

**CITY OF MADISON  
BOARD OF COMMISSIONERS PROCEEDINGS  
MADISON, SD 57042**

23 November 2015  
Regular

The Board of Commissioners of the City of Madison met in regular session the 23<sup>rd</sup> day of November with the following members present on roll call: Mayor Lindsay and Commissioners Corbin, Johnson, Thill and Waldner.

Motion by Commissioner Johnson to approve and publish the minutes from November 16<sup>th</sup>, second by Commissioner Thill. Motion carried unanimously.

Motion by Commissioner Johnson to approve the agenda for November 23<sup>rd</sup>, second by Commissioner Waldner. Motion carried unanimously.

Motion by Commissioner Corbin to acknowledge Proposed Resolution No. 2015-13 – Declare the Necessity for Sidewalk Improvement 2016 and set the date of hearing for December 14<sup>th</sup> at 5:35pm. Motion seconded by Commissioner Johnson. Motion carried unanimously.

**PROPOSED RESOLUTION NO. 2015-13**

**A RESOLUTION TO DECLARE THE NECESSITY FOR SIDEWALK IMPROVEMENT 2016**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That the City hereby declares the necessity of constructing sidewalks within the City of Madison located adjacent to the following streets as noted below:

1. Project 1 – 4<sup>th</sup> Street SE from Washington Avenue to Egan Avenue as follows:

Lot Twelve (12) in Block Two (2) of Frautschy's Addition to Madison, South Dakota

The North Fifty Feet (N50') of Lot One (1) Block Two (2) Frautschy's Addition to Madison, Lake County, South Dakota

Lot 12 in Block 1 of Frautschy's Addition of Madison, Lake County, South Dakota

The West Seventy Feet (W70') of Lot One (1) in Block One (1) of Frautschy's Addition to the City of Madison, Lake County, South Dakota

Lot One (1), Except the West Seventy Feet (W70'), Thereof, of Block One (1) of Frautschy's Addition to the City of Madison, South Dakota

2. Project 2 – Egan Avenue South from 4<sup>th</sup> Street to 10<sup>th</sup> Street excluding properties with multi-use trail adjacent thereto as follows:

The South Half (S1/2) of Lot Sixteen (16) Except the North 12 Feet Thereof, and the North 62 1/2 Feet of Lot Seventeen (17) in County Auditor's Third Addition to Madison, Lake County, South Dakota

The East Two Hundred Twenty-Seven Feet (227') of Lot Thirty (30) Except the South Two Hundred Sixty-Nine Feet (269') Thereof in County Auditor's Third Addition to Madison, Lake County, South Dakota

Lot Thirty (30) Except the North One Hundred Fifty-Three Feet (N153') and All of Lot Thirty One (31) in County Auditor's Third Addition to the City of Madison, South Dakota

3. Project 3 – Middle and High School (Priority No. 1 – 2 blocks) as follows:

Lot Two (2) in Block Two (2) of McDonald's Fourth Addition to Madison, Lake County, South Dakota

Lot Thirteen (13) in Block One (1) of McDonald's Fourth Addition to the City of Madison, Lake County, SD

Lot Seven (7) in Block Three (3) of Muggly's Second Addition to Madison, Lake County, South Dakota

Lot One (1), Block Two (2), Northland Heights Addition to Madison, Lake County, South Dakota

Lot Fifteen (15) in Block One (1) in Northland Heights Addition to Madison, Lake County, South Dakota

Lot Ten (10), Block Three (3), Northland Heights Addition to Madison, Lake County, South Dakota

Lot Sixteen (16), Block One (1), Northland Heights Addition to the City of Madison, Lake County, South Dakota (on the south side only)

All of Lot 3, and the North 50 Feet of Lot 2, and All of Lot 20, all in Block 1 of Northland Heights Addition to Madison, Lake County, South Dakota

Lot Twenty One (21) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota (on the south side only)

Lot Four (4) in Block Three (3) of Northland Heights Addition to Madison, Lake County, South Dakota

Lot One (1) and the North Thirty-Five Feet (N35') of Lot Two (2) in Block Three (3) of Northland Heights Addition to City of Madison, According to the Recorded Plat Thereof

Lot One (1) and the South 25 Feet of Lot Two (2) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota

Lot Seven (7) in Block Six (6) of Baldwin's Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lots One (1) and Two (2), Block Seven (7), Baldwin's Addition to the City of Madison, Lake County, South Dakota

Lot Seven (7) in Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota

Lot One (1) and the North 10 Feet of Lot Two (2) in Block Three (3) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Six (6) Except the North 20 Feet, and All of Lot Seven (7), Block Two (2), Garner's First Addition to Madison, South Dakota (on the west side only)

The West 71 Feet of the South 131.7 Feet of the North 331.7 Feet of Block Five (5) of Walker's First Addition to Madison, South Dakota; and the West 3 Feet of the East 65 Feet of the West 136 Feet of the South 131.7 Feet of the North 331.7 Feet of Block Five (5) of Walker's First Addition to Madison, South Dakota

Lot One (1) in Block Four (4) of Northland Heights Addition to the City of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof, Subject to Easements and Restrictions of Record

East Sixty-Five Feet (E65') of the West One Hundred Thirty-Six Feet (W136') of the South One Hundred Thirty-One and Seven Tenths Feet (S131.7') of the North Three Hundred Thirty One and Seven Tenths Feet (N331.7) of Block Five (5), Walker's First Addition to Madison, Lake County, South Dakota

