

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
February 8, 2023**

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 Wednesday, February 8, 2023 at 5:30 PM. Mayor Gene Cox, City Administrator/Finance Officer Heather Beck and the following councilpersons were present: Cerney, Reichert, Jensen and Kemnitz. Mound and Carlson were absent.

AGENDA:

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

MINUTES:

Moved by Reichert, second by Kemnitz and carried, to approve the minutes from the January 11, 2023 regular meeting.

PUBLIC FORUM & VISITORS:

Haden Merkel, Mobridge CDC, was present to discuss recent grant opportunities with the Council.

- **WALK SIGNS** – The CDC was awarded \$1,500 to place signs around town to produce and install wayfinding signage from the walking path to the play parks and other places of interest. There is approximately 23 locations for signs. Moved by Cerney, second by Reichert and carried, to approve accepting the grants and installing the signs.
- **RAISE GRANT** – Merkel presented a plan, that was previously approved by the parks committee, to the Council for some park and trail improvements. Moved by Jensen, second by Cerney and carried, to approve the Mobridge CDC applying for a RAISE grant with the projects outlined in the proposal.
- **ROYALS GRANT** – Merkel also wrote a grant for the Mobridge Youth Organization to put new agri lime in two of the fields at the Legion Memorial Complex. Royals baseball team awarded \$17,640 to go to the project. Moved by Cerney, second by Reichert and carried, to approve accepting the Royals grant.
- **AGRI LIME MATCH** – The City budgeted match funds for the agri lime project. Moved by Cerney, second by Jensen and carried, to approve \$15,000 match towards the replacing the agri lime at the two fields.

DEPT HEAD REPORTS:

Police Department – Chief Shawn Madison

2022 OVERVIEW – Chief presented a 2022 report to the Council. North Central Regional 911 Center had 17,402 calls for service in 2022, which is 1,450 calls per month (roughly). This does not include incoming calls from the regular lines. The Mobridge Police Department had 2,943 calls for service in 2022; roughly 245.25 calls per month that the Police Department responded.

Water/Wastewater Department – Superintendent Kurt Schmaltz

PAY REQUEST FOR WW PROJECT – Moved by Reichert, second by Kemnitz and carried, to approve Pay Request No. 6 to Northern Plains Contracting, Inc. for the wastewater treatment plant headworks improvement project in the amount of \$267,932.76. Schmaltz also gave an update on the project.

TURBINE PUMP REPAIR – Moved by Jensen, second by Reichert and carried, to approve the estimate from Dakota Pump and Control in the amount of \$20,225.00 to refurbish the high service vertical turbine pump. This is a pump located at the water treatment plant and carries treated water into town.

NEW HIRE – Moved by Jensen, second by Kemnitz and carried, to approve hiring Aaron Vogel as Wastewater Treatment Plant Maintenance at \$17.58 per hour effective February 27, 2023.

Fire Dept – Chief Doug Delaroi

EQUIPMENT TRANSFER – Moved by Kemnitz, second by Cerney and carried, to approve the surplus and transfer of the 95 Chevy and 92 Topkick to the Mobridge Fire Department.

Zoning

BUILDING PERMITS - The following building permit was approved by the Zoning Officer for the month of January 2023: Beacon of Hope Mission, 1300 North Main, Changing 2-bathroom door Sizes from 32" to 36"; Kyle Jensen, 609 4th Ave West, House Renovations.

OLD BUSINESS:

GARAGE HEIGHT ORDINANCES – Due to numerous requests from residents to build higher garages, the zoning board approved increasing the garage height from 18’ to 24’. The following ordinances are to make that change.

2ND READING ORD. 23-01 – Moved by Reichert, second by Kemnitz and carried, to approve the 2nd reading of Ordinance No. 23-01, an ordinance entitled: an ordinance in revision of Title 9 – low density residential district (R-1), section 9.05, subsection 1 of the zoning ordinances of the City of Mobridge, South Dakota pertaining to increase the permitted height of accessory structures to 24 feet.

ORDINANCE NO. 23-01

AN ORDINANCE ENTITLED: AN ORDINANCE IN REVISION OF TITLE 9 – LOW DENSITY RESIDENTIAL DISTRICT (R-1), SECTION 9.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA PERTAINING TO INCREASE THE PERMITTED HEIGHT OF ACCESSORY STRUCTURES TO 24 FEET.

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

That TITLE 9, SECTION 9.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA shall be amended to read as follows:

9.05 Requirements for Accessory Structures. An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed twenty four (24’) feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6’) feet except that a breezeway, at least six (6’) feet in length, may connect an accessory building with a principal building.

