

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
May 6, 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, May 6, 2013 at 5:30 PM. Mayor Jamie Dietterle, Finance Officer Heather Beck, City Administrator Steve Gasser, 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 Henderson and carried. Yellow Boy and Carlson abstained.

MINUTES:

On a motion by O'Connell, second by Henderson and carried to approve the minutes from the April 15, 2013 regular meeting.

PUBLIC FORUM:

James Tolley of J&M One Stop was present to discuss with the Council a building permit application that was denied. The Mayor explained the reason the permit was denied is per the City's ordinances if there is a nuisance violation or overdue bills. J&M One Stop has a nuisance violation per City Ordinance 5-5-4 and overdue water bills totaling \$952.98.

BIDS FOR 2ND AVE WEST STORM SEWER PROJECT:

Two bids were received for the 2nd Avenue West Storm Sewer Project. One from JDH Construction in the amount of \$644,148 and the other from B&B Contracting in the amount of \$598,076. Todd Goldsmith recommended taking the lowest bid from B&B Contracting pending approval from DENR. Moved by Yellow Boy, second by Carlson and carried, to table the item until the next meeting so Goldsmith can review the bids.

DEPARTMENT HEAD REPORTS:

Harley Overseth, Zoning Officer

BUILDING PERMITS – Building permit number 9104 was not approved by the Zoning Officer due to unacceptable materials. The following building permits were approved by the Zoning Officer & approved by Council on a motion by Carlson, second by Henderson and carried: Vincent Maher, 217 5th Ave E, replace siding; Timothy Sauter, no address, build a new home and unattached garage; Herb McClellan, 104 14th St W, add 2 egress windows; Kristal Finkbeiner, 807 5th Ave W, 4' vinyl fence in rear of home to front of house; Daniel Nickels, 220 6th St E, finishing fence around backyard; Vincent Maher, 217 5th Ave E, 27' wooden deck; Mobridge United Methodist Church, 402 3rd Ave W, 9x6'7" addition; and David Lilly, 526 2nd Ave E, 42x44 pole barn & deck on house.

APPOINT NEW ZONING OFFICER – Overseth reported that he could no longer devote the time necessary to being the City's zoning officer and he was resigning. Moved by Cerney, second by Henderson and carried, to approve appointing Haden Bowie as the City's zoning officer with a salary of \$500 per month, City cell phone and office space effective May 1, 2013.

Justin Jungwirth, Police Chief

CODE ENFORCEMENT – Chief Jungwirth gave a code enforcement report

STEP INCREASE – Moved by Yellow Boy, second by Cox and carried, to approve a step increase for Carrie Lutz increasing her hourly wage from \$15.51 to \$15.73 effective May 6, 2013.

Brad Milliken, Water/WW Superintendent

IMPROVEMENTS AT 14TH ST W – Milliken again discussed with the council the need to improve water and sewer lines from 2nd Ave W to Main along 14th St. The engineers estimate is \$65,527 for the water main and \$18,850 for the sewer main. Moved by Carlson, second by O'Connell and carried, to approve advertising for bids for the project.

UNFINISHED BUSINESS

ORDINANCE NO. 925, AMENDING ORDINANCE 11-4-4 PERTAINING TO SEWER SERVICE CHARGES – Moved by O’Connell, second by Cerney and carried, to approve the 2nd reading of Ordinance No. 925, amending ordinance 11-4-4, pertaining to sewer service charges.

ORDINANCE NO. 925

AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH
DAKOTA AMENDING THE REVISED
ORDINANCES OF THE CITY,
AMENDING ORDINANCE 11-4-4
PERTAINING TO SEWER SERVICE CHARGES

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

That Ordinance 11-4-4 of Chapter 11-4 of Title of the Revised Ordinances of the City of Mobridge, South Dakota is hereby amended to read as follows:

11-4-4 Service Charges

(A) All owners and occupants of residential, apartments, mobile homes, hotel and Motels with and without combined apartments and sleeping rooms and business connections and Commercial connections to the Mobridge City municipal sewer system shall, on a monthly basis, pay for the use thereof and for the availability of the sewer service an amount set by resolution of the City Council.

