

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
January 18, 2017**

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, January 18, 2017 at 5:30 PM. Finance Officer Heather Beck, City Administrator, City Attorney Rick Cain and the following council persons were present: Cox, Cerney, Quaschnick, O'Connell, and Carlson. Mayor Dietterle and Yellow Boy were absent. In the absence of Mayor Dietterle, Council President Cox presided over the meeting.

AGENDA:

The agenda was approved on a motion by Cerney, second by Quaschnick and carried.

MINUTES:

Moved by O'Connell, second by Carlson and carried, to approve the minutes from the January 4, 2017 regular meeting.

DEPT HEAD REPORTS:

Library – Karla Bieber, Director:

- Review of 2016 library statistics.

Zoning/Nuisance – Cindy Rische:

- **Building Permit for Property** - Rische informed the Council that the property owner of 414 1st Ave. West requested a 60 day extension for his demolition permit. The original permit expires on January 19, 2017. Cain advised the Council not to give an opinion on the matter until Rische has either approved or denied the extension.

Police Dept – Chief Shawn Madison:

- Review of 2016 police department statistics.

OLD BUSINESS:

2ND READING ORDINANCE NO. 952 - Moved by Carlson, second by O'Connell and carried, to approve the 2nd reading of Ordinance No. 952, an ordinance entitled: An ordinance in revision of building permit sections 19.02 and 19.03 of the zoning ordinances of the City of Mobridge, South Dakota pertaining to building permits.

ORDINANCE NO. 952

**AN ORDINANCE ENTITLED: AN ORDINANCE IN
REVISION OF BUILDING PERMIT SECTIONS 19.02 AND 19.03
OF THE ZONING ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA**

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

That Sections 19.02 and 19.03 of the Zoning Ordinances of the City of Mobridge pertaining to Building and Demolition Permits be and are hereby amended to read as follows:

19.02 Building or Demolition Permits Required. No building, sprinkler system, fence, structure, or concrete improvement (including, but not limited to sidewalks, curb, gutter, steps, patios, pads, driveways, footings and slabs) shall be demolished, constructed, replaced, erected, partially erected, moved, added to, or structurally altered without a permit therefore issued by the Zoning Administrator. No building or demolition permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he/she received a written order from the City Planning Commission in the form of an administrative review, conditional use, or variance as provided by this Ordinance. NO building permit shall be required to repair or replace roofing, siding, windows and flooring in buildings which do not structurally alter the building.

19.03 Application for Building or Demolition Permits. All applications for building or demolition permits shall

describe the exact nature of the work to be completed; show the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of buildings already existing, if any; and the location and dimensions of the work to be completed. Building or demolition permit applications may be obtained from the Zoning Administrator. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building, alteration or demolition; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. All building or demolition permit applications approved or disapproved shall be kept on file by the Zoning Administrator. The approved building or demolition permit applications shall have a letter attached showing the date of the letter, date of application, address of work, and expiration date of building or demolition permit. If a building or demolition permit application is disapproved, the Zoning Administrator shall state the reasons for such refusal in writing to the applicant on the building or demolition permit.

The issuance of a building or demolition permit shall, in no case, be construed as waiving any provisions of this Ordinance or any other Ordinance of the City of Mobridge. The applicant and Owner of the property shall remain responsible for complying with all other Mobridge Municipal Ordinances, notwithstanding the issuance of the requested building or demolition permit.

If the work described in any building permit for new construction has not been completed within one (1) year of the date of issuance thereof or any building permit for remodeling construction has not been completed within six (6) months of the date of issuance thereof or any building permit for demolition has not been completed and reclaimed within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building or demolition permit or an extension of the existing building or demolition permit had been obtained. A building permit may also be cancelled if the work described on the building or demolition permit has not been started within 90 days after the date of issuance. Unless an extension building or demolition permit is issued, after the work described therein has commenced, the failure to complete the work described in the building or demolition permit shall be deemed a nuisance and in addition to all other penalties described in this CODE, the city is authorized to abate the nuisance in any manner authorized by law and the owner shall be liable to the city for all costs of abatement, including attorney fees.