2ND READING ORD. 23-02 – Moved by Kemnitz, second by Cerney and carried, to approve the 2nd reading of Ordinance No. 23-02, an ordinance entitled: an ordinance in revision of Title 10 – medium density residential district (R-2), section 10.05, subsection 1 of the zoning ordinances of the City of Mobridge, South Dakota pertaining to increase the permitted height of accessory structures to 24 feet.

ORDINANCE NO. 23-02

AN ORDINANCE ENTITLED: AN ORDINANCE IN REVISION OF TITLE 10 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2), SECTION 10.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA PERTAINING TO INCREASE THE PERMITTED HEIGHT OF ACCESSORY STRUCTURES TO 24 FEET.

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

That TITLE 10, SECTION 10.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA shall be amended to read as follows:

10.05 Requirements for Accessory Structures. An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed twenty four (24') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.

2nd READING ORD. 23-03 – Moved by Cerney, second by Jensen and carried, to approve the 2nd reading of Ordinance No. 23-03, an ordinance entitled: an ordinance in revision of Title 11 – medium density residential district (R-3), section 11.05, subsection 1 of the zoning ordinances of the City of Mobridge, South Dakota pertaining to increasing the permitted height of accessory structures to 24 feet.

ORDINANCE NO. 23-03

AN ORDINANCE ENTITLED: AN ORDINANCE IN REVISION OF TITLE 11 – MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME DISTRICT (R-3), SECTION 11.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA PERTAINING TO INCREASE THE PERMITTED HEIGHT OF ACCESSORY STRUCTURES TO 24 FEET.

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

That TITLE 11, SECTION 11.05, SUBSECTION 1 OF THE ZONING ORDINANCES OF THE CITY OF MOBRIDGE, SOUTH DAKOTA shall be amended to read as follows:

11.05 Requirements for Accessory Structures. An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breezeway or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

1. The height of such accessory buildings shall not exceed twenty four (24') feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6') feet except that a breezeway, at least six (6') feet in length, may connect an accessory building with a principal building.

NEW BUSINESS:

SHOT CLOCK DONATION – The Pat Morrison Memorial Fund has offered to purchase shot clocks for Scherr Howe Auditorium. They would like to place a plaque in the lobby, similar and same size as the Scherr Brothers plaque in return for the donation. Moved by Cerney, second by Jensen and carried, to approve the donation of shot clocks from the Pat Morrison Memorial Fund and to place a plaque in his memory in the lobby.

2022 AUDIT – Moved by Kemnitz, second by Reichert and carried, to approve the 2022 audit agreement with Kohlman, Bierschbach & Anderson in the amount of \$22,300. This year's audit is scheduled May 22-26, 2023.

TAX ABATEMENTS – The County requested an abatement for taxes on three properties that they took for nonpayment of taxes. Moved by Cerney, second by Kemnitz and carried, to approve the abatements on the following properties for tax year payable 2023: parcel no. 5536 in the amount of \$2,266.90; parcel no. 5681 in the amount of \$945.40; and parcel no. 5164 in the amount of \$376.32.

SALARY CORRECTIONS – Moved by Reichert, second by Cerney and carried, to approve the following salary corrections effective January 1, 2023: Daron Brown - \$24.63; Cindy Rische - \$23.75; and Mark Kaiser - \$23.46.

POLICY CHANGES – Moved by Kemnitz, second by Jensen and carried, to approve the following personnel policy changes as recommended by the City Attorney:

1.4 Disclaimer

The City recognizes that South Dakota is an employment at-will state and the intent of the City is to maintain that employment at-will status of all employees. **This manual does not confer a contract of employment, and the employment relationship between the City and its employees may be terminated by either party at any time, with or without notice.** These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits. The policies, procedures, rules, and benefits contained herein are subject to change upon a majority vote of the City Council.

4.8 Employment Offers:

After the proper authorities have selected an individual to fill a job vacancy, the individual will be notified of their selection by the immediate supervisor. A post offer of employment shall be extended, and a starting date established at this time. Employment offers are for at-will employment, under which the employment relationship may be terminated at any time with or without cause, with or without prior notice, by either the City or the employee.

POLICY 8: SEPARATION FROM MUNICIPAL SERVICE

8.1 General Policies:

Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

Return of City Property

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary, to recover City property.

8.2 Voluntary Separation:

Resignation

A City employee may resign from City service by giving their direct supervisor written notice of their resignation. Said resignation is requested at least two weeks in advance of their leaving City service. The City Council may accept the employee's resignation as taking effect immediately.

