

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
September 10, 2019**

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, September 10, 2019 at 5:30 PM. Mayor Gene Cox, City Administrator Christine Goldsmith, and the following council persons were present: Mound, Laundreaux, Reichert, O'Connell, Yellow Boy and Carlson.

AGENDA:

The agenda was approved on a motion by Yellow Boy, second by Reichert and carried.

MINUTES:

Moved by O'Connell, second by Mound and carried, to approve the minutes from the Aug 13, 2019 regular meeting. Moved by Yellow Boy, second by O'Connell and carried (Carlson and Mound abstained), to approve the minutes from the Aug 19, 2019 special meeting. Moved by Reichert, second by O'Connell and carried (Carlson abstained), to approve the minutes from the Aug 20, 2019 special meeting. Moved by Yellow Boy, second by Laundreaux and carried (Carlson abstained), to approve the minutes from the Aug 27, 2019 special meeting.

PUBLIC FORUM & VISITORS:

COMPREHENSIVE PLAN PUBLIC HEARING – Eric Senger with NECOG was present to discuss the updated comprehensive plan for the City. The plan details various types of land use along with long term goals. The plan has been recommended for adoption by the Mobridge Planning and Zoning Board. Hearing no comments from the public for or against, moved by Carlson second by Reichert and carried, to approve Resolution 19-07, adopting a Comprehensive Plan for the City of Mobridge.

RESOLUTION 19-07

RESOLUTION ADOPTING A COMPREHENSIVE PLAN FOR THE CITY OF MOBRIDGE, AS PROVIDED FOR IN SDCL 111-6-16

WHEREAS, Chapter 11-6-14 of South Dakota Codified Law has empowered the Planning Commission and City Council of Mobridge to prepare a Comprehensive Plan for the development of the City and the surrounding area; and

WHEREAS, the Mobridge Planning Commission has developed a Comprehensive Plan for the years 2019-2039, and has held the required Public Hearing, and has made a recommendation for adoption of the Plan to the City Council; and

WHEREAS, the Mobridge City Council received the recommendation of the Planning Commission and has held the required Public Hearing; and

WHEREAS, the adoption of the Comprehensive Plan would enhance the responsible development of Mobridge and the surrounding area.

NOW, THEREFORE, be it resolved by the Mobridge City Council, that the Comprehensive Plan for the City for the years 2019-2039 be hereby adopted and effective upon 20 days after publication of this resolution.

HAROLD FORBES was present to complain about nuisance properties. Chief Madison updated the Council on progress with cleanup projects through the Cash-for-Cars and Police Positive programs. Carlson announced that the Fall Ward III cleanup day will be Sept 28th and could use volunteers to help.

DEPT HEAD REPORTS:

Zoning – **Duane Martin** was present to state the importance of zoning ordinances being followed.

BUILDING PERMITS – The following building permits were approved and issued by the Zoning Officer for the month of August: Beverly Hammer-421 3rd St W-replace fence; Kipp Kettering-812 9th Ave W-siding; John Olson-208 Farmdale Ct-build sidewalk, deck, patio; Keith Merkel-704 1st St E-build garage; Todd Ulmer-2110 1st Ave W-build house; La Rye Herman-1009 Main St-remodel deck; Harlan Robbins-

1411 Sunset Ave-build deck, concrete pad; Harley Overseth-802 3rd Ave W-remodel kitchen; Mark Imber-1116 6th Ave W-move in storage building; Darin Kessler-1009 10th Ave E-addition to garage; David Nisbet-1108 9th Ave W-replace decks; Jim Cerney-112 7th St W-replace deck; Bill Gilbert-309 2nd Ave W-replace front step; Jenny Larson-401 2nd St E-build 120 sq ft storage shed; Todd Goldsmith-1005 North Main-replace steps, deck, remodel kitchen; Bill Bachmeir-519 10th St E-general exterior repair; and Zach Milliken-1822 7th St E-40X60 addition.

Police Dept – Chief Shawn Madison:

OFFICER– Moved by Reichert, second by Mound and carried, to approve promoting Aaron Vogel to full time status effective 9/1/19.

