

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
August 14, 2024**

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 August 14, 2024 at 5:30 PM. Mayor Gene Cox, and the following council were present: Mound, Cerney, Reichert, Jensen, Kemnitz and Carlson.

AGENDA:

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

MINUTES:

Moved by Reichert, second by Mound and carried, to approve the minutes from the July 10, 2024, regular meeting.

NEW BUSINESS:

Water/Wastewater Department

CONCRETE PROJECT – Moved by Carlson, second by Cerney and carried, to approve the quote from Faehnrich Construction LLC in the amount of \$34,700 to replace concrete at the Water/WW shop (old armory building). This project is included in the 2024 budget.

AMENDMENT TO CONTRACT – Jerold Klabunde with Moore Engineering was present to discuss an amendment to the water intake project design phase contract. The City was awarded a FEMA BRIC (Building Resilient Infrastructure Community) grant in the amount of approximately \$3.2 million for the water intake project. One of the requirements of FEMA is further biological assessments. Moved by Carlson, second by Reichert and carried, to approve Amendment No. 1 in the amount of \$34,800 for the additional assessment.

PAY APPLICATION NO. 1 – Moved by Carlson, second by Reichert and carried, to approve the application for payment no. 1 from Crow River Construction in the amount of \$151,200 for the Water Storage Tank and Transmission Line project. This payment is for a portion of the water tower demolition.

AWARD BIDS FOR WATER TREATMENT PLANT PROJECT – Klabunde informed the Council that three bids were received for the water treatment plant project and one bid for the electrical contract.

Contract 1	Base	Alternate 1	Alternate 2	Alternate 3
Sentry	\$2,661,000	\$28,900	\$632,069	\$90,000
CC Steel LLC	\$4,572,120	\$61,000	\$925,000	\$61,000
AB Contracting LLC	\$5,712,500	\$20,000	\$582,000	\$87,000

Contract 2

Muth Electric	\$599,121	\$90,452
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Moved by Reichert, second by Mound and carried, to approve the electrical contract to Muth Electric, Inc. in the amount of \$689,573.

Moved by Carlson, second by Reichert and carried, to approve the bid of \$2,661,000 with alternate 1 \$28,900 to Sentry.

UPDATE ON WW PROJECTS –Klabunde told the Council that they were working on some warranty issues with the screw pump project. The wastewater treatment plant rehabilitation project is still undergoing design. Moore is working through some questions with the public works department. They will have some decisions for the Council to make in the next couple of months.

Police Department

SURPLUS VEHICLE AND TRANSFER – Moved by Kemnitz, second by Carlson and carried, to surplus the 2014 Tahoe with 138,000 miles and to transfer the vehicle to Walworth County for transport.

Finance

AUDIT ACCEPTANCE – Beck presented a letter to the Council from SD Legislative Audit accepting the 2023 audit report.

CEMETERY DEEDS – Moved by Mound, second by Cerney and carried, to approve the following cemetery deeds transfers: the City of Mobridge to Stephen Aberle and Kaylynn Aberle transferring Grave No. 8 in Lot 45, Block Q; and the City of Mobridge to Monica Bone Club transferring Grave No. 2 in Lot 15, Block O located in Greenwood Cemetery.

RESOLUTION 24-07, IM 28 OPPOSITION – Moved by Carlson, second by Mound and carried, to approve Resolution 24-07, IM 28 Opposition.

RESOLUTION 24-07, OPPOSITION OF IM 28

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS Initiated Measure 28 is in direct conflict with existing state law and the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Mobridge levies a two-percent sales tax and collected \$2,055,155 in the 2023 fiscal year and \$1,168,272 year-to-date in the 2024 fiscal year;

WHEREAS The City of Mobridge estimates annual lost revenue of \$462,000 unless Initiated Measure 28 is rejected by voters in South Dakota;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Mobridge, that Initiated Measure 28 would negatively impact our community and its residents.

LEASE AGREEMENT – Moved by Kemnitz, second by Cerney and carried, to approve the 3-year lease agreement with the Mobridge Chamber of Commerce to lease office space in Scherr Howe.

