

**MOBRIDGE CITY COUNCIL  
REGULAR MEETING  
June 3, 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, June 3, 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 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 20, 2013 regular meeting. Cerney abstained.

**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 Cerney, second by Henderson and carried: JDH Construction, 1401 10<sup>th</sup> Ave W, addition to building 7960 sq ft and renovation of existing building, addition will create a new combined entry and lobby for the hospital and clinic; Kent & Kim Schneider, 1603 3<sup>rd</sup> Ave W, replace siding; Dan & Kelsey Knust, 1306 12<sup>th</sup> Ave E, build 1500 sq ft ranch style home with unfinished basement and 2 car attached garage; Hilton Walth, 207 7<sup>th</sup> Ave E, steel roof over asphalt and replace windows with same size; Hilton Walth, 201 7<sup>th</sup> Ave E, replace windows with smaller size and replace soffit and fascia; and Francis Dupper, 914 3<sup>rd</sup> Ave E, replace wood fence with new wood fence same dimensions.

- Discussion was held on another building permit submitted by Mobridge Regional Hospital to construct a new sign at 1401 10<sup>th</sup> Ave W. The sign would be in the City right of way which is against City ordinances. The Council advised Bowie to take the issue to the planning and zoning committee for review.
- Bowie also reported that Verizon contacted her about placing a temporary cell tower on wheels at 114 4<sup>th</sup> St W. Currently City ordinances do not allow for such a structure. The company needs to place the temporary cell tower or service for Verizon customers will be lost for a period of time. The Council instructed Bowie to have Verizon submit a building permit for review. A special council meeting will need to be held as Verizon is unable to wait until the next meeting.

Justin Jungwirth, Police Chief

**SURPLUS PROPERTY** – Jungwirth reported that the 2001 Crown Vic was in an accident which totaled the vehicle. The insurance company will pay \$4,950 for the car after the \$500 deductible is taken out. Moved by Yellow Boy, second by O'Connell and carried to approve the 2001 Crown Vic as surplus property. Jungwirth questioned the council on the purchase of a replacement vehicle for the car. The Council advised Jungwirth to pay mileage until January so a replacement car can be added to the 2014 budget.

- Jungwirth also informed the Council that he accepted the resignation of Officer Elijah Schewe effective June 16 and has advertised the position.

Brad Milliken, Water/WW Superintendent

**UPDATE ON FIRE TRUCK** – Milliken informed the Council that they only received one bid for the new fire truck and the bid didn't meet their specifications. Moved by Carlson, second by O'Connell and carried, to reject the bid and re-advertise.

**LEVEL INCREASE** – Milliken reported that Justin Dame passed his Class II Water Certification so he is eligible to move up on the wage scale to Level 4. Moved by O'Connell, second by Cox and carried, to approve Justin Dame to move to Level 4 on the wage scale, increasing his hourly wage from \$14.79 to \$15.11 effective May 20, 2013.

**UNFINISHED BUSINESS**

**ORDINANCE NO. 928, CODIFY ZONING ORDINANCES** – Moved by Yellow Boy, second by O’Connell and carried, to approve the 2<sup>nd</sup> reading of Ordinance No. 928, an ordinance to codify Mobridge zoning ordinances and amendments.

**ORDINANCE NO. 928**

**AN ORDINANCE ENTITLED:  
AN ORDINANCE TO CODIFY  
MOBRIDGE ZONING 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 Zoning Ordinances of the City of Mobridge, Walworth County, South Dakota.

**SECTION 2.** This code may be referred to as the “Code of Zoning Ordinances of 2013” or the “Mobridge City Zoning Ordinances” or the “Mobridge Zoning Code.”

**SECTION 3.** Any act prohibited by this code, or any amendment 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 insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments in the form of supplements to be available 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 adopting ordinance.

**SECTIONS 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 law.

**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.

**NEW BUSINESS:**

**STOP SIGN REPLACEMENT** – The stop signs and stop sign posts on Grand Crossing and Hwy 1804 will have to be replaced during the States project. Moved by Yellow Boy, second by O’Connell and carried, to approve Bestway Traffic to insert the post stubs for a cost of \$25 per stub. The street department will install the posts and signs.

**SET PUBLIC HEARING DATE** – Moved by Carlson, second by Cox and carried, to approve setting a public hearing date for a liquor license transfer from Thomas Dekker to Anthony Schneider for June 17, 2013.

