the Southwest Quarter of Section 17, Township 124, Range 79, comprising ten acres, a total of twenty acres for the said Greenwood Cemetery, all in Walworth County, South Dakota, as shown by plats filed in the office of the Register of Deeds of Walworth County, South Dakota.

9-9-5 Price of Lots and Fees Charged

a) There shall be paid to the City of Mobridge for the purchase of burial lots, or parts of lots, at Greenwood Cemetery and at Mobridge Municipal Cemetery, including perpetual care, the sum of \$400.00, per grave site on the lot or part of lot purchased, except those lots located in Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota shall be sold for the sum of \$250.00 per grave site which shall be used for burial of cremains only.

b) The City of Mobridge will open and close all graves at both Greenwood Cemetery and Mobridge Municipal Cemetery. There shall be paid to the City of Mobridge for the opening and closing of graves and disinterment services the following sums:

1. For regular sized graves the sum of \$350.00, per grave site during the months of May, June, July, August, September and October and the sum of \$425.00 per grave site during the months of November, December, January, February, March and April.
2. For undersized graves (for babies), the sum of \$250.00, per grave site.
3. For the burial of cremains (12" x 4' hole) the sum of \$125.00.
4. In the event the opening and closing of a grave shall be for a grave which will be deeper than 7 feet for the purposes of containing at some time Double Stacked graves, the opening and closing charge for the first grave shall be the sum of \$425.00 during the months of May, June, July, August, September and October and the sum of \$500.00 per grave site between the months of November, December, January, February, March and April. The opening and closing charge for the second grave shall be the same as for a regular sized grave as set forth in paragraph 1 above.
5. All disinterment services shall be charged a fee based upon the rate of \$150.00 per hour.

c) All transfers of any lot or parts of lots or of a single grave to another person by the owners thereof shall be in writing in the form of a Deed as prescribed by law. Such transfer shall not be complete or recognized by the City of Mobridge, or burial of a body be permitted therein by such purchaser until the instrument, or Deed, or the transfer thereof, shall have been filed with the Finance Officer of the City of Mobridge, South Dakota, for which recording the person recording same shall pay to the Walworth County Register of Deeds a recording fee of \$30.00.

9-9-6 Certificate of Purchase

The Mayor and City Finance Officer of the City of Mobridge, upon receipt from the City Finance Officer showing the purchase thereof to be fully paid, shall, upon payment in full for the use of lots, portions of lots and grave spaces, deliver to the purchaser thereof a certified certificate of purchase executed by the Mayor and attested by the City Finance Officer under the seal of the City. No burial shall be permitted until the purchase price is fully paid. Blank forms for such certificates of purchase as prescribed herein shall be supplied to the City Finance Officer.

Lots are sold for no other purpose than for the burial of the human dead, and such incidental uses as are suitable and proper for a cemetery lot, but under restrictions as contained in this Ordinance.

All interments in lots shall be restricted to members of the immediate family, or relatives of the owner thereof unless permission to the contrary be obtained from the Sexton. Double stacking of two bodies or one body plus one cremains will be allowed in one grave site in Greenwood cemetery, but not in the Mobridge Municipal Cemetery, except that double stacking of cremains shall be allowed in the Block 6, C.A. Draeger Addition to the City of Mobridge, Walworth County, South Dakota portion of the Mobridge Municipal Cemetery. Double Stacking of bodies and/or cremains are subject to the additional fees set forth in 9-9-5. Other than set forth herein for Double Stacking bodies and cremains, only one body or cremains will be allowed in one grave site except in case of a mother and infant in which case a special permission must be obtained from the Sexton. In the event a grave is dug deep in order to allow for Double Stacking bodies, the Sexton must be notified in order to document and keep appropriate records.

No sale, assignment or transfer of a lot shall be valid without the consent of the City, first had and endorsed upon such transfer or assignment, and entered on record by the City.

9-9-7 Fiscal Management

There is hereby established in the City Finance Office a "cemetery fund". In the "cemetery fund", the City Finance Officer shall deposit all money received from:

1. The sale of lots
2. Payments received for the digging of graves
3. Receipts from all other sources.

The Finance Officer shall make available an annual itemized report to the City Council of all monies received during the year.

9-9-8 Burial at Expense of City

The Mayor, Finance Officer or City Administrator may order the Sexton to dig a grave and bury any person at the expense of the City whenever the deceased leaves no estate or relative whose duty it is, and who is able to defray such expenses. The City shall, when legally possible, collect for cost such lot and digging of such grave, from the county legally liable thereof.