OLD BUSINESS:

2020 APPROPRIATIONS BUDGET – Moved by Yellow Boy, second by Reichert and carried, to approve the 2nd reading of Ordinance No. 975, 2020 Appropriations Ordinance as presented.

NEW BUSINESS:

PUBLIC HEARING ALLEY VACATION – A public hearing was held to vacate a portion of an alley requested by Brian & Tara Kramer. Troy Schilling from WRT was present to state support for small businesses and request the Council to make the closure conditional upon the creation of a utility easement. Bruce Brekke with MDU was also present with similar concerns for underground utilities. Moved by O’Connell, second by Yellow Boy and carried, to direct the City Attorney to develop an easement agreeable by all utility companies and the Kramers prior to closing the alley.

TEMPORARY LIQUOR LICENSES – Hearing no opinion for or against, moved by Yellow Boy, second by Mound and carried, to approve a temporary liquor license for the Mobridge Pink Ladies for softball tournament to be held on Oct 5, 2019 and Oct 6, 2019. Hearing no opinion for or against, moved by Carlson, second by O’Connell and carried, to approve a temporary liquor license for Scarecrow Hollow for Farmer Rancher Appreciation Night to be held on Nov 22, 2019 and Nov 23, 2019.

PAY REQUEST AIRPORT – Moved by Carlson, second by Mound and carried, to approve pay request #5 in the amount of \$1,043,107.82 to Morris, Inc. for the airport runway project.

CEMETERY DEEDS – Moved by Reichert, second by O’Connell and carried, to approve a cemetery deed transferring Graves No. 1, 2, 3, 4, 5, 6, 7, & 8, Lot 23, in Block O in Greenwood Cemetery from the City of Mobridge to Wayne & Terry Fischer. Moved by Mound, second by Reichert and carried, to approve a cemetery deed transferring Graves No. 1 & 2, Lot 24, in Block O in Greenwood Cemetery from the City of Mobridge to Thomas & Teresa Fischer. Moved by Yellow Boy, second by O’Connell and carried, to approve a cemetery deed transferring Grave No. 5, Lot 21, in Block O in Greenwood Cemetery from the City of Mobridge to Bonnie A. Fischer.

WATER SERVICE LINE AND CONNECTIONS ORDINANCE No. 976 – Moved by Carlson, second by Mound and carried, to approve the 1st reading of Ordinance pertaining to the installation of service lines and connections.

ORDINANCE NO. 976

AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH DAKOTA AMENDING THE REVISED ORDINANCES OF THE CITY, AMENDING ORDINANCES 11-1-3 and 11-1-12 PERTAINING INSTALLATION OF SERVICE LINES AND CONNECTIONS.

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

That Sections 11-1-3 and 11-1-12 of Chapter 11 of Title of the Revised Ordinances of the City of Mobridge, South Dakota are hereby amended to read as follows:

11-1-3 Each Building to Have Separate Curb Stop

Every separate building must have its own separate curb stop placed at the outside edge of the sidewalk or in the alley; provided, that when two or more buildings are already supplied through one service connection and one curb stop, such service may be continued until separate services and curb stops are ordered, but if the water rates for any of said buildings shall become delinquent and so remain for a period of

fifteen days, the water supply may be cut off from all of said buildings and shall not be again turned on until such delinquent rates and a consumer service fee in an amount set by resolution of the City Council for turning water on and/or off during business and non/business hours are paid. The Water Department may order separate service connection for any such buildings so already supplied through one service if or whenever the City main has been laid in the street adjacent to said building.

11-1-12 Curb-Stop and Shut-Off Valve

Subject to the supervision of the Water Department, for all initial water service provided to a property, it shall be the obligation and cost of the property owner to install all service pipes, water lines, connections, equipment, curb stops, curb stop boxes, shut-off valves and water meters from the water main to the property. Once the initial installation is completed, the water lines, connections, curb stop and curb stop box so installed shall thereafter be under the sole control of the City. It shall remain the property owner's obligation to maintain the water line, connections, and equipment from the affluent side of the curb stop box to the property being served.