An applicant for a building or demolition permit may apply to the Zoning Administrator for an extension of the building or demolition permit upon showing good cause for not completing the work within the applicable period. Upon application, and a showing of good cause the Zoning Administrator shall be entitled to grant the applicant for extension of the building or demolition permit an extension of the building or demolition permit for a period not to exceed six (6) months upon conditions as the Zoning Administrator deems appropriate and just. There shall be no fee charged for the extension of time and the extension of time is not required to be approved by the Council.

The Zoning Administrator shall deny any building or demolition permit if the property which is the subject of the building or demolition permit or if other property owned by the Applicant or Owner of the property is in violation of any provision of these Zoning Ordinances or is in violation of any Nuisance Ordinance of the City or is the subject of any lien imposed thereon by the City due to abatement of any Nuisance or if the property or the owner of the property is in default in paying any sums to the City of Mobridge, including but not limited to charges for water, sewer or garbage fees. Upon a showing of good cause, the City Council may grant a building or demolition permit even though the Zoning Administrator is not authorized to issue the building permit pursuant to this paragraph.

2nd READING ORDINANCE NO. 953, INDECENCY – Moved by Cox, second by Cerney and carried, to approve the 2nd reading of Ordinance No. 953, an ordinance in revision of Chapter 7-2 of the ordinances of the City of Mobridge, South Dakota amending Section 7-2-7 Indecency.

ORDINANCE NO. 953

**AN ORDINANCE ENTITLED:
AN ORDINANCE IN REVISION OF CHAPTER 7-2
OF THE ORDINANCES OF THE CITY**

**OF MOBRIDGE, SOUTH DAKOTA AMENDING
SECTION 7-2-7 INDECENCY**

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

That Ordinance 7-2-7 shall be amended to read as follows:

7-2-7 Indecency

No person shall appear in any public place in the state of nudity, in indecent dress or make any indecent exposure of his or her person. No person shall exhibit, show or perform any indecent, immoral, or lewd show, act, play, motion picture or other representation in any theater or place of public resort. The forgoing shall not be interpreted or construed to prohibit or regulate, women from nursing or breast-feeding in public or private.

2nd READING ORDINANCE NO. 954, GATHERINGS ON STREETS – Moved by Cox, second by Cerney and carried, to approve the 2nd reading of Ordinance No. 954, an ordinance in revision of Chapter 7-3 of the ordinances of the City of Mobridge, South Dakota amending Section 7-3-1 Gatherings on Streets.

ORDINANCE NO. 954

**AN ORDINANCE ENTITLED:
AN ORDINANCE IN REVISION OF CHAPTER 7-3
OF THE ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA AMENDING
SECTION 7-3-1 GATHERINGS ON STREETS**

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

That Ordinance 7-3-1 shall be amended to read as follows:

7-3-1 Gatherings on Streets

No person shall call or cause the gathering of any crowd of people or address or exhibit any show or performance to such crowd, in any alley, street or other public property of the City, without the written permission of the Chief of Police.

2nd READING ORDINANCE NO. 955, GOODS ON SIDEWALK – Moved by Carlson, second by Cox and carried, to approve the 2nd reading of Ordinance No. 955, an ordinance in revision of Chapter 7-3 of the ordinances of the City of Mobridge, South Dakota amending Section 7-3-4 Goods on Sidewalk.

ORDINANCE NO. 955

**AN ORDINANCE ENTITLED:
AN ORDINANCE IN REVISION OF CHAPTER 7-3
OF THE ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA AMENDING
SECTION 7-3-4 GOODS ON SIDEWALK**

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

That Ordinance 7-3-4 shall be amended to read as follows:

7-3-4 Goods on Sidewalk

No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, except that, for the purpose of loading and unloading, such articles may be placed upon the outer sidewalk for such time as may be necessary to load or unload or obstruct the same.

The forgoing shall not apply to events sponsored by the Mobridge Chamber of Commerce during normal business hours.

In no instance shall any such articles be left upon the sidewalk in the night time without the written permission of the Chief of Police.

