

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
September 14, 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, September 14, 2021 at 5:30 PM. Mayor Gene Cox, City Administrator/Finance Officer Heather Beck and the following councilpersons were present: Mound, Laundreaux, Reichert, Jensen, Kemnitz and Carlson.

AGENDA:

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

MINUTES:

Moved by Laundreaux, second by Mound and carried, to approve the minutes from the August 10, 2021 regular meeting. Moved by Carlson, second by Mound and carried, to approve the minutes from the August 24, 2021 special meeting. Moved by Laundreaux, second by Kemnitz and carried, to approve the minutes from the August 31, 2021 special meeting. Moved by Mound, second by Carlson and carried, to approve the minutes from the September 9, 2021 special meeting.

PUBLIC FORUM & VISITORS:

Tanner Jerome, Interim Executive Director for the Mobridge Chamber of Commerce, was present to discuss the plans moving forward regarding the organization and hiring a new director. He also presented the Council with a copy of their budgets for the past three years.

Adam Hohle spoke to the Council regarding the requirement to put a sidewalk in when he received a building permit for a new garage. He requested the Council waive the requirement. The Mayor stated the building permit is two years old and his opinion was the sidewalk requirement would stay in place. The Council would be unable to make a motion on Hohle's request since it was not on the agenda.

DEPT HEAD REPORTS:

Zoning – Zoning Officer Jacque Rawstern

BUILDING PERMITS - The following building permit was approved by the Zoning Officer for the month of August 2021: Anthony J Keller, 1102 1st Ave West, 16'x18' Patio Cover; Corey Eisemann, 12831 Hwy 1804, 40 x 68 Garage; LaDonna Newman, 303 4th Ave W, 8 x 12 Shed & Removal of Old Garage; Ervin Habeck, 306 4th Ave West, Replace Decks 18x20 & 8x5 and Replace Siding on House; Steve Kraft, 205 20th St. West, 16x40 Garage; Linda Schanzenbach, 12825 288th Street, 30x40 Attached 40x40 Shop, Stephen Jewett, 524 3rd Ave East, Change of Roof Line.

Police Dept – Chief Shawn Madison

NEW HIRE – Moved by Reichert, second by Kemnitz and carried, to approve hiring Officer Justin Jungwirth at \$24.17 per hour with 3 weeks' vacation effective August 24, 2021.

STEP INCREASE – Moved by Mound, second by Laundreaux and carried, to approve a step increase for Officer Ashton Norder increasing his hourly wage from \$23.67 to \$23.96 effective August 30, 2021.

Water/Wastewater Dept – Superintendent Kurt Schmaltz

WASTEWATER PUMP – Moved by Mound, second by Laundreaux and carried, to approve the purchase and install of a pump at the wastewater plant in the amount of \$10,530 from Wastecorp Pumps.

NEW HIRE – Moved by Carlson, second by Mound and carried, to approve the new hire for the water plant Nathan Shillingstad at an hourly wage of \$14.75 effective August 24, 2021.

STEP INCREASE – Moved by Mound, second by Carlson and carried, to approve a step increase for Donald Wilson, having obtained his CDL, increasing his hourly wage from \$14.75 to \$16.10 effective August 16, 2021.

OLD BUSINESS:

2nd READING OF ORDINANCE 997, AN UPDATE ON ORDINANCE 19.03 – Moved by Reichert, second by Carlson and carried, to approve the 2nd reading of ordinance 997, an ordinance in revision of Title 19, Section 19.03 of the Zoning Ordinances of the City of Mobridge, South Dakota pertaining to duration of building permits and denial of building permits for nuisance and unpaid utilities.

ORDINANCE NO. 997

**AN ORDINANCE ENTITLED: AN ORDINANCE IN
REVISION OF TITLE 19, SECTION 19.03
OF THE ZONING ORDINANCES OF THE CITY
OF MOBRIDGE, SOUTH DAKOTA PERTAINING TO
DURATION OF BUILDING PERMITS AND DENIAL OF BUILDING
PERMITS FOR NUISANCE AND UNPAID UTILITIES**

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

That TITLE 19, SECTION 19.03 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA shall be amended to read as follows:

19.03 Application for Building, Temporary Building, Demolition, or Temporary Demolition Permits.

- A. All applications for building, temporary building, demolition, or temporary 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, temporary building, demolition, or temporary 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, temporary building, demolition, or temporary demolition permit applications approved or disapproved shall be kept on file by the Zoning Administrator. The approved building, temporary building, demolition, or temporary 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, temporary building, demolition, or temporary demolition permit. If a building, temporary building, demolition, or temporary demolition permit application is disapproved, the Zoning Administrator shall state the reasons for such refusal in writing to the applicant on the building, temporary building, demolition, or temporary demolition permit.
- B. The issuance of a building, temporary building, demolition, or temporary 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, temporary building, demolition, or temporary demolition permit.
- C. 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, temporary building, demolition, or temporary 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 of the 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.

