

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
June 8, 2021**

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 Tuesday, June 8, 2021 at 5:30 PM. Mayor Gene Cox, City Administrator/Finance Officer Heather Beck and the following councilpersons were present: Mound, Laundreaux (by phone), Reichert, Jensen, Kemnitz and Carlson.

AGENDA:

The agenda was approved on a motion by Mound, second by Kemnitz and carried.

MINUTES:

Moved by Kemnitz, second by Carlson and carried, to approve the minutes from the May 11, 2021 regular meeting and the June 1, 2021 special meeting.

PUBLIC FORUM & VISITORS:

Denise Centeno questioned the Council on Ord. 996, temporary marijuana ordinance. After a brief explanation, Centeno was in agreement with the ordinance.

DEPT HEAD REPORTS:

Water Department – Superintendent Kurt Schmaltz

LEVEL INCREASE – Moved by Reichert, second by Mound and carried, to approve a level increase for Chris Keller, increasing his hourly wage from \$19.28 to 19.63 effective June 7, 2021 due to him passing his second Class II certification.

PURCHASE OF CAMERA NOZZLE – Moved by Reichert, second by Mound and carried, to approve the purchase of a Kleen sight camera nozzle for the jet truck in the amount of \$27,265.95. This camera will enable the department to view sewer lines for more accurate cleaning and inspections.

Fire Department – Chief Doug Delaroi

NEW MEMBER – Moved by Mound, second by Carlson and carried, to approve adding Colton Hunter to the fire department roster. This bring the membership to 26.

PURCHASE NEW GEAR – Moved by Carlson, second by Kemnitz and carried, to approve the purchase of 4 sets of gear in the amount of \$10,849.20.

Zoning – Zoning Officer Jacque Rawstern

BUILDING PERMITS - The following building permit was approved by the Zoning Officer for the month of May: Katie & Jesse Konold, 28727 127th Street, Garage Alteration and New addition; Allen Kraft, 1019 8th St. West, 32x28 Garage; Timothy L. Sauter, 1711 3rd Ave West, Natural Gas Heater & Water & Sewer Plumbing in Garage; David & Karyna Souhrada, 1112 3rd Ave West, Adding Fence; Justin and Tara Weist, 1110 5th Ave West, Renovating Bathroom; Ronold Spangler, 1105 North Main Street, Remodeling Bathroom, Replacing Flooring, Repair Fascia, Re-shingling; Jerry Chase, 701 6th Ave East, 16'x8' Shed Addition; Paul & Mary McCorkle, 703 8th Street West, 6' Privacy Fence; Gary Steuck, 1209 10th Street West, Adding Divide Walls to Back room ; Tony Yellow Boy, 621 6th Ave West, 7x12 Temporary Building.

ZONING BOARD APPOINTMENTS – Mayor Cox requested that the Council approve two more members to the zoning board. Moved by Mound, second by Reichert and carried, to approve the Mayor's appointments to the zoning board of Chris Peltier, 3 year term, and Chad Hintz, 1 year term.

OLD BUSINESS:

2nd READING ORDINANCE NO. 996 - Moved by Carlson, second by Mound and carried, to approve the 2nd reading of Ordinance No. 996, a temporary ordinance regarding the issuance of local cannabis establishment permits and/or licenses.

ORDINANCE NO. 996

A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality; a local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality; and a local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration;

WHEREAS, the Municipality of Mobridge, South Dakota (“Municipality”), makes a preliminary finding that the Municipality’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments;

WHEREAS, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the City Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13 to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality’s Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

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

Section 1. Temporary Ordinance – Application for Local Permit/License.

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

NEW BUSINESS:

PETITION TO VACATE STREET/ALLEY – A petition to vacate street and alley was filed with the Finance Office by surrounding property owners. Bruce Brekke was present to discuss utility lines in both the street and alley. Water/WW Superintendent Schmaltz had not had an opportunity to review water sewer lines. Moved by Jensen, second by Kemnitz and carried, to approve Resolution 21-07, resolution to vacate streets and alleys, provided a blanket utilities easement is provided by the property owners.

**RESOLUTION NO. 21-07
RESOLUTION TO VACATE STREETS AND ALLEYS**

WHEREAS, the owners of all of the real property abutting all sides of the following described street and alley have signed a Petition to vacate the identified street and alley: The North/South alleyways lying directly between the East Half and West Half of Block 6 and between the East Half and West Half of Block 1, all in Goehring’s Subdivision, located in the NW1/4NE1/4 in Section 19, Township 124 North, Range 79 West of the 5th P.M., Walworth County, South Dakota

That portion of the East/West Eighteenth Street lying between Block 1 and Block 6, all in Goehring’s Subdivision, located in the NW1/4NE1/4 in Section 19, Township 124 North, Range 79 West of the 5th P.M., Walworth County, South Dakota

WHEREAS, all of the property owned by the petitioners would be better used if the street and alley was closed; and

WHEREAS, that portion of the alley requesting to be vacated has never been opened.

