

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
MITCHELL, SOUTH DAKOTA**

**February 22, 2022
6:00 P.M.**

PRESENT: Dan Allen, Marty Barington, Kevin McCardle, Steve Rice, Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT: John Doescher

PRESIDING: Mayor Bob Everson

AGENDA:

Mayor Everson added an Executive Session 1-25-2(3) Legal to the agenda.

Moved by Rice, seconded by McCardle, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council February 7, 2022 and
 2. Special City Council February 14, 2022.
- b. Committee Reports
 1. Planning Commission February 3, 2022,
 2. Corn Palace Board January 4, 2022, and
 3. Corn Palace Board February 1, 2022.
- c. Department Reports
 1. Sales Tax Collections (January),
 2. Building Permits (January),
 3. Police (January),
 4. Fire/EMS (January),
 5. Code Enforcement (January),
 6. Airport (January), and
 7. Water (January).
- d. Acknowledge Acceptance of Audit Report for 2020.
- e. Approval of SD State Historical Society Deadwood Grant on behalf of MADC.
- f. Volunteer Board Appointments
 1. Reappoint Ben Kalovsky to the Main Street Business Improvement Board for the term of January 2022-December 2024 and
 2. Reappoint Melissa Schwalm to the Main Street Business Improvement Board for the term of January 2022-December 2024.
- g. Raffle Permits
 1. Mitchell Main Street & Beyond with the drawing to be held on March 19, 2022,

2. Lifequest with the drawing to be held on March 25, 2022,
 3. Central Electric Cooperative with the drawing to be held on March 26, 2022, and
 4. Gertie Belle Rogers PTA with the drawing to be held on April 14, 2022.
- h. Property Tax Abatements for 2021 Taxes Payable in 2022.
The property tax abatements will be on file for review in the Finance Office at City Hall.
- i. Pay Estimates February 22, 2022
- Pay Estimate #13 in the amount of \$9,808.75 for Dry Run Creek Analysis #2019-33 contracted to Infrastructure Design Group,
 - Pay Estimate #7 in the amount of \$31,718.95 for East Central Drainage-Phase II #2019-39 contracted to Infrastructure Design Group,
 - Pay Estimate #5-2021 in the amount of \$8,666.66 for Mitchell Airport Snow Removal #2019-53R2 contracted to Quality Cut Lawn & Snow,
 - Pay Estimate #14 in the amount of \$382.65 for Dailey Drive Lift Station #2020-12 contracted to SPN & Associates,
 - Pay Estimate #5 in the amount of \$100,504.70 for Ground Storage Tank #2020-20 contracted to Infrastructure Design Group,
 - Pay Estimate #5 in the amount of \$4,662.50 for West Side Water Tower #2021-3 contracted to SPN & Associates,
 - Pay Estimate #6 in the amount of \$1,162.50 for West Side Water Tower #2021-3 contracted to SPN & Associates,
 - Pay Estimate #10 in the amount of \$47,287.67 for 9th-Sanborn to Lawler & 5th-Sanborn to Main #2021-7 contracted to McLaury Engineering,
 - Pay Estimate #10 in the amount of \$2,465.00 for Landfill Cell #4 #2021-8 contracted to Helms & Associates,
 - Pay Estimate #2 in the amount of \$12,229.10 for Firesteel Creek Dam Design #2021-18 contracted to Ducks Unlimited,
 - Pay Estimate #5 in the amount of \$27,550.00 for Lake Mitchell Dredging #2021-20 contracted to Barr Engineering,
 - Pay Estimate #11 in the amount of \$115,070.82 for North Wastewater Improvements #2021-31 contracted to HDR Engineering,
 - Pay Estimate #5 in the amount of \$2,757.50 for Mitchell Risk & Resilience Assessment #2021-36 contracted to HDR Engineering,
 - Pay Estimate #3 in the amount of \$354.00 for Water Distribution System Model Support #2021-37 contracted to AE2S,
 - Pay Estimate #3 in the amount of \$16,650.00 for Spruce Street Railroad Crossing #2021-39 contracted to Brosz Engineering,
 - Pay Estimate #5 in the amount of \$2,638.75 for Highway #37 Utility Design #2021-45 contracted to SPN & Associates,
 - Pay Estimate #6 in the amount of \$2,180.00 for Highway #37 Utility Design #2021-45 contracted to SPN & Associates,
 - Pay Estimate #1 in the amount of \$121,453.00 for Ice Arena Refrigeration Replacement #2021-46 contracted to All American Arena Products, and
 - Pay Estimate #18 in the amount of \$3,719.63 for AIP '28 ALP/Master Plan contracted to Helms & Associates.

j. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer.