The South 40 Feet of Lot Five (5) and the North 20 Feet of Lot Six (6) in Block Two (2) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Four (4) and the North Ten Feet (N10') of Lot Five (5) in Block Two (2) of Garner's 1<sup>st</sup> Addition to City of Madison, According to the Recorded Plat Thereof

The South Ten Feet (S10') of Lot Three (3) and All of Lot Four (4), in Block Five (5) of Garner's First Addition to City of Madison, Lake County, South Dakota

Lot Three (3) in Block Two (2) of Garner's First Addition to Madison, Lake County, South Dakota

Lots One (1) and Two (2) in Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot One (1) and Lot Two (2) Block Five (5) of Garner's First Addition to Madison, Lake County, South Dakota

Lot Ten (10) in Block One (1) of Northland Heights Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

4. Project 4 – Elementary School (Priority No. 1 – 2 Blocks) as follows:

The East 136 Feet of the North 355 Feet of Block 28 of Smith and Trow's Summit Addition to Madison, Lake County, South Dakota

The South 80 Feet of Lot One (1) of Ed Hansen's Addition to Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

The West Half (W1/2) of Block Twenty Six (26) of Smith and Trow's Summit Addition to Madison, South Dakota, Except the North One Hundred Forty Five Feet (N145') Thereof (on the south side only)

Lot Three (3) of Stoddard's Addition to Madison, South Dakota

Lot Two (2) of Stoddard's Addition to Madison, South Dakota

Lot 1, Stoddard's Addition, City of Madison, Lake County, South Dakota

The East 77 Feet of the West 213 Feet of Lots Three (3) and Four (4) of Block Seven (7) of Kennedy's Subdivision of Blocks Four (4), Five (5) and Six (6) and the North Half (N1/2) of Block Seven (7) of Kennedy's Second Extension of Madison, and the North 20 Feet of the South Half (S1/2) of Block Seven (7), Except the West 40 Feet Thereof, and Except the East 136 Feet Thereof, of Kennedy's Second Extension of Madison; and the South 80 Feet of the South Half (S1/2) of Block Seven (7) Except the East 136 Feet Thereof, and Except the East 210 Feet of the South 17 1/2 Feet Thereof, of Kennedy's Second Extension to Madison, All in Lake County, South Dakota

The West 136 Feet of Lots Three (3) and Four (4) in Block Seven (7) of Kennedy's Subdivision of Blocks Four (4), Five (5) and Six (6) and the North Half (N1/2) of Block Seven (7) of Kennedy's Second Extension of Madison, Lake County, South Dakota

All of that Part of the Vacated Alley (14' Wide) Lying Between the West Seventy-Five Feet (W75') of Lot Five (5) and Lot Six (6) and West 1/2 of Lot Seven (7), and Also the South 1/2 (7') of that Part of the Vacated Alley Lying Adjacent to the North Side of Lot Five (5), All in Block Six (6) of Kennedy's Subdivision of Blocks Four (4), Five (5), Six (6), and the North 1/2 of Seven (7) of Kennedy's Second Extension to the City of Madison, Lake County, South Dakota

Lots Seven (7), Eight (8), and Nine (9) Except the East 75 Feet Thereof, Block One (1), Smith and Trow's Summit Addition to Madison, Lake County, South Dakota

The North One-Third (N1/3) of the Southeast Quarter (SE1/4) Except 14 Feet Through the Center North and South of Said Block Twenty-Six (26) to be Used as an Alley, and the South One-Third (S1/3) of the East Half (E1/2), All in Block Twenty Six (26) of Smith and Trow's Summit Addition to Madison, South Dakota

Lot Eighteen (18) in Block Three (3) of Williams Bros. Addition to Madison, Lake County, South Dakota

Lot Ten (10) of Rittger's Subdivision of Lot Nine (9) of County Auditor's Subdivision in the East Half of the East Half of the Northwest Quarter (E 1/2 E 1/2 NW 1/4) and Lot Seven (7) of County Auditor's Subdivision of the Northeast

Quarter (NE 1/4) of Section Six (6), Township One Hundred Six (106) North, Range Fifty Two (52), West of the 5th P.M.

Lot One (1) of Rittger's Subdivision, the same being a Plat of Lot Nine (9) of County Auditor's Subdivision of the East Half of the East Half of the Northwest Quarter of Section Six (6), and Lot Seven (7) of County Auditor's Subdivision in the Northeast Quarter of Section Six (6) in Township 106 North of Range 52 West of the 5th P.M., Lake County, South Dakota

Lot Two (2) of Rittger's Subdivision to City of Madison, According to the Recorded Plat Thereof

Lot Four (4) of Rittger's Subdivision, Madison, Lake County, South Dakota

Lot 5 and Lot 6 of Rittger's Subdivision, in Lake County, South Dakota

5. Project 5 – St. Thomas School (Priority No. 1 – 2 Blocks) as follows:

The West Eighteen Feet (W18') of Lot Nine (9), and All of Lot Ten (10), Block Twenty- Seven (27) of CB Kennedy's Subdivision of Blocks Twenty-Six (26) and Twenty-Seven (27), Kennedy's Second Extension to the City of Madison (on the north side only)