9-9-9 Public Burying Plots

The burial plots numbered 123, 124 and 125 in Section C and burial plots numbered 53, 54, 55 and in Sections A and B in the Municipal Cemetery are hereby set apart and indicated as the public burying ground and shall continue to be used for the burial of persons for whom no other place has been provided, and shall be and remain such public burying ground.

The burial spaces in said public lots shall be numbered by the Sexton in consecutive order, eight in each lot, beginning with lot 123 in the plot first above described. The Sexton shall erect and maintain at each of said graves a marker whereon shall be cut the number thereof, and the name of the person buried therein, and whenever any burial has been made on any lot in said public ground, no burial shall be made on any other lot thereof until such first lot is full.

9-9-10 Records

The Sexton shall keep a record to be furnished and owned by the City, in which he or she shall record the decedent's name and date of death and the number of the lot and block of his or her burial; and upon request, he or she shall report to the City Council the names and other facts so required to be recorded by the Sexton. The records kept by the Sexton shall be owned by the City and kept in City Hall to be known as the Burial Record. The Sexton shall also keep a record of those graves that have been dug deep to allow Double Stacking which shall include the forgoing information pertaining to the decedent buried deep and the person buried on top.

9-9-11 Depth of Graves

All single graves in said cemetery, except for the burial of cremains, shall be dug not less than five nor more than seven feet deep. Graves dug for the purposes of Double Stacking graves shall be dug not less than 9 nor more than 11 feet for the first opening. The grade established shall be on the level with the surrounding ground and compliance with the grade of all lots shall be determined by the Sexton. In order to maintain a high standard of care and to eliminate sunken graves it is required that burial be made in an outside container or vault of steel, cement or other construction material approved by the sexton. Casket vaults are required in all of the Mobridge cemeteries, except cremains may be buried in a standard cremation container.

9-9-12 Monuments

a) REGULATIONS

All monuments hereafter erected in the cemeteries shall be set upon a concrete base not less than two inches thick, the said base to be constructed with a footing extending beyond the base stone of the monument at all points at least six inches. Such footing and all markers shall be level with the grade level of the lot or burial space so that a mowing machine may be run over it. Not more than one central monument shall be erected on any lot or on any lot or plot, and only one upright marker for each grave, except on double stacked graves, two flat markers may be placed. The City shall be entitled to move any marker or monument, either temporarily or permanently, to facilitate maintenance of the cemetery.

b) APPLICATIONS FOR PERMIT REQUIRED

Every person, before placing, constructing or installing a monument, marker or headstone anywhere in the Cemetery, shall make an application to the Sexton, stating the location, ownership of lot, dimensions of stone, kind of material of stone, and proposed method of placing, construction or installation.

c) PERMIT

If satisfied that said stone and the proposed method of placing, installation or construction comply with all ordinances of this city relating thereto, the Sexton shall issue a permit for the placing, construction or installation of same, which permit shall contain all of the information required to be stated in the application, and shall be issued in duplicate, one copy of such permit to be delivered to the cemetery Superintendent before the work of placing, constructing or installing said stone is commenced. The fee for said permit shall be set by the City Council upon recommendation by the Park and Recreation Board.

d) INSTALL ONLY IN COMPLIANCE WITH PERMIT

No person shall place, construct or install any monument, marker or headstone in the Cemetery without first complying with the provisions of this Chapter, or otherwise than in accordance with the permit.

9-9-13 : Rules & Regulations for Flowers and Wreaths

Flowers, Wreaths and other Grave adornments shall comply with the following conditions:

1. April 1st – Oct 1st: Cut and/or artificial flowers are permitted in vases integrated into monument. After Oct 1st, all remaining flowers will be removed and vases will be flipped for winter storage.

2. Wreaths, potted plants, or floral arrangements are permitted for one week following a service.
3. **MEMORIAL DAY:** all types and kinds of floral displays including cut flowers, potted plants, artificial flowers, wreaths, flags and the like are permitted by Friday at noon prior to the holiday and 7 days after Memorial Day. Cemetery personnel will remove wilted flowers from gravesite. After this time, personnel will remove all decorations from gravesite to facilitate mowing. Items will be held for 30 days to be picked up by owners.
4. Planting of any kind is not permitted.
5. The City shall not be responsible for any stolen, or damaged monuments, adornments, decorations or other items placed on or at any grave.