PAYROLL JANUARY 23, 2022 – FEBRUARY 5, 2022: City Council \$3,411.04, Mayor \$1,474.35, City Administrator \$5,536.92, Attorney \$4,601.23, Finance \$13,047.67, Human Resources \$3,703.81, Municipal Building \$3,122.24, Information Technology \$3,127.37, Police \$69,924.16, Traffic \$3,857.28, Fire \$34,383.57, Street \$26,871.20, Public Works \$19,289.85, Cemetery \$4,711.90, Animal Control \$1,544.71, Library \$16,562.21, Recreation & Aquatics \$5,806.16, Recreation Center \$20,595.32, Sports Complexes \$10,032.58, Parks \$10,222.93, Supervision \$1,939.12, E911 \$20,317.98, MVP \$742.07, Palace Transit \$24,669.62, JVCC \$906.39, Nutrition \$3,939.32, Water Distribution \$12,943.06, Sewer \$15,268.28, Airport \$3,207.26, Recycling Program \$5,985.11, Waste Collection \$6,114.04, Landfill \$8,851.38, Corn Palace \$18,640.08, Golf Course \$3,574.43, Emergency Medical Services \$29,852.75.

NEW HIRES:

E-911: Nicole Peterson-\$20.376

RECREATION CENTER: Susan Krcil-\$9.95, Reagan Nydam-\$11.45, Kayla Purintun-\$11.45, MacKenzie Stange-\$11.45

SALARY ADJUSTMENTS:

FIRE: Daniel Esh-\$19.448

LIBRARY: Cynthia Meinen-\$29.168

MUNICIPAL BUILDINGS: Kevin Dykes-\$21.675

POLICE: Justin Maas-\$23.338

TERMINATIONS:

PALACE TRANSIT: Geoffrey Byrd

POLICE: Dayne Clark

STREET: Kevin Hughes

WARRANTS: A-Ox Welding Supply, Supplies-\$395.47; AAA Collections, Pre collection Letters-\$252.00; Accounts Management, Garnishment-\$368.93; Advance Auto Parts, Repair-\$77.49; Advanced Engineering and Environment Services, 2021-37 P.E. #3-\$354.00; AFSCME Council 65, Union Dues-\$511.23; All American Arena Product, 2021-46 P.E. #1-\$121,453.00; Amazon Capital Services, Supplies-\$1,747.27; American Garage Door, Maintenance-\$101.18; Andrew Shank, Travel-\$45.01; Aqua-Pure, Supplies-\$1,862.50; Aramark Uniform Services,

