

Wednesday May 8, 2025

The Martin City Council met in Regular Session on Wednesday, May 14th, 2025 at 5:30 p.m. in the Library Community Room at 101 Main Street.

Mayor Gary Rayhill called the meeting to order with council members Tootie Moffitt, Warren Peterson, Gloria Claussen, Larry Gauer, Randy Kocourek and Tyler Nollett present. Absent, none.

Others present, Chris Doctor with the Bennett County Booster, Joyce Wilson, Janelle Haynes, Doug Lucero, Bennett County States Attorney Sara Harris, Bob Fogg, Jay Yohner, Blu Donovan, Susan Williams, BC Sherriff Jason Erwin, Samantha Little Eagle, Doug Lucero, Samantha Little Eagle, City Foreman Paul Noel, City Attorney Sara Frankenstein and Finance Officer Jean Kirk.

**Approval of Agenda:** Moffitt moved to approve the agenda with flexibility. Nollett seconded the motion. All in favor, motion carried.

Minutes: Randy Kocourek moved to approve the minutes from the April 9<sup>th</sup> and the minutes from the April 11<sup>th</sup> special meeting. Gauer seconded the motion, all voting aye, motion carried.

**Finance Officer's Report:** Gauer moved approve the Finance officer's report for April. Seconded by Peterson, all voting aye, motion carried.

Beginning Balance on Hand	\$4,516,282
April Receipts	150,118
Total to be accounted for	4,666,400
Transfer In	13,177
Transfer Out	13,177
Disbursements	161,642
Outstanding Warrants	10,448
CD & Petty Cash	22,702

**Claims May 2025:** The claims were reviewed by the council. Peterson moved to pay the May claims. Seconded by Nollett, all voting aye, motion carried.

**Insert May Claims Here**

Nollett moved to approve the payment of \$703 to the USDA for the Lagoon payment. Peterson seconded the motion. All voting aye, motion carried.

Nollett moved to approve payment of the quarterly water tower loan of \$10,866.09 and the water project loan of \$4,502.16. Moffitt seconded the motion, all voting aye, motion carried.

**Annual Report:** The City of Martin's Annual report for 2024 was reviewed. The City is in a good financial position. Total assets as of 12/31/24 was \$4,432,269. This is up from 2023. The total of long-term debt is \$891,490. Gauer moved to approve the Annual Report. Nollett seconded the motion, all voting aye, motion carried. Published separately in this paper.

**Cozad Property:** The survey of the Cozad lots is complete. The council reviewed a copy of the plat. Kocourek moved to table any action until next meeting contingent on the plat being approved by the county. Nollett seconded the motion, all voting aye, motion carried.

**Law:** There were 223 calls for service, 143 of those were in Martin. 102 traffic tickets, 50 of those in Martin, and 21 arrests, 4 ordinance violation tickets written and 15 dogs taken care of.

**911 Fees:** A discussion was held with the county commissioners about the 911 fees charged by Winner dispatch for dispatching the police, ambulance and fire department. After the discussion Gloria Claussen moved to split all fees with the county. Seconded by Gauer, all voting aye Gauer, Nollett, Moffitt, Claussen, and Kocourek. Voting nay Peterson, motion carried

**Police Cars:** A discussion was held on the police vehicles. The county was supposed to decide after 6 months if they wanted to buy the vehicles. The city still owes \$13,622.88 on the two Durango's. Scott Bair was going to appraise them for the city. Peterson moved to table this until next month when they have the appraisal. Nollett seconded the motion, all voting aye, motion carried.

**Souls:** Samantha Little Eagle informed the council that the oven exhaust hood needs to be cleaned. There was so much grease built up on it that the exhaust fan belt broke and she had to be closed for the weekend. She also asked the council if the city could buy some picnic tables that she could put on the patio. Nollett moved to purchase picnic tables to be used seasonally at Souls.

