

**MONTROSE CITY COUNCIL MEETING
APPROVED MINUTES –October 9th, 2023**

On **October 9th, 2023**, the Montrose City Council Meeting took place at the Community Center. *The Pledge of Allegiance* was recited. Mayor Susan Painter called the meeting to order at 6:05pm. **Roll Call:** Council members: Hanisch, and Binder were present. Council Vogel was present by phone until his physical arrival at 6:21pm. The zoning committee was present: Kappenman, Brookes and Hallem. Finance Officer Siemonsma present. Maintenance Hanisch present. City residents and special guests present. Quorum present. Rules of Decorum stated by Painter.

Action 23-164

Moved by council Hanisch, seconded by council Binder for approval of Agenda. **Roll Call:** All favored no opposition. Motion carried.

Action 23-165

Moved by council Hanisch, seconded by council Binder for approval of the September 12th and September 20th meeting minutes. **Roll Call:** All favored no opposition. Motion carried.

SPECIAL TOPICS:

Research was done with pricing from the McCook County Abstract Title Search with Insurance cost: \$262 estimate, plus the attorney purchase agreement cost and the council weighed that option versus using Red Door Realty services for the city land sale with CFC.

Action 23-166

Moved by council Hanisch, seconded by council Binder, for approval to use Red Door Realty services for the price of \$350.00, as to allow Nick Thompson to close the city land sale with CFC. **Roll Call:** All favored no opposition. Motion carried.

Red Door documents were signed and the next step is the closing date with the Mayor, the FO and the CFC team.

Certified Operator Loudenberg was unable to attend the meeting. The FO informed the council that the DANR has a workflow established for the Lead Line Reporting and Siemonsma is going to reach out the SD Rural Water for help on this process to find out what needs to be done to stay in compliance with state reporting.

Sean from SECOG was present to introduce a revised Animals at Large Ordinance to the council team. These proposed changes include: better clarifications to definitions of the following verbiage: off leash, accompanied and running at large. Definitions of authorized agents to include any police officer, city personnel, or animal control with whom the city is in contract with. Clarity on the procedure and timelines of the violation and fine amount to be established via current resolution. Last, updated the disturbing the peace to allow the city to issue a notice of violation even if they have not received a complaint. Sean took feedback from the council and will update the ordinance draft for the FO to present for a 1st reading in November's council meeting.

Pool policy discussion, resident Edwards was present to help answer questions from the council about pool workflows with all her past experience. The FO put together a second pool policy draft with changes to swimming lesson class sizes, based on the safety needs on Levels 1 through 5 and increasing swimming lesson fees were discussed by the council. Pool parties were also discussed with the increase in fees and verbiage changes to the policy regarding lifeguards clocking in for all pool parties and will be paid their hourly rate by the city. Pool parties shall be held outside of normal pool operating hours and any variable request must go through and be given permission from the city Mayor. The FO will have an updated pool party reservation form for approval at next month's council meeting. Better data tracking of pool concessions was discussed, including exploring different snack vendors, adding a snack inventory workflow in the policy for the managers and having 2 separate cash boxes to keep admission cash separate from concession money.

Action 23-167

Moved by council Hanisch, seconded by council Binder, for approval to implement the swimming lessons updated verbiage section and the pool party revisions into the pool policy and to include the swimming lesson rate in the Rates, Fines and Fees Resolution that is reviewed annually. **Roll Call:** All favored no opposition. Motion carried.

Action 23-168

Moved by council Hansich, seconded by council Binder, for approval to allow resident Struck to charge 2 bags of grass seed to the city account set up with Millborn Seeds for re-seeding of the baseball field. **Roll Call:** All favored no opposition. Motion carried.

Zoning discussion on a building permit issued to property owner Egeberg regarding a shed built on 407 W Kluckholm Ave. Building codes and ordinance regulations discussed for sheds, vs. garages, vs. shouses. SECOG recommendations shared from the FO regarding the lack of shed requirements in our current ordinance and the classification of the building permit application with a possible option of a conditional use permit moving forward. The council discussed the process of the conditional permit and explained that would take some time to get done and asked the FO to talk to SECOG again for clarification on the allowance of wainscoting around the lower third of the building with a roll-up door for approval of the permit to go through with an agreement between the homeowner, the zoning committee and the council.