Supplies-\$185.67; Arctic Refrigeration, Repair-\$454.13; ATV Holdings, DBA Mitchell Telecom, Utilities-\$2,564.94; Avera Occupational Medicine, Testing-\$1,038.00; Avera Queen of Peace Hospital, Supplies-\$326.14; B-Y Water District, Utilities-\$49,231.98; Bailey Metal Fabricators, Repair-\$253.24; Barr Engineering, 2021-20 P.E. #5-\$27,550.00; Big Daddy D's, Contract Services-\$2,183.50; Blackstone Publishing, Audiobook-\$32.00; Brosz Engineering, 2021-39 P.E. #3-\$16,650.00; Buhl's Drycleaning, Service-\$149.00; Builders First Source, Supplies-\$1,666.22; Butler Machinery, Supplies-\$839.80; C & B Operations, Supplies-\$101.93; Carquest Auto Parts, Supplies-\$34.73; Casey Tegethoff, Reimbursement-\$123.88; CDW Government, Supplies-\$841.67; Cengage Learning Inc/Gale, Books-\$403.85; Central Electric, Utilities-\$12,340.12; City of Rapid City License, Registration-\$30.00; Coborns, Contract Services-\$493.50; Coca Cola Bottling, Supplies-\$1,329.35; Core & Main, Supplies-\$37,404.88; Core-Mark Midcontinent, Supplies-\$6,946.84; Corporate Translation Service, Translation Services-\$5.59; County Fair, Contract Services-\$792.75; Culligan Water, Rental-\$50.00; Dak Tech, Supplies-\$1,435.00; Dakota Data Shred, Service-\$59.67; Dakota Fluid Power, Supplies-\$318.74; Dakota Pump, Supplies-\$2,198.84; Darrington Water Conditioning, Rent-\$49.40; Davison Rural Water Systems, Utilities-\$85.10; Demco, Supplies-\$107.60; Department of Motor Vehicle, Vehicle Tags-\$4.00; Department of Social Services, Child Support-\$600.87; Dice Benefits Consulting, Administration Fee-\$498.00; Diesel Laptops, Repairs-\$1,995.00; Display Sales, Supplies-\$390.00; Ducks Unlimited, 2021-18 P.E. #2-\$12,229.10; Dug Out, Contract Services-\$715.75; Dakota Wesleyan University Athletics, Sports Authority Promotion-\$2,000.00; Emergency Education, Training-\$150.00; Evident, Supplies-\$257.44; Farmers Alliance, Supplies-\$1,883.72; Fastenal, Supplies-\$51.68; Fedex, Shipping-\$15.23; Flagshooter, Supplies-\$1,178.39; Forum Communications, Publishing-\$486.67; Grainger, Supplies-\$146.11; Guardian Alliance Technology, Background Check-\$50.00; HDR Engineering, 2021-31 P.E. #11-\$117,828.32; Helms and Associates, 2021-8 P.E. #10-\$6,184.63; Henry Schein, Supplies-\$153.18; Howes Oil, Supplies-\$19,875.41; Ican, Publishing-\$750.00; Infrastructure Design Group, 2019-33 P.E. #13-\$143,832.40; Ingram Library Services, Books-\$1,344.83; Innovative Office Solution, Supplies-\$276.35; International Municipal Law, Membership-\$625.00; Interstate Office Products, Supplies-\$31.74; Jason Tuttle, Supplies-\$189.94; JCL Solutions, Supplies-\$126.20; JD Concrete Products, Supplies-\$101.42; Johnson Controls, Maintenance-\$6,201.80; Jones Supplies, Supplies-\$931.50; Julie Berger, Sports Authority Promotion-\$250.00; Kone Chicago, Maintenance-\$862.80; Lakeview Books, Books-\$326.04; Larry's I-90 Service, Supplies-\$2,181.67; Lawson Products, Supplies-\$908.17; Leads Online, Professional Service-\$2,212.44; Leighton Family Farms, Supplies-\$450.00; Lewis Family Drug, Supplies-\$39.96; Make It Mine Designs, Supplies-\$4,050.99; McLaury Engineering, 2021-7 P.E. #10-\$47,287.67; McLeod's Printing, Supplies-\$314.90; Medical Waste Transport, Supplies-\$127.96; Menard's, Supplies-\$2,547.13; Meyers Oil, Supplies-\$1,117.90; Midcontinent Communication, Publishing-\$2,199.00; Midwest Alarm, Monitoring-\$85.50; Midwest Turf & Irrigation, Supplies-\$108.50; Mitchell Concrete Product, Supplies-\$90.44; Mitchell Convention & Visitors Bureau, 2022 Funding February-\$20,800.00; Mitchell Iron & Supply, Supplies-\$53.84; Mitchell Music Boosters, Sports Authority Promotion-\$3,000.00; Mitchell School District, Utilities-\$1,860.57; Mitchell United Way, United Way-\$199.66; Mount Vernon School District, Contract Services-\$96.75; Mueller Lumber, Supplies-\$39.94; Muth Electric, Supplies-\$242.24; N-Able Solutions, Backup-\$225.47; Napa Central, Supplies-\$129.66; Nedved Media, Publishing-\$5,000.00; Northwestern Energy & Communications, Utilities-\$81,707.77; Online Computer Library