9-9-14 Reserved

9-9-15 Preservation of Roadways

To ensure that roadways remain in good repair throughout the cemeteries, the park superintendent may, at his discretion, close the public entranceways when weather conditions cause blockages or muddy conditions. He/she also has the discretion, with the concurrence of the funeral director to request a burial take place when road and/or weather conditions improve.

9-9-16 Vandalism

It shall be unlawful for any person to mar, mutilate, graffiti, destroy, or remove any tomb, monument, gravestone, landmark, or receptacle for flowers or shrubs lawfully placed within the cemeteries; or to willfully injure, destroy, or remove any type of vegetation placed within the cemetery; or to deface with paint, or put up signs on any fence within or around the cemeteries. It shall be unlawful to deposit, dump, or leave any waste material, rubbish, or trash within the cemetery grounds unless in designated waste receptacles.

NEW BUSINESS:

TEMPORARY LIQUOR/MALT BEVERAGE LICENSE – A public hearing was held for a temporary liquor/malt beverage license for the Mobridge Rodeo Association. Hearing no opinion for or against, moved by Yellow Boy, second by Laundreaux and carried, to approve the temporary liquor/malt beverage license to the Mobridge Rodeo Association for the Sitting Bull Stampede Rodeo July 2-4, 2018 at the rodeo grounds.

COUNTY AGREEMENTS - Moved by O’Connell, second by Quaschnick, and carried, to approve the following one year agreements for communication services: Dewey County in the amount of \$4,406.00; Potter County in the amount of \$14,376.75; and Corson County in the amount of \$7,515.00.

ELECTION BOARD - Moved by Laundreaux, second by Quaschnick, and carried, to approve the appointment of the following people to the April 10, 2018 municipal election board: Anita Van Vugt, Michelle Wientjes, Bonnie Laib, Sally Perman, Michelle Yellow Boy and alternate Katherine Knudson. Yellow Boy abstained.

NUISANCE COMMITTEE – Moved by Quaschnick, second by O’Connell and carried, to approve Kyle Jensen to the nuisance committee.

SCHERR HOWE BATHROOM CONTRACT – Moved by Yellow Boy, second by Laundreaux and carried, to approve the contract with Kyburz-Carlson Construction for the Scherr Howe bathroom project.

DISCUSSION AND INFORMATION ITEMS:

FINANCIAL REPORT – Beck presented a financial report to the Council.

2017 ANNUAL REPORT – Beck presented the Council the 2017 annual report required by SDCL 9-22-21.

EQUALIZATION MEETING – The equalization meeting is scheduled for March 19.

POOL HEATER – Discussion on the pool heater was tabled.

MEETING DAY - Yellow Boy requested changing the meeting day from Wednesday to Tuesday. No objections from the Council. An ordinance will be presented at the April meeting.

TRAVEL:

- Moved by Quaschnick, second by Laundreaux and carried, to approve Al Bohle to Statewide Drug Investigators Conference in Deadwood May 2-4, 2018.
- Moved by Yellow Boy, second by Laundreaux and carried, to approve Al Bohle to Cass Lake, MN for a Confidential Informant Training on March 19-21, 2018.
- Moved by Yellow Boy, second by Quaschnick and carried, to approve Shawn Madison SD Police Chief's Conference in Deadwood April 18-20, 2018.
- Moved by O'Connell, second by Laundreaux and carried, to approve Cindy Rische to Rapid City April 3, 2018 for SD Building Officials meeting.
- Moved by O'Connell, second by Quaschnick and carried, to approve Cindy Rische to Pierre May 9-11, 2018 for SD Code Enforcement Conference.
- Moved by Yellow Boy, second by Quaschnick and carried, to approve Dean Schilling to Pierre April 11-12, 2018 for SDWWA wastewater conference.

