

February 6th , 2017

Mayor Frank Finney called a meeting of the Winner City Council to order at 6:30 PM, February 6th 2017 at the Council Chambers at 325 S. Monroe St. Councilmen attending were Brozik, Schramm, Curtis, Baker, Meyer and Sherman was absent. Also attending were City Attorney Paul Jensen, Public Works Director Brent Gill, Chief of Police Paul Schueth, and Finance Officer Rhonda Augspurger. The meeting was opened with the Pledge of Allegiance.

Motion by Brozik, second by Baker to approve the minutes of the previous meeting; motion carried.

Motion by Curtis, second by Schramm to approve the meeting agenda; motion carried.

Public hearing was held on the application from Wing's N More to transfer the liquor license to the Tripp Co 4-H Building and back on February 18th 2017 for the Rocky Mountain Elk banquet. Motion by Meyer, second by Baker to approve this application; motion carried.

Ercell Fortney from Empire Construction addressed the council on the building site for the new Runnings Supply store and asked if there were any possible things the City could help them with in the construction the total cost is somewhere between 4 and 4 ½ million dollars.

Police Chief Schueth gave his report on the Law Enforcement Center January average was 111 and today has 108 in jail.

Public Works Director Brent Gill gave his report of the progress of departments for the last two weeks.

Motion by Curtis, second by Meyer to place on second reading for passage and approval of the following by-laws for the City of Winner; motion carried.

OFFICIAL BY-LAWS City of Winner, South Dakota

ARTICLE I – NAME

The name of this organization is City of Winner and was formed in Tripp County, SD and Incorporated in 1911.

ARTICLE II – MUNICIPAL POWERS

This Municipality shall have all such powers and authority as granted to it under South Dakota Codified Laws, specifically as enumerated in Title 9 thereof, but also wherever the State Law grants municipal power and authority.

ARTICLE III – OVERVIEW- POPULATION – CLASS

The City of Winner is a Second Class municipality as defined by South Dakota law.

ARTICLE IV – FORM OF GOVERNMENT

The City of Winner operates under the Aldermanic form of government. The City is governed by a common council, which consists of a mayor who is elected at-large and two aldermen from each of the three wards.

No person is eligible to be nominated, elected or appointed as a mayor or as an alderman unless such person is a citizen of the United States, a voter of and resident of the municipality, and if an alderman, a voter of and resident of the ward for which such person is to hold office.

If there is a vacancy in the office of the mayor, the vacancy shall be filled by appointment by a majority vote of the members-elect of the common council, or by special election as provided in SDCL §9-13-14.2. Until the vacancy is filled or during the time of temporary disability of the mayor, the powers and duties of mayor shall be executed by the president of the city council.

When a vacancy exists on the common council, the mayor may nominate but the remaining members of the council shall appoint a replacement to serve until the next annual municipal election. The person so appointed must be a resident of the same ward of the municipality.

The mayor shall be the chief executive officer of the City.

The mayor shall preside at all meetings of the council but shall have no vote except in case of a tie as long as the vote does not create a liability or appropriate money. The mayor shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed. He/she shall annually and from time to time give the council information relative to the affairs of the municipality, and shall recommend for their consideration such measures as he may deem expedient. He/she shall have the power to sign or veto any ordinance or resolution passed by the common council, and the power to veto any part or item of an ordinance or resolution appropriating money. The veto, with written objections, must be filed with the finance officer within ten days after final passage. The vetoed ordinance or resolution must then be presented by the finance officer, with the mayor's written objection, to the council at their next meeting for reconsideration. If the ordinance or resolution passes by a two-thirds vote of all the aldermen, it shall be published and become effective.

At the first regular meeting after the annual election in each year and after the qualification of the newly elected alderman, the council shall elect from among its own members a president and vice-president, who shall hold their respective offices for the municipal year. The president of the council in the absence of the mayor shall be the presiding officer of the council, and during the absence of the mayor from the municipality or his temporary disability shall be acting mayor and possess all the powers of the mayor. In the absence or disability of the mayor and president of the council, the vice-president shall perform the duties of the mayor and president of the council.