**Ordinance #263 Second Reading:** The second reading of Ordinance 263 was held.

### **ORDINANCE #263**

## **AN ORDINANCE AMENDING SECTION 2-3-7 TO MARTIN CITY CODE TITLE TWO CHAPTER THREE, DOGS AND CATS**

**BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, BENNETT COUNTY,  
SOUTH DAKOTA**

That Martin Code 2-3-7 is hereby amended to read as follows:

### **2-3-7 VICIOUS ANIMAL**

The City's designated official may declare an animal vicious and take the following action to remove vicious animals:

**(1) Declaring Vicious Animals.** An animal may be declared vicious by the designated official upon reasonable investigation of reports that an animal attacked or threatened to attack an individual located within the City's boundaries under the following guideline:

- (i) An animal which, in a vicious or terrorizing manner, approaches in an apparent attitude of attack or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks, or any public grounds or places; or

(ii) An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, deliveryman, law enforcement officer, or other city employed person, or other animal who is on private property by reason of permission of the property occupant or who is on private property in the course of dealing with the property occupant.

(iii) An animal may not be declared vicious by the designated official in the following situations:

(a) If an animal attacks, bites, inflicts injury, assaults or otherwise attacks a person or animal who is trespassing or committing another tort or criminal conduct upon the property where the animal is located; or

(b) If an animal attacks, bites, inflicts injury, assaults as a reaction to a person teasing, tormenting, abusing, or assaulting the animal.

(2) **Removing Vicious Animals.** Upon an animal being declared vicious by the designated official, the designated official may provide notice, either verbally or in writing, to any occupant of property that such animal has been declared vicious. The occupant of the property shall remove the nuisance from the property within twelve (12) hours after receiving notice that the animal is vicious. Notice may be given by placing a written instrument on or under the door of the property or informing an individual at the house over the age of fourteen years old then residing at the property.

(i) The notice provided shall consist of the following information:

(a) The name of the property occupant;

(b) The property occupant's address;

(c) A description of the alleged vicious behavior identifying the provision the animal is being declared vicious under Section 2-3-7(1)(i) or Section 2-3-7(1)(ii);

(d) Identifying the amount of time the property occupant has to remove the nuisance; and

(e) The designated official's contact information if the property owner has questions.

(ii) If the vicious animal is not permanently removed from the property after the expiration of the twelve (12) hours after being notified, the designated official may remove the vicious animal and immediately euthanize the vicious animal.

This Ordinance shall be in force from and after its passage and publication as required by law.

Dated this 14 day of May, 2025.

CITY OF MARTIN  
A Municipal Corporation

By: \_\_\_\_\_  
Gary Rayhill, Mayor

ATTEST:

By: \_\_\_\_\_  
Finance Officer

1st Reading April 9, 2025  
2nd Reading May 14, 2025  
Published May 28, 2025  
Effective June 17, 2025

Gauer moved to approve the second reading and publish Ordinance #263. Moffitt seconded the motion, all voting aye, motion carried.

**Ordinance #264 Second Reading:** the second reading of Ordinance #264 was held.

**ORDINANCE #264**

**AN ORDINANCE AMENDING SECTION 2-3-6 TO MARTIN CITY CODE TITLE TWO  
CHAPTER THREE, DOGS AND CATS**

BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, BENNETT COUNTY,  
SOUTH DAKOTA

That Martin Code 2-3-6 is hereby amended to read as follows:

**2-3-6 NOTICE TO OWNER OF APPREHENSION-EUTHANIZATION OF DOGS OR  
CATS**

The City's designated official, to enforce Section 2-3-4 of this Code, may take the following actions:

(1) **Apprehend Dogs and Cats At-Large.** The designated official may apprehend dogs or cats running at large. Within a reasonable time after a dog or cat is apprehended, the City shall attempt to notify the owner of the dog or cat of the apprehension.

(i) The owner of any dog or cat so apprehended may reclaim such dog or cat upon payment of costs and expenses incurred by the City of Martin for apprehending or impounding the dog or cat. Costs and expenses shall be determined by the City and set at

a fixed rate. If the dog or cat is unlicensed, the City may also require payment of the City's license fee and the cost of vaccination prior to the owner reclaiming the dog or cat.

(ii) No person can reclaim a dog or cat if that person, or that person's household, would be violating the total number of dogs or cats allowed by the City's ordinances by reclaiming the dog or cat.