- D. If the work described in any temporary building permit for new construction has not been completed within thirty (30) days of the date of issuance thereof or any temporary building permit for remodeling construction has not been completed within thirty (30) days of the date of issuance thereof or any demolition in association with a temporary demolition permit has not been completed and reclaimed within thirty (30) days 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, temporary building, demolition, or temporary demolition permit has been obtained. A temporary building permit or temporary demolition permit may also be cancelled if the work described on the temporary building permit or temporary demolition permit has not been started within fourteen (14) days after the date of issuance. The failure to complete the work described in the temporary building or temporary 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. The fee for a temporary building and temporary demolition permit shall be \$20.00.
- E. It shall be unlawful to place or keep *temporary buildings* on all zoned property without first obtaining a temporary building placement permit from the Zoning Administrator. The cost of obtaining a temporary building placement permit shall be the sum of \$20.00. No temporary building placement permit shall be issued for a term longer than one (1) year. At the expiration of the term of the temporary building placement permit, the temporary building shall be removed. The Zoning Administrator shall have discretion in issuing or refusing to issue the temporary building placement permit and the term of the permit by taking into consideration the condition, type and nature of the temporary building to be placed and the location and purpose of the temporary building so that the temporary building does not interfere with or detract from the use and attraction of the neighboring properties. Temporary greenhouses used by commercial establishments to store and sell plants and trees which will be erected and dismantled within 6 months are exempted from the cost and requirement of obtaining a temporary building placement permit. Upon application, the City Council is authorized to waive the cost of obtaining a temporary building placement permit if the temporary building is to be used for a civic function.
- F. 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.
- G. Except for a building or demolition permit applied for to remedy a nuisance condition, 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. The Zoning Administrator may grant a temporary building or temporary 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 a Nuisance Ordinance of the City or is the subject of any lien imposed by the City of Mobridge due to abatement of any Nuisance or Zoning Ordinance.

- H. Upon a showing of good cause, the City Council may grant a building, temporary building, demolition, or temporary demolition permit even though the Zoning Administrator is not authorized to issue the building permit pursuant to this paragraph.

2nd READING ORD. NO. 1001, 2022 APPROPRIATIONS - Moved by Kemnitz, second by Laundreaux and carried to approve the 2nd reading of Ordinance 1001, 2022 Appropriations Ordinance.

NEW BUSINESS:

PAY REQUEST FOR AIRPORT PROJECT – Moved by Carlson, second by Jensen and carried, to approve Pay Request No. 1 to B&B Contracting, Inc. in the amount of \$193,742.73 for the apron and taxilane project.

LIBRARY EXPENDITURE BUDGET – Moved by Reichert, second by Mound and carried, to approve increasing the library expenditure budget by \$15,000 for a grant the library was awarded.

CEMETERY DEEDS – Moved by Carlson, second by Reichert and carried, to approve the following cemetery deed transfers: City of Mobridge to Alan Coffin transferring Grave 7, Lot 31, Block O in Greenwood Cemetery; and City of Mobridge to Michael Bezenek and Delila Bezenek transferring Graves 5 and 6, Lot 51, in Block Q in Greenwood Cemetery.

SEWER RATES – Moved by Mound, second by Carlson and carried, to approve Resolution 21-09, setting fees for sanitary sewer rates. Mayor explained that this does not increase the monthly rate residents pay, but increases the amount of surcharge that is set aside to pay SRF loan.

**RESOLUTION NO. 21-09
SETTING FEES FOR SANITARY SEWER RATES**

WHEREAS, the City of Mobridge desires to set by resolution the fees to be charged for sanitary sewer usage, both within the City Limits and Outside the City Limits.