(B) Wherever, by reason of special circumstances, the City Council finds the foregoing rates for any user or purpose, and whether within or without the City limits, are unjust or inequitable as applied to certain premises, said rates, if in the opinion of the City Council, be either too high or too low the City Council, by resolution, may fix and establish a fair and equitable Rate for such premises during the period of such special circumstances, which may be established by Resolution.

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.

ORDINANCE NO. 926, PERTAINING TO DESIGN-BUILD PROCUREMENT – Moved by Cerney, second by Cox and carried, to approve the 2nd reading of Ordinance No. 926, amending Ch. 3-2, pertaining to design-build procurement.

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH
DAKOTA AMENDING THE REVISED
ORDINANCES OF THE CITY,
AMENDING CHAPTER 3-2
PERTAINING TO DESIGN-BUILD PROCUREMENT

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

That Chapter 3-2 of Title of the Revised Ordinances of the City of Mobridge, South Dakota, and the same is hereby amended to read as follows:

3-2 DESIGN-BUILD PROCUREMENT

3-2-1 Purpose

Pursuant to SDCL Title 5-18A, the following procedures are established for the solicitation and award of design-build contracts.

3-2-2 Definitions

For purposes of this procedure the definitions in SDCL Title 5, and the following definitions apply:

- (1) "City" means the City of Mobridge
- (2) "Firm" means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice engineering, architecture and construction contracting in the City of Mobridge.
- (3) "Project" means the project described in the public announcement. (1999 ORD 756)

3-2-3 Minimum Qualification Requirements for Firms Providing Design-Building Services

The design-builder shall be duly registered with the South Dakota Secretary of State and the Department of Revenue and, where required by state or federal law, shall be able to provide design or construction services by duly licensed or registered individuals.

3-2-4 Utilization of Design-Build

The determination to utilize design-build shall follow specifications set forth in SDCL 5-18A.

3-2-5 Public Announcement Procedures

Except in Emergency situations, the City shall publish an announcement in the city's official newspaper in accordance with SDCL 5-18A-14, setting forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. The public announcement shall further state whether design-builders will be prequalified for the project.

3-2-6 Technical Review Committee

There shall be a Technical Review Committee comprised of the Mayor, Zoning Officer, Water and Waste Water Superintendent and the Chairperson of the Major Organizational Unit sponsoring the project.

The Technical Review committee shall determine the most qualified proposers as provided in Section 3-2-7 and rate and score Qualitative Proposals as provided in Section 3-2-9.

3-2-7 Prequalification of Design-Builders

- (1) The City may prequalify design-builders.
- (2) The City may issue a Request for Qualifications ("RFQ") by advertisement in accordance with SDCL 5-18A-14. The RFQ shall contain a general description of the project; a description of the areas of qualification requirement for performance of the work, such as experience, management resources and financial capability; the basis upon which the most qualified offerors will be determined; and any other requirements for the submittal of statements of qualifications. Firms desiring to submit proposals on the design-builder project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.
- (3) The Technical Review Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience

with comparable projects; financial and bonding capacity; managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.

- (4) The Technical Review Committee shall select not more than five firms deemed to be most highly qualified to perform the required services, after considering the factors in (2) and (3) above. An RFQ shall be issued to those firms selected.

3-2-8 Performance Criteria Package and Request for Proposals

(1) A performance criteria package shall be prepared by the City, using a registered architect or engineer either on staff of the City or selected in accordance with procedures employed for selecting design firms. When a project is exempted from the provisions of SDCL 36-18A, the criteria developer need not be registered. The design criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water and roads; stipulation of responsibility for meeting environmental regulations and growth management requirements; soil borings and geotechnical information, performance specifications; and a statement of required compliance with codes and general technical specifications.

(2) The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm to whom the design-build contract is awarded shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the facility in compliance with the performance criteria package.

(3) The Request for Proposals (“RFP”) shall consist of: the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions, and basis for evaluation of proposals.

