

**MOBRIDGE CITY COUNCIL
REGULAR MEETING
October 9, 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, October 9, 2024, at 5:30 P.M. Mayor Gene Cox, and the following council were present: Mound, Reichert, Jensen, Kemnitz and Carlson. Absent was Cerney.

AGENDA:

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

MINUTES:

Moved by Mound, second by Reichert and carried, to approve the minutes from August 21, 2024, special meeting. Moved by Carlson, second by Kemnitz and carried, to approve the minutes from September 11, 2024, regular meeting. Moved by Mound, second by Carlson and carried, to approve the minutes from September 25, 2024, special meeting.

NEW BUSINESS:

Police Department

STEP INCREASE 6 Having completed her six-month probation, moved by Kemnitz, second by Mound and carried, to approve a step increase for Officer Madeline Reints, increasing her hourly wage from \$21.20 to \$22.05 effective October 7, 2024.

Water/Wastewater Department

LEVEL INCREASE 6 Having earned his Class II certification, moved by Reichert, second by Kemnitz and carried, to approve a level increase for Water Plant Operator Nathan Shillingstad, increasing his hourly wage from \$20.26 to \$21.35 effective October 7, 2024.

Finance Department

AIRPORT MAINTENANCE AGREEMENT 6 Moved by Carlson, second by Reichert and carried, to approve the airport pavement maintenance project with the SD DOT in the amount of \$9,235.47 Project No. 3-46-4600-30-2024.

FRONT FOOTAGE ASSESSMENT 6 Moved by Reichert, second by Carlson and carried, to approve Resolution 24-08, a resolution levying a front foot assessment for annual maintenance of street surfaces and setting maximum and annual assessments.

RESOLUTION NO. 24-08

**A RESOLUTION LEVYING A FRONT FOOT ASSESSMENT
FOR ANNUAL MAINTENANCE OF STREET SURFACES AND
SETTING MAXIMUM ANNUAL ASSESSMENTS**

WHEREAS, SDCL 9-45-38 grants authority to the City of Mobridge to assess special front foot assessment for the purpose of maintaining or repairing street surfacing or pavement, and

WHEREAS, the assessment may not exceed sixty cents per front foot upon the lots fronting the street;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mobridge, Walworth County, South Dakota, that all taxable real property parcels fronting a city street shall be assessed a special front foot assessment of sixty cents per front foot; and

BE IT FURTHER RESOLVED that the Finance Officer of the City of Mobridge, Walworth County, South Dakota, be and the same is hereby instructed to direct the Director of Equalization to add the assessment to the general assessment against all taxable real property parcels; and

BE IT FURTHER RESOLVED that the Finance Officer of the City of Mobridge, certify the assessment together with the regular assessment to the County Auditor to be collected as municipal taxes for general purposes.

HOSPITAL REVENUE BOND 6 Moved by Kemnitz, second by Carlson and carried, to approve Resolution 24-09, a resolution authorizing modification of the economic development revenue bonds, (Mobridge Regional Hospital) Series 2021 and the associated loan documents, relating to a project with the Mobridge Regional Hospital, and authorizing the execution of such documents as are necessary to carry out the modification.

RESOLUTION NO. 24-09

RESOLUTION AUTHORIZING MODIFICATION OF THE ECONOMIC DEVELOPMENT REVENUE BONDS, (MOBRIDGE REGIONAL HOSPITAL) SERIES 2021 AND THE ASSOCIATED LOAN DOCUMENTS, RELATING TO A PROJECT WITH THE MOBRIDGE REGIONAL HOSPITAL, AND AUTHORIZING THE EXECUTION OF SUCH DOCUMENTS AS ARE NECESSARY TO CARRY OUT THE MODIFICATION,

BE IT RESOLVED by the City Council of the City of Mobridge (the "City Council"), as follows:

SECTION 1. RECITALS, AUTHORIZATION AND FINDINGS.

1.01. Recitals. The City Council determines it necessary and expedient to modify the terms of the City of Mobridge Economic Development Revenue Bonds (Mobridge Regional Hospital) Series 2021 (the "Bonds") and hereby declares the necessity therefore.

1.02 Authorization. The City Council is authorized to modify its outstanding Bonds under South Dakota Codified Laws, Chapter 9-54 and 6-8B-30 through 6-8B-52 (collectively the "Act.")

SECTION 2. MODIFICATION, MODIFICATION AGREEMENT.

2.01 Modification. The Mayor and Finance Officer are hereby authorized and directed to agree with the holder of the Bonds to the terms of the modification as they deem necessary.

2.02. Modification Agreement and financing documents. The execution of a modification agreement and other financing documents setting forth such final terms by the Mayor and Finance Officer is hereby approved and authorized and such execution shall be conclusive evidence of such agreement and shall be binding upon the City Council. The modification agreement shall state that the modification is made in full compliance with SDCL §§6-8B-30 through 6-8B-52.