(iii) The designated official may euthanize any dog or cat apprehended within city limits if it is in violation of Section 2-3-4(1)(vi)-(viii).

**(2) Eliminate Public Nuisances from Private Property.** The designated official, to enforce Section 2-3-4, may provide notice, either verbally or in writing, to any occupant of property where a public nuisance exists. The occupant of the property shall remove the nuisance from the property within forty-eight (48) hours after receiving notice of the public nuisance. Notice may be given by placing a written instrument on or under the door of the property, informing an individual at the house over the age of fourteen years old then residing at the property, or sending notice by first-class mail to the property occupant.

- (i) The notice provided shall consist of the following information:
- (a) The name of a property occupant;
  - (b) The property occupant's address;
  - (c) A description of the alleged nuisance and the Code provision being violated;
  - (d) The deadline for the property occupant to remove the nuisance;
  - (e) Identifying the amount of time the property occupant has to remove the nuisance; and
  - (f) The designated official's contact information if the property owner has questions.
- (ii) If the public nuisance is not removed from the property after the expiration of the forty-eight (48) hours after being notified, the designated official may remove the nuisance and immediately euthanize any dog or cat not licensed or not vaccinated in violation of Section 2-3-4(vi)-(viii).

This Ordinance shall be in force from and after its passage and publication as required by law.

Authority: SDCL 21-10-6; SDCL 9-29-12; SDCL 9-29-13

Dated this 14 day of May, 2025.

CITY OF MARTIN  
A Municipal Corporation

By: \_\_\_\_\_  
Gary Rayhill, Mayor

ATTEST:

By: \_\_\_\_\_  
Finance Officer

1st Reading April 9, 2025  
2nd Reading May 14, 2025  
Published May 28, 2025  
Effective June 17, 2025

Moffitt moved to approve the second reading and publish Ordinance #264. Kocourek seconded the motion all voting aye, motion carried.

**Ordinance #265 Second Reading:** The second reading of Ordinance #265 was held.

**ORDINANCE #265**

**AN ORDINANCE AMENDING SECTION 2-3-5 TO MARTIN CITY CODE TITLE TWO  
CHAPTER THREE, DOGS AND CATS**

BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, BENNETT COUNTY,  
SOUTH DAKOTA

That Martin Code 2-3-5 is hereby amended to read as follows:

**2-3-5 APPREHENSION OF DOGS OR CATS**

(1) It shall be the duty of the City of Martin's then acting Police force, or other person officially designated, to apprehend dogs or cats in violation of Code sec. 2-3-4. The designated official shall make a complete registry upon apprehending any dog or cat, entering the breed (if known), color, and sex of such dog or cat. The designated official shall enter the name and address of the owner (if known), the number of the license tag, if any, and location of where the dog or cat was found. The designated official may euthanize unlicensed dogs or cats pursuant to Code sec. 2-3-6(1)(iii).

This Ordinance shall be in force from and after its passage and publication as required by law.

Authority: SDCL 21-10-6; SDCL 9-29-12; SDCL 9-29-13

Dated this 14 day of May, 2025.

CITY OF MARTIN  
A Municipal Corporation

By: \_\_\_\_\_  
Gary Rayhill, Mayor

ATTEST:

By: \_\_\_\_\_  
Finance Officer

1st Reading April 9, 2025  
2nd Reading May 14, 2025  
Published May 28, 2025  
Effective June 17, 2025

Gauer moved to approve the second reading and publish Ordinance #265. Moffitt seconded the motion, all voting aye, motion carried.

**Ordinance #266 Second Reading:** The second reading of Ordinance #266 was held.

### **ORDINANCE #266**

## **AN ORDINANCE AMENDING SECTION 2-3-4 TO MARTIN CITY CODE TITLE TWO CHAPTER THREE, DOGS AND CATS**

BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, BENNETT COUNTY,  
SOUTH DAKOTA

That Martin Code 2-3-4 is hereby amended to read as follows:

### **2-3-4 DOGS OR CATS AS PUBLIC NUISANCE**

(1) No owner or keeper shall permit any dogs or cats to become a public nuisance. For the purpose of this Chapter, a public nuisance is defined as:

