

**MOBRIDGE CITY COUNCIL  
REGULAR MEETING  
June 14, 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, June 14, 2023 at 5:30 PM. Mayor Gene Cox, City Administrator/Finance Officer Heather Beck and the following councilors were present: Mound, Cerney, Reichert, Jensen, Kemnitz and Carlson.

**AGENDA:**

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

**MINUTES:**

Moved by Reichert, second by Cerney and carried, to approve the minutes from the May 10, 2023 regular meeting. Moved by Mound, second by Kemnitz and carried, to approve the minutes from the May 19, 2023 special meeting. Carlson abstained.

**PUBLIC FORUM & VISITORS:**

**Dean Ulmer, American Legion** – Ulmer was present to request permission to place a storage shed at the Legion Baseball Field to store equipment. The council approved the request on a motion by Jensen, second by Carlson and carried, pending no steel siding or roofing material be used.

**Al Bohle** – Bohle was present to answer any questions the Council may have on his request to lease a piece of city property for vehicle storage.

**DEPT HEAD REPORTS:**

**Water/Wastewater Department – Superintendent Kurt Schmaltz**

**PAY REQUEST FOR WW PROJECT** – Moved by Reichert, second by Mound and carried, to approve Pay Request No. 10 to Northern Plains Contracting, Inc. for the wastewater treatment plant headworks improvement project in the amount of \$187,870.40.

**Fire Dept – Chief Doug Delaroi**

**OUT OF STATE FIRES** – Delaroi informed the Council they have an opportunity to bring in additional income by participating in out of state fire calls. Moved by Mound, second by Carlson and carried, to approve the Mobridge Fire Department responding to out of state fires.

**Zoning**

**BUILDING PERMITS** - The following building permit was approved by the Zoning Officer for the month of May 2023: Sharon Salum, 1315 N. Main Street, Privacy Fence; Joe Roshau, 1008 5th Ave East, 24'x28' Garage; Brady Kuhn, 615 Crescent, Sidewalk/Vinyl Privacy Fence/Egress Window; Roger Krone, 1121 5th Ave West, 16x12 Deck Repair; Kelly Fischer, 707 1st Ave West, 32'x16' Fenced in Area; Jensen Rock & Sand, 306 17th Ave East, 4 new units 60x48 Modular living space on a concrete pad; Loren Yates, 510 2nd Ave East, Demolition of House; Brian Luckhurst, 420 7th St West, 32'x48' Concrete Pad for Future Garage; City of Mobridge, Legion Memorial Complex, 40'x60' playground equipment; Brian Luckhurst, 420 7th St West, Concrete Driveway approaches & gutter; Todd Wientjes, 513 5th Ave West, 48"X36" Egress Window; Brian Luckhurst, 420 7th St West, 32'x48' Garage.

**OLD BUSINESS:**

**CAPITAL IMPROVEMENT PLAN** – The City was awarded a \$15,000 grant from SD Governor's Office of Economic Development to pay for a 5 year capital improvement plan. Beck spoke to NECOG and the SD Gov Office regarding the grant and based on what the City already has in place, she recommended declining the grant. Moved by Carlson, second by Mound and carried, to decline the grant.

**NEW BUSINESS:**

**TEMPORARY ON-SALE BEVERAGE PERMIT** – A public hearing was held to consider two temporary on-sale beverage permits. Hearing no opinion for or against, moved by Carlson, second by Mound and carried, to approve a temporary beverage permits to the Mobridge Youth Organization for July 28-29, 2023 at the Mobridge Softball Complex for a fundraiser. Hearing no opinion for or against, moved by Carlson, second by Cerney and carried, to approve a temporary beverage permits to the Mobridge Rodeo Inc. for July 1-4, 2023 at the Mobridge Rodeo Ground for the Sitting Bull Stampede.

**CEMETERY DEED** – Moved by Kemnitz, second by Carlson and carried, to approve a cemetery deed transfer from the City of Mobridge to Willis Wientjes and Arlyce Wientjes for Graves 5 & 6 in Lot 35, Block P, Greenwood Cemetery.