SECTION 3. TAX MATTERS.

3.01. General Covenant. The City Council covenants and agrees with the registered owners of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Internal Revenue Code (the "Code") and applicable Treasury Regulations (the "Regulations") , and covenants to take any and all actions within its powers to ensure that the basic interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

3.02. Certification. The Mayor and the Finance Officer, being the officers of the City Council charged with the responsibility for issuing the Bonds pursuant to this Resolution are hereby authorized and directed to execute and deliver to the bond holder thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

3.02. Information Reporting. The City shall file with the Secretary of the Treasury a statement concerning the Bonds containing the information required by Section 149(e) of the Code.

3.03. Qualified Tax-Exempt Obligations. Pursuant to Section 265(b)(3)(B)(ii) of the Code, the City Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Council hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265 (b) (3) of the Code and including "qualified 501 (c) (3) bonds" but excluding other "private activity bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the City Council and all "subordinate entities" of the City Council in 2024 in an amount greater than \$10,000,000.

SECTION 4. EFFECTIVE DATE; REPEALS; ADMINISTRATIVE ACTIONS.

4.01. This Resolution shall become effective upon passage and all provisions of ordinances, resolutions and other actions and proceedings of the City Council which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

4.02. Authority of City Officers. The Mayor, City Finance Officer, City Attorney and other City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other agreements, instruments, certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized and in the documents authorized and approved herein

NUISANCE ASSESSMENT ROLL ó Moved by Carlson, second by Mound and carried, to approve Resolution 24-10, a resolution approving the 2024 special assessment roll for the destruction of nuisance and weeds.

RESOLUTION 24-10

A RESOLUTION APPROVING THE 2024 SPECIAL ASSESSMENT ROLL FOR THE DESTRUCTION OF NUISANCE and WEEDS

BE IT RESOLVED by the Common Council of the City of Mobridge, South Dakota:

That the special assessment roll for the assessment of property assessable for the destruction of nuisance weeds in the City of Mobridge, South Dakota, is hereby approved and the assessments as set out in said special assessment roll approved this date are hereby levied against such property upon filing of said special assessment roll in the office of the City Finance Officer.

The amounts and the properties so assessed are as follows:

MOBRIDGE, FAIRVIEW ADDN., S.12 1/2 OF LOT 7 & ALL LOT 8, BLOCK 16	\$1,291.14
MOBRIDGE, GRAND CROSSING ADDN., LOT 2, BLOCK 54	\$504.00
MOBRIDGE, GOODMAN'S Q.H., LOT 14, BLOCK 1	\$252.00
MOBRIDGE NWTS CO'S 3RD ADDN S 48' OF LOT 3 BLOCK 38	\$252.00
MOBRIDGE-MILW LAND CO'S 1ST ADDN, LOT 2, BLOCK 16	\$312.84
MOBRIDGE EKLO'S 3RD ADDN W 1/2 OF LOT 15A 1971 14X64 RITZCRAFT	\$252.00
MOBRIDGE MAIN PARK LOTS 1 & 2 BLOCK 12	\$187.00
MOBRIDGE ORIGINAL LOT 3 BLOCK 5	\$352.00
MOBRIDGE, GRAND CROSSING ADDN., LOT 7, BLOCK 31	\$1,758.20
MOBRIDGE, GRAND CROSSING ADDN., LOT 1, BLOCK 54	\$332.92
MOBRIDGE-GRAND CROSSING ADDN, E. 1/2 OF LOTS 7 & 8 BLOCK 30	\$479.64
MOBRIDGE, GRAND CROSSING ADDN., LOT 12, BLOCK 60	\$252.00
MOBRIDGE MAIN PARK S 12 1/2' OF LOT 5 & ALL LOT 6 BLOCK 17	\$504.00
MOBRIDGE, GOODMAN'S Q.H., LOT 17, BLOCK 1	\$756.00
MOBRIDGE GOODMAN'S Q H LOT 16 BLOCK 1	\$454.00
MOBRIDGE ORIGINAL LOT 11 BLOCK 5	\$126.00
MOBRIDGE, ORIGINAL PLAT, LOT 12, BLOCK 5	\$126.00

MOBRIDGE DRAEGER'S 1ST ADDN LOT 7 BLOCK 9	\$126.00
MOBRIDGE DRAEGER'S 1ST ADDN LOT 8 BLOCK 9	\$126.00
MOBRIDGE DRAEGER'S 1ST ADDN LOT 9 BLOCK 9	\$126.00
MOBRIDGE DRAEGER'S 1ST ADDN LOT 10 BLOCK 9	\$126.00

It is further resolved that said assessment may be paid in one (1) annual installment and shall be collected under Plan One i Collection by County Treasurer", as provided in SDCL 9-43-105.