WHEREAS, notice of time and place for hearing has been published and the hearing having been held;

NOW THEREFORE, the City of Mobridge hereby resolves to vacate the streets and alleys as above identified, subject to any existing easements of record.

PUBLIC HEARING FOR TEMPORARY LIQUOR PERMITS – A public hearing was held for a temporary liquor permit. Hearing no opinion for or against, moved by Carlson, second by Jensen and carried, to approve a temporary liquor license to Mobridge Rodeo, Inc. on June 26, 2021 at Scherr Howe Arena.

A public hearing was held for a temporary liquor permit. Hearing no opinion for or against, moved by Jensen, second by Carlson and carried, to approve a temporary liquor license to Mobridge Rodeo, Inc. on June 12 & 13, 2021 at Mobridge Rodeo Grounds.

A public hearing was held for a temporary liquor permit. Hearing no opinion for or against, moved by Carlson, second by Laundreaux and carried, to approve a temporary liquor license to Mobridge Rodeo, Inc. on July 2-4, 2021 at Mobridge Rodeo Grounds.

PUBLIC HEARING FOR WINE LICENSE – A public hearing was held for a wine license application. Hearing no opinion for or against, moved by Mound, second by Reichert and carried, to approve a retail wine and cider license to Don Mahar DBA Donnie’s Breakfast, Diner & Pizzeria, LLC located at Lots 11-12, Block 10, Original Townsite, City of Mobridge (112 Main Street).

PUBLIC HEARING FOR BROWN BAG PERMITS – A public hearing was held for a brown bag permit application. Moved by Carlson, second by Mound and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on June 24, 2021 at Wrigley Square for the Master’s Walleye Circuit.

A public hearing was held for a brown bag permit application. Moved by Mound, second by Jensen and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on June 25, 2021 at Wrigley Square for the Master’s Walleye Circuit.

A public hearing was held for a brown bag permit application. Moved by Kemnitz, second by Reichert and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on June 26, 2021 at Wrigley Square for the Master’s Walleye Circuit.

A public hearing was held for a brown bag permit application. Moved by Carlson, second by Mound and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on July 28, 2021 at Wrigley Square for the National Walleye Tour.

A public hearing was held for a brown bag permit application. Moved by Mound, second by Reichert and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on July 29, 2021 at Wrigley Square for the National Walleye Tour.

A public hearing was held for a brown bag permit application. Moved by Kemnitz, second by Carlson and carried, to approve a brown bag permit for beer to the Mobridge Chamber of Commerce on July 30, 2021 at Wrigley Square for the National Walleye Tour.

MALT BEVERAGE LICENSE RENEWAL - Moved by Mound, second by Jensen and carried, to approve the following malt beverage license renewal: Family Dollar, N 250’ of Lot B, Shor Acres – Retail (On-Off Sale)

FENCE AT AIRPORT – Moved by Jensen, second by Reichert and carried, to approve a quote of \$10,942 to install a gate operator at the airport. Funding for the project will come from a \$13,000 Airport Coronavirus Response Grant.

AIRPORT BEACON PROJECT – Moved by Kemnitz, second by Reichert and carried, to approve the final payment to Muth Electric, Inc., in the amount of \$5,953.60 for the Beacon project.

FINAL REVIEW AND ACCEPTANCE – Moved by Carlson, second by Laundreaux and carried, to approve the final review and acceptance for the replacement of the rotating beacon, beacon tower and foundation project at the airport.

INFORMATION ITEMS:

FINANCIAL REPORT – Beck presented a financial report to the Council.

UPDATE ON CODE ENFORCEMENT – The Council was given an update on Code Enforcement efforts. 133 notices were given out and 23 warning letters. The Mayor reminded the Council that individuals who have received the letter must contact Code Enforcement Specialists with questions, concerns or complaints.

THANK YOU TO THE MAYOR – Jensen took a moment to say thank you to Mayor Cox for all his work during the Covid 19 pandemic and all his work as Mayor.

PAYMENT OF BILLS:

