

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
February 4, 2013**

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 Monday, February 4, 2013 at 5:30 PM. Mayor Jamie Dietterle, Finance Officer Heather Beck, City Administrator Steve Gasser and City Attorney Rick Cain and the following council persons were present: Cox, Cerney, Henderson, O'Connell, Yellow Boy and Carlson.

ADOPT AGENDA:

The agenda was adopted on a motion by Cerney second by Yellow Boy and carried with the following additions: clarifying spending priorities for the library addition and the pool committee.

MINUTES:

On a motion by O'Connell, second by Yellow Boy and carried to approve the minutes from the January 21, 2013 regular meeting. Carlson abstained.

DEPARTMENT HEAD REPORTS:

- Justin Jungwirth, Police Chief – Chief Jungwirth gave a department report.
- Fire Department
 - **SEC/TREAS** – Moved by O'Connell, second by Henderson and carried, to approve appointing James Bieber as the fire department's secretary/treasurer for 2013. Yellow Boy abstained.

OLD BUSINESS:

ORDINANCE NO. 918 – Moved by Yellow Boy, second by Carlson and carried to approve the 2nd reading of Ordinance No. 918, tattoo license fees.

ORDINANCE NO. 918

AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH
DAKOTA AMENDING THE REVISED
ORDINANCES OF THE CITY,
AMENDING 6-12-3
PERTAINING TO TATTOO LICENSE FEES

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

That Section 6-12-3 of Chapter 6 of Title of the Revised Ordinances of the City of Mobridge, South Dakota, and the same is hereby amended as follows:

6-12-3: APPLICATION FOR LICENSE

Each application for a license shall be upon a form provided by the City and shall be submitted to the City along with a check in the amount of \$160.00 for application fee and shall contain the following information:

1. A definition of service to be provided.
2. The location and mailing address of the proposed establishment.
3. The name and residence address of the applicant. If the applicant is a corporation, the name and address of the registered agent and of the officers. If the applicant is a partnership the names and residence addresses of each of the partners, including limited partners, and the address of the partnership itself, if different from the address of the tattoo establishment.

4. The last two previous addresses (if any) during the part three years immediately prior to the present address of the applicant.
5. Written proof that the applicant is over the age of 18 years.
6. Individual or partnership applicant's height, weight, color of eyes and hair and sex.
7. Copy of identification such as driver's license and social security card.
8. The history of the applicant in the operation of a tattoo establishment or similar business or occupation, including, but not limited to, whether or not such person has previously had a similar license revoked or suspended and the reason therefore.
9. The name, address, and certification of schooling or apprenticeship of each tattoo or body piercing Artist who is or will be employed in the establishment.
10. Each tattoo or body piercing artist must show proof of current Hepatitis and Tetanus vaccinations, and a clean TB test.
11. Any other information or identification necessary to substantiate these provisions.

NEW BUSINESS:

RESOLUTION 13-04, SETTING WATER FEES – Moved by Yellow Boy, second by O’Connell and carried, to approve Resolution 13-04, setting water fees.

RESOLUTION 13-04

SETTING FEES FOR WATER RATES

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

NOW THEREFORE, be it RESOLVED,

Except as otherwise provided under ordinance 11-2-6, fees to be charged for water availability and usage are as follows:

Effective with the July 1, 2013 water billing - Basic Fees for Water Availability:

A basic fee of \$23.70 per month shall be charged per meter located within the City Limits.

A basic fee of \$39.20 per month shall be charged per meter located outside the City Limits.

Surcharge Fees:

Out of the basic fees set forth above, there shall be removed and placed in a separate segregated account the monthly sum of \$3.05 for each meter charged which amount shall be deemed a surcharge for the sole purposes of repayment of the Clean Water State Revolving Fund Loan C462016-06 all as set forth in the Resolution NO. 13-02. The \$3.05 surcharge shall remain and continue to be placed in the separate segregated account until the Revenue Bonds for the Water Towner project are fully paid.