- (i) excessive barking or meowing to the point that it creates public annoyance;
- (ii) running in packs;
- (iii) being on public property and by their presence creating a public disturbance and constituting threat to the safety of any person;
- (iv) being on the private property of persons other than the owner and digging holes, tearing up garbage bags or containers, or otherwise interfering with the normal and reasonable use and enjoyment of such private property by said persons;
- (v) creating by their presence an offensive and foul odor;
- (vi) unlicensed dogs or cats running at large;
- (vii) maintaining more than three dogs or cats on private property, exclusive of puppies or kittens six months or younger; or

(viii) maintaining dogs or cats without proper vaccinations.

(2) When off the premises of the owner, dogs or cats must be accompanied by a person who has full control of the dog or cat at all times.

(3) The City by its Police, as defined chapter 1-1 of the City's code, may declare and abate any of the above-listed nuisances by following Code secs. 2-3-5 and 2-3-6.

This Ordinance shall be in force from and after its passage and publication as required by law.

Authority: SDCL 21-10-6; SDCL 9-29-12; SDCL 9-29-13

Dated this 14 day of May. 2025.

CITY OF MARTIN  
A Municipal Corporation

By: \_\_\_\_\_  
Gary Rayhill, Mayor

ATTEST:

By: \_\_\_\_\_  
Finance Officer

1st Reading April 9, 2025  
2nd Reading May 14, 2025  
Published May 28, 2025  
Effective June 17, 2025

**Adjournment:** As there was no further business to come before the retiring Council a motion to adjourn was entered by Gauer.

Mayor Rayhill called the City Council meeting to order.

Oath of office was given to Douglas Lucero for a two-year term for Ward I, Joyce Wilson for a two-year term for Ward III and Gary Rayhill for a two-year term for Mayor.

**Ward Appointments:** Mayor Rayhill appointed Janelle Haynes to a one-year term for Ward II. Peterson moved to accept the appointment. Lucero seconded the motion, all voting aye, motion carried.

**Council President:** Lucero moved to appoint Warren Peterson president of the Council. Kocourek seconded the motion, all voting aye, motion carried.



**Council Vice President:** Peterson moved to appoint Doug Lucero as Vice president. Moffitt seconded the motion, all voting aye, motion carried

**Committee assignments:** Audit & Finance; Janelle Haynes, Tootie Moffitt and Gary Rayhill. Airport; Doug Lucero, Randy Kocourek. City Improvement; Doug Lucero, Cecilia Moffitt, Janelle Haynes. Economic Development; Joyce Wilson, Randy Kocourek, Warren Peterson. Hodson Park; Tootie Moffitt, Gary Rayhill, Herb Hodson & Clarence Allen. Law Grievance, Enforcement, & Fire; Joyce Wilson, Janelle Haynes. Liquor & Souls; Joyce Wilson, Warren Peterson. Parks & Recreation; Warren Peterson, Cecilia Moffitt. Wage and Personnel; Joyce Wilson, Doug Lucero. Utilities (water, sewer) Janelle Haynes, Cecilia Moffitt. Street& Alleys; Randy Kocourek, Doug Lucero. Ordinances & Building permits; Joyce Wilson, Randy Kocourek, Doug Lucero. Health, Sanitation, & Recycling; Doug Lucero, Randy Kocourek. Board of Appeals; City Council. Heritage Center; Janelle Haynes, Tootie Moffitt & Joyce Wilson. Code Enforcement; Warren Peterson, Joyce Wilson, Randy Kocourek. Cannabis; Joyce Wilson, Warren Peterson. Building, Health, and Sanitation Official; Chris Rosario, CNP.

**Official Depository:** Peterson moved with a second by Kocourek to designate Security First Bank the Official Depository for the City of Martin. All voting aye, motion carried.

**Official Newspaper:** Moffitt moved with a seconded by Kocourek to designate the Bennett County Booster as the Official Newspaper of the City of Martin. All voting aye, motion carried.

**City Attorney:** Mayor Rayhill appointed Sara Frankenstein city attorney. Peterson moved to approve the appointment with a second by Lucero. All voting aye, motion carried.