Council members also agree that an ordinance revision to detail shed construction needs to be done with SECOG.

Action 23-169

Moved by council Hanisch, seconded by council Binder, to allow the current shed built on property 407 W Kluckholm to be approved only pending that wainscoting be added to the lower third of the building all the way around bottom and a roll up door be added to the building, and pending the response from SECOG that this process meets the requirements of our zoning ordinances. **Roll Call:** All favored no opposition. Motion carried.

FO updated the council that DGR and Sophie from SECOG was unable to attend due to prior commitments. FO updated council on ledger balances to the best of her knowledge. Revenue from Sewer project total: \$930,400.27 Expenses from Sewer project total: \$946,343.91. There is still money owed to Montrose, and money owed back to the SRF program. November's council meeting, both DGR and Sophie from SECOG will be able to attend to help answer more questions from the council, and to finalize the project to close it out.

OLD BUSINESS:

Council members Hanisch and Vogel will reach out to Twedt Construction for street repair updates for the remainder of this year and next spring.

Action 23-170

Moved by council Vogel, seconded by council Binder for approval of the 2nd reading of the Animal Kennel Ordinance 2023-004. **Roll Call:** All favored no opposition. Motion carried.

City punch list items reviewed by council. Maintenance Hanisch updated the council on plans to winterize the pool pipes, the campground and softball areas next week sometime. Discussion on closing the campground and locking up the bathrooms at the softball field. Old bathroom partitions were found in cold storage and were deemed un-usable, so they were tossed. The office bar exhaust fan with timer switch was discussed and will be a priority. Maintenance Hanisch purchased the new doors and window for the softball field, and the baseball field plumbing supplies. Council discussed updating the campground ordinance begin and end of season dates to preserve city property from weather elements.

Safety Benefits Insurance city building recommendations completed; changes included the baseball storage building repainted, emergency lighting in all city buildings verified or installed, chlorine rooms at pool signage added, and open ended light socket in pool house corrected with a light fixture.

Grass Rig purchase from the fire department still in discussion. City still needs to look at the vehicle, and find out the purchase price from the sellers.

Public notice being published twice (2) in October for Garbage Service Sealed bids event happening in November's council meeting. Discussion of the length of the contract and gross vehicle weight in the current contract vs. the new agreement that will be used in the next garbage contract.

Action 23-171

Moved by council Binder, seconded by council Hanisch, for approval of the updated garbage contract, including the length of the contract at 2 years, and the maximum gross vehicle weight at 13 tons, to be ready for signatures with the accepted bidder from the council. **Roll Call:** All favored no opposition. Motion carried.

NEW BUSINESS:

Sheriff Reports reviewed.

Lease agreement for the Suite B Hoiten Rental was discussed. The Lease term expired in May of 2020, and there is a need for a new agreement to be drawn up. The FO will work on this, and a proposal will be brought forward in another council meeting.

Lease agreement for the SkyBeam rental was discussed. The Lease term expired in April of 2018 and there is a need for a new agreement to be drawn up. The FO will work on this and a proposal will be brought forward once communication is established with the new company (Rise broadband) out of Colorado.

Discussion of property 105 W Kluckholm and sewer line capping. If the owner decides to cap the sewer line on this property, then he must communicate his plans/process to maintenance personnel to make sure Ordinance chapter 8.0303 sewer disconnection services are followed properly, and the owner must understand that Ordinance 2018-005 states: "All properties will be charged the minimum base rates, per meter, for water and sewer whether vacant or occupied. If vacant, the bill will be incurred by the property owner." This applies to the homeowner whether the sewer line is capped or not, and whether the water is shut off or not. The council also discussed the need for homeowners that refuse to pay the minimum base rates for un-occupied homes to obtain a demolition permit from the city.

DEPARTMENT REPORTS

Maintenance Hanisch communicated that he cleaned out/organized cold storage in the shop. Winter equipment is on his list to make sure it is ready to go for the season. Skid loader is fixed.

The FO updated the council on the alcoholic license renewals for the Legion, the Office Bar (2) and the new request from My Place Café for a retail on-sale liquor restaurant license. A new operating agreement is needed for this type of liquor license request. The FO has proposed to the council a new agreement. The council asked to have the agreement looked over by the city attorney prior to approval. A public notice will be published October 19th to accommodate My Place Café's request. Montreal will have to attend November's council meeting to move forward with the licensure and operating agreement.