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

Aflac, insurance 769.42; Aqua-Pure Inc., chemicals 4,254.73; Associated Supply Company Inc., repairs & maintenance 198.24; Badger Meter, prof. services 460.00; Banyon Data Systems, prof. services 130.00; Cain Law Office, attorney services 664.00; CamWal, street lights 237.10; Cardmember Services, prof. services/other services 84.70; Center Large Print, books 46.74; Central Diesel Sales Inc., truck maintenance 2,467.00; Chamber of Commerce, other 9,328.11; CHS River Pains, spraying/supplies 211.88; CNA Surety, liability insurance 126.00; Coca Cola Bottling Co. 1,026.00; Code Enforcement Specialists, prof. services 3,586.17; Core & Main, supplies 212.05; Corson County Sheriff's Office 300.00; Credit Collections Bureau, garnishment 520.04; Dakota Glass & Alignment LLC, vehicle maintenance 173.19; Dakota Pump & Control, prof. services 1,357.15; Davis Martin, mowing contract 3,395.00; Deputy Finance Officer, postage 29.14; DISH 42.30; DRG Media Group, publishing 150.00; Faenrich Construction LLC, prof. services 1,328.50; Fisher Scientific, chemical/supplies 1,529.39; Fleet Services, gasoline 1,551.99; Gas-N-Goodies, gasoline 12.14; Gienger Sales & Services, supplies 250.00; Grand Central, prof. services 20.00; Great Western Bank, HSA contributions/payroll taxes 33,005.02; Gregg's Drilling & Excavating, prof. services 858.01; GTC Auto Parts, equipment maintenance/machinery & equipment 753.75; Hank Taken Alive, refund 350.00; Hawkins Inc., chemicals 2,791.53; HDR Engineering Inc., prof. services 3,100.00; Heartland Waste, city wide clean-up/prof. services 21,414.80; Heather Beck, refund 6.90; Heiman Fire Equipment, supplies 1,288.40; High Point Networks, computer software & hardware/prof. services 637.00; Homestead Building Supplies, repair & maintenance 14.09; Ingram, books 169.15; Intoximeters, supplies 320.00; Jensen Rock & Sand, gravel & road oil/hot & cold mix/supplies/ repair & maintenance 14,713.39; Jim Hepper, refund 186.89; Johnson Controls, building maintenance 5,785.20; Kallyn Reinert, refund 750.00; Kansas Highway Patrol Fleet Sales, vehicle replacement 26,350.00; KCL, insurance 466.01; Kiefer Aquatics, uniforms/equipment 805.17; Kiesler Police Supply, uniform & equipment 893.03; KLJ, prof services 5,903.15; Language Line Services, prof. services 90.00; Lucky's Pit Stop, gasoline 81.54; Marco Inc., copier 359.84; McLeod's Printing & Office Supply, supplies 190.40; MDU, utilities 17,245.24; Merkel's Foods, concessions/supplies 259.62; Midcontinent Comm., utilities 185.00; Mobridge Candy & Tobacco, concessions 2,095.52; Mobridge Gas Company, LP gas/fuel oil 24.00; Mobridge Hardware, supplies 2,423.65; Mobridge Pink Ladies, refund 350.00; Mobridge Tribune, publishing 174.99; NAPA Auto Parts, repairs & maintenance 50.38; Oahe Landscaping LLC, repair & maintenance 311.80; Oahe Vet, prof services/K-9 Drug Dog Self-Funded 438.77; Office Depot, computer software & hardware office supplies/supplies 846.66; Open Canvas, supplies 246.00; Paylessfoods, concessions/supplies 644.53; Payment Service Network, credit card fees 4.95; Plunkett's Pest Control, prof. services 127.76; Powerphone, Inc., prof. services 658.00; Premier Equipment, repair & maintenance/supplies/equipment maintenance 648.13; Railroad Management Company III, LLC, prof. services 284.85; Rees Communications, radio maintenance 282.50; Runnings Supply Inc., repairs & maintenance/supplies 1,563.78; Sanitation Products Inc., repair & maintenance 3,117.40; SD Dept. of Health, water samples 410.00; SD One call, prof. services 25.20; SD Retirement, retirement 15,385.00; SD State Treasurer, sales tax 2,218.92; SDRS Supplemental Retirement, retirement 250.00; Servall Uniform & Linen Supplies, supplies 161.61; Slater Oil & LP Gas, gas/fuel oil/gasoline/diesel fuel 4,683.52; South Dakota Humanities Council, other services 50.00; Sweeney Controls Co., prof. services 540.00; TimeClock, Plus, prof. services 315.00; Tri-State Waters, supplies 34.40; US Bank, interest loan 23,292.50; US Postal Service, postage/supplies 1,587.27; USABlueBook, supplies 322.44; USDA-Rural Development, loan payment 5,298.00; Valley Telecomm., utilities 916.16; Venture Communication, utilities 424.09; Verizon Wireless, cell phone/utilities 434.73; Voyager, gasoline/diesel 392.27; Walworth County Landfill, other services 18.80; Walworth County Register of Deeds, prof. services 30.00; Wellmark BC/BS, health insurance 17,589.77; West River Telecommunications, utilities 3,307.61.

Salaries: Administration – 6277.12; City Administrator – 5384.26; Police Dept – 60641.72; Fire Dept – 500.00; Street Dept- 10718.20; Pool – 1870.79; Park – 8527.13; Zoning – 879.10; Library -5406.40; 24/7 - 1374.63; Water Department – 14131.32; Sewer Department -14323.61; and Airport – 750.00.

There being no further business to come before the council, the meeting adjourned at 5:59 PM on a motion by Carlson, second by Reichert and carried.

Heather Beck, Finance Officer

Gene Cox, Mayor

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