Meetings

The council shall hold its regular meetings on the first Monday of each month and at such other or different times as the council shall determine by formal action. A majority of the aldermen elected shall constitute a quorum to do business.

ARTICLE V – ENUMERATED POWERS

Powers of Finance

1. The City of Winner has the power to control its finances and property; levy and collect taxes for general and special purposes on real property within the limits allowed by law; appropriate money for authorized purposes and provide for the payment of the debts and expenses of the municipality.

2. The City of Winner has the power to levy special assessments.
3. The City of Winner has the power to borrow money for authorized purposes within the constitutional limitations for municipal indebtedness, and to issue its bonds under conditions provided by State law after proper authorization.

Powers as a Legal Corporation

1. The City of Winner has the power to sue and be sued.
2. The City of Winner has the power to acquire by lease, purchase, gift, condemnation or other lawful means, real and personal property, easements, and rights of way within or without its corporate limits.
3. The City of Winner has the power to lease, sell, give and convey any personal or real property of the municipality, by resolution of the council, to the state or any public corporation to be used for any authorized public purpose.
4. The City of Winner has the power to sell, trade, destroy, or otherwise dispose of any land, structures, supplies, equipment, or other property which the council has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired.

Power to Maintain Facilities

1. The City of Winner has the power to construct, operate, and maintain all necessary public buildings.
2. The City of Winner has the power to establish, maintain, and regulate its own jail.
3. The City of Winner has the power to construct, operate, and maintain any power facilities as determined by the council; to purchase electric current from outside the municipality; and to sell municipally generated electric current and maintain transmission lines for such purposes within and without the municipality.
4. The City of Winner has the power to construct, acquire, operate, maintain, and regulate a system of waterworks and other necessary facilities, to dispose of surplus water to districts, subdivisions, and areas outside the municipality, and to assess, levy, and collect taxes and special assessments for such purposes, and may appropriate funds and levy taxes to accumulate funds for such purposes.
5. The City of Winner has the power to acquire, establish, construct and maintain main, trunk, sanitary, storm, and service sewers and sewage treatment facilities, lagoons, drains, and manholes; and to establish connection of the main sewer to all benefited property within and without the municipality as determined by the council.

6. The City of Winner has the power to establish, improve, maintain, and regulate public parks, public squares, parkways, boulevards, swimming pools, and other facilities as determined by the council.

7. The City of Winner has the power to establish, improve, maintain and regulate a municipal airport as determined by the council.

8. The City of Winner has the authority to establish and maintain a municipal library, or to donate funds to any other governmental or private entity that maintains a public library that is available for use by the citizens of the city.

9. The City of Winner has the power to establish, maintain, and operate golf courses, tennis courts, ball grounds, and other athletic amusements, and necessary facilities as a part of its park system.

10. The City of Winner has the authority to regulate parking upon all areas of the public streets within the municipality.

11. The City of Winner has the power to acquire, improve, equip, operate, maintain, and regulate parking lots and areas for the off-street parking of vehicles.

12. The City of Winner has the power to collect, dispose of, and regulate the manner of handling garbage and other waste material, or to issue one or more contracts for such services.

Power to Adopt Ordinances

1. The City of Winner has the power to enact, make, amend, revise, or repeal all ordinances, resolutions, and regulations which are proper and necessary for the powers granted, and provide for the punishment of each violation by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days or by both.

Police Powers

1. The City of Winner has the power to regulate the municipal police and to pass and enforce all necessary police ordinances.

2. The City of Winner has the power to exercise jurisdiction for authorized purposes over all municipal territory, whether within or without its corporate limits, for the purpose of promoting the health, safety, morals, and general welfare of the community. The territorial jurisdiction is within one mile of the corporate limits or of any public ground or park belonging to the municipality outside the corporate limits.

3. The City of Winner has the power to preserve the peace, to prevent disorderly conduct, and to prevent and suppress riots, affrays, noises, disturbances, and disorderly assemblies.