NEW BUSINESS:

WEST RIVER TELECOMMUNICATIONS LEASE – Goldsmith reported that West River was interested in leasing a portion of the old armory to store supplies and equipment while they upgrade the City’s telecommunications system. Moved by O’Connell, second by Carlson and carried, to approve the proposed lease agreement with West River Telecommunications and advertising for a public hearing.

AIRPORT MANAGEMENT CONTRACT – Goldsmith informed the Council of some revisions to the airport management contract in order to comply with the FAA requirements. Moved by Cerney, second by Carlson and carried, to approve the airport management contract with the revisions.

ADVERTISING FOR AIRPORT MANAGER – Moved by Cerney, second by Quaschnick and carried, to approve advertising for bids for the airport manager.

NECOG AGREEMENT - Moved by O’Connell, second by Carlson, and carried, to approve the Joint Cooperative Agreement with Northeast Council of Governments (NECOG) for 2017.

CEMETERY TRANSFER – Moved by Cerney, second by Quaschnick and carried, to approve the following cemetery transfer: James W. Hepper transferring Graves 1 and 2, Lot 87, in Block E Greenwood Cemetery to J.C. Hepper.

MOBRIDGE GAS LEASE – Moved by Carlson, second by Cerney and carried, to renew a lease with Mobridge Gas Company in the amount of \$250 per year for a term of 10 years, commencing on January 1, 2017 and ending on December 31, 2026 the following real property: a parcel of land 180 feet by 125 feet in the SE1/4NE1/4 of Section 30, Township 124 North, Range 79 West, Walworth County, SD.

VOLUNTEER FIREFIGHTERS – Moved by Cerney, second by Carlson and carried, to approve the following list of volunteer firefighters with the expectation from the Council that the officers have the responsibility for the department as any other City department head: Chief – Zach Milliken; Assistant Chief – Mitchel Voller; Secretary/Treasurer – Scott Mertz; Jason Voegel; Justin Wiest; Gordon Hintz; Kelly Silbernagel; Ed Ries; James Bieber; Doug DeLaRoi; Kris Mossett; Steve Schneider Jr.; Jordan Hewlett and Brent Wiederholt. Cox abstained.

WAGE CORRECTIONS – Beck explained that when she did the wage resolution that was approved for 2017, she missed 3 employees. Moved by Quaschnick, second by Carlson and carried, to approve the following COLA increases effective December 26, 2017: Jordan Baumann - \$8.80; Linda Chappell - \$17.39; and Andy Dockter - \$11.06.

TEMPORARY LIQUOR LICENSE – Moved by O’Connell, second by Cerney and carried, to approve advertising for a public hearing for a temporary liquor permit to the Mobridge Area Chamber of Commerce for March 25, 2016 for a fundraiser for the Scherr Howe bathroom project.

APPOINT ZONING BOARD MEMBER – Moved by Carlson, second by O’Connell and carried, to approve Tom Singer as Zoning Board for a 3 year term beginning January 1, 2017. Cox abstained.

DISCUSSION AND INFORMATION ITEMS:

Fire Whistle – Cox informed the Council and public that at the request of the Fire Department the fire whistle would once again begin going off effective Thursday morning. Cox urged the public not to call dispatch regarding the location of the fire as it backs up the dispatch center and takes the dispatcher away from true emergencies.

Fire Dept Applications – Applications to become a member of the fire department can be found on the City’s website www.cityofmobridge.com.

Financial Report – Beck presented the Council a financial report

TRAVEL:

Moved by Cerney, second by Quaschnick and carried, to approve Nate Pepin to Omaha on January 19-20, 2017 to pick up the Police Dog Zane.

Moved by Quaschnick, second by Cerney and carried, to approve Nate Pepin and Zane to Omaha on February 6-10 and February 13-17, 2017 for K9 training.

Moved by O’Connell, second by Quaschnick and carried, to approve Chris Keller and Boyd Naasz to Rapid City on February 8-9, 2017 for water/wastewater seminar.