The South 140 Feet of Lot Seven (7) Except the East 10 Feet Thereof, Lot Eight (8) Except the North 125 Feet Thereof (Being the South 40 Feet of the Triangular Portion of Lot 8) and Lot Nine (9) Except the North 30 Feet Thereof (Being a Rectangular Parcel of Land Consisting of the South 140 Feet of Lots 7, 8, and 9 Except the East 10 Feet Thereof, Being 140 Feet North and South By 106.7 Feet East and West), All in Block Twenty Six (26) of Kennedy's Second Extension to Madison, Lake County, South Dakota

Lot Six (6) and the East Ten Feet (E10') of Lots Seven (7) and Eight (8) in Block Twenty-Six (26) and Twenty-Seven (27) of Kennedy's Second Extension of Madison

Lot Eight (8) and the East Thirty-Two Feet (E32') of Lot Nine (9) in Block Twenty Seven (27), CB Kennedy's Subdivision of Blocks Twenty Six (26) and Twenty Seven (27), Kennedy's Second Extension of Madison, South Dakota; and Lot Seven (7) in Block Twenty Seven (27), CB Kennedy's Subdivision of Block Twenty-Six (26) and Twenty Seven (27), Kennedy's Second Extension of Madison, South Dakota

Lot Five (5) of Block Twenty Six (26) of CB Kennedy's Subdivision of Blocks 26-27 of Kennedy's Second Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof; and the West Half (W1/2) of the Vacated Alley Lying Adjacent to the East Side of Lot Five (5), and the East Half (E1/2) of the Vacated Alley Lying Adjacent to the West Side of Lots Two (2), Three (3), and Four (4) of Block Twenty-Six (26) of CB Kennedy's Subdivision of Block Twenty Six (26) and Twenty Seven (27) of Kennedy's Second Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot 1 and the North 14 Feet of Lot 2 in Block 27 of CB Kennedy's Subdivision of Block 26 and 27 of Kennedy's Second Extension of Madison, Lake County, South Dakota

North One-Third (N1/3) of the West One-Half (W1/2) of Block Thirty (30) of Kennedy's Second Extension to City of Madison

The North One Third (N1/3) of the East One-Half (E1/2) of Block Thirty (30), Kennedy's Second Extension to the City of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

Lot Ten (10) and the West 10 Feet of Lot Nine (9) in Block Eleven (11) of Town Proprietor's First Addition to Madison, South Dakota

Lot Fourteen (14) in Block Eleven (11) of Town Proprietor's First Addition to the City of Madison, Lake County, South Dakota

Lot One (1) Except the North One Hundred Twenty-Four and Four-Tenths Feet (N124.4') of Kennedy's Third Addition to Madison, Lake County, South Dakota

The North 124.4 Feet of Lot One (1) of Kennedy's Third Extension to Madison, Lake County, South Dakota (on the north side only)

The West 68 Feet of the South 150 Feet of the West Half (W1/2) of Block 5 in Kennedy's Extension of Madison, Lake County, South Dakota (on the south side only)

The South Twelve Feet (S12') of Lot Two (2) and All of Lots Three (3) and Four (4), in Block Four (4), Smith & Trow's Summit Addition to the City of Madison, According to the Recorded Plat Thereof

The North Half (N1/2) of the West Half (W1/2) of Block Five (5) of Kennedy's Extension of Madison, and the Vacated Right of Way Lying Adjacent to the Side of Said North Half (N1/2) of the West Half (W1/2) of Block Five (5) of Kennedy's Extension of Madison, Lake County, South Dakota

The North One Hundred Thirty Feet (N130') of the Northwest Quarter (NW1/4) of Block Three (3) of Kennedy's Extension of Madison, Lake County, South Dakota, According to the Recorded Plat Thereof

The North Seventy Five Feet (N75') of the Northeast Quarter (NE1/4) of Block Three (3) of Kennedy's Extension to the City of Madison, Lake County, South Dakota

The East Seventy Four Feet (E74') of the North Eighty Three Feet (N83') in Block Ten (10); Also Described as the North Eighty-Three Feet (N83') of the East Half (E1/2) of Block Ten (10), Except the West Sixty-Two Feet (W62') Thereof, of Kennedy's Extension to Madison, South Dakota

The West Sixty-Two Feet (W62') of the North Eighty-Three Feet (N83') of the East Half (E1/2) of Block Ten (10) in Kennedy's Extension of City of Madison, According to the Recorded Plat Thereof

The West Sixty-Two Feet (W62') of the North Eighty-Three Feet (N83') of the East Half (E ½) of Block Ten (10) in Kennedy's Extension of the City of Madison, According to the Recorded Plat Thereof

All of Lots One (1) and Two (2) North of the Creek in Block Ten (10), Sullivan's Subdivision to Madison, Lake County, South Dakota

The South Half (S1/2) of the Southeast Quarter (SE1/4) of Block Five (5) of Kennedy's Extension to the City of Madison, According to the Recorded Plat Thereof

The East Sixty Eight Feet (E68') of the South One Hundred Fifty Feet (S150') of the West Half (W1/2) of Block Five (5) of Kennedy's Extension to the City of Madison, Lake County, South Dakota

The South One-Third (S1/3) of the Northwest Quarter (NW1/4) and the North One-Third (N1/3) of the Southwest Quarter (SW1/4) of Block Twenty-Eight (28) of Kennedy's Second Extension of Madison, South Dakota