Each service pipe must be furnished with a brass curb-stop as approved by the Water Department in each service pipe under the exclusive control of the City. Said curb-stop shall be placed in the pipe under the boulevard at the outer side of the sidewalk area, just inside the curb or at the alley line situated below the action of the frost so that the water can be conveniently shut off and only persons authorized by the Water Superintendent shall open or close or otherwise interfere with said curb-stop. Such curb-stop shall be provided with a box or tube of approved pattern, and the top of each box or tube shall be placed on the level with the grade of the sidewalk or alley, and no premises shall be supplied water services without said box being in good order.

There shall also be a shut-off valve in every attachment located at the first suitable point beyond the street or alley limits to enable consumers to turn the water off in case of accident to the pipes on the premises.

In case of neglect or refusal of the owner to provide or repair the shut-off valve(s) within a reasonable time after being notified, the Water Department shall cause water service to the premises to be terminated until such time as the replacement or repair has been completed and the shut off and turn on fees have been paid.

CITY ORDINANCES CODIFICATION ORDINANCE NO. 977 – Moved by Yellow Boy, second by Reichert and carried, to approve Ordinance to codify the Mobridge City Ordinances.

ORDINANCE NO. 977

AN ORDINANCE ENTITLED: AN ORDINANCE TO CODIFY MOBRIDGE CITY ORDINANCES AND AMENDMENTS.

BE IT ORDAINED by the Mayor and Council of the City of Mobridge:

SECTION 1. There is hereby adopted a codification of the ordinances of the City of Mobridge, Walworth County, South Dakota.

SECTION 2. This code may be referred to as the "Code of Ordinances of 2019" or the "Mobridge City Ordinances" or the "Mobridge Code."

SECTION 3. Any act prohibited by this code, or any amendments hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Dakota.

SECTION 4. An official copy of this code shall be filed in the office of the City Finance Officer and made available to persons desiring to examine the same. It shall be the duty of the Finance Officer to ensure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; contracts; fair housing; franchises; grant agreements; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed; that the repeal of these would be contrary to and inconsistent with the intent of this ordinance. They shall continue in full force and effect and are not repealed.

SECTION 6. Resolutions are not repealed by this code.

SECTION 7. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopted ordinance.

SECTION 8. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

SECTION 9. It shall be unlawful for any person to change, alter, or amend any part of this code, except by official action of the City Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this ordinance.

SECTION 10. If any chapter, article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 12. This ordinance shall become effective upon its final adoption.

STEP INCREASE – Moved by Yellow Boy, second by O’Connell and carried, to approve a step increase for Josh Fischer, street dept, increasing his hourly wage from \$16.09 to \$16.74 effective 9/2/19.

FAA 20 YEAR AGREEMENT – Moved by Reichert, second by Laundreaux and carried, to approve an agreement with the Federal Aviation Administration for housing radio communications equipment at the Mobridge airport for the next 20 years.

RESOLUTION 19-09 FOR LEGION COMPLEX PROJECT – Moved by O’Connell, second by Mound and carried, to approve the City applying for a SD DOT Transportation Alternatives grant for infrastructure work on the eastern boundary of the Legion Complex.

RESOLUTION 19-09

WHEREAS, the City of Mobridge proposes to address pedestrian safety and water drainage issues along the east side of Legion Complex by constructing sidewalks, parking spaces, and storm sewer; and

WHEREAS, the City of Mobridge now requests financial assistance to complete the proposed project; and

WHEREAS, the project is eligible for the Transportation Alternative Program funds under the South Dakota Department of Transportation; and

NOW THEREFORE, BE IT RESOLVED that the proposed project will meet all local planning, zoning and ordinance requirements; and

THEREFORE, BE IT ALSO RESOLVED that the City of Mobridge supports the project and the submittal of a Transportation Alternative Program application; and

THEREFORE, BE IT ALSO RESOLVED that, if funded, the City of Mobridge will provide a local match minimum of 18.05% of total eligible project costs; and

THEREFORE, BE IT ALSO RESOLVED that the City of Mobridge agrees to maintain the project, if funded, throughout its useful life; and

THEREFORE, BE IT ALSO RESOLVED that the City of Mobridge authorizes the Mayor to execute the Transportation Alternative Program application.

DISCUSSION AND INFORMATION ITEMS:

WARD III CLEANUP – Volunteers can contact City Hall before Sept 28, 2019.

