

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
AUGUST 20, 2012**

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, August 20, 2012 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 Yellow Boy, second by Cox and carried with the following addition: bake sale fundraiser.

MINUTES:

On a motion by Carlson, second by Henderson and carried to approve the minutes from the August 6, 2012 regular meeting.

O'Connell entered the meeting at 5:34 PM.

DEPARTMENT HEAD REPORTS:

- Zoning
 - **BUILDING PERMITS** – The following building permits were approved by the Zoning Officer & approved by Council on a motion by Cerney, second by Yellow Boy and carried: Neil Morrison, 1123 1st Ave W, fence; Ester Berg, 907 8th Ave W, reside house and add 1' roof; Dominick Diniz, 302 8th Ave E, 16x22 addition; Kountry Kabins, 2712 W Hwy 12, 24x16 deck; Leroy Freimark, 809 8th Ave W, 14x18 fence; Randy Carlson, 816 1st Ave E, interior remodel & replace windows; and Peggy Warner, 806 8th Ave W, egress window on north side of house.
- Police Chief Justin Jungwirth
 - Chief Jungwirth gave the Council a code enforcement update.
 - **SURPLUS VEHICLES** – Moved by Carlson, second by Henderson and carried, to approve advertising the sale of two surplus vehicles.
- Brad Milliken, Water/Sewer Superintendent
 - **WATER & SEWER APPL** – Moved by Yellow Boy, second by Carlson and carried, to approve the following water & sewer applications: Jean Hardcastle, 610 4th Ave E, 4" PVC sewer line and 1" Poly water line; and Kyle Jensen, 815 2nd Ave W, 4" PVC sewer line.
 - **NW DISTRICT FIRE SCHOOL** – Fire Chief Milliken informed the council that the Mobridge Fire Dept is hosting the NW District Fire School. There will be approximately 40 firefighters in attendance. Milliken requested permission from the council to do some controlled burns on City property pending weather conditions. Moved by Yellow Boy, second by Cox and carried, to approve burning on city property for the fire school pending the county burn ban and the appropriate weather conditions.

OLD BUSINESS:

SECOND READING ORDINANCE NO. 914

Moved by Cerney, second by Henderson and carried, to approve the 2nd reading of Ordinance No. 914, an ordinance to codify Mobridge ordinances and amendments.

ORDINANCE NO. 914

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

SECTION 2. This code may be referred to as the “Code of Ordinances of 2012” or the “Mobridge City Ordinances” or the “Mobridge 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 distributed in the form of supplements 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 Section 3 of this ordinance.

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:

MEETING DATE – Moved by Henderson, second by Cox and carried, to move the 1st meeting in September to Tuesday, September 4, 2012 due to the Labor Day holiday.

SCHERR-HOWE SCHOOL LEASE - Moved by Carlson, second by Henderson, and carried, to approve the Scherr-Howe Auditorium lease with the Mobridge-Pollock School District beginning December 1, 2012 and terminating February 28, 2013 with a monthly rent of \$500.

NATIONAL GUARD PAINT BALL - Moved by Cox, second by Cerney and carried, to approve allowing the National Guard to set up a paint ball arena at Wrigley Square on September 29, 2012.

PUBLIC HEARING FOR TEMPORARY MALT BEVERAGE LICENSE

A public hearing was held to receive comments regarding an application for a malt beverage license from the Rodeo Association. Hearing no comments for or against, moved by Cerney, second by Cox and carried to approve a temporary malt beverage license to the Rodeo Association for a team roping event on August 31-September 2, 2012.

BLOCK MAIN STREET - Moved by Henderson, second by Cox and carried, to approve blocking Main Street from 3rd Street to Railroad Street for the car show on September 8, 2012.

LIBRARY SHINGLE REMOVAL BID – Due to the presence of asbestos in the old shingles on the library, a company that is certified in the removal of asbestos is required. The current contractor, Liberman Construction is not qualified. Moved by Cerney, second by Henderson and carried, to approve the bid from Gary Snow & Associates, Inc. in the amount of \$5,331.59.

LIBRARY PROJECT PAY REQUEST NO. 2

Moved by Cerney, second by Cox and carried, to approve Pay Request No. 2 in the amount of \$109,288.08 to Lieberman Construction.

LIBRARY PROJECT CHANGE ORDERS - Moved by Henderson, second by Cerney and carried, to approve Change Order No. 2 in the amount of \$-557.08 to revise the storm drainage; Change Order No. 4 in the amount of \$1,760.19 to fill in basement windows; and Change Order No. 5 in the amount of \$-1,117.49 to delete shingle tear off.

AIRPORT LEASES – There are two leases at the airport for hangers that have not been paid for 2012. They have been invoiced and contacted on several occasions. Moved by Carlson, second by Yellow Boy and carried, to approve sending them notice to remove their hangers from the property due to nonpayment.