PAYMENT OF BILLS:

Moved by Cerney, second by O’Connell and carried, to approve the following bills for payment:

A&B Business, supplies-11.47 ;Aflac, insurance-961.10 ;AT&T, utilities-246.63 ;Banner Associates, prof services-10,217.29 ;Cam Wal Electric, utilities-359.44 ;Cardmember Service, equipment/uniforms-2,244.12 ;Chamber of Commerce, prof services-9,305.01 ;Clerk of Courts, garnishments-600.00 ;Deputy Finance Officer, other-31.02 ;Dish TV, utilities-25.02 ;Eggers Electric, repairs-395.94 ;Environmental Resource, chemical-323.89 ;Fisher Scientific, chemicals-112.02 ;Gas N Goodies, gasoline-183.03 ;Gienger Sales, wupplies-155.00 ;Great Western Bank, payroll taxes-15,373.00 ;Hach Company, repairs-917.77 ;Hawkins, in house repair-825.28 ;HF Scientific, supplies-364.69 ;High Point Networks, computer -288.75 ;Howard Fairfield, equipment-1,422.72 ;John Deere Financial, repairs-185.08 ;Key Insurance, 2017 insurance-82,905.00 ;Klein Museum, other services-6,000.00 ;Language Line Services, prof services-90.00 ;Larry’s Lock & Key, repairs-45.00 ;Leonards Studio equipment-1,287.00 ;Locators & Supplies, equipment-657.86 ;Lucky’s, supplies-74.26 ;Marco, Inc., copier-252.67 ;MDU, utilities-2,810.21 ;Merkels Foods, supplies-92.33 ;Midco, utilities-105.00 ;Mobr Regional Hospital, prof services-89.00 ;Mobr Tribune, publishing-243.74 ;Mobridge Gas, LP gas-142.50 ;Mobridge Hardware, supplies-511.40 ;Mobridge Manufacturing, building maintenance-875.00 ;Napa Auto Parts, equipment maintenance-390.74 ;Napa Auto Parts, maintenance-6.97 ;Office Depot, supplies-199.40 ;Payless Foods, supplies-51.96 ;Penny Keller, prof services-175.00 ;Pete Lien, chemicals-3,995.13 ;Pollard Water, equipment-729.24 ;QT Pod, supplies-12.25 ;Runnings, supplies-620.07 ;SD Airport Management Assoc., dues-25.00 ;SD Assoc of Code Enforcement, dues-40.00 ;SD City Management Assoc., dues-150.00 ;SD Dept of Revenue, water samples-337.00 ;SD Govt Finance Officers Assoc., dues-40.00 ;SD Municipal Street Maintenance Assoc., dues-35.00 ;SD One Call, prof services-3.15 ;SD Police Chiefs Assoc., other-99.85 ;SD Unemployment, unemployment-149.60 ;SDML Workers Comp, work comp-34,203.00 ;SDML, dues-2,485.69 ;SDRS Supplemental Retirement, retirement-175.00 ;Slater Oil, diesel/propane-6,070.31 ;Team Lab, supplies-105.50 ;Tri State Water, supplies-8.85 ;Unum Life Insurance, insurance-331.80 ;USDA-Rural Development, loan payment-2,925.00 ;USDA-Rural Development, loan payment-2,373.00 ;Valley Telecomm., utilities-884.16 ;Vander Haags, repairs-291.19 ;Venture Comm., utilities-424.09 ;Verizon Wireless, cell phone-459.87 ;Walworth County Register of Deeds, prof services-30.00 ;Wellmark BC/BS, health insurance-33,566.20 ;West River Telecommunications, utilities-3,612.84.

Salaries: Administration-6,392.41; City Administrator-2,164.42; Police Department-27,341.48; Street Department-8,248.15; Health & Inspection – 1,112.00; Park – 1,836.27; Library-2,785.47; Auditorium-114.40; 24/7-214.08; Water Department-7,821.60; and Sewer Department-4,570.11.

There being no further business to come before the council, the meeting adjourned at 6:11 PM on a motion by Quaschnick, second by Cerney and carried.

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

Gene Cox, Council President