Un-notified Absence

If an employee is absent for more than 3 consecutive days without proper notification in accordance with City policy, they shall be considered to have voluntarily resigned their position in City service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the City Council. Any un-notified absence of less than 3 days may result in disciplinary action.

Retirement Age

There is no mandatory retirement age for City employees.

8.3 Unemployment Compensation:

The City follows the state of South Dakota Unemployment laws as found in SDCL Title 61.

POLICY 9: DISCIPLINARY ACTION

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment, or dismissal as defined below. The City may, but is not required to, apply these actions progressively, and for example, suspension or termination of employment may be applied as a first step of discipline. Employment is at-will and this disciplinary

policy does not otherwise create any other employment relationship. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action.

9.1 Oral Reprimand:

An oral reprimand is a verbal statement, which may or may not be documented.

9.2 Written Reprimand:

A written reprimand is a written statement.

9.3 Suspension without Pay:

Removal from duties with the City for specified period, without pay, for up to 10 working days.

9.4 Demotion or Reassignment:

Demotion or reassignment includes reduction in pay (possibly including benefits), placement into a lower position, change of employee's duties within their current position, or any combination of such actions.

9.5 Dismissal:

Dismissal is termination of employment.

9.6 Grievance Procedure:

The following is the City's grievance policy. Employment with the City is at-will and adoption of this grievance policy does not otherwise create any other employment relationship. The following procedure is not available to an elected or appointed employee.

1. Grievance Claims:

An employee who is not in the employee-in-training period may file a written grievance with their immediate supervisor regarding a term or condition of employment. Such grievance must be filed within 5 working days (working days does not mean calendar days) from the date on which the employee became aware of the action or should have reasonably been aware of the action.

2. Appeal:

If not satisfied with the immediate supervisor's response, the employee may appeal the decision to the City Council. The appeal must be filed within 5 working days of notice of the decision upon which the appeal is based. If not satisfied with the City Council's decision, then the requirements of SDCL 3-18-15.2 shall be followed.

3. Voluntary separations and grievances:

Except where protected activity is involved, employees who voluntarily terminate their employment will have any outstanding or unresolved grievances immediately dismissed.

SURPLUS PROPERTY – Moved by Reichert, second by Jensen and carried, to approve the following items surplus property and to dispose of the in accordance with SDCL: 1 – 22" Toro Push Lawnmower with no bagger; 1 – 21" Craftsman Push Lawnmower with no bagger; 1 – 21" YARD Machine Push Lawnmower with no bagger; 1 – 21" Troy Built Push Lawnmower with bagger; 1 – 21" Husqvarna Push Lawnmower with bagger; 1 – 21" Cub Cadet Push Lawnmower with no bagger; 2 – 6'x16' Chair Carts; 1 – 1987 OshKosh SnowPlow Truck; 1 – Polaris Side by Side; 1 – 1996 GMC Top Kick Fuel Truck; 1 – 1998 Chevy C2500 Pickup.

DISCUSSION AND INFORMATION:

FINANCIAL STATEMENT – Beck presented a financial statement to the Council.

PARKS/REC DIRECTOR POSITION – Cerney discussed the position of a parks/rec director for the City. She presented all the potential benefits the position could bring to the City. The Council directed Beck to look further into it and put the topic on the agenda at an upcoming meeting.

PAYMENT OF BILLS:

Moved by Cerney, second by Kemnitz and carried, to approve the following bills for payment: A-1 Heating & Air, repair & maintenance 9,367.00; Accounts Management Inc., garnishment 227.40; Aflac, insurance 1,036.89; Airside Solutions, repair & maintenance 656.93; Alex Air Apparatus, prof. services 825.00; Aqua-Pure Inc., chemicals 2,779.74; Badger Meter, prof. services 106.86; Bantz, Gosch & Cremer, LLC, attorney services 1,092.00; Beadle's Sales, vehicle maintenance 178.76; Butler Machinery, equipment maintenance 845.41; Cain Law Office, prof. services 264.00; Cam Wal Electric, street lights/utilities 658.44;