The North One-Third (N1/3) of the West 136 Feet of Block Twenty Eight (28) of Kennedy's Second Extension of Madison, South Dakota

Lot Thirty-Two (32) in Block Three (3) of Town Proprietor's First Addition to the City of Madison

6. The owners of lots set forth in projects one (1) – five (5) above shall construct sidewalk at their own expense on or before July 15, 2016. The City Commission may extend the deadline for installation of the sidewalk in the event a construction project, including sidewalk, is being undertaken during 2016. Notice of the requirement to construct and deadline shall be provided to landowners as provided in SDCL 9-46-3.
7. Exempt from the requirement to construct sidewalk are those areas which presently have sidewalk or have asphalt pavement in the areas where sidewalk will be required. Said asphalt pavement may remain provided it is marked and striped with paint or other approved material as a designated walkway and where said areas are in a condition equal to the condition standards required for sidewalk.
8. The general nature of the construction and materials to be used are as follows:
  - a. Sidewalks shall be 4 feet 8 inches in width and run the entire length of the real property.

- b. Concrete shall be a minimum of 4 inches thick and shall include aggregate customarily used in this locale for concrete that will be exposed to the elements.
  - c. A gravel-based course with a minimum depth of 3 inches shall be used.
  - d. Location and grade shall be approved by the Office of the City Engineer.
9. Upon completion of construction the improvements shall become the responsibility of the landowner.
  10. If a retaining wall is determined necessary by the City Engineer, the City shall pay for the initial construction of all retaining walls. Construction shall not commence until approval of the specifications, plans, details and a minimum of two (2) bids are obtained from the Office of City Engineer. Reimbursement to the landowner of the wall shall be upon satisfactory completion of the retaining wall. No reimbursement for retaining wall construction shall be made unless, prior to construction, the specifications, plans, materials and bids are approved by the City Engineer. The City shall be responsible for the cost of installation of retaining walls if satisfactorily completed.
  11. The improvements for each affected real property may not be substantially uniform due to the need for retaining walls or other improvements/additional requirements necessary on some properties. The City shall be responsible for these additional costs if approval is given to the property owner in writing from the City Engineer prior to commencement of improvement.
  12. All work to be constructed by licensed contractors in accordance with standard City of Madison specifications which are on file and can be reviewed at the Office of City Engineer.
  13. If such sidewalk is not constructed, reconstructed or repaired in the manner and within the time prescribed hereinabove, then, pursuant to SDCL 9-46-4 the City of Madison, by Resolution, shall cause the work to be done and the cost thereof to be assessed against the lots affronting or abutting upon the sidewalks constructed, reconstructed or repaired as provided in SDCL 9-46-5 and subsequent sections.
  14. Landowner shall be responsible for obtaining any permits, permission or authorizations required by South Dakota Department of Transportation (SD DOT), for items including but not limited to, occupation of right-of-way and traffic control to include signage per SD DOT standards.
  15. The above-described improvement shall be herein referred to as Sidewalk Improvement 2016 which shall be deemed a description of the improvement as herein set forth.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

Motion by Commissioner Waldner to acknowledge the Madison Municipal Airport Board meeting minutes from November 17<sup>th</sup>, second by Commissioner Thill. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1574 – Water Service Application, Deposit, Payment of Charges, Penalties, Discontinuance, a second reading.

**ORDINANCE NO. 1574**

**AN ORDINANCE TO AMEND CHAPTER 22 – WATER, SEWERS AND SEWAGE DISPOSAL – ARTICLE 2 – WATER BY AMENDING SECTION 22-21 REGARDING SERVICE APPLICATION AND DEPOSIT AND SECTION 22-27 REGARDING PAYMENT OF THE USER’S WATER SERVICE CHARGES, PENALTIES AND DISCONTINUANCE OF SERVICE**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 22-21 and Section 22-27 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

**Sec. 22-21. Service application and deposit.**

- (a) Past due bills. No person owing the City for past water bills will be furnished with water service until all past due water bills owed to the City are paid in full.
- (b) Service application. Any person desiring water service from the City shall apply at the City Finance Office on an application provided for the purpose. A twenty dollar (\$20.00) application fee will be charged. This application fee will also be charged to present consumers re-establishing water service at a new location within the City.

It shall be unlawful for any person to take or use water from the City water distribution system without having made application and having paid the application fee to the City. No person shall turn on or shut off water at any valve, curb cock, corporation cock or other place regulating the supply of water to any premises or part of the waterworks system except duly authorized employees of the water department, provided, however, that any licensed plumber may turn on or shut off water for the purpose of testing his work but shall leave the valve or curb cock in the same position in which he found it.