3-2-9 Competitive Selection of Design-Build Services

- (1) A Qualitative and a Price Proposal shall be submitted by each firm submitting proposals. In the case of prequalification such proposals shall only be accepted from prequalified firms. Price proposals shall include one lump sum cost for all design, and construction of the proposed project, preliminary design documents and other data requested in response to the RFP.

Proposals shall be segmented into two packages:

- (a) Qualitative Proposal. A qualitative proposal shall include preliminary design drawings, outline specifications, technical reports, calculations, permit requirements, management plan, schedule and other data requested in response to the RFP.
- (b) Price Proposal. The price proposal shall be submitted in a separate sealed package. The package shall indicate clearly that it is the price proposal and shall identify clearly the firm’s name, project description, or any other information required by submission of proposals. The price proposal shall be secured until the time provided in Section 10, paragraph (1).

(2) The Technical Review Committee shall review the design concepts, preliminary designs and technical data proposed by each firm and shall establish a rating for each firm’s proposal based upon criteria to be established by the Technical Review Committee for the project.

(3) The Technical Review Committee then will total and submit the qualitative scores for each firm to the Finance Officer. The maximum qualitative score is 1.0.

3-2-10 Selection and Award for Design-Build Services

(1) The Finance Officer shall set a date for publicly opening the price proposals, and shall notify all firms submitting price proposals at least seven days prior to the opening date. The notification shall include the date, time and place of the opening of price proposals and date for award of the project.

(2) The Finance Officer shall publicly open the sealed price proposals and divide each firm's proposed price by the qualitative score given by the Technical Review Committee to obtain an "adjusted price." The firm whose adjusted price is lowest.

(3) In lieu of requiring Qualitative and Price Proposals, the City may establish a fixed dollar budget for the design-build project in the RFP, and require only Qualitative Proposals, price being fixed for all proposers. In this approach, award is made to the proposal receiving the highest qualitative score.

(4) Unless all proposals are rejected, the Finance Officer will recommend approval of an award to the firm with the lowest adjusted price. The City shall give written notice to the design-builder who submitted the accepted proposal. All other design-builders shall be informed in writing that their proposals were not accepted. The City reserves the right to reject all proposals.

(5) The City shall enter into a contract with the firm selected. At the time of the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes do not affect the ranking of the proposals based on their adjusted scores

3-2-11

Intentionally left blank.

3-2-12 Confidential Information

The City will make reasonable efforts to maintain the secrecy and confidentiality of any proposal and all information contained in any proposal may not disclose any of any proposal and all information contained in a proposal to the design/Builder's competitors. To the extent permitted by the provisions of SDCL Chapter 1-25, the City will not disclose confidential and proprietary information contained in any proposal to the public until such time as the City takes final action to accept a proposal.

3-2-13 Emergency Purchases

A design/build contract may be awarded in an emergency without advertising pursuant to SDCL 5-18A.

NEW BUSINESS:

STREET DEPARTMENT BID FOR RESURFACING - One bid was received from Jensen Rock & Sand. The bid was for \$1.65 per square yard for MC800 asphalt oil and \$1.56 per square yard for emulsion oil. Moved by Carlson, second by O'Connell and carried, to table the bid until the committee and department head are able to review it.

PROPANE & FUEL OIL BIDS- The following bids were opened: Slater Oil: \$1.269/gallon for city-owned tanks at the Street Dept, Wastewater Treatment Plant, Water Treatment Plant intake and the little water tower; and \$1.34/gallon for the Water Treatment Plant, both tanks owned by Slater Oil; and \$3.419/gallon for #2 fuel oil for the Airport, Wastewater Plant and Street Dept. Mobridge Gas Co.: \$1.274/gallon for city-owned tanks at the Street Dept, Wastewater Treatment Plant, Water Treatment Plant intake and the little water tower; and no bid submitted for remaining items. Moved by Cox, second by Cerney and carried, to accept the bid from Slater Oil for all propane and # 2 fuel oil.