POLICE OFFICER WAGE INCREASE 6 Moved by Mound, second by Reichert and carried, to approve an hourly wage increase for police officers at \$2.00 per hour effective October 21, 2024.

SALARIED EMPLOYEES INCREASE 6 Moved by Mound, second by Carlson and carried, to approve a wage increase of \$4,160 per year for salaried employees effective October 21, 2024.

BUILDING MAINTENANCE EMPLOYEE 6 Moved by Carlson, second by Mound and carried, to approve hiring Mackenzie Whitebull as part time building maintenance at \$18 per hour effective October 21, 2024.

REQUEST TO WAIVE SIDEWALK 6 A petition was received from the property owner of 1017 1st Avenue West to waive the sidewalk requirement on 11th Street. The petitioner cited his reasons as utilities in the way, mature trees and no other sidewalks on 11th Street. Moved by Mound, second by Carlson and failed due to lack of majority (2-2; 1 abstain), to approve Resolution 24-11, a resolution to waive sidewalk requirement. Mound and Reichert voted yes, Kemnitz and Carlson voted no and Jensen abstained.

DISCUSSION AND INFORMATION:

FINANCIAL STATEMENT 6 Beck submitted a financial statement to the Council.

BUILDING PERMITS 6 The following building permits were approved by the Zoning Officer for the month of September 2024: Michael Andrews, 1203 3rd Ave West, Enclose existing breezeway to connect garage & house; J & S LLC, 1607 West Grand Crossing, Adding Apron on West Side of Building; Robert Krumm, 1105 5th Ave West, Replacing Sidewalk on property; Lyle Larson, 1302 4th Ave East, 12'x20' New Deck; Sherry Tissaw, 414 2nd Ave West, 6' Privacy Fence; Debrah Leatherman, 6 4th Avenue East, 5' Fenced back yard; Allen Bau, 222 8th Ave East, Move in 10x20 pre-built shed & 6ft Privacy fence & Patch Concrete driveway & sidewalk; Kyle Jensen, 609 4th Ave West, Replacing old sidewalk; Sitting Bull College, 414 6th Street West, Replacing Sidewalk.

CODE ENFORCEMENT UPDATE 6 A code enforcement update was given to the Council as of September 30th: Grass Violations: 9-1 to 9-30-24: 3 letters sent to property owners; No properties were abated by the City. All property owners complied and there were no grass abatements. FY 2024 totals as of 9-30-24: 180 properties sent letter or tagged; 38 properties abated; 142 properties complied. Nuisance violations: 9-1 to 9-30-24: 1 Nuisance violation with property owner given a Courtesy Warning. FY 2024 totals as of 8-31-24: 155 Nuisance violations; 91 sent or served Notices to Comply; 64 properties issued warnings. No properties were abated during the month of September. The 4 pending nuisance abatements from August came into compliance in September. Tree Violations: 9-1 to 9-30-24: There were 36 tree notices issued since the time of last report on 8-31-24 for a total of 49 violations as of 9-30-24. A compliance check has not been made but many citizens have been trimming tree branches throughout the city.

EVENTS UPDATE 6 Monica Weninger-Schmaltz gave the Council an update on events.

PUBLIC FORUM AND VISITORS: No one wished to address the Council.

PAYMENT OF BILLS:

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

Accounts Management Inc., garnishment 601.18; Aflac, insurance 683.16; Aqua-Pure, chemicals 5,573.06; AT&T Mobility, telephone/utilities 683.41; Austin Stover, travel & conference 464.00; Auto Value Mobridge, repair & maintenance/grease/small tools/vehicle maintenance 422.19; Avid Hawk, prof. services 25.00; Badger Meter, prof. services 107.40; Bantz, Gosch & Cremer, prof. services 85.50; Beadle's Sales, repair & maintenance 324.70; Cam Wal Electric, street lights/utilities 483.00; Capital Trophy, prof. services 36.00; Cardmember Services, prof.