4. The City of Winner has the authority to prohibit or regulate the transaction of business in alcoholic beverages and the use and consumption of alcoholic beverages within the parameters set forth in South Dakota Codified Laws Title 35.
5. The City of Winner has the power to regulate the use of motor vehicles, bicycles, and other mobile means of transportation or hauling within the municipality; to regulate traffic and sales upon the streets, sidewalks, and in public places; to regulate and prohibit the use of streets, sidewalks, and public grounds for signs, sign posts, awnings, flying of flags or banners, posting bills and advertisements, the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills; to regulate the use of sidewalks, streets, alleys, parks, and public places with regard to usage and maintenance; and to designate and require the use of routes of travel of municipal streets and highways for commercial motor carriers, trucks, and busses.
6. The City of Winner has the power to require the owner of abutting property to remove ice, snow, and refuse from sidewalks, and weeds from parking areas, and to provide for their removal and payment by special assessment against the property involved.
7. The City of Winner has the authority to declare what constitutes a nuisance and prevent, abate, and remove the same; and to obtain a judgment through civil action against the owner or occupant of the real property on which a public nuisance has occurred for the cost of abating a public nuisance.
8. The City of Winner has the power to prevent the pollution or injury to the public water supply.
9. The City of Winner has the power to regulate or prohibit the running at large of dogs, animals, and poultry, to establish pounds, appoint animal control officers, regulate the impounding of animals, to impose a tax or license on dogs running at large and to prohibit and punish cruelty to animals.
10. The City of Winner has the power to authorize officers to examine all types of buildings during reasonable hours to ascertain whether such are in dangerous condition, and to provide for remedying such conditions; to prescribe the manner of constructing buildings; to regulate the construction, installation, and inspection of electrical wiring and appliances, as well as gas piping, fittings, and appliances.
11. The City of Winner has the power to authorize, conduct and maintain a 911 Emergency Reporting System.

Power to License and Regulate

1. The City of Winner has the power to fix the amount, terms, and manner of issuing and revoking licenses that are authorized or required by ordinance.
2. The City of Winner has the power to tax, license, and regulate secondhand, salvage and junk dealers; transient merchants, gift enterprises, and similar businesses; hawkers, peddlers, pawn brokers, ticket scalpers, and similar agencies.

3. The City of Winner has the power to license, tax, and regulate exhibitions, shows, and amusements; and to license, tax, regulate, or prohibit public dances and/or public dance halls.

4. The City of Winner has the power to regulate and provide for the lighting of streets, erection of utility posts, poles and towers; to regulate or prohibit the installation of utility equipment within the municipality; and to grant the rights and franchises for such purposes and to regulate them; to regulate openings in streets or alleys for utility installations; to regulate and provide for the laying of water and sewer connections to the lot line and to assess the costs as special assessments; to regulate and supervise the construction, repair, and use of hydrants, pumps, sewers, and gutters; to provide for the specification of improvements, openings, and connections with regard to street lighting equipment, and the grade of roads, streets, alleys, sidewalks, and public grounds; and to provide for, and regulate, crosswalks, curbs, gutters, and drains.

5. The City of Winner has the power to name and change the name of any street, avenue, alley, or other public place and to regulate the numbering of houses and lots.

6. The City of Winner shall have exclusive jurisdiction by ordinance to regulate, prohibit, and consent to construction, installation, operation, and maintenance of CATV (Cable TV) systems within the corporate limits.

Joint Exercise of Governmental Powers

The City of Winner may jointly exercise any power, privilege, or authority except the power to tax with any other public agency of the state.

The City of Winner may enter into joint action or cooperation by way of appropriate resolution, ordinance or other means pursuant to the law by all parties involved.

The City of Winner may, with one or more other political subdivisions, establish a joint entity for economic development purposes or to provide greater efficiency or improved services among the participating political subdivisions.

IN WITNESS WHEREOF, these By-Laws have been adopted by the City Council of the City of Winner, South Dakota, this 6th day of February, 2017.