PAYMENT OF BILLS:

Moved by Quaschnick, second by Laundreaux and carried, to approve the following bills for payment: AB Business, supplies-90.47 ;Aqua Pure, chemicals-9,760.80 ;Beadles Sales, vehicle replacement-10,025.00 ;Book Systems, computer software-525.00 ;Butler Machinery, repairs-89.47 ;C N A Surety, insurance-1,132.00 ;Cain Law Office, prof services-180.00 ;Cam Wal Electric, utilities-535.41 ;Cardmember Services, mowing contract/playpark/other-1,941.45 ;CenterPoint, books-46.74 ;Central Diesel, repairs-775.79 ;Century Link, utilities-1,239.70 ;Chamber of Commerce, prof services-9,138.54 ;Ciavarella Design, prof services-1,565.00 ;Clerk of Courts, garnishment-600.00 ;CMI, software maintenance-2,520.00 ;Credit Collections Bureau, garnishment-286.24 ;Demco, supplies-455.10 ;Deputy Finance Officer, postage-91.61 ;Dish TV, utilities-28.02 ;Dwight Baumann, travel-245.50 ;Environmental Toxicity Control, water samples-427.69 ;Evoqua Water Technologies, repairs-150.00 ;Fleet Services, gasoline-1,131.48 ;Galls, uniforms-271.15 ;Gary Snow & Assoc., prof services-610.00 ;Gas N Goodies, gasoline-189.66 ;Gienger Sales, supplies-352.00 ;Great Western Bank, payroll taxes-27,243.33 ;Gregg's Drilling, building repairs-565.80 ;GTC Auto Parts, supplies-60.16 ;Heartland Waste, prof services-20,246.00 ;High Point Networks, computer repairs-371.25 ;Homestead Building, supplies-76.72 ;Ingram, books-159.90 ;J&M One Stop, prof services-95.00 ;K&K Auto, tire-100.00 ;KBA, prof services-240.00 ;Key Insurance, insurance-525.00 ;KLJ, runway project-8,928.56 ;Language Line Services, prof services-90.00 ;Library Director, supplies/other-62.89 ;Marco, Inc., copier-285.86 ;MDU, utilities-19,700.80 ;Merkels Foods, supplies-91.82 ;Mid American Research, supplies-428.49 ;Moberidge Hardware, supplies-154.51 ;Moberidge Rotary, dues-180.00 ;Moberidge Tribune, publishing-353.74 ;Monsanto, Scherr Howe refund-696.75 ;Motorola Solutions, service agreement-8,207.16 ;N&W Auto, prof services-119.39 ;Office Depot, supplies-202.96 ;Office of Child Support, garnishment-553.84 ;Overall Supply, supplies-683.83 ;Pheasantland Industries, supplies/trails-561.31 ;Prasek Diesel Repair, repairs-815.26 ;Premier Equipment, repairs-208.44 ;Quenzer Electric, street light repairs-1,104.56 ;Rees Communication, radio maintenance-614.00 ;Ron's Repair, vehicle maintenance-155.95 ;Runnings, supplies-742.26 ;SD Attorney General, scam/PBT fees-1,031.00 ;SD Dept of Revenue, water samples-387.00 ;SD Municipal League, conference-54.00 ;SD One Call, prof services-4.20 ;SD Retirement, retirement-14,450.80 ;SD Treasurer, sales tax-1,408.52 ;SD WWA, conference-90.00 ;SDRS Supplemental Retirement, retirement-225.00 ;Servall, supplies-28.32 ;Share Corp, supplies-186.00 ;Sioux Corp, repairs to steamer-1,303.87 ;Slater Oil, gasoline/LP gas/diesel-7,416.88 ;Tri State Water, supplies-16.70 ;Tyler Hearnon, prof services-3,950.00 ;Unum Life Ins., insurance-168.90 ;US Post Office, postage-583.32 ;USDA-Rural Development, loan payment-2,925.00 ;USDA-Rural Development, loan payment-

2,373.00 ;Valley Motors, vehicle maintenance-262.02 ;Valley Telecomm., utilities-838.16 ;Venture Communications, utilities-424.09 ;Verizon Wireless, cell phone-487.97 ;Vessco, repairs-394.42 ;Walworth County ROD, prof services-30.00 ;Wellmark BC/BS, health insurance-21,907.98 ;West River Telecommunications, utilities-3,502.75 ;Western Communications, radio maintenance-347.63 ;Western Equipment Finance, mowing-1,004.09.

Salaries: Administration-8,921.90; City Administrator-4,458.70; Police Department-59,632.20; Fire Department – 500.00; Street Department-10,258.42; Regulation & Inspection – 2,289.60; Park –3,496.44; Library-6,466.90; Auditorium – 362.40; 24/7-603.96; Water Department-13,436.69; and Sewer Department-9,858.00.

There being no further business to come before the council, the meeting adjourned at 6:03 PM on a motion by Quaschnick, second by Laundreaux and carried.

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

Jamie Dietterle, Mayor