**MALT BEVERAGE LICENSES** - Moved by Cerney, second by Henderson and carried, to approve renewing the following malt beverage licenses for 2013-2014:

<b><u>APPLICANT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>TYPE OF LICENSE</u></b>
Bridge City Bait	Lot 1 Block 33 Grand Crossing	Retail (On-Off Sale)
Gas N More/Lucky’s	Lots 1-2 Block 34 Grand Crossing	Retail (On-Off Sale)
Great Plains Family Rest.	W6’ Lot 13, Lots 14-17 Block 41 Grand Crossing	Retail (On-Off Sale)
Last Chance	Lots 5 & 6 Block 41 NW 3 <sup>rd</sup>	Retail (On-Off Sale)
Mobridge Gas-n-Goodies	Lots 1-4 Block 22 Milwaukee 1 <sup>st</sup>	Retail (On-Off Sale)
Rick’s Cafe	Lots 2-6 Block 11 Mobridge Original	Retail (On-Off Sale)/SD Farm Wine
The Gas Stop	Lots 10-12 Block 1 Eklos 1 <sup>st</sup>	Retail (On-Off Sale)
The Grand Oasis	Lot 1 & part of Lots 2, 3 & 9 Blk 43, NWTS 3 <sup>rd</sup> Add	Retail (On-Off Sale)
Alco Discount Store	S 400’ of Lots 3&4 SE ¼ of 13-124-80	Package (Off-Sale)
Merkel’s Foods	Lots 14-18 Block 21 Milwaukee 1 <sup>st</sup>	Package (Off-Sale)
Payless Foods	Lots 4-15 Block 40 Grand Crossing	Package (Off-Sale)

**RESOLUTION 13-07, TRAIL GRANT APPLICATION** – Gasser reported that is a grant available from the Transportation Alternative Program. The project would extend the current trail from 4<sup>th</sup> Avenue East to Revheim Park. This project was started in 1990 and this is the last phase of the 23 year ongoing project. Moved by Cerney, second by Henderson and carried, to approve Resolution 13-07 as follows:

**Resolution 13-07**

WHEREAS, the City of Mobridge proposes to construct a recreational trail; 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 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act.

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 an Transportation Alternative Program application; and

THEREFORE, BE IT ALSO RESOLVED that, if funded, the City of Mobridge will Provide a local match of 40% of total 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 that the City understands that a project maintenance agreement will be required by the South Dakota Department of Transportation and the Federal Highway Administration; and

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

**TRAVEL:**

Moved by Yellow Boy, second by Carlson and carried, to approve the following travel request: Daysia Wiederholt to Pierre on June 3-14, 2013 for dispatch training.

**PAYMENT OF BILLS:**

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

A&B Business, office equip/supplies-788.70 ;Aberdeen American News, other services-188.00 ;Aberdeen Finance Corp., garnishment-220.00 ;Aflac, insurance-957.56 ;Automatic Building Controls, prof services-240.00 ;Bismarck Tribune, other services-248.85 ;Cain Law Office, attorney fees-396.00 ;Center Point Large Print, books-44.34 ;Central Diesel, vehicle maintenance-335.99 ;Centrurion Holdings, computer software-78.67 ;Charles Dutt Electric, repairs-226.44 ;Core Engineering, prof services-4,924.00 ;Credit Collections Bureau, garnishment-201.34 ;Dady Drug, supplies-25.72 ;Davis Martin, contract labor/trees/mowing-9,145.00 ;Demco, supplies/furniture-503.40 ;Deputy Finance Officer, postage/supplies-130.30 ;Family Dollar, supplies-17.40 ;Ferguson Waterworks, supplies-1,802.27 ;Galls, uniforms-73.48 ;Gienger Sales, supplies-64.00 ;Giengers, supplies-50.00 ;Great Western Bank, payroll taxes-70.42 ;Hawkins, chemical-1,993.54 ;Heartland Waste, solid waste collection-18,319.50 ;HF Scientific, repairs-163.73 ;Homestead Building Supplies, supplies-676.18 ;Ingram, books-343.95 ;Janitor's Closet, supplies-136.87 ;Larry's Lock & Key, repairs-47.00 ;Library Director, supplies-37.58 ;Linds Hardware, furniture/supplies-129.04 ;M&T Fire & Safety, supplies-718.46 ;Marco, supplies-120.00 ;MDU, utilities-5,154.34 ;Mobridge Garden Club, garden-500.00 ;Mobridge Tribune, publishing/supplies-1,251.67 ;MVTL Laboratories, water samples-54.74 ;Napa Auto Parts, truck maintenance-21.16 ;Otha Jones, refund-300.00 ;Premier, supplies-116.25 ;SD DENR, other services-1,400.00 ;SD Dept of Revenue, water samples-418.00 ;SD Retirement, retirement-12,463.10 ;SD Unemployment, unemployment-1,372.09 ;SDLA, prof services-80.00 ;SDRS Supplemental Retirement Plan, retirement-44.00 ;Share Corp, supplies-112.00 ;Showcases, supplies-706.59 ;That Tall Guy Plumbing, building maintenance-117.59 ;US Dept of Education, garnishment-126.90 ;Verizon Wireless, cell phone-415.76 ;Voyager Fleet Services, gasoline-638.82 ;Walworth County Landfill, prof services-20.30.

Salaries: Administration – 4478.37; City Administrator – 1933.27; Police Department – 23660.74; Fire Dept – 500.00; Street Dept – 4305.78; Airport – 1188.00; Library – 2550.28; Auditorium – 971.85; Zoning – 1125.00; 24/7 Sobriety – 175.62; Water Dept – 6640.47; and Sewer Dept – 3515.25.

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

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

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Jamie Dietterle, Mayor