Cardmember Services, prof. services/vehicle maintenance 503.75; CDW Government, computer software & hardware 2,975.00; Center Point Large Print, books 49.14; Chamber of Commerce, other 9,605.76; Core & Main, supplies 565.00; Corson/Sioux News Messenger, other services 40.00; Credit Collections Bureau, garnishment 520.04; Dady Drug, office supplies/supplies 288.00; Dakota Glass & Alignment, vehicle maintenance 506.74; Dakota Pump & Controls, prof. services/repair & maintenance 2,219.97; Dish TV, utilities 53.34; Dwight Baumann, prof. services 106.89; Eggers Electric Motor, repair & maintenance 39.64; Evoqua Water Technologies, repair maintenance 3,901.23; First Interstate Bank, HSA contributions/payroll taxes 35,523.52; Fleet Services, gasoline 2,432.98; Gienger Sales & Services, supplies 110.00; Grand Central, prof. services/vehicle maintenance 100.00; Graymont, chemicals 4,431.80; Gregg's Drilling & Excavating, prof. services 1,292.50; GTC Auto Parts, equipment maintenance/supplies/repair & maintenance/vehicle maintenance 312.12; Hach Company, supplies 99.10; Hawkins, chemicals 17,254.52; Heartland Waste, prof services 20,947.30; High Point Networks, computer software & hardware 225.00; Homestead Building Supplies, repair & maintenance 233.45; Ingram, books 230.10; Jensen Rentals, other services 60.00; Johnson Controls, prof. services 2,358.30; KCL, insurance 439.14; Klein Museum, other services 7,500.00; KLJ, prof. services 4,596.63; KR Building Products, repair & maintenance 364.30; L-Ton Corporation, supplies 215.00; Marco, copier lease 365.29; MDU, utilities/street lights 26,174.61; Merkel's Foods, supplies 95.28; Metering & Technology, water meters 1,782.57; Minnesota Valley Testing Lab, water samples 147.69; Mobridge Climate Control, prof. services/building maintenance 749.70; Mobridge Hardware, supplies/ sup. for in-house repairs/repair & maintenance/building maintenance/computer software & hardware 2,997.12; Mobridge Tribune, publishing 1,107.25; N&W Auto, vehicle maintenance 683.58; NAPA Central, supplies/equipment maintenance 540.92; North Central Steel Systems, building maintenance 275.00; Northern Plains Contracting, prof. services 267,932.76; Oahe Vet, prof. services 310.00; ODB Business Solutions, office supplies/computer software & hardware/supplies 1,033.54; Open Canvas, uniforms 683.61; OverDrive, books 1,100.00; Paylessfoods, supplies 87.85; Payment Service Networks, credit card fees 54.95; Plunkett's, prof. services 66.39; Postmaster, postage 290.00; Powerphone, prof. services 329.00; Rees Communications, vehicle maintenance 192.00; Rich Hearing & Tinnitus Center, prof. services 150.00; Riteway, supplies 201.00; Rubber Flooring, supplies 3,338.75; Runnings Supply, supplies/building maintenance/ repair & maintenance/equipment maintenance 1,810.46; SD Airport Management Association, prof. services 25.00; SD Building Officials Association, prof. services 50.00; SD City Management Association, prof. services 150.00; SD Dept. of Health, water samples 388.00; SD Governmental Finance Officers Association, prof. services 40.00; SD Local Transportation Assistant Program, travel & conference 150.00; SD Municipal Street Maintenance Association, prof. services 35.00; SD One Call, prof. services 4.20; SD Police Chief's Association, prof. services 100.00; SD Retirement System, retirement 25,189.66; SD State Treasurer, sales tax 1,835.13; SDML, prof. services 2,840.17; SDRS Supplemental Retirement, retirement 250.00; SDWWA, travel and conference 135.00; Servall, supplies 50.66; Seventh Day Adventist Church, refund 10.50; Slater Oil & LP Gas, gasoline & diesel/LP gas 25,458.95; Tri-State Water, supplies 46.25; Uniform Center, prof. services/uniforms & equipment 308.45; US Postal Service, postage/supplies 1,420.04; USA BlueBook, supplies 2,694.72; USDA-Rural Development, loan payment 5,298.00; Valley Telecommunications, utilities 1,641.32; Venture Communications, utilities 424.09; Verizon, telephone/utilities 211.24; Walker Process Equipment, repair & maintenance 370.68; Walworth County Register of Deeds, prof. services 1.00; Walworth County Treasurer, prof. services 15.00; Wellmark, insurance 14,471.64; West River Telecommunications, utilities 3,471.95

Salaries: Administration – 8902.29; City Administrator – 2093.88; Police Dept – 72838.80; Fire Dept – 550.00; Street Dept- 11509.35; Zoning – 1005.86; Library -6637.39; 24/7 -1369.68; Water Department – 20202.74; Sewer Department -10001.72; and Airport – 813.75.

There being no further business to come before the council, the meeting adjourned at 6:04 PM on a motion by Reichert, second by Kemnitz and carried.

Heather Beck, Finance Officer

Gene Cox, Mayor

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