NOW THEREFORE, be it RESOLVED,

Effective with the January 1, 2021 utility billing, the fees to be charged for sanitary sewer usage shall be as follows:

(1) Residence, apartments and mobile homes:

\$23.00 per month for each residential and/or apartment and/or mobile home connection; accumulative according to the number of residences, apartment users and mobile home users connected to one sewer outlet. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by each metered residence. In the event a residence uses more than 6000 gallons of water per month, the residence shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said residence in excess of the first 6000 gallons per month

(2) Commercial connections:

Each separate commercial sewer connection shall pay a minimum service rental of \$23.00, per month, and where more than one commercial business shall be connected to one sewer outlet each business shall pay a minimum sewer rental of \$23.00, per month. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by said business. In the event a business uses more than 6000 gallons of water per month, the business shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said business in excess of the first 6000 gallons per month

(3) Hotels and/or Motels with Combined Apartments and Sleeping Rooms and/or Business Connections:

All hotels and motels having combined apartments and/or separate businesses connected to the sewer system with one sewer outlet shall pay sewer rental at the base minimum commercial rate of \$23.00, per month plus \$23.00, per month for each apartment or business connected thereto. The minimum sewer rental shall pay for up to 6,000 gallons of water per month used by said hotel or motel plus 6000 gallons of water for each additional apartment or business connected thereto which pays the minimum base fee. In the event the hotel, motel and separate connected business uses more than 6000 gallons of water per month, the hotel or motel shall pay an additional \$.50 for each 1000 gallons or portion thereof of water used by said hotel or motel in excess of the first 6000 gallons per month.

- (4) An account for services will be kept for each user and a separate account for separate premises. Each owner will be liable for service to the users of his premises. Bills for service shall be rendered monthly for residential and commercial users and will be due within 15 days of date of billing. The charge for sanitary sewer service may be included on the water bill, but if so, shall be separately stated thereon. The City Finance Officer will keep account and render the bills; he or she will receive payments of bills and give receipts therefore.
- (5) All sewer service charges when collected and all monies received from the date of any sewage collection facilities or equipment shall be placed in a separate fund and shall be used first to pay the normal, reasonable and current costs of operation and maintaining the facilities, and the balance shall be used as the Common Council may direct and as provided by law, subject to the Surcharge Fees set forth below.
- (6) All sewer service charges shall be charged against the owner, lessee or occupant of the premises, and if such charges shall not be paid when due, the City shall have the right to disconnect water or sewer service to the premises and to collect the delinquent charges by civil action in any court.

BE IT FURTHER RESOLVED,

Surcharge Fees:

Out of the fees set forth above, there shall be removed and placed in a separate segregated account the monthly sum of \$5.55 for each sewer connection which amount shall be deemed a surcharge for the sole purposes of repayment of the Clean Water State Revolving Fund loan C461016-05 all as set forth in the Resolution No. 15-04. The \$5.55 surcharge shall remain and continue to be placed in the separate segregated account until the Revenue Bonds for the Clean Water State Revolving Fund loan C461016-05 are fully paid.

Until such time as the above fees become effective, the sewer rental availability and usage charges shall remain the same as they were on November 17, 2014.

PAYMENT OF BILLS:

Moved by Carlson, second by Kemnitz and carried, to approve the following bills for payment: Accounts Management Inc., garnishment 208.00; Aflac, insurance 1,302.81; Aqua-Pure Inc., chemicals 5,873.76; Avera Occupational Medicine - MI, prof. services 83.00; Bantz, Gosch & Cremer LLC, prof. services 125.00; Boyer Trucks, machinery 40,000.00; Brad Buescher, refund 55.42; Bridgemark Insurance Solutions, liability insurance 317.00; CamWal, street lights/utilities 500.69; Cardmember Services, prof. service/other services 94.27; Center Large Print, books 46.74; Central States Transportation, prof. services 95.85; Chamber of Commerce, other/refund 15,189.81; Coast to Coast Solutions, supplies 293.31; Code Enforcement Specialists, prof. services 2,757.20; Credit Collections Bureau, garnishment 520.04; Dakota Electronics, radio maintenance 1,495.50; Dakota Glass & Alignment LLC, vehicle maintenance 404.56; Dakota Pump & Control, repair & maintenance/prof. services 1,723.81; Davis Martin, mowing

