

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
May 20, 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 20, 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, Henderson, O'Connell, Yellow Boy and Carlson. Cerney was absent.

ADOPT AGENDA:

The agenda was adopted on a motion by Yellow Boy second by O'Connell and carried.

MINUTES:

On a motion by O'Connell, second by Henderson and carried to approve the minutes from the May 6, 2013 regular meeting.

PUBLIC FORUM:

James Tolley of J&M One Stop was present to discuss with the Council the steps he has taken in order to clean up his property and pay his water bills. The Mayor instructed him to get together with Chief Jungwirth and the Zoning Officer to see if any more needs to be done.

DEPARTMENT HEAD REPORTS:

Haden Bowie, Zoning Officer

BUILDING PERMITS –The following building permits were approved by the Zoning Officer & approved by Council on a motion by Carlson, second by Yellow Boy and carried: Ritchie Davis, 1321 17th Ave W, 20x23 bedroom; Bud Bader, 302 12th St W, 140'x32" decorative fence; Hilton Walth, 601 5th Ave W, replace shingles with white steel; Kyle Jensen, Tr. A 9th Ave, curt and gutter; James Croshaw, 1017 3rd Ave W, remodel kitchen & bath; Delano Good Shield, 821 10th St. W, install 235 ft. of 4' wooden fence on east side of yard.

UNFINISHED BUSINESS

ORDINANCE NO. 927, UNIFORM BUILDING CODES – Moved by O'Connell, second by Cox and carried, to approve the 2nd reading of Ordinance No. 927, an ordinance amending Chapter 3-3 Uniform Building Code.

ORDINANCE NO. 927

AN ORDINANCE OF THE CITY OF MOBRIDGE, SOUTH
DAKOTA AMENDING THE REVISED
ORDINANCES OF THE CITY,
AMENDING CHAPTER 3-3
UNIFORM BUILDING CODE

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

That Chapter 3-3 of the Revised Ordinances of the City of Mobridge, South Dakota is hereby amended as follows:

CHAPTER 3-3 UNIFORM BUILDING CODE

3-3-1 GENERAL

Section 1. That a certain document, which is on file in the office of the City Finance Office of the City of Mobridge being marked and designated as the *International Building Code*, 2012 edition, (see *International Building Code* Section 101.2.1, 2012 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Mobridge, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation

and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Mobridge are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Sections 2 and 3 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: City of Mobridge, South Dakota

Section 3412.2. Insert: June 18, 2013

Section 3. The following sections are hereby deleted:

Section 1612

All other provisions of the *International Building Code*, 2012 edition which are in conflict with other ordinances currently in effect or hereafter adopted by the City of Mobridge are specifically deleted.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Mobridge hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights, acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the Finance Officer of the City of Mobridge is hereby ordered and directed to cause this legislation to be published according to law.

Section 7. That this law and the rules, regulations provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Section 8: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code within the City of Mobridge and within one a one mile radius of the corporate limits of the City of Mobridge.

NEW BUSINESS:

PUBLIC HEARING FOR TEMPORARY MALT BEVERAGE LICENSES - Hearing no opinion for or against, moved by Cox, second by Henderson and carried, to approve the following temporary malt/liquor beverage license: to Mobridge Chamber of Commerce for a fishing tournament on June 7, 2013 serving from 6:00 PM to 10:00 PM.

STORM SEWER PROJECT BID – Moved by O’Connell, second by Carlson and carried, to approve the bid for the 2nd Avenue West storm sewer project from B&B Contractors in the amount of \$598,076.44 contingent on approval from the SD DENR.

STORM SEWER ENGINEERING PROPOSAL – Moved by Cox, second by O’Connell and carried, to approve the engineering agreement with Goldsmith Heck for the 2nd Avenue West storm sewer project for a cost not to exceed \$50,000 based on an hourly rate.

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. The street department head recommended using the MC800 due to it lasting longer and holding up better. Moved by Carlson, second by Henderson and carried, to approve the bid from Jensen Rock and Sand for the MC800 at \$1.65 per square yard.

ORDINANCE NO. 928, CODIFY ZONING ORDINANCES – Moved by O’Connell, second by Cox and carried, to approve the 1st reading of Ordinance No. 928, an ordinance to codify Mobridge zoning ordinances and amendments.

ADVERTISING FOR OLD CITY HALL LEASE - Moved by O’Connell, second by Yellow Boy and carried, to approve advertising the lease with NWS for the space at Old City Hall.

CEMETERY DEED TRANSFER - Moved by Cox, second by Henderson and carried, to approve the following cemetery deed transfer: Grave 3 and 4, Lot 21, Block O, Greenwood Cemetery 1st Addition, from the City of Mobridge to Genevieve Selzler.