FO informed the council that property owner 201 W Kluckholm will be sent a second notice letter to pay a fine for an animal ordinance violation or will be sent to collections.

Business owners on 103 W Main Street were present to dispute their cats and Animals at Large letter notification. FO read email correspondence from the city attorney regarding public vs. private property in what the attorney considers "the sidewalk in front of a business to be public property since the lot line in a business district is the front wall of the business and the sidewalk is part of the public right of way" The Head's have a different view of public vs. private property. The council asked that the Head's keep their cats in doors to stay in compliance with city ordinances. Heads nodded in agreeance that this would be a feasible request. Head's asked why the city did not take action after an animal dispute between themselves and another resident took place and the sheriff was called to the scene. The FO's response was because when the police are called, the city is not involved in the matter. The council asked the FO to ask the city attorney about the incident and the police report filed with the city in this matter to gain clarification for future encounters.

FO informed the council on property 409 S Church Avenue water shutoff and the homeowner would be sent to collections for non-payment by October 17th.

Property 110 W Kluckholm Ave. has unlicensed vehicles on their property. This violates Ordinance title 7.0202. The FO will put together a letter to the homeowner after more investigative work on the issue.

Property 1103 Lynn Ave, licensure of chickens is satisfied.

FO put together an active list of charge accounts for the city to review and make changes if desired. Account accessibility and authorization was discussed for the best financial safety practices.

End of month bank account balances reviewed by council.

OCTOBER VOUCHERS:

PAID Between Meetings

29453e	FEDERAL TAX PAYMENT	9/15/23	\$629.98	Payroll Taxes
29454e	FEDERAL TAX PAYMENT	9/29/23	\$702.00	Payroll Taxes
30012	MENARDS	10/3/23	\$955.65	Shop supplies; Baseball; Softball; Pool; Campground Posts
30010	ROSS ROLING	9/27/23	\$200.00	Property 507 S 1st Ave-Deposit Reimbursement
0003e	SECURITY STATE BANK	9/19/23	\$8,500.00	Street Money Transfer Out from MontOP MM Account-Budget Supplement
29456e	SD DLR	10/3/23	\$74.45	Quarterly Payment-Paid in October
29455e	SD DOR	10/3/23	\$231.15	Garbage Tax Reporting for September 2023
30011	SD RETIREMENT SYSTEM	10/3/23	\$975.24	September 2023 Reporting
30013	THE SECURITY STATE BANK	10/3/23	\$1,268.57	MCI; Certified Mailings, Office Supplies; Key copies, door lever, paint, Emergency Exit signs, Restroom Supplies; BacT Samples, Bird Spikes
30014	US BANK TRUST NA	10/3/23	\$11,703.04	DW1 and CW2 Loans

PAID at Council Meeting

30030	A&B BUSINESS	10/9/23	\$250.44	Monthly IT Service; Printer Contract
30028	ADDY DISPOSAL	10/9/23	\$3,200.49	Monthly Garbage Fee
30022	CITY OF MONTROSE	10/9/23	\$35.63	Monthly UB Bill
30016	DELL RAPIDS LAW FIRM	10/9/23	\$200.00	September Lawyer Fees
30018	GOLDEN WEST	10/9/23	\$128.41	Monthly Office Phone Bill
30024	KINGBROOK RURAL WATER	10/9/23	\$5,468.80	Monthly Water Purchase-Usage

30031	KW ELECTRIC, INC.	10/9/23	\$113.89	Emergency Lighting for CG Bathhouse
30029	MCCOOK CO. AUDITOR	10/9/23	\$1,408.34	Sheriff Fee for September
30020	MIDAMERICAN ENERGY	10/9/23	\$34.81	Heat Bill for September Usage
30032	MONTROSE GAS PLUS	10/9/23	\$179.66	Fuel Costs
30021	MONTROSE BODY SHOP	10/9/23	\$589.00	Chevy; Payloader Repairs
30019	NEW CENTURY PRESS	10/9/23	\$284.57	Meeting Minutes; Resolution; Budget ORD
30026	PUTHOFF REPAIR	10/9/23	\$57.95	Shop Supplies; Power Broom
30033	REYNOLDS EXCAVATING, INC	10/9/23	\$325.00	Alleyway gravel needs
30025	SALEM LUMBER COMPANY	10/9/23	\$50.46	Framing for new campground sign
30023	SALEM SPECIAL	10/9/23	\$46.00	Annual Fee for 2024
30017	SOUTHEASTERN ELECTRIC COOP	10/9/23	\$2,506.79	Electric Bill - for September Usage
30027	STURDEVANTS AUTO PARTS	10/9/23	\$74.45	Shop needs; floor dry, cable ties, slime
30034	TWEDT CONSTRUCTION, INC.	10/9/23	\$120,057.60	3" Asphalt Overlay-streets fix for 2023-2024
30015	US POSTAL SERVICE	10/9/23	\$82.00	Annual Fee for 2024
	TOTAL PAID:		\$160,334.37	