**Sec. 22-27. Payment of the user's water service charges, penalties and discontinuance of service.**

- (a) Payment of water bills rendered shall be due by the date as listed on the utility bill, but in no event shall be less than 10 days from mailing by the City Finance Office. The rates shall be five (5) percent greater on accounts unpaid by the due date stated on the bill.
- (b) Consumers who are delinquent on their water bills will be immediately mailed a "Notice of Delinquent Account" which will detail the past due amount and additional penalty amount due. If payment is still not received at the City Finance Office by the time and date noted on the "Notice of Delinquent Account", all utility services to the consumer will be terminated by disconnection.
- (c) Payment Agreements may be negotiated with the City Finance Office and additional fees may be applied.
- (d) A water account which has been terminated by disconnection will be reinstated when requested by the customer and when all bills on said account have been paid in full, including a reconnect charge of fifty dollars (\$50.00) for residential customers or one hundred dollars (\$100.00) for commercial or industrial customers if the water service is reconnected during regular water department working hours or one hundred dollars (\$100.00) for residential customers or two hundred dollars (\$200.00) for commercial or industrial customers if the water service is reconnected after regular water department working hours.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015  
2<sup>nd</sup> Reading: November 23, 2015  
Published: November 25, 2015  
Effective: December 15, 2015

Motion for second reading of Ordinance No. 1574 was duly seconded by Commissioner Waldner. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1575 – Water Rates and Charges, a second reading.

ORDINANCE NO. 1575

AN ORDINANCE TO AMEND CHAPTER 22 – WATER, SEWERS AND SEWAGE DISPOSAL – ARTICLE 2 – WATER BY AMENDING SECTION 22-24 REGARDING RATES AND CHARGES

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 22-24 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

Sec. 22-24. Rates and charges.

- (a) The following rates (including a base rate and a surcharge pledged to the 2013 water revenue bond for improvements to the existing water purification plant) are hereby established for consumers taking water from the municipal water system of the City and billed on a monthly basis:

A base rate (determined by meter size), a unit rate of \$1.840 per hundred cubic feet and a surcharge of \$0.534 per hundred cubic feet shall apply to all consumers.

<u>Meter Size</u>	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
5/8" & 3/4"	\$ 17.58	\$ 4.52	\$ 22.10
1"	\$ 46.52	\$ 13.50	\$ 60.02
1 1/4"	\$ 67.60	\$ 19.62	\$ 87.22
1 1/2"	\$ 99.77	\$ 28.97	\$128.74
2"	\$171.03	\$ 49.66	\$220.69
3"	\$378.44	\$109.87	\$488.31
4"	\$575.51	\$167.08	\$742.59

- (b) In addition to the above base rate, all services after the first service that are connected to a master meter shall be charged a base rate of \$8.39 per dwelling unit plus a surcharge of \$1.86 per dwelling unit.
- (c) All customers residing outside of the City limits of the City of Madison shall pay fifty percent (50%) above the aforesaid rates.
- (d) Bulk tank loads purchased at the water treatment plant will be charged \$3.00 per 1,000 gallons.
- (e) The portion of the base rate described in paragraph (a) is to be utilized toward payment of the Lewis and Clark Water System as follows:

A rate of \$0.081 cents per hundred cubic feet shall apply.

<u>Meter Size</u>	<u>Base Rate</u>
5/8" & 3/4"	\$ .69
1"	\$ 1.81
1 1/4"	\$ 3.00
1 1/2"	\$ 4.42
2"	\$ 7.60
3"	\$ 16.81
4"	\$ 25.57

- (f) The surcharge shall remain in effect until the date on which the 2013 water revenue bond and any obligations issued or incurred to refund the bond are paid in full, now scheduled to be year-end 2028.
- (g) Rates and charges as imposed under this ordinance shall be reflected on utility bills mailed to users in December 2015 and thereafter and due and payable in January 2016 and thereafter.

Dated this 23<sup>rd</sup> day of November, 2015.

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015  
2<sup>nd</sup> Reading: November 23, 2015  
Published: November 25, 2015  
Effective: December 15, 2015

Motion for second reading of Ordinance No. 1575 was duly seconded by Commissioner Johnson. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1576 – Electric Application, Deposit, Discontinuance, Reconnection, Customer Classification, a second reading.

**ORDINANCE NO. 1576**

**AN ORDINANCE TO AMEND CHAPTER 7 – ELECTRICITY AND ELECTRICIANS – ARTICLE 3 – MUNICIPAL LIGHT DEPARTMENT BY AMENDING SECTION 7-37 REGARDING APPLICATION FOR SERVICE, SECTION 7-39 REGARDING DEPOSIT, SECTION 7-44 REGARDING DISCONTINUANCE AND RECONNECTION OF SERVICE AND SECTION 7-52 REGARDING CUSTOMER CLASSIFICATION**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 7-37, Section 7-39, Section 7-44 and Section 7-52 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

**Sec. 7-37. Application for service.**

- (a) Past due bills. No person owing the City for past electric bills will be furnished with electric service until all past due electric bills owed to the City are paid in full.
- (b) Service application. Any person desiring electric service from the City shall apply at the City Finance Office on an application provided for the purpose. A twenty dollar (\$20.00) application fee will be charged. This application fee will also be charged to present consumers re-establishing electric service at a new location within the City.
- (c) Owner of rental. The owner of a rental house, apartment or mobile home may request that the utility account automatically be placed in his name when the tenant closes the account. Such request shall be in writing. If the owner does not desire electric service to the premises when a tenant closes the account, the service will be disconnected without notice to the owner.

**Sec. 7-39. Deposit.**

- (a) Residential customers will be required to make a two hundred dollar (\$200.00) deposit upon application for service. Commercial and industrial customers will be required to make a deposit upon application for service in an amount equal to two (2) times the highest electric billing in the past twenty-four (24) months at the same or comparable service address.
- (b) Residential, commercial and industrial customer deposits may be waived if the customer can provide a letter of reference disclosing information as required by the City from another electric, water or gas utility. A deposit may also be waived if the customer has a current City utility account reflecting 12 months of satisfactory payment history including no disconnections, no late payments or penalties and no outstanding balances.