PAYMENT OF BILLS:

Moved by Carlson, second by Reichert and carried, to approve the following bills for payment:

Aflac, insurance- 915.32; Amer Water Works Assoc, dues-324.00; Aquapure, chemicals-4,119.79; AT&T, utilities- 1,252.87; Avera Occupational Medicine, prof services -161.10; Beadles Sales, vehicle maint-111.18; Cain Law Office, legal fees -3,000.00; Cardmember Service, supplies/other -181.53; Center Point, books -46.74; Century Link, utilities -1,252.87; Chamber of Commerce, prof services -6,275.23; Clerk of Courts, garnishment -600.00; Collections Bureau, garnishment -522.06; Deputy Finance Officer, supplies/postage -597.68; Dish TV, utilities -32.03; Fleet Services, gasoline- 1,306.16; Gas N Goodies, supplies/gasoline -1,131.96; GTC Auto Parts, repair/supplies -256.10; Grand Central, repair -8.00; Great Western Bank, HSA/payroll taxes -31,951.17; Hammer Honda, repairs-296.21; Hawkins, chemical -4,478.40; Heartland Waste, prof services -20,524.25; High Point Networks, computer repairs -374.50; Homestead Building Supplies, supplies -263.30; Hoffman Law, legal fees -62.50; Ingram, books -158.68; KCL, insurance -503.93; KLJ, prof services -39,097.36; Kylie Keller, refund -60.00; Luckys, gas -117.78; MDU, utilities -19,021.44; Marco,

Inc., copier -344.87; Matt Reichert, supplies – 80.00; Merkels Foods, supplies -225.68; Midco, utilities -185.00; Mobr Ambulance, refund -755.00; Mobr Econ Dev, budget allocation - 5,000; Mobr Hardware, supplies -960.45; Mobr Reg Hospital, prof services - 239.00; Mobr Rodeo, budget allocation – 8,000.00; Mobr Tribune, publishing -736.09; Moore Eng, prof services -27,467.91; Morris, prof services -1,043,107.82; MVTI, water samples -125.00; Oahe Vet, prof services -270.99; Office Depot, supplies -333.83; Open Canvass, supplies -514.05; Payless Foods, concession -258.80; Payment Services Network, prof services -4.95; Premier Equipment, repairs -153.85; Runnings, supplies -1,690.50; SD DENR, prof services -10.00; SD Dept of Health, water samples -471.00; SD Library Assoc, conference -195.00; SDML, conference -130.00; SD Dept of Transportation, loan pymt -25,000; SD One Call, prof services - 26.25; SD Retirement, retirement -14,154.84; SDRS Supplemental Retirement, retirement -225.00; SD Treasurer, sales tax -1,775.66; SDSU Extension, prof services -700.00; Servall, supplies -30.96; Share Corp, supplies -402.37; Slater Oil, diesel/gasoline; -2,603.60; State Chemical, supplies -575.69; Tactical Medical Solutions, equipment -391.11; Tara Wiest, supplies -47.00; Tri State Water, supplies -36.40; Tyler Hearnen, prof services -3,950.00; US Bank, loan payment -58,224.80; USDA-Rural Development, loan payment -5,298.00; US Post Office, postage -475.00; Valley Telecomm., utilities -852.16; Venture Communications, utilities -424.09; Verizon Wireless, cell phone -395.69; Walworth County Landfill, cleanup -993.50; Walworth County Register of Deeds, prof services -30.00; Wellmark BC/BS, health insurance -16,176.60; West River Telecommunications, utilities -3,552.74; Western Equipment, mower lease-1,004.09.

Salaries: Administration – 9,368.93; City Administrator – 5,000.00; Fire Dept – 550.00; Police Dept – 56,277.07; Street Dept- 5,371.58; Park -8,742.71; Pool – 3,195.35; Library -7,126.86; 24/7 -829.36; Water Department – 14,548.70 and Sewer Department - 10,483.67; Zoning – 583.33.

There being no further business to come before the council, the meeting adjourned at 6:24 PM on a motion by Laundreaux, second by Reichert and carried.

Christine Goldsmith, City Administrator
Published once at the total approximate cost of \$

Gene Cox, Mayor