PUBLIC HEARING FOR TEMPORARY MALT BEVERAGE LICENSES - Hearing no opinion for or against, moved by O’Connell, second by Henderson and carried, to approve the following temporary malt beverage licenses: to Mobridge Chamber of Commerce for the a tent dance fundraiser on July 3 and to Mobridge Rodeo Assoc. for the Sitting Bull Stampede and Derby on July 1-4 and August 3rd, 2013

SET PUBLIC HEARING DATE – Moved by O’Connell, second by Henderson and carried, to approve setting a public hearing date and advertising for a temporary liquor license for the Mobridge Chamber of Commerce for a fishing tournament on May 20, 2013 at 5:40 PM.

LIBRARY SURPLUS PROPERTY – Moved by Yellow Boy, second by Cerney and carried, to approve the following library items surplus property: 9 shelving units.

MAYOR’S APPOINTMENTS - Moved by Cox, second by Cerney and carried, to approve the following Mayor’s appointments for 2013-2014:

Council Appointments

Airport	Yellow Boy & Cerney
Auditorium	Henderson & Cerney
Finance	Mayor & Cerney
Fire	Yellow Boy & Cox
Library	Cox
Parks & Cemetery	O’Connell & Carlson
Police	Mayor
Pool	O’Connell & Henderson
Streets	Henderson & Carlson
Water & Sewer	O’Connell & Yellow Boy
3B & Chamber	Cox & City Admin.
Annexation Comm.	Cox & Carlson
NECOG	O’Connell & City Admin.
Police Advisory Board	Cox
School Board Rep	O’Connell
Health Officer	Dr. Robert Marciano
Rail Authority	Carlson
Cemetery Super.	Davis Martin
City Admin.	Steve Gasser
Chief of Police	Justin Jungwirth
Finance Officer	Heather Beck
Fire Chief	Brad Milliken
Asst. Fire Chief	Mitch Voller
Fire Secretary/Treas.	James Bieber
Zoning Officer	Haden Bowie

Mobridge Housing

Pat Fuhrman
 Alan Landis
 Duane Wegner
 Dick Lillestol
 Heidi Roshau

Zoning Board

Liz Rische—2014
 Duane Martin—2014
 Lou Novich—2015
 Matt Reichert—2016
 Tom Singer—2016
 *terms are 3 year

Library Board

Tom Zerr, Pres.
 Lynn Mertz, Vice/Treas
 Karla Bieber, Secretary
 Michelle Yellow Boy
 Nancy McClellan
 Amy Cerney
 Gene Cox, Council Rep.

Park Board

Dennis Wheeler, Chair
 Roger Hoffman, Vice Chair
 BJ Wiest, Secretary
 Erin Wheeler
 Davis Martin
 Ron Unterseher
 Randy Carlson, Council Rep
 Tom O’Connell, Council Rep

Riverfront Ec. Development

Todd Goldsmith
 Helen Mauck
 Ted Dickey
 Tom Unterseher
 Christine Goldsmith
 Dennis Wheeler
 Michelle Harrison
 Casey Perman
 Erin Wheeler
 Jamie Dietterle
 Dan Richards
 Rose Henderson, Council Rep

ORDINANCE NO. 927, UNIFORM BUILDING CODES – Moved by Cerney, second by Henderson and carried, to approve the 1st reading of Ordinance No. 927, an ordinance amending Chapter 3-3 Uniform Building Code.

AGREEMENT WITH NECOG FOR ADMINISTRATIVE ASSISTANCE – Moved by Cerney, second by O’Connell and carried, to approve a contract with Northeast Council of Governments to provide administrative assistance and services for the Environmental Protection Agency Appropriation award for the water tower project in the amount of \$5,000.

TERMINATE HANGER LEASE – Hanger No. 11 leased by Kent Wientjes has not paid the lease payment of \$151.20 plus late fees of \$151.20, or has not provided a signed copy of the lease or the required certificate of insurance. The lease was due by December 31, 2012. Moved by Yellow Boy, second by Cerney and carried, to approve not renewing the aircraft hanger lease space No. 11.