**Resolution 2025-1** A motion was entered by Kocourek and seconded by Peterson to approve Resolution 2025-1. All voting aye, motion carried.

#### **RESOLUTION #2025-1**

**BE IT RESOLVED** by the Martin City Council, Martin, South Dakota, that Security First Bank of Martin, South Dakota, has been designated as the Official Depository for all the funds of the City of Martin.

**BE IT RESOLVED** that in regards to various accounts that the City of Martin has on deposit with Security First Bank that the following procedure be adopted in regards to requirement of signatures:

**General Checking Account:** 2 signatures required. Names on signature cards being that of the Mayor Gary Rayhill, Council member Gloria Claussen, Finance Officer, Jean Kirk and Assistant Finance Officer Tiffany Pettit.

**Special Checking Account and Meter Deposit Checking Account:** 1 signature required. Names on signature cards being that of Finance Officer Jean Kirk and Assistant Finance Officer Tiffany Pettit.

**All Other Accounts, be it First Plus Checking, Pass Books Savings, CD's, etc.,** shall be by transfer only into the General Checking Account by Martin City Council approval. 1

Signature required. Names on signature cards being that of the Finance Officer Jean Kirk.

**BE IT RESOLVED** that the City of Martin is authorized to use a custodial account offered by Security First Bank within which Security First Bank arranges for deposited funds to be placed in one or more federally insured financial institutions pursuant to the provisions South Dakota Statue §4-5-6.1.

**BE IT RESOLVED** that the Finance Officer Jean Kirk is authorized to open new checking or savings accounts for the City of Martin, if they are so needed.

**BE IT RESOLVED** that the Mayor Gary Rayhill or Council President Warren Peterson along with the Finance Officer Jean Kirk be authorized to borrow money on behalf and in the name of the City of Martin, sign, execute and deliver promissory notes of evidence of indebtedness, with approval of the Martin City Council. 2 signatures required.

**BE IT FURTHER RESOLVED** that this resolution shall continue to have effect until express written notice of its rescission or modification by the Martin City Council, has been received and recorded by Security First Bank of Martin, South Dakota.

Dated this 14<sup>th</sup> day of May, 2025

(Seal)

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Mayor, Gary Rayhill

ATTEST:

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Jean Kirk, Finance Officer

Adopted: May 14, 2025

Published: May 28, 2025

Effective Date: June 17, 2025

**Markota Building:** Peterson moved to Approve the quote of \$6700 from Performance Plus to finish painting the Markota building. Lucero seconded the motion, all voting aye, motion carried.

**Power at Hodson Park:** A discussion was held on the electrical power at Hodson park. Forman Noel explained to the council that right now the power is coming from across the street at the hospital. If they start construction on the new hospital the electrical source would be lost. Kocourek moved to table this till next month when they can have quotes on how much it will cost to get power to Hodson park from a different location. Wilson seconded the motion, all voting aye, motion carried.

**Pool:** Foreman Noel told the council that they are working on the floors right now and as soon as the new diving board is installed, they will finish painting. Four applications have been received for life guards at the pool. Peterson moved to hire Rosa Ainslie, William Ainslie, Kierra Noel and Tiernan Arnold as life guards at \$12.50 an hour. Lucero seconded the motion, all voting, motion carried.

**Building Permits:** Three building permits were reviewed by the council. Kenny and Nancy Cook at 402 Easy St are remodeling existing garage and adding a new garage. Loren Haynes at 302 5th Ave is adding a deck and awning. Steve and Nora Fuchs are demolishing old house and putting in a modular home at 301 Third Ave. Peterson moved to approve all three permits. Lucero seconded the motion, all voting aye, motion carried.

**Past due Water Bills:** A motion to handle the past due water bills as usual was entered by Lucero and seconded by Moffitt. All voting aye, motion carried.

**Adjournment:** As there was no further business to come before the council at this time, motion to adjourn was entered by Moffitt.

The next city council meeting will be held June 10th at 5:30 p.m. at the library community room.

Dated this 14th day of May, 2025

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Gary Rayhill, Mayor

ATTEST: \_\_\_\_\_  
Jean Kirk, Finance Officer

Published once at a total estimated cost of \$