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services/training supplies 232.98; Carlson Services, prof. services 600.00; Center Point Large Print, books 50.34; Central Deisel, repair & maintenance 185.16; Central Salt, snow removal 2,394.56; Century Business Products, copier lease/supplies 411.74; Chamber of Commerce, other services/refund 11,136.05; CHS River Plains, spraying 570.00; Colton Hunter, travel & conference 464.00; Consolidated Electrical Distributor, repair & maintenance 943.50; Credit Collections Bureau, garnishment 520.04; Dacotah Paper, supplies 910.94; Dady Drug, supplies 162.46; Dakota Glass & Alignment, vehicle maintenance/tires 1,238.27; Dakota Territory Gun Association, refund 296.90; Davis Martin, contract labor 6,300.00; Delta Dental of SD, dental 588.00; Demco, supplies 574.90; Deputy Finance, postage/supplies 242.51; Digital-Alley, uniform/equipment 20,028.00; Dish TV, utilities 58.35; Ferguson Waterworks, supplies/sup. inhouse repairs 813.36; First Interstate Bank, HSA contributions/payroll taxes 42,022.66; Fisher Scientific, chemicals 395.27; Fleet Services, gasoline/vehicle maintenance 2,391.55; Friends of SDPS, other services 120.00; Grand Central, repair & maintenance/truck maintenance/vehicle maintenance 425.42; Graymont, chemicals 5,752.17; Gregg's Drilling & Excavating, prof. services 2,102.04; Harold Sharpe, refund 24.00; Hawkins, chemicals 3,286.83; Heartland Waste, city wide cleanup/prof. services 24,635.15; Heiman, equipment 325.20; High Point Network, computer software & hardware 3,222.38; Homestead Building Supplies, repair & maintenance/supplies 849.75; Ingram Library Services, books 238.48; Intoximeters, supplies 2,016.00; Jensen Rock & Sand, cold mix/resurface/repair & maintenance 17,678.39; KCL, insurance 449.42; KLJ, prof. services 83,437.00; Language Line Services, prof. services 90.00; Mastercard, computer software/ sup. for inhouse repairs/other services/uniforms/supplies 1,121.03; MDU, utilities/streetlights 16,793.71; Midco, utilities 208.39; Minnesota Valley Testing Laboratories, water samples 181.00; Mobridge Economic Development Corporation, other services 5,000.00; Mobridge Hardware, truck maintenance/supplies/sup. Inhouse repairs/small tools/uniforms/yard work/building maintenance/equipment maintenance/office supplies/repair & maintenance 1,032.52; Mobridge Manufacturing, repair & maintenance 1,130.25; Mobridge Tribune, publishing 369.54; Moore Engineering, prof. services 94,075.37; Napa Central, oil/grease/vehicle maintenance 170.57; Nathan Shillingstad, travel & conference 136.00; Oahe Vet, prof. services 265.45; ODP Business Solutions, supplies 252.40; Onsite Service Solutions, prof. services 3,155.00; Orth Lawn Service, repair & maintenance/yard work 525.00; Paylessfoods, supplies 276.33; Payment Service Network, credit card fees 54.95; Plunkett's Pest Control, prof. services 148.59; Prairie Heating & Air Inc, repair & maintenance 539.80; Premier Equipment, equipment maintenance 363.50; Qualification Targets Inc., equipment 209.38; Quenzer Electric, repair & maintenance 183.55; Rocky Good Shield, travel & conference 464.00; Runnings Supplies, supplies/building maintenance/vehicle maintenance/small tools/yard work/repair & maintenance 969.57; Safety Benefits Inc, travel & conference 75.00; SD Attorney General, participation fees 1,722.00; SD Child Support Payment Center, garnishment 559.38; SD Dept. of Health, water samples 344.00; SD One Call, prof. services 33.60; SD Retirement System, retirement 17,713.82; SD State Treasurer, sales tax 2,029.11; SD Unemployment Insurance, unemployment compensation 192.76; SDRS Supplemental Retirement, retirement 350.00; Showcases, supplies 453.60; Slater Oil, gasoline/lp gas 1,601.66; Stan Houston, repair & maintenance 260.40; Tri-State Water, supplies 29.05; Uniform Center, uniforms 287.96; US Bank, loans 43,224.48; US Postal Service, postage 1,123.72; USDA-Rural Development, loan payment 5,298.00; Valley Telecommunications, utilities 826.16; Venture Communications, utilities 424.09; Verizon Wireless, telephones 132.80; Vessco Inc., equipment & machinery 430.47; Voyager, diesel/gasoline 2,847.19; Walworth County Register of Deeds, prof. services 4.00; Wellmark, insurance/prof. services 16,014.08; West River Telecommunications, utilities 4,165.92.

Salaries: Administration ó 2721.53; City Administrator ó 1078.35; Police Dept ó 33419.87; Fire Dept ó 700.00; Street Dept-5938.00; Code Enforcement ó 524.70; Culture Recreation ó 1648.00; Parks ó 3412.36; Zoning ó 517.89; Library -2840.10; 24/7 -1035.65; Water Department ó 10825.03; Sewer Department -6704.00 and Airport ó 813.75.

There being no further business to come before the Council, the meeting adjourned at 6:00 PM on a motion by Carlson, second by Mound and carried.

Alicia Naasz, Deputy Finance Officer

Gene Cox, Mayor

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