**STEP INCREASE** – Moved by Reichert, second by Kemnitz and carried, to approve a step increase for dispatcher Mark Kaiser increasing his hourly wage from \$23.46 to \$23.75 effective May 8, 2023.

**PAY REQUEST FOR JET FUEL PROJECT** – Moved by Cerney, second by Carlson and carried, to approve pay request no. 4 in the amount of \$38,102.35 to O'Day Equipment, LLC for the jet A fuel system project at the airport.

**REQUIREMENTS OF THE CDBG –**

**EXCESSIVE FORCE STATEMENT** – The Mayor read the proposed excessive force statement. Moved by Cerney, second by Mound and carried, to approve the excessive force statement.

**EXCESSIVE FORCE STATEMENT** - The City of Mobridge prohibits the use of excessive force by law enforcement within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations, and while enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is subject of such non-violent civil rights demonstrations within its jurisdiction.

**CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING** – Moved by Carlson, second by Kemnitz and carried, to approve the policy on lobbying as follows: The undersigned certifies, to the best of their knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**RELOCATION, DISPLACEMENT AND ACQUISITION PLAN** – Moved by Reichert, second by Carlson and carried, to approve the following relocation, displacement and acquisition plan.

## RELOCATION, DISPLACEMENT AND ACQUISITION PLAN

The City of Mobridge, by adopting this Relocation, Displacement and Acquisition Plan, will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low to moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b)(1). This project, City of Mobridge Wastewater Project, which involves the replacement of the grit pumps, rehabilitate the grit chamber and the screening and move the grit dewatering unit, will neither involve demolition nor conversion of low to moderate income housing units as described above. Therefore, prior to obligating or expending funds for this project, it will not be necessary for the City to make public or to submit to the HUD Field Office the following written information:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low to moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low to moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The City will not need to provide relocation assistance, as described in 570.606(b)(2), as no activity under this project will affect low to moderate income housing. Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the displacement of persons from their homes:

1. To the extent practical and possible, refrain from participating in any assisted activity that will involve the displacement of persons from their homes.

**RESOLUTION 12-03, EQUAL OPPORTUNITY POLICY** – Moved by Mound, second by Cerney and carried, to approve Resolution 12-03, Equal Opportunity Policy.

### **EQUAL OPPORTUNITY POLICY RESOLUTION 23-03**

The City Council does hereby declare that it is the fundamental policy of the City of Mobridge to provide equal opportunity to all of its employees and applicants for employment (skilled, unskilled and professional) and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement. To this end, the City of Mobridge will take steps to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity (minority group members, women and the handicapped); and the City of Mobridge recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the accommodation imposes an undue hardship. All applicants for employment with the City of Mobridge will be recruited from the available labor market and evaluated on each person's individual qualifications and abilities. All employees shall be afforded equal employment opportunity during their term of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure right to equal employment or testifying on behalf of someone else doing so. All administrators and supervisors are responsible for and shall be committed to achieving and promoting equal employment opportunity with the City of Mobridge.

Mayor, Gene Cox, is the equal employment opportunity officer and shall be responsible for coordinating the equal employment opportunity program. Adoption of this document reaffirms the City of Mobridge's policy of non-discrimination in employment, including but not limited to the following: recruitment, selection, placement, testing, training, promotion, transfer, discipline, demotion, layoff and termination. Adoption of this document also reaffirms the City of Mobridge's policy to provide equal opportunity to all City residents and employees as it pertains to the provision of services in order to ensure that there will be no

discrimination against any person on the basis of race, sex, color, national origin, creed, age, religion, marital status, disability, political affiliation or on any other basis prohibited by law.

**RESOLUTION 23-04, ASSURING FAIR HOUSING** – Moved by Carlson, second by Cerney and carried, to approve Resolution 23-04, assuring fair housing.

**RESOLUTION ASSURING FAIR HOUSING 23-04**

WHEREAS, it is the City Council’s firm belief that discrimination in housing not only threatens the rights and privileges of the citizens of Mobridge but also menaces the institutions and foundations of free and democratic society; and

WHEREAS, this body desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups in the City; and

WHEREAS, under the Federal fair housing, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex or national origin; and

THEREFORE, BE IT RESOLVED that the Fair Housing and Equal Opportunity logo will be displayed on City buildings and on all official correspondence; and

THEREFORE, BE IT ALSO RESOLVED that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The City Council shall inform all City employees of the City's commitment to equal housing.
2. The City Council shall direct all employees to forward immediately to the Mayor any reports they receive of housing discrimination.
3. The Mayor shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt to said complaint.