DISCUSSION AND INFORMATION:

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

BUILDING PERMITS - The following building permit was approved by the Zoning Officer for the month of July 2024: Jim & Steph Koster, 601 8th Ave West, 40x40 Garage; Andrew Overland, 1202 12th Street East, new 28’x48’ building living quarters/roomer house; Greg & Lorraine Mix, 919 1st Ave East, enclose porch/removing chimney & rebuild for boiler exhaust/ 2 new 20’ garage doors; Leroy Carlson, 705 3rd Ave

East, Pouring concrete sidewalk from front to back of house and a patio; Dave Dekker, 513 2nd Street East, Finish Demo House.

CODE ENFORCEMENT UPDATE – A code enforcement update was given to the Council as of July 31st: 47 grass violations with 12 abated, 34 complied and 1 pending; 28 nuisance violations, 10 notices to comply and 61 warnings issued. 8 properties abated and 3 property owners issued a summons. Tree inspections have started.

BOARD RETREAT – The Council board retreat will be August 21, 2024 with a time to be determined.

PUBLIC FORUM & VISITORS – No one wished to address the Council.

PAYMENT OF BILLS:

Moved by Reichert, second by Carlson and carried, to approve the following bills for payment: Accounts Management Inc., garnishment, 714.88; Aflac, insurance, 922.32; Aqua-Pure Inc., chemicals, 5,401.76; Associated Supply Co., supplies, 1,333.20; AT&T Mobility, telephone/utilities, 834.52; Austin Stover, travel & conference, 300.00; Auto Value Mobridge, repair & maintenance/other services/small tools/equipment maintenance/truck maintenance/supplies, 1,401.60; Avera Occupational Medicine, prof. services, 304.00; Axon Enterprise, equipment, 6,919.56; Badger Meter, prof. services, 107.40; Bantz, Gosch & Cremer, attorney services, 85.50; Beadle's Sales, repair & maintenance, 81.16; Bismarck Tribune, other services, 175.99; Borah Automotive & Recycling, prof. services, 450.00; Bridge City Small Engine, repair & maintenance/small tools/supplies, 559.33; Bridgemark Insurance Solutions, liability insurance, 1,881.00; Cam Wal Electric, street lights/utilities, 581.67; Cardmember Services, prof. services/vehicle maintenance, 1,404.84; Carmen Gisi, refund, 78.07; Center Point Large Print, books, 50.34; Central Deisel, equipment maintenance, 2,597.55; CentralSquare Technologies, radio maintenance, 1,195.67; Century Business Products, copier lease, 461.81; Chamber of Commerce, other service, 21,620.88; CHS River Plains, spraying, 285.00; Coca-Cola Bottling Co., concession stand, 1,232.00; Colton Hunter, travel & conference, 300.00; Commercial Recreation Specialists, tennis/ball field, 2,843.00; Credit Collections Bureau, garnishment, 780.06; Dady Drug, supplies, 64.47; Dakota Glass & Alignment, repair & maintenance/sup. in-house repair, 362.78; Dakota Pump & Control, prof. services/repair & maintenance, 888.85; Dash Medical Gloves, supplies, 229.26; Davis Martin, contract labor, 7,805.00; Debbie Smith, refund, 15.58; Delta Dental of SD, dental, 392.00; Dents 2 Darkness, prof. services, 180.00; Deputy Finance, postage, 55.57; Dish TV, utilities, 58.35; Edmunds County, computer software & hardware, 2,839.68; Emily Dale, refund, 167.35; Faehnrich Construction, tennis/ball fields, 8,700.00; First Interstate Bank, HSA contributions/payroll taxes, 65,682.27; Fisher Scientific, chemicals, 615.59; Fleet Services, gasoline/vehicle maintenance, 3,155.45; Gienger Sales & Services, supplies, 260.00; Grand Central, gasoline/vehicle maintenance, 523.80; Graymont, chemical, 10,804.59; Great Northern Equipment, prof. services, 600.00; Gregg's Drilling & Excavating, prof. services, 9,728.57; Hawkins, chemicals, 11,356.64; Heartland Waste, city wide cleanup/prof. services, 24,753.25; High Point Network, computer software & hardware, 3,222.33; Homestead Building Supplies, buildings/repair & maintenance, 80.75; Ingram Library Services, books, 303.45; Intoximeters, supplies, 2,016.00; Jensen Rock & Sand, cold mix, 14,105.20; JP Cooke Co. supplies, 138.43; Justin Sadler, travel & conference, 300.00; KCL, insurance, 257.87; Keller Construction, machinery & equipment, 803.60; Kiesler Police Supply, equipment, 1,162.71; Lake Area Technical College Foundation, travel & conference, 300.00; Language Line Services, prof. services, 180.00; MacQueen, uniforms/equipment, 453.63; Mastercard, computer software & hardware/repair & maintenance/other services/uniforms, 1,357.58; McLeod Printing & Office Supply, supplies, 187.86; MDU, utilities/street lights, 23,575.40; Merkel's Foods, supplies, 81.76; Metering & Technology, water meters, 2,402.96; Midco, utilities, 208.39; Milbank Winwater Works, supplies, 1,832.82; Mobridge Candy, concession stand, 2,676.97; Mobridge Climate Control, repair & maintenance, 287.64; Mobridge Hardware, building maintenance/yard work/vehicle maintenance/equipment maintenance/repair & maintenance/sup. for inhouse repair/spraying/small tools, 2,033.49; Mobridge Regional Hospital, prof. services, 362.00; Mobridge Tribune, publishing/supplies, 284.10; NAPA Central, truck maintenance/supplies, 442.86; Oahe Vet, prof. services, 310.00; ODP Business Solutions, supplies, 195.33; Paylessfoods, concession stand/supplies, 2,158.24; Payment Service Networks, credit card fees, 54.95; Plunkett's, prof. services, 148.59; Premier Equipment, repair & maintenance, 2,949.97; Riverside Home Furnishings, repair & maintenance, 166.69; Runnings Supplies, vehicle maintenance/oil, grease/equipment maintenance/small tools/supplies/sup. for