- (c) Deposits will be applied to customer utility accounts when service is discontinued or following 12 months of satisfactory payment history including no disconnections, no late payments or penalties and no outstanding balances. A deposit may again be required if a customer's account is delinquent two or more times in any 12-month period.

**Sec. 7-44. Discontinuance and reconnection of service.**

- (a) Consumers who are delinquent on their electric bills will be immediately mailed a "Notice of Delinquent Account" which will detail the past due amount and additional penalty amount due. If payment is still not received at the City Finance Office by the time and date noted on the "Notice of Delinquent Account", all utility services to the consumer will be terminated by disconnection.
- (b) Payment Agreements may be negotiated with the City Finance Office and additional fees may be applied.
- (c) An electric account which has been terminated by disconnection will be reinstated when requested by the customer and when all bills on said account have been paid in full, including a reconnect charge of fifty dollars (\$50.00) for residential customers or one hundred dollars (\$100.00) for commercial or industrial customers if the electric service is reconnected during regular electric department working hours or one hundred dollars (\$100.00) for residential customers or two hundred dollars (\$200.00) for commercial or industrial customers if the electric service is reconnected after regular electric department working hours.

**Sec. 7-52. Customer classification.**

- (a) Residential customer classification. An electric account shall be deemed to be a residential account for billing purposes for any single phase alternating current electric service at standard City voltages for residential and church uses when all electric service is measured by one meter. The residential accounts shall include individually metered single family dwellings, individual mobile home units or to each dwelling unit of apartment houses, condominiums or other multiple family dwelling units. A dwelling unit shall be defined as follows: "One or more rooms located in a dwelling that are used as living quarters for one family only. Each dwelling unit contains one and only one set of kitchen facilities." Any property located in a residential zone of the City which conducts a home occupation as defined in the City Zoning Ordinance shall be considered residential for the purpose of this electric ordinance.
- (b) Commercial customer classification. An electric account shall be deemed to be a commercial account for billing purposes for consumers with single phase service or three phase power service only if said three phase power service demand does not exceed fifty kilowatts integrated over a thirty minute time interval two or more times within the preceding calendar year. In addition, the commercial classification shall be applicable to multiple family dwellings, apartment houses and mobile home courts where the respective dwelling units are not individually metered but rather metered at a central location.
- (c) Industrial customer classification. An electric account shall be deemed to be an industrial account for billing purposes when the consumer's monthly peak power demand exceeds fifty kilowatts integrated over a thirty minute time interval two or more times within the preceding calendar year. However, a customer in the industrial class who does not reach sixty-five kilowatts two times within the preceding calendar year may request to be moved to the commercial class with said request to be considered and acted upon by the Mayor, Utilities Commissioner and Electric Utilities Director.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015  
2<sup>nd</sup> Reading: November 23, 2015  
Published: November 25, 2015  
Effective: December 15, 2015

Motion for second reading of Ordinance No. 1576 was duly seconded by Commissioner Thill. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1577 – Electric Rates and Charges, a second reading.

**ORDINANCE NO. 1577**

**AN ORDINANCE TO AMEND ORDINANCE NO. 1562 AS PROVIDED IN CHAPTER 7 – ELECTRICITY AND ELECTRICIANS – ARTICLE 3 – MUNICIPAL LIGHT DEPARTMENT – SECTION 7-42 RATES AND CHARGES**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 7-42 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, requires the City to set rates and charges for electric service by Ordinance and that Ordinance No. 1562 be amended to read as follows:

**SECTION 1**

From and after the effective date of this ordinance, the electric rates shall consist of two components: a base rate and a separate surcharge for the benefit of the Improvements to the electric utility system. The City shall account for the revenues derived from the base rate and the surcharge separately, but the surcharge shall not be required to be shown separately on the electric utility bills to users of the electric utility. The costs of the Improvements and the Bonds incurred by the City to finance or refinance the Improvements shall be paid solely from the revenues produced by the surcharge and not from the general revenues of the electric utility, provided that the City may from time to time advance moneys from the general revenues of the electric utility to pay costs of the Improvements, but any moneys so advanced shall be repaid from surcharge collections within one year of the date of each such advance.

**SECTION 2**

Monthly usage by each customer, based on meter readings, shall be charged as to the below rate schedules hereby amended to read:

(a)	Residential and Church Rates	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
	1. Monthly Service Charge	\$21.12	\$ .66	\$21.78
	2. Plus Energy Charge (per KWH)	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
	0 - 1000 KWH	\$.09501	\$.00506	\$.10007
	Over 1000 KWH	\$.07558	\$.00364	\$.07922
	3. Minimum Charge per Month per Service \$21.78.			
	4. Residential Customer Classification			
	The residential rates set forth above shall be applicable to single phase alternating current electrical service at standard City voltages for residential and church uses within the City limits when all electrical service furnished under the above schedule is measured by one meter. The above rates shall not apply to shared or resale service. The residential rates shall be available to individually metered single family dwellings, individual mobile home units or to each dwelling unit of apartment houses, condominiums or other multiple family dwelling units. A dwelling unit shall be defined as follows: "One or more rooms located in a dwelling that are used as living quarters for one family only. Each dwelling unit contains one and only one set of kitchen facilities." Any property located in a residential zone of the City which conducts a home occupation as defined in the City Zoning Ordinance shall be considered residential for the purpose of this electric rate ordinance.			