**RESOLUTION 23-05, CODE OF CONDUCT** – Moved by Cerney, second by Reichert and carried, to approve Resolution 23-05, code of conduct.

**CODE OF CONDUCT RESOLUTION 23-05**

WHEREAS, it is the duty of the City of Mobridge to ensure the efficient, fair, and professional administration of Federal grant funds in compliance with Federal Office of Management and Budget (OMB) Circular A-102, Attachment O, Paragraph 7 and other applicable Federal and state standards, regulations, and laws; and

WHEREAS, this Code of Conduct applies to all officers, employees, or agents of the City of Mobridge engaged in the award or administration of contracts supported by Federal grant funds;

THEREFORE, BE IT RESOLVED that the City of Mobridge will do all within its power to administer Federal grant funds in the manner prescribed by law; and

THEREFORE, BE IT RESOLVED that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. No officer, employee, or agent of the City of Mobridge shall participate in the selection, award, or administration of a contract supported by Federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: the employee, officer, or agent; any member of his/her immediate family; his/her partner; or an organization which employs, or is about to employ, any of the above has a financial or other interest in the firm selected for award.
2. The City officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

3. To the extent permitted by Federal, State or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City's officers, employees, or agents, or the contracts, potential contractors, subcontractors, or their agents.

**PLAT** – Moved by Carlson, second by Mound and carried, to approve a plat of Lot 2, D and R Jensen Addition to the City of Mobridge, in the NW1/4 of 19-124-79, Walworth County, South Dakota, pending approval of the Mobridge zoning board. Jensen abstained.