DEMOLITION OF HOUSE – Cox explained the plan with the County to demo a house located at 515 4th Street West. The property currently belongs to the County taken for unpaid taxes. The City and County will work together to clean up this property. The County is providing trucks and landfill. The City will pay to load the house onto the trucks and proceeds of the sale will be split 50/50 between the City and the County. Two bids were received for demo of the house. Jensen Rock & Sand quoted \$150 per hour and the other from Gregg’s Drilling & Excavating at \$235 per hour. Moved by Cox, second by Yellow Boy and carried, to approve the bid from Jensen Rock and Sand at \$150 per hour. Moved by Carlson, second by Yellow Boy and carried, to approve tearing down the house located at 515 4th Street West.

DISCUSSION AND INFORMATION ITEMS:

FINANCIAL REPORT – Beck gave the Council a financial report.

WATER & WW RECOGNITION – Employees of the water and wastewater departments were recognized by the Council for awards given by the State for compliance.

TRAVEL:

Moved by Cox, second by Carlson and carried, to approve the following travel requests: Jackie Linderman to Pierre June 12-14, 2013 for Finance Officer School and Steve Gasser to Aberdeen May 29, 2013 for a NECOG meeting.

PAYMENT OF BILLS:

Moved by Carlson, second by Henderson and carried, to approve the following bills for payment:
A&B Business, supplies-147.95;Alco Stores, supplies-74.39 ;AmeriPride, supplies-46.12 ;Aqua Pure, Inc., chemicals-11,148.00 ;Avera Queen of Peace, drug testing-74.90 ;Best Business Products, copier lease-175.00 ;Border States, softball field-109.08 ;Business Forms & Accounting, supplies-538.20 ;Capitol Trophy, uniforms-20.75 ;cardmember Services, other services/supplies-1,899.35 ;Chamber of Commerce, prof services-7,450.56 ;Credit Collections Bureau, garnishment-201.34 ;Dacotah Insurance, insurance-516.00 ;Davis Martin, contract labor/trees/mowing-11,876.00 ;Dennis Kornder, prof services-400.00 ;First National Bank, loan payment-4,917.50 ;Fleet Services, gasoline-1,458.02 ;Free-Dar Interprizes, snow removal-320.00 ;Great Western Bank, payroll taxes-11,878.11 ;GTC Auto Parts, supplies-755.82 ;Homestead Building Supplies, supplies-14.49 ;Jason Voegel, uniforms-80.00 ;Jeff Torevell, travel-83.00 ;Justin Dame, travel-238.21 ;Kurt Schmaltz, travel-170.50 ;Kyle Jefferies, refund-18.00 ;Legacy Mark, prof services-389.52 ;Lu's Cleaning, prof services-700.00 ;MDU, utilities-5,944.15 ;Mobridge Manufacturing, repairs-2,975.00 ;Mobridge Tribune, other services/publishing/supplies-776.70 ;MVTL Laboratories, water samples-117.00 ;Nicholas Ward, prof services-1,085.00 ;Oahe Vet, prof services-210.00 ;Office Depot, supplies-100.97 ;Office of Fire Marshal, prof services-60.00 ;Pete Lien & Sons, chemical-3,457.44 ;Quenzer Electric, repairs-1,497.06 ;Real Tuff, repairs-22.00 ;SD Govt Finance Officers Assoc., conference-75.00 ;SD One Call, prof services-16.80 ;SD State Treasurer, sales tax-1,301.22 ;SDRS Supplement Retirement Plan, retirement-44.00 ;Slater Oil, propane/diesel/gasoline-18,175.26 ;Steve Faehnrich Const., repairs-150.00 ;TASC, prof services-187.00 ;The Conservation Center, prof services-1,705.00 ;Total Administrative Services, flex-699.96 ;Unum Life Ins., health ins-177.90 ;US Dept of Education, garnishment-126.90 ;US Post Office, postage-493.72

;USDA-Rural Development, loan payment-2,925.00 ;USDA-Rural Development, loan payment-2,373.00 ;Valley Motors, vehicle maintenance-245.89 ;WesTech, repairs-8,306.75.
Salaries: Administration – 2128.37; City Administrator – 1933.37; Police Department – 24694.61; Street Dept – 6702.40; Airport – 1188.00; Library – 2805.04; Auditorium – 1091.20; 24/7 Sobriety – 161.45; Water Dept – 6705.67; and Sewer Dept – 3484.92.

There being no further business to come before the council, the meeting adjourned at 5:58 PM on a motion by Carlson, second by Henderson and carried.

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

Jamie Dietterle, Mayor