Pay-roll

	City Council Members		\$0.00	Quarterly Payment-Pay in October
	Finance Officer		\$6,115.38	2 pay periods - September 2023
	Office Admin		\$984.50	2 payperiods - September 2023
	Seasonal Mowers		\$431.86	2 payperiods - September 2023
	Certified Operator Temp.		\$100.00	Monthly September 2023
	Maintenance Technician		\$2,011.46	2 payperiods - September 2023
	TOTAL SALARIES:		\$9,643.20	
	GRAND TOTAL:		\$167,966.11	

Action 23-172

Moved by council Hanisch, seconded by council Vogel for approval of bills paid between meetings and bills paid at council meeting with the EXCEPTION of the Twedt Construction voucher as the council wants itemization on the work completed listed on the invoice and payment to reflect only on the work that has been completed. **Roll Call:** All favored no opposition. Motion carried.

Hearing of those present: Resident Brookes would like to propose changes to the rates Resolution for the cost of building permits. The council will look at this in December/January during the annual rates review.

Action 23-173

Moved by council Binder, seconded by council Vogel to enter into Executive Session at 8:22pm. **Roll Call:** All favored no opposition. Motion carried.

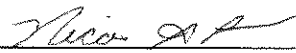
Action 23-174

Moved by council Vogel, seconded by council Hanisch to Exit Executive Session at 8:34pm. **Roll Call:** All favored no opposition. Motion carried.

Action 23-175

Moved by council Hanisch, seconded by council Binder to **Adjourn** at 8:35pm. **Roll Call:** All favored no opposition. Motion carried.

Attest:


Nicole Siemonsma
Finance Officer


City Mayor or Council President

Published once at the approximate cost of: 177.19
Publish Date: 10-19-23

**PUBLIC NOTICE
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UN-APPROVED MINUTES
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Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA))SS
COUNTY OF McCOOK)

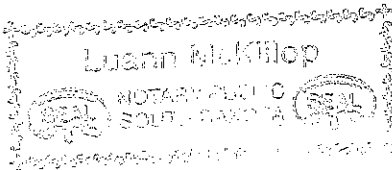
TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed.....
Montrose City Council
Unapproved Minutes
10-9-23

a printed copy of which is hereto attached, was printed and published in the newspaper for . . . weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

- The first publication being made on *10/19, 2023*
- the second publication on ,20
- the third publication on ,20
- the fourth publication on ,20
- the fifth publication on ,20
- the sixth publication on ,20
- and the last publication on ,20

that \$ being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been of the contract and gross vehicle REIMBURSEMENT 0003e, SECURITY Property 507 S 1st Ave-Deposit ROSS ROLLING, 9/27/23, \$200.00, happening in November's council Service Sealed bids event twice (2) in October for Garbage Shop supplies; Baseball; Softball; 30012, MENARDS, 10/3/23, \$955.65, 9/29/23, \$702.00, Payroll Taxes; 29454e, FEDERAL TAX PAYMENT, 9/15/23, \$629.98, Payroll Taxes; 29453e, FEDERAL TAX PAYMENT, Paid Between Meetings: **OCTOBER VOUCHERS** balances reviewed by council. End of month bank account added, and open ended light chlorine rooms at pool signage, best financial safety practices, authorized was discussed for the repaired, emergency lighting in all the baseball storage building completed; changes included of charge accounts for the city Safety Benefits Insurance Property 1103 Lynn Ave, end of season dates to preserve city campground ordinance begin and after more investigative work on



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