### **DISCUSSION AND INFORMATION:**

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

### **PAYMENT OF BILLS:**

Moved by Carlson, second by Mound and carried, to approve the following bills for payment: Accounts Management Inc., garnishment 227.40; Aflac, insurance 691.26; American Emergency Preparedness, travel & conference 529.00; American Legion, supplies 66.00; American Water Works Assn, membership 365.00; Aqua-Pure Inc., chemicals 4,409.60; Badger Meter, prof. services 106.92; Bantz, Gosch & Cremer, attorney 55.00; Banyon Data Systems, prof. services 590.00; Bridge City Small Engine, machinery & equipment/repair & maintenance 1,015.45; Cam Wal Electric, street lights/utilities 300.88; Cardmember Services, prof. services/other services/travel & conference 282.99; Carlson Services, repair & maintenance 3,196.94; Center Point Large Print, books 49.14; Chamber of Commerce, other 860.63; Coca-Cola Bottling Co., concession stand 1,449.00; Code Enforcement Specialists, prof. services 2,617.63; Credit Collections Bureau, garnishment 520.04; Cummins Sales & Service, prof. services 11,111.68; Dady Drug, supplies 5.58; Dakota Glass & Alignment, vehicle maintenance 344.17; Dakota Pump & Control, prof. services 22,870.01; Davis Martin, contract labor 6,720.00; Delta Dental of SD, dental 237.50; Deputy Finance, postage 24.87; Dish TV, utilities 53.34; DRG Media Group, prof. services 200.00; Eggers Electric Motor, equipment maintenance 460.40; Estate of Mary Fredericksen, refund 27.83; Eugene Brockel, refund 30.39; Faehnrich Construction, repair & maintenance 590.00; First Interstate Bank, HSA contributions/payroll taxes 37,119.54; Fleet Services, gasoline/vehicle maintenance 2,272.65; Gas-N-Goodies, supplies 15.99; Gienger Sales & Services, supplies 205.00; Grand Central, repair & maintenance/vehicle maintenance 503.35; Graymont, chemicals 5,223.46; Gregg's Drilling & Excavating, repair & maintenance 2,965.00; GTC Auto Parts, repair & maintenance/supplies/vehicle maintenance 112.14; Hawkins, chemical 6,434.63; Heartland Waste, city-wide clean-up/prof. services 23,635.20; High Point Networks, computer software & hardware 483.50; Homestead Building Supplies, repair & maintenance 20.93; Ingram, books 179.90; Jane Fulkerson 750.00; Jensen Rentals, other services 60.00; Jensen Rock & Sand, cold & hot mix 862.75; Kallyn Reinert, prof. services 520.00; KCL, insurance 450.88; KLJ, prof. services 4,021.71; Lance Dollinger, refund 177.94; Language Services, prof. services 90.00; Lindskov Implement, repair & maintenance 62.10; Lucky's Pit Stop, diesel 67.00; Marco, copier lease 351.28; Mary Kelly, refund 41.27; Mastercard, computer software & hardware/other services/prof. services/vehicle maintenance/repair & maintenance/travel & conference/uniforms & equipment 6,050.80; MDU, utilities/street lights 16,894.66; Merkel's Foods, supplies 101.82; Metering & Technology, water meters 62.90; Midco, utilities 185.39; Milbank Winwater Work, prof. service 6,009.94; Minn-Kota Communications, radio maintenance 2608.61; Mobridge Candy, concession stand/supplies 2,169.15; Mobridge Hardware, supplies/sup. for inhouse repairs/repair & maintenance/yard work/building maintenance/small tools 4,243.78; Mobridge Manufacturing, repair & maintenance 85.00; Mobridge Shrines, refund 350.00; Mobridge Tribune, prof. services/publishing/supplies 1,433.26; Moore Engineering, other capital/prof. services 34,819.11; Oahe Vet, prof. services 400.00; ODP Business Solutions, supplies 451.57; Open Canvas, supplies 416.88; Paylessfoods, supplies/concession stand 1,430.59; Payment Service Networks, credit card fees 54.95; Plunkett's, prof. services 136.70; Premier Equipment, equipment maintenance/repair & maintenance 560.81; Railroad Management Company, prof. services 344.67; Rees Communications, vehicle maintenance 536.00; Riverside Home Furnishings, supplies 679.00; Roesler Tree Services, yard work improve. 4,723.37; Runnings, equipment & machinery/sup. for inhouse repairs/improve other than buildings/repair & maintenance/supplies/yard work 4,000.79; SD Child Support Payment Center, garnishment 559.38; SD Dept. of Health, water samples 323.00; SD One Call, prof. services 79.80; SD Retirement System, retirement 16,341.98; SD State Treasurer, sales tax 2,204.69; SDRS Supplemental Retirement, retirement 350.00; Servall, supplies 50.66; Share Corporation, supplies 481.97; Slater Oil & LP

Gas, diesel/gasoline/lp gas 5,319.61; Sonnel Technologies, replacement vehicles 380.94; Tri-State Waters, supplies 70.60; Uline, buildings/equipment & machinery/supplies 1,399.39; Uniform Center, uniform & equipment 715.90; US Postal Service, postage 1,031.97; USA BlueBook, chemicals 80.29; USDA-Rural Development, loan payment 5,298.00; Valley Telecommunications, utilities 828.16; Venture Communications, utilities 424.09; Verizon, telephone/utilities 250.62; Voyager, diesel/gasoline 1,480.71; Wade's Carpet & Floor Covering, building maintenance 9,204.72; Walworth County Landfill, other services 6.72; Walworth County Register of Deeds, prof. services 30.00; Wellmark, insurance 13,346.34; West River Telecommunications, utilities 3,573.23.

Salaries: Administration – 8929.32; City Administrator – 2093.88; Police Dept – 64231.89; Fire Dept – 700.00; Street Dept- 12583.75; Pool – 4221.98; Park – 8236.00; Zoning – 1005.86; Library -6176.90; 24/7 - 1251.15; Water Department – 21281.85; Sewer Department -14000.24; and Airport – 813.75.

Councilor Jensen thanked the community for all their support of the new additions to the Legion Complex. It is being well used by all ages.

There being no further business to come before the council, the meeting adjourned at 6:08 PM on a motion by Cerney, second by Carlson and carried.

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Heather Beck, Finance Officer

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Gene Cox, Mayor

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