ATTEST:

Finance Officer

Mayor

Motion by Schramm, second by Baker to place on second reading for passage and approval of Ordinance #877 an ordinance amending Chapter 12, Article 7 of the Winner Municipal Code by amending section 01 and 03 thereof; motion carried.

Motion by Schramm, second by Brozik to set a public hearing on Tuesday February 21st at 12:05pm for a variance request for setback regulations for Morey Monk at 1018 E Park on a deck request; motion carried.

Motion by Curtis, second by Baker to set a public hearing on Tuesday February 21st at 12:10pm for a conditional use permit application to place a storage shed at 841 W 6th St on a vacant lot for Zane Hamiel; motion carried.

Motion by Curtis, second by Meyer to transfer from the light to light reserve in the financial statement the amount of \$103,000 to replace the money that was transferred to sewer on 2016 to pay for emergency repair on West 6th Street; motion carried.

Motion by Meyer, second by Curtis to approve the engineering agreement for lagoon repairs and Waste water lift station rehabilitation projects with SPN Engineering of Mitchell SD; motion carried.

Motion by Schramm, second by Brozik to amend Ordinance #878 by adding a stop sign on East Park when crossing 5th Street; this will make a 4 way stop intersection motion carried.

Motion by Meyer, second by Brozik to place on first reading Ordinance #878 an ordinance amending Chapter 7, Article 2, section 5 of the Winner Municipal Code to provide for additional stop signs; motion carried.

Motion by Curtis, second by Baker to advertise for summer labor, pool staff, etc. motion carried.

Motion by Meyer, second by Baker to advertise for misc. concrete bids for the contract of 2017; motion carried.

Motion by Schramm, second by Curtis to advertise for chip seal bids for summer 2017 project; motion carried.

Motion by Schramm, second by Brozik to accept and pay claims as amended and to instruct Finance Officer to issue warrants on the respective funds; motion carried; motion carried.

Mayor & Council-4,500.00; Finance Office-4,949.25; Police-19,462.02; Jail-42,151.67; Street-8,686.80; Parks-3,315.86; Planning & Zoning-2,086.00; 911-17,048.51; Water-3,604.15; Light-17,620.67; Sewer-3,859.84; Sanitation-1,653.70; 24/7-4,074.70; Taxes on payroll-33,777.20

Claims: Accent Florals-35.94-Funeral flowers/plaque;Anthem Sports-4,914.42-Bleachers for Leahy Bowl;A-Ox Welding Supply-19.28-Gas;Appara #12618-388.38-Mats,air freshener,towels,mops;Appara #4777-116.02-Towels, mops and mats;Audiology Associates-25.00-Hearing test - M Hagenlock;Automate-212.43-Bolts,headlights,fan belt,seals,wiper blades;Badger State Recovery-35.00-Recycling containers;Bob Barker-1,324.78-Shoes, suits;Border States Electric-998.10-100 amp meter can,lights;Brent Gill-36.30-Gas reimb;Calvin Cerv-13.21-Meal reimb;CBM Managed Services-8,294.85-Food Services;City of Winner-18,592.43-Utilities;Country Pride Coop-5,749.45-Gas,diesel,propane;Craig Vogt-40.00-Per diem;Dakoa Embroidery-266.82-Uniforms B. Gill, C. Cudmore, R. Furness;Dakota Fluid Power-108.21-H/P ball valve;Dakota Supply Group-375.26-Recording meter;Daktronics-4,082.00-Scoreboard at Baileys;Danny Ayers-13.09-Meal reimb;Ditch Witch of South Dakota-109.43-Filters;Frontier Motors-767.24-Filter,sensor,repairs;Golden Protective Services-247.59-Nitrile exam gloves;GoldenWest Technologies-195.00-Datto network storage;GoldenWest Telecommunications-2,981.82-Phone service,loops,internet;Harry K Ford-28,229.00-2017 Ford Super Crew;Harry K Napa-394.20-Oil filter,seat cover,batteries,brake pad;Heartland Waste-36,365.13-Contract;Helms & Associates-7,161.03-Airport Apron Expansion;Josh Anderson-133.11-Uniforms;Kleen Solutions-69.95-Dishmachine lease;KSG-375.00-Door stickers,light plant decals;Light and Siren-894.28-Amber strobe lights;Lil Feller-