DISCUSSION AND INFORMATION ITEMS:

CLEAN UP DAYS – Gasser gave an update on the upcoming clean up days that will be held on May 13-18, 2013.

FINANCIAL REPORT – Beck gave the Council a financial report.

PAYMENT OF BILLS:

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

A&B Business, supplies-661.77;AE2S, prof services-1,080.00;Aflac, insurance-827.42;Avid Hawk, LLC, prof services-61.00;Beadles Chevy, vehicle maintenance-1,436.49;Bestway Traffic, supplies-105.80;Blackstone Audio, books-82.38 ;Boyd Naasz, travel-364.67 ;Cain Law Office, attorney fees-396.00 ;Cam Wal Electric, utilities-276.13 ;CDW Government, computer-72.56 ;Center Point Large Print, books-43.74 ;Chamber of Commerce, other services-32,000.00 ;Communications Center, radios-235.00 ;Country Junction, supplies-140.00 ;Credit Collections Bureau, garnishment-201.34 ;Crossroads Hotel, travel-150.00 ;Dady Drug, supplies-2.86 ;Davis Martin, contract labor-4,284.00 ;Family Dollar, supplies-17.75 ;Fisher Scientific, chemical-817.05 ;Free Dar Interprizes, snow removal-135.00 ;Gas N Goodies, supplies-48.00 ;Gienger Sales, supplies-152.00 ;Goldsmith Heck, prof services-5,816.00 ;Great Western Bank, payroll taxes-11,489.45 ;Hawkins, chemical-813.00 ;Hearing Health Clinic, prof services-55.00 ;Heartland Waste, solid waste collection-16,275.00 ;Hettinger Mobridge Candy, supplies-325.22 ;Homestead Building Supply, repairs-27.92 ;Imberi Computer, prof services-40.00 ;Ingram, books-460.64 ;Jeff Torevell, travel-14.80 ;Jensen Rock & Sand, gravel/supplies-7,529.01 ;Library Director, supplies-21.39 ;Lindskov Implement, supplies/repairs-507.19 ;Marco, supplies-120.00 ;Marquette Transportation Finance, equipment-2,835.48 ;MDU, utilities-9,906.98 ;Meierhenry Sargent, prof services-19,760.00 ;Merkels, supplies-15.41 ;Mobridge Fire Dept, diesel/gasoline-150.45 ;Mobridge Gas Co., LP gas-24.00 ;Mobridge Manufacturing, repairs-70.76 ;Neve's, uniforms-240.24 ;Payless Foods, supplies-57.95 ;Premier, repairs-208.00 ;Quenzer Electric, prof services-2,000.00 ;Rockmount Research, supplies-584.52 ;Runnings, supplies/repairs-534.99 ;Schatz Electric, repairs-948.15 ;SD Dept of Revenue, water samples-1,046.00 ;SD Retirement, retirement-11,947.89 ;SDRS Supplemental Retirement Plan, retirement-44.00 ;Slater Oil, supplies/gasoline/grease/diesel-5,852.87 ;Steve Gasser, travel-25.92 ;Total Administrative Services, flex-699.96 ;Unum Life Insurance, insurance-177.90 ;UPS, postage-282.08 ;US Dept of Education, garnishment-126.90 ;US Post Office, postage/supplies-512.10 ;Verizon Wireless, cell phone-150.90 ;Walworth County Register of Deeds, prof services-60.00 ;Wellmark Blue Cross Blue Shield, heath ins.-19,392.66 ;West River Telecommunications, phone-1,478.38.

Salaries: Administration – 4478.37; City Administrator – 1933.27; Police Department – 23081.98; Fire Dept – 500.00; Street Dept – 5257.98; Airport – 1188.00; Library – 1435.97; Auditorium – 2351.39; Zoning – 625.00; 24/7 Sobriety – 195.44; Water Dept – 6645.16; and Sewer Dept – 3524.08.

There being no further business to come before the council, the meeting adjourned at 6:35 PM on a motion by Henderson, second by Cox and carried.

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

Jamie Dietterle, Mayor