(b)	Commercial Rates	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
	1. Monthly Service Charge	\$25.21	\$0.74	\$25.95

2. Plus Energy Charge (per KWH)	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
0 - 2000 KWH	\$.13099	\$.00660	\$.13759
Over 2000 KWH	\$.08232	\$.00400	\$.08632

3. Minimum Charge per Month per Service \$25.95.

4. Commercial Customer Classification

The commercial rates set forth above shall be available to all eligible commercial customers residing within the City limits and shall be applicable to single phase service or three phase power service only if said three phase power service demand does not exceed fifty kilowatts integrated over a thirty minute time interval two or more times within the preceding calendar year. In addition, the commercial rates shall be applicable to multiple family dwellings, apartment houses and mobile home courts where the respective dwelling units are not individually metered but rather metered at a central location.

(c) Industrial Rates	<u>Base Rate</u>	<u>Surcharge</u>	<u>Total</u>
1. Monthly Service Charge	\$25.95	\$1.15	\$27.10
2. Plus Demand Charge (per KW)	\$13.47	\$1.64	\$15.11
KW levels will be determined by calculating the higher of the actual KW peak or 50% of the highest KW peak within the last twelve months.			
3. Plus Energy Charge (per KWH)	\$0.03730	\$0.00335	\$.04065

4. Plus Power Factor Charge

If metered reading averages less than ninety-five percent (95%) at the point of delivery for the month, the metered demand will be increased by multiplying the metered demand by ninety-five percent (95%) and thereafter dividing by the average power factor reading expressed in percent as illustrated in the following formula:

If power factor is less than ninety-five percent (95%),  
then adjusted billing demand =  $\frac{\text{demand} * 95\%}{\text{power factor } \%}$   
otherwise demand = demand

5. Minimum Charge per Month per Service \$27.10.

6. Industrial Customer Classification

The industrial rates set forth above shall be available to all industrial customers residing within the City limits and shall be applicable when the customer's monthly peak power demand exceeds fifty kilowatts integrated over a thirty minute time interval two or more times within the preceding calendar year. However, a customer in the industrial class who does not reach sixty-five kilowatts two times within the preceding calendar year may request to be moved to the commercial class with said request to be considered and acted upon by the Mayor, Utilities Commissioner and Electric Utilities Director.

Electrical customers residing outside the City limits shall be identified and classified by the Electric Utilities Director as either residential, commercial or industrial customers as defined above. Said customer's electrical utility bill shall be subjected to a twenty percent (20%) surcharge in addition to the bill as determined in the respective customer classification.

Electrical energy supplied to various schools will be charged at the rate as determined in the respective customer classification.

Electrical energy supplied to various City buildings and facilities shall be charged and paid for by the respective City departments at the rate as determined in the respective customer classification.

**SECTION 3**

Monthly charges for each lamp of Security Lighting shall be charged as to the below hereby amended to read:

- (a) 0 - 249 Watt \$ 9.00
- (b) 250 - 399 Watt \$14.50
- (c) 400 - 499 Watt \$18.00
- (d) 500+ Watt calculated based on total connected wattage

**SECTION 4**

Monthly credits to customers for electric load management participation shall be applied as to the below hereby amended to read:

- (a) **Water Heater Credit**  
All customers with an actively used and operable electric water heater who participate in the City’s load management program will be eligible for a \$.01000 per KWH credit on the electric bill on a twelve month basis for that portion of electrical energy usage per month between 50 KWH and 800 KWH with a maximum eligible monthly credit of \$7.50 per dwelling unit.
- (b) **Air Conditioner Credit**  
All customers with an actively used and operable 220-volt air conditioner who participate in the City’s load management program will be eligible for a \$.02500 per KWH credit on the electric bill for the months of July, August and September for that portion of electrical energy usage per month between 300 KWH and 1200 KWH with a maximum eligible monthly credit of \$22.50 per dwelling unit.
- (c) **Electric Heat Credit**  
All customers with a minimum 4 KW electrical heating system (baseboard, furnace, blowers, etc.) that is actively used and operable who participate in the City’s load management program for partial/cycling control will be eligible for a \$.02500 per KWH credit on the electric bill for the months of December, January and February for that portion of electrical energy usage per month between 300 KWH and 1200 KWH with a maximum eligible monthly credit of \$22.50 per dwelling unit.
- (d) **Off-Peak Usage Rates**  
All customers shall be offered a discounted rate of \$.04283 per KWH for electrical energy usage for that energy provided to approved dual fuel heating system customers and other specific commercial or industrial loads that can be interrupted at the convenience of the City without advance notice to said customer. Said electrical energy usage will be metered on a separate meter. Upon application and agreement for the off-peak usage rate, the Electric Utilities Director will authorize the installation of an additional meter to monitor the off-peak energy usage.

**SECTION 5**

Rates, charges and credits as defined under this ordinance shall be reflected on utility bills mailed to customers in December of 2015 and thereafter and due and payable in January of 2016 and thereafter.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015  
2<sup>nd</sup> Reading: November 23, 2015  
Published: November 25, 2015  
Effective: December 15, 2015

Motion for second reading of Ordinance No. 1577 was duly seconded by Commissioner Waldner. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1578 – Payment of User’s Wastewater Service Charges, Penalties, Discontinuance, a second reading.