29.67-Fire dept gas;Mathis Implement-443.35-Blades for airport tractor;Mead Lumber-204.53-Door and lumber;MEMS Embroidery-30.00-Uniform repairs;Minnesota Municipal Utilities Assoc-1,110.00-Meter school registration;Neve's-210.60-Duty gear;Office Products Center-2,176.98-Ribbon,paper,toner,ink,DVD's,label tape;Omni-Pro Software-275.00-SCADA alert dialer;Outlaw Ace Hardware-183.18-Batteries,gloves,paint,batteries,hole saw;PCM-G-431.47- Hard drives,shredder,mouth piece;Phamatech-798.00-UA cups;Postmaster-362.75-Monthly billing;Prairie Pest Control-85.00-Pest control;Ramada-192.00-Rooms for meter school;Ramkota Hotel-411.96-2 rooms for 2 nights;Runnings-750.49-Faucet wrench,vacuum,heater,water,hydrant;Schmidt and Associates-100.00-Annual fee for drug testing;Schmucker Paul Nohr & Associates-4,335.00-8th & Liberty and 6th & Liberty Water/Sewer;SD Association of Rural Water Sys-750.00-Annual dues;SDDOT-Office of Air,Rail & Transit Aeronautics-170.00-Registration fees;SDML-40.00-Municipal Government day registration fees;Shopko #0013-140.24-Office supplies,ink;South Dakota Municipal Electrical Assoc-150.00-Registration fees;South Dakota State Treasurer-116.64-January misc sales tax;South Dakota State Treasurer-30,592.80-January sales tax;State of SD/Attorney General-238.00-SCRAM payment;Stuart C Irby-8,739.00-Wire,break-away base,uniforms,pole;Tripp and Todd Title Company-320.00-Search fees;Tripp County Sheriff-50.00-Small claims delivery;True Value-333.56-Cleaning supplies,paint,keys,racks;Tyson Steskal-24.00-Per diem;Verizon Wireless-1,021.51-Cell phones;W.W. Tire-448.83-Tires and tire repairs;Wellmark Blue Cross Blue Shield of SD-2,231.20-Annual fees;Wells Fargo - P Schueth-50.30-Transport expenses;Wells Fargo - R Augspurgen-441.07-Supplies,trainings,camera;Wells Fargo - T Sinclair-110.04-Transport expenses;Wesco-1,685.90-Locates and uniforms;Willrodt Motor Co., Inc-450.17-Motor parts for grasshopper;Winner Food Center-63.48-Office supplies;Winner Publishing-742.60-Legal newspaper;Winner Publishing-78.00-2 year subscription renewal;Winner Welding-176.40-Sheet metal and iron;Dave Howard-562.35-Contract, internet;National Rural Water Assoc-434.52-Lease Purchase;Nick Lapsley-150.00-Animal control;Wendy Schmaltz-150.00-Animal control;Winner Fire Department-300.00-Maintenance;Winner School District-1,870.60-Lease

Motion by Baker, second by Curtis to enter into executive session at 7:10 pm for a contract issue; motion carried.

Motion by Schramm, second by Baker to exit executive session at 8:10pm and re-enter regular council; motion carried.

Motion by Schramm, second by Baker to move Communications 911 Supervisor Deb Bice from hourly back to salary as of February 6th 2017; motion carried.

Motion by Schramm, second by Brozik to have the water and sewer tap fees waived, move the electrical poles on property and provide the sewer man hole needed for the sewer connection for the construction of the new Runnings Supply Store; motion carried.

Motion by Baker, second by Curtis to adjourn at 8:25 P.M.; motion carried.
Meeting adjourned.

Frank Finney, Mayor
ATTEST:

Finance Officer, Rhonda Augspurgen

The City of Winner is an equal opportunity provider and employer.

For any public notice that is published one time:
Published once at the approximate cost of _____.