Monthly Usage Fees Effective after the June 30, 2013 water billing:

In addition to the basic monthly fee stated above, there shall be charged the user, a monthly fee based upon \$2.00 per thousand (1,000) gallons of water used per billing month.

Bulk Water Rates:

Bulk water rates shall be charged \$3.00 per thousand (1,000) gallons of water.

Miscellaneous:

Any property or entity which has more than one meter servicing the same property or entity and one of the meters provides water for only the purposes of watering the yard, then that property or entity shall be charged only one basic monthly fee, provided however if the water billing for the yard is paid by a separate entity, then that entity shall be charged the basic monthly fee.

Any entity which has more than one meter servicing the same property due to expansion or remodeling shall be charged only one basic monthly fee.

Effective Date:

The various rates established by this resolution shall become effective for all water billings from and after the effective dates stated above.

ORDINANCE NO. 919, PERTAINING TO SEWER SERVICE CHARGES – Moved by Carson, second by Cerney and carried, to approve the 1st reading of Ordinance No. 919, pertaining to sewer service charges.

RESOLUTION 13-05, OPT OUT FOR SWIMMING POOL – The pool committee presented an unfiled petition to the City Council requesting they pass an opt out to provide funding to build a swimming pool. Moved by O’Connell, second by Henderson and carried, to approve Resolution 13-05, opt out for building a swimming pool.

RESOLUTION FOR OPT OUT NO. 13-05

WHEREAS, the City Council of the City of Mobridge, South Dakota believes it is in the best interest of the citizens of the City to build a new swimming pool.

Whereas, the City of Mobridge would need to raise an estimated additional \$2,500,000.00 to construct the swimming pool.

Whereas, the City Council believes the appropriate means to raise the additional funds would be to opt out of the real property tax limits to raise up to an additional \$200,000.00 per year for 20 years to pay for the financing of the new swimming pool

NOW THEREFORE, be it RESOLVED,

THE GOVERNING BOARD OF MOBRIDGE, SOUTH DAKOTA does state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$200,000.00 starting with calendar year 2013 taxes payable in the calendar year 2014. This opt out will be for 20 years, which will be thru taxes payable in the calendar year 2034. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision.

Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.

RESOLUTION 13-06, A VOTE OF THE PEOPLE – The City Council felt that the residents of Mobridge should vote on the opt out funding for a swimming pool. Moved by O’Connell, second by Yellow Boy and carried, to approve Resolution 13-06, bringing Resolution 13-05 to a vote of the people.

RESOLUTION NO. 13-06

WHEREAS, the City Council of the City of Mobridge, South Dakota has passed Resolution No. 13-05 to opt out for \$200,000 per year for 20 years to raise funds to pay for a new Swimming Pool.

Whereas, the City Council of the City of Mobridge, South Dakota believes it to be in the best interests of the citizens of the City of Mobridge to have an election to submit the opt out resolution to the voters of the City of Mobridge to determine if the opt out should become effective.

NOW THEREFORE, be it RESOLVED,

That Resolution 13-05 shall be submitted to the voters of the City of Mobridge for the voters' approval or rejection pursuant to law, which election shall be held on the 9th day of April, 2013.

ORDINANCE NO. 920, REVISION OF ZONING ORDINANCE 18.06 – Moved by Cerney, second by O’Connell and carried, to approve the 1st reading of Ordinance No. 920, a revision of zoning ordinance 18.06 within regards to parking standards.

ORDINANCE NO. 921, REVISION OF ZONING ORDINANCE 12.02 – Moved by O’Connell, second by Cerney and carried, to approve the 1st reading of Ordinance No. 921, a revision of zoning ordinance 12.02 within regards to the addition of self storage facility.

ORDINANCE NO. 922, REVISION OF ZONING ORDINANCE 4.01 – Moved by Yellow Boy, second by Carlson and carried, to approve the 1st reading of Ordinance No. 922, a revision of zoning ordinance 4.01 within regards to the addition of self storage facility.

LIBRARY CONSTRUCTION PAYMENT - Moved by Cox, second by Henderson and carried, to approve Pay Request No. 7 and 8 in the amount of \$189,149.89 to Lieberman Construction for the library addition. Discussion on the need to approve priority spending. It will be on the next meeting’s agenda.