contract/machinery & equipment 5,035.00; Deputy Finance, vehicle maintenance/other services/postage 51.00; DISH 42.30; Donald Wilson, prof. services 33.00; Ethanol Products LLC, chemicals 1,534.34; Fisher Scientific, supplies 1,838.59; Fleet Services, gasoline 1,630.78; Gas-n-Goodies, travel & conference/gasoline/supplies 138.31; Gienger Sales, supplies 220.00; Grand Central, prof. services 20.00; Graymont, chemicals 4,132.40; Great Western Bank, gasoline/HSA contributions/payroll taxes/supplies 35,087.69; Gregg's Drilling & Excavating, prof. services 11,400.00; GTC Auto Parts, repair & maintenance/machinery & equipment/equipment maintenance/truck maintenance/supplies 731.26; Hach Company, chemicals 327.31; Hawkins Inc., chemicals 4,410.10; Heartland Waste, city wide cleanup/prof. services 21,484.30; High Point Network, computer software & hardware 374.50; Hoisington Machine, prof. services 25.00; Homestead Building Supplies, repair & maintenance/storm sewer/supplies/ tennis & ball fields 2,050.49; Ingram, books 352.38; Intoximeters, supplies 970.00; Jensen Rock & Sand, street resurface/gravel & road oil/hot & cold mix 84,582.11; Johnson Controls, repairs & maintenance/buildings maintenance 26,145.90; JP Cooke Co., supplies 101.83; KCL, insurance 524.26; KLJ, prof services 14,486.48; Lindskov Implement, repair & maintenance 80.46; M & M Electric Inc., repair & maintenance 1,230.10; Macqueen Emergency Group, truck maintenance/uniforms/equipment 3,199.34; Marco Inc., copier 339.84; MDU, utilities/street lights/ electricity/armory utilities 21,352.00; Merkel's Foods, supplies 108.97; Midcontinent Comm., utilities 185.00; Milliken Electric, buildings maintenance 233.80; Mobridge Hardware, repair & maintenance/supplies 1,430.87; Mobridge Regional Hospital, prof. services 56.73; Mobridge Tribune, publishing 419.19; Moore Engineering, Inc., prof. services 3,227.50; N&W Auto LLC, vehicle maintenance 404.17; ND APCO, travel & conference 125.00; Newegg Business, computer software & hardware 609.98; Northside Flowers Inc., other services 104.00; Oahe Landscapes LLC, repair & maintenance/sprinkler system 311.80; Oahe Vet, prof services 250.00; Office Depot, office supplies/supplies 2,275.84; Open Canvas, prof. services/uniforms/equipment 142.52; Paul Davis, refund 28.42; Paylessfoods, concessions/supplies 398.89; Payment Service Network, credit card fees 4.95; Plunkett's Pest Control, prof. services 62.05; Premier Equipment, equipment maintenance/repair & maintenance 176.50; Real-Tuff, tennis/ball fields 60.00; Rees Communications, radio maintenance 105.00; Runnings Supplies Inc., supplies/supplies in-house repairs/uniforms & equipment/yard work/spraying/repair & maintenance 2,544.59; SD Dept. of Health, water samples 696.00; SD Library Association, travel & conference 200.00; SD One call, prof. services 48.30; SD Retirement, retirement 22,277.40; SD State Treasurer, sales tax 2,127.27; SDRS Supplemental Retirement, retirement 250.00; Servall Uniform & Linen Supplies, supplies 127.82; Slater Oil & LP Gas, gasoline/LP gas 11,210.83; Sr. Citizens Transportation, other services 6,500.00; Sunset Law Enforcement, training supplies 172.00; Tri-State Waters, supplies 35.40; US Postal Service, postage 636.84; USA BlueBook, small tools, machinery & equipment 3,070.90; USDA-Rural Development, loan payment 5,298.00; Valley Telecomm., utilities 851.16; Van Diest Supply Company, supplies 4,617.00; Venture Communication, utilities 424.09; Verizon Wireless, cell phone/utilities 430.87; Voyager, gasoline/diesel 361.30; Wastecorp Pumps LLC, repairs & maintenance 327.35; Wellmark BC/BS, health insurance 21,404.29; West River Telecommunications, utilities 3,586.19.

Salaries: Administration – 6277.23; City Administrator – 5416.90; Police Dept – 56626.70; Fire Dept – 500.00; Street Dept- 10944.71; Pool – 10221.82; Park – 7320.18; Zoning – 879.10; Library -5468.80; 24/7 - 1221.46; Water Department – 21422.25; Sewer Department -15271.09; and Airport – 750.00.

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

Heather Beck, Finance Officer

Gene Cox, Mayor

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