STEP INCREASES – Moved by Yellow Boy, second by Cox and carried, to approve the following increases: Dean Schilling increasing his hourly wage from \$19.36 to \$19.58 effective July 2, 2012; Randy Van Horn increasing his hourly wage from \$15.27 to \$15.49 effective July 16, 2012; and Boyd Naazs increasing his hourly wage from \$17.90 to \$18.11 effective August 13, 2012.

INCREASE BUDGET FOR GRANT – Moved by Cerney, second by Henderson and carried, to approve increase the auditorium expense budget for \$1,000 for professional services for engineering for the auditorium handicap assessable restrooms.

QUOTE FOR TIRES – A quote was received to purchase tires for the street department. The Council requested more quotes be obtained from local businesses. Moved by Yellow Boy, second by Cerney and carried, to approve the street department purchasing tires from the lowest local quote.

LIBRARY COMPUTER PURCHASE – Moved by Henderson, second by Cerney and carried, to approve purchasing two computers for the library using funds from the Gates grant in the amount of \$1,736.

DISCUSSION AND INFORMATION:

FINANCIAL REPORT – Beck presented the Council a financial report.

BUDGET MEETING – The Council was reminded of an upcoming budget meeting with department heads on August 28, 2012 at 5:30 PM.

BAKE SALE – The Council was informed of an upcoming bake sale fundraiser for the pool fund on September 8, 2012 at the high school commons.

PAYMENT OF BILLS:

Moved by Yellow Boy, second by Henderson and carried, to approve the following bills for payment: Aberdeen Flying Services, fuel for resale-15,121.31 ; Al Bohle, travel-56.00 ; All Lines Leasing, maintenance-144.28 ; Best Business Products - TX, copier lease-175.00 ; Business Forms & Accounting, supplies-532.57 ; Capital Trophy, prof services-11.50 ; Carlson Services, trees-60.00 ; Chamber of Commerce, prof services-10,655.42 ; Charles Dutt Electric, repairs-268.77 ; Ciavarella Design, prof services-1,000.00 ; Coca Cola Refreshments, pop-228.48 ; Dakota Electronics, vehicle replacement-2,122.55 ; Dakota Supply Group, repairs-355.99 ; Davis Martin, mowing/repairs/trees/spraying-10,317.00 ; Duckwall Alco, supplies-87.70 ; Ethanol Products, chemical-1,188.56 ; Ferguson Waterworks, repairs/supplies-5,268.59 ; Fleet Services, gasoline-1,753.12 ;

Galls, supplies-81.46 ; Gas N Goodies, gasoline-165.17 ; Genesis Lamp Corp., supplies-69.52 ; Gienger Sales, supplies-141.00 ; Graham Tire Co, repairs-165.80 ; Grand Central, gasoline-104.86 ; Great Western Bank, payroll taxes-10,648.31 ; GTC Auto Parts, repairs and maintenance/supplies-254.42 ; HD Supply Waterworks, repairs-3,685.19 ; Hettinger-Mobridge Candy, candy-745.59 ; Industrial Supply, repairs-103.50 ; Justin Jungwirth, travel-56.00 ; K&K Auto Parts, repairs-77.52 ; Law Enforcement Targets, training-135.85 ; Lieberman Construction, building-109,288.08 ; Linds Hardware, supplies-853.03 ; Lindskov Implement, repairs-212.68 ; Locators & Supplies, supplies-966.25 ; Lu's Cleaning, prof services-640.00 ; M&T Fire & Safety, prof services-601.69 ; MDU, utilities/street lights-14,387.42 ; NECOG, prof services-7,500.00 ; Neve's Uniforms, uniforms-681.64 ; Office Depot, supplies-60.75 ; Plunketts, prof services-162.24 ; Ringgenberg Electric, street lights-438.78 ; Ron's Repair, repairs-52.00 ; SD Dare Officer's Assoc., dues-60.00 ; SD One Call, prof services-51.45 ; SD Planner's Assoc., dues-25.00 ; SD State Treasurer, sales tax-1,304.57 ; SDRS Supplemental Retirement, retirement-44.00 ; Slater Oil, gasoline/lp gas-5,260.22 ; Stoneco, Inc., supplies-129.05 ; Titan Machinery, repairs-908.81 ; Total Administrative Services Corp, flex-632.66 ; USDA-Rural Development, loan payment-5,298.00 ; Valley Motors, vehicle maintenance-37.96 ; Verizon Wireless, cell phones-239.37 ; Walworth County Landfill, prof services-68.00 ; Western Rancher, supplies-13.71. Salaries: Administration – 2122.96; City Administrator – 1876.96; Police Department – 21099.90; Street Dept – 4788.45; Airport – 1153.60; Pool – 4328.49; Library – 2446.24; Auditorium – 1139.50; 24/7 Sobriety – 403.42; Water Dept – 7004.79 and Sewer Dept – 3965.39.

There being no further business to come before the council, this meeting adjourned at 6:01 PM on a motion by Cox, second by Cerney and carried.

Heather Beck, Finance Officer

Jamie Dietterle, Mayor

Published once at the total approximate cost of \$