**ORDINANCE NO. 1578**

**AN ORDINANCE TO AMEND CHAPTER 22 – WATER, SEWERS AND SEWAGE DISPOSAL – ARTICLE 3 – SEWERS AND SEWAGE DISPOSAL BY AMENDING SECTION 22-117 REGARDING PAYMENT OF THE USER’S WASTEWATER SERVICE CHARGES, PENALTIES AND DISCONTINUANCE OF SERVICE**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 22-117 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

**Sec. 22-117. Payment of the user’s wastewater service charges, penalties and discontinuance of service.**

- (a) Payment of wastewater bills rendered shall be due by the date as listed on the utility bill, but in no event shall be less than 10 days from mailing by the City Finance Office. The rates shall be five (5) percent greater on accounts unpaid by the due date stated on the bill.
- (b) Consumers who are delinquent on their wastewater bills will be immediately mailed a “Notice of Delinquent Account” which will detail the past due amount and additional penalty amount due. If payment is still not received at the City Finance Office by the time and date noted on the “Notice of Delinquent Account”, all utility services to the consumer will be terminated by disconnection.
- (c) Payment Agreements may be negotiated with the City Finance Office and additional fees may be applied.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015  
2<sup>nd</sup> Reading: November 23, 2015  
Published: November 25, 2015  
Effective: December 15, 2015

Motion for second reading of Ordinance No. 1578 was duly seconded by Commissioner Johnson. Motion carried unanimously.

Motion by Commissioner Corbin to give Ordinance No. 1579 – Wastewater User Charges, a second reading.

**ORDINANCE NO. 1579**

**AN ORDINANCE TO AMEND CHAPTER 22 – WATER, SEWERS AND SEWAGE DISPOSAL – ARTICLE 3 – SEWERS AND SEWAGE DISPOSAL BY AMENDING SECTION 22-119 REGARDING USER CHARGES**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Section 22-119 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

**Sec. 22-119. User charges.**

(a) The following user charges are hereby established for consumers using the municipal sewer system of the City and billed on a monthly basis:

1. Fixed fee per month - residential	\$12.50
2. Fixed fee per month - commercial/industrial	\$25.00
3. Volume fee per one hundred cubic feet	\$ 4.01
4. BOD	\$ 0.21/lb.
5. TSS <sup>5</sup>	\$ 0.18/lb.

(b) In addition to the above fees, all services after the first service that are connected to a master meter shall be charged a fee of \$10.00 (residential) or \$15.00 (commercial/industrial) per dwelling.

(c) All customers residing outside of the City limits of the City of Madison shall pay fifty percent (50%) above the aforesaid rates.

(d) Residential volume fee shall be based on a monthly average derived from water consumption during the period of November, December, January and February.

(e) Commercial/industrial consumers may have sprinkler systems separately metered to avoid sewer charges on that usage. Additional monthly user charges will be billed accordingly.

(f) User charges as imposed under this ordinance shall be reflected on utility bills mailed to users in December 2015 and thereafter and due and payable in January 2016 and thereafter.

Dated this 23<sup>rd</sup> day of November, 2015.

CITY OF MADISON

/s/Roy J. Lindsay, Jr.  
Mayor

ATTEST: /s/Jennifer Eimers  
Finance Officer

1<sup>st</sup> Reading: November 9, 2015

2<sup>nd</sup> Reading: November 23, 2015

Published: November 25, 2015

Effective: December 15, 2015

Motion for second reading of Ordinance No. 1579 was duly seconded by Commissioner Waldner. Motion carried unanimously.

Motion by Commissioner Thill to authorize the Mayor to sign the 2016 Grant PreApplication Checklist with the Federal Aviation Administration for the Madison Airport Improvement Project. Project cost totals \$1,416,000.00 with federal funding of \$1,274,400.00 along with a 5.00 percent state and local match and includes construction of a detention pond, wetland mitigation and drainage improvements. Motion seconded by Commissioner Waldner. Motion carried unanimously.

Motion by Commissioner Waldner to authorize the Mayor to sign documents (Offer and Statement of Compensation and Permanent Easement) from the SD DOT for Project No. NH 0034(160)386 PCN 02R6 (Hwy 34/2<sup>nd</sup> Street Reconstruction), second by Commissioner Corbin. Motion carried unanimously.

Motion by Commissioner Waldner to approve the specifications and set the bid date for Bid No. 841 – Install Manholes at WWTP Plug Valves for December 8<sup>th</sup> at 1:30pm, second by Commissioner Corbin. Motion carried unanimously.

Motion by Commissioner Waldner to approve a Peddlers License Application from American Exteriors, LLC, seconded by Commissioner Johnson. Motion carried unanimously.

Motion by Commissioner Waldner to approve the following personnel: Michaela Shay - \$12.60/hour, Tyler Grassel - \$16.13/hour, Laurie Bunker - \$39,180.00/year, Cody Davis - \$8.50/hour, second by Commissioner Johnson. Motion carried unanimously.

Motion by Commissioner Johnson to adjourn, second by Commissioner Thill. Motion carried unanimously.

The Board of Commissioners adjourned at 5:47pm.

/s/Jennifer Eimers  
Finance Officer

Published once at the approximate cost of \$\_.