inhouse repairs/spraying/repair & maintenance, 1,782.93; SD Child Support Payment Center, garnishment, 839.07; SD Dept. of Health, water samples, 335.00; SD One Call, prof. services, 25.20; SD Retirement System, retirement, 26,012.47; SD State Treasurer, sales tax, 3,443.88; SD Unemployment Insurance, unemployment compensation, 187.40; SDRS Supplemental Retirement, retirement, 525.00; Slater Oil, lp gas/gasoline/diesel, 22,912.32; Splashtacular, repair & maintenance, 3,850.00; Steven Jacobs, supplies, 193.78; Sweeney Control Company, prof. services/repair & maintenance, 2,601.35; Tri-State Water, supplies, 31.55; Uniform Center, uniforms, 1,203.00; US Postal Service, postage, 832.16; USDA-Rural Development, loan payment, 5,298.00; Valley Telecommunications, utilities, 831.16; Venture Communications, utilities, 424.09; Verizon Wireless, telephones, 132.70; Voyager, diesel/gasoline, 5,097.19; Walworth County Landfill, prof. services, 138.76; Wellmark, insurance/prof. services, 8,207.22; West River Telecommunications, utilities, 4,205.77

Salaries: Administration – 11771.22; City Administrator – 3235.05; Police Dept – 99711.66; Fire Dept – 700.00; Fire Admin – 13873.40; Street Dept-20666.24; Code Enforcement – 4243.30; Pool – 36448.39; Parks – 9750.88; Zoning – 1553.67; Library -8527.90; 24/7 -3061.74; Water Department – 33213.20; Sewer Department -22180.18 and Airport – 813.75.

There being no further business to come before the council, the meeting adjourned at 6:02 PM on a motion by Carlson, second by Reichert and carried.

Heather Beck, Finance Officer

Gene Cox, Mayor

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