DONATION: The library board has \$33,160.15 in savings from an account that was set up when the fund raising 1st started for the addition. They will donate those funds to the city to finish the project. Moved by Carlson, second by Cerney and carried, to approve accepting the donation from the library board.

SURPLUS PROPERTY – Moved by O’Connell, second by Yellow Boy and carried, to declare the garage and fence located at 223 2nd Street East surplus property. Moved by O’Connell, second by Cox and carried, to get an appraisal of the surplus property.

AIRPORT FUEL TRUCK BID – One bid was received to purchase an airport fuel truck from a company in the amount of \$44,000. \$40,000 total is budgeted for the purchase. Moved by Carlson, second by Henderson and carried, to approve tabling the airport fuel truck bid until more research can be done.

MEETING DATE CHANGE – Moved by Carlson, second by Henderson and carried, to approve changing the 2nd meeting in February to February 19, 2013 at 5:30 PM due to the President’s Day holiday.

DISCUSSION AND INFORMATION ITEMS:

PROPERTIES TAKEN BY THE COUNTY – Cox asked the council if they were interested in meeting with the county regarding these properties. He will attend the commission meeting.

PAYMENT OF BILLS:

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

A&B Business, furniture-659.65; Aflac, insurance-487.38 ;Alco Stores, supplies-62.73 ;Ameripride, supplies-43.41 ;Argus Leader, other services-310.52 ;B&W Air Cond. & Heating, repairs-333.58 ;Beadle Sales, vehicle maintenance-2,298.37 ;Beadles Chevy, vehicle maintenance-58.28 ;Bridge City Softball Assoc., budgeted allocation-5,973.47 ;Cain Law Office, attorney fees-1,076.10 ;Carlson Services, prof services-185.00 ;Center Point Large Print, books-43.74 ;Credit Collections Bureau, garnishment-201.34 ;Free Dar Interprizes, snow removal-835.00 ;Gienger Sales, supplies-64.00 ;Great Western Bank, payroll taxes-10,703.44 ;Hawkins, chemical/snow removal-4,120.00 ;Heartland Waste, solid waste collection-16,117.50 ;Homestead Building Supplies, supplies-1,093.61 ;Imberi Computer, computers-50.00 ;Ingram, books-499.51 ;Janelle Davidson, other services-64.55 ;Larry Lock & Key, repair-42.50 ;Library Director, supplies-12.04 ;Lieberman Construction, prof services-189,149.89 ;McFarland, supplies-739.33 ;MDU, utilities-1,904.09 ;Merkels Foods, supplies-81.64 ;Michael Todd & Co., supplies-2,583.66 ;Office Depot, supplies-218.55 ;Overdrive, books-1,500.00 ;Piatt Construction, building repairs-2,086.92 ;Running's, supplies-1,658.45 ;SD Dept of Health, prof services-75.00 ;SD Dept of Revenue, water samples-363.00 ;SD Retirement, retirement-11,965.72 ;SDRS Supplemental Retirement Plan, retirement-44.00 ;Sirchie, supplies-47.13 ;Taser International, equipment-4,445.65 ;Tim Frizzell, refund-66.00 ;Total Administrative Services, flex-699.96 ;Upbeat Site Furnishings, furniture-1,108.64 ;Upstart, supplies-158.51 ;US Post Office, postage-487.54 ;Verizon Wireless, cell phone-130.40.

Salaries: Administration – 4478.38; City Administrator – 1933.27; Police Department – 21604.61; Fire Dept – 425.00; Street Dept – 4193.76; Airport – 1188.00; Library – 2515.62; Auditorium – 1572.01; Zoning – 625.00; 24/7 Sobriety – 169.95; Water Dept – 6734.38; and Sewer Dept – 2543.41.

There being no further business to come before the council, the meeting adjourned at 6:05 PM on a motion by Henderson, second by O'Connell and carried.

Heather Beck, Finance Officer

Jamie Dietterle, Mayor

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