Center, Cataloging Service-\$361.72; One Source The Background, Background Checks-\$261.00; Overtime Steak House and Sports Bar, Contract Services-\$1,683.50; Paulson Sheet Metal, Maintenance-\$315.00; Penworthy. Books-\$369.86; Pepsi Cola, Supplies-\$874.38; Peterbilt of Sioux Falls, Supplies-\$85.50; Premier Pest Control, Contract Services-\$200.00; Qualified Presort, Mailing Service-\$528.14; Quality Cut Lawn & Tree Service, 2019-53R2 P.E. #5-2021-\$8,666.66; Robert B Everson Jr, Legislative meeting-\$131.04; Runnings Supply, Supplies-\$921.13; S & M Printing, Supplies-\$134.00; Saga Communications of South Dakota, Publishing-\$642.00; Sanitation Products, Supplies-\$624.63; Santel Communications, Utilities-\$106.16; Schmucker Paul & Nohr, 2020-12 P.E. #14-\$11,026.40; Schoenfelder Portables, Rental-\$175.00; Scott Supply, Supplies-\$52.20; South Dakota Retirement System, Retirement Contributions-\$51,909.46; South Dakota Supplemental Retirement, Supplemental Retirement-\$14,243.69; South Dakota-Supplemental Roth 457, Roth 457 Contributions-\$1,253.50; South Dakota Association of Rural Water Systems, Conference-\$275.00; South Dakota Waste Water Association, Registration-\$120.00; Shane Taylor, Supplies-\$40.60; Sherwin-Williams, Supplies-\$105.13; Standard Insurance, Life Insurance-\$416.06; Staples, Supplies-\$281.81; Stitchtogether, Service-\$12.00; Stryker, Service Contract-\$6,211.80; Sturdevants Mitchell, Supplies-\$523.30; Subway. Meals-\$29.96; Sun Gold Sports, Supplies-\$90.00; Teamsters Local No. 120, Union Dues-\$1,506.00; Tessier's, Repair-\$703.59; Thomas L Price, Professional Service-\$350.00; Thomson Reuters West, Law Database-\$827.49; Thune True Value Hardware, Supplies-\$154.01; TK Electric, Maintenance-\$357.14; TMA Stores, Supplies-\$133.84; Tom Schaffner, Training-\$1,350.00; Tractor Supply Credit Plan, Supplies-\$164.94; Trizetto Provider Solution, Supplies-\$74.40; United Parcel Service Store #4227, Shipping-\$31.41; USA Blue Book, Supplies-\$272.46; Verizon Wireless, Utilities-\$723.92; Vern Eide Chevrolet Buick, Supplies-\$1,271.49; Vern Eide Ford Lincoln, Parts-\$522.39; Walmart, Supplies-\$181.58; Wastequip, Supplies-\$39,839.39; Watertown Wholesale, Supplies-\$108.68; Webstaurantstore, Equipment-\$35,908.28; Wheelco Brake & Supply, Supplies-\$819.19; Wholesale Electronics, Supplies-\$23.70, Ellwein Brothers, Supplies-\$594.00, Administration, Prescription, Medical, Expense Posting-\$41,793.93, Wellmark of South Dakota, Administration, Prescription, Medical-\$145,258.36, Wage Works, Flex Expenses-\$6,322.06, Harland Checks, Deposit Books-\$358.40, Harland Checks, Deposit Books-\$47.96, U. S. Bank, Bond Payments-\$320,548.64, South Dakota State Treasurer, Sales Tax Payment-\$16,290.85, Ellwein Brothers, Supplies-\$649.00.

Members present voting aye: Allen, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried.

Barington is now present.

BOARD OF ADJUSTMENT:

Moved by Allen, seconded by Rice, for the City Council to recess and sit as the Board of Adjustment. Motion carried.

It was advised that this is the time set for hearing on the application of Gold Key Properties LLC for a front yard variance of 23' vs 25' to construct a duplex located at 707 South Davison, legally described as Lot 55, Overlook Addition, City of Mitchell, Davison County, South Dakota. The

property is zoned R3 Medium Family Residential District. The Planning Commission recommended approval of said application. Moved by Tjarks, seconded by Rice, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Nick and Hilary Rockwell for a variance for an oversized garage and accessory building combination of 4,560 square feet vs 2,000 square feet and maximum height for an accessory building of 27' vs 22' located at 5213 Fiala Road, legally described as Lot 4 of Fiala's Addition in the NW ¼ of Section 4, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The property is zoned RL Lake Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Sabers, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Erika Zilla for a conditional use permit to operate a family residential childcare located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, Davison County, South Dakota. The property is zoned R1 Single Family Residential District. The Planning Commission recommended approval of said application with the following conditions, the permit is nontransferable, if the business ceases to operate for a period of six months a new permit is required, and pass a fire inspection. Moved by Allen, seconded by Rice, to approve said application with Planning Commission recommendations. Motion carried.

Moved by Rice, seconded by McCardle, for the Board of Adjustment to adjourn and the City Council to reconvene in regular session. Motion carried.

HEARING:

It was advised that this is the date and time set for hearing on the application to transfer PL-4691 Package (Off sale) Liquor License from Bates Enterprises LLC dba Big Dummy's/Longhorn Bar, 112 North Main to Depot Mitchell LLC dba Depot Mitchell LLC, 210 South Main Street. Notice of hearing has been given and affidavit of publication is on file. Moved by Sabers, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Bates Enterprises LLC dba Big Dummy's, 112 North Main for a new Retail (On-off sale) Malt Beverage & SD Farm Wine License (does not include video lottery). Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Barington, to approve said application. Motion carried.

CONSIDER APPROVAL:

Moved by Rice, seconded by Smith, to deny the request for stop signs on Douglas at the Rowley and Main intersections. Roll Call Vote: Aye-Allen, Barington, Rice, Smith, Tjarks. Nay-McCardle, Sabers. Motion carried.

Moved by Allen, seconded by Rice, to approve the Rowley and Norway Shared Use Path Project Utility and Right-of-Way Certificates, Project #2020-23. Motion carried.

AWARD BID:

Bids were opened and read on Foster Street Bridge Preservation & PCC Pavement BRF 3661 (00)20-1 PCN 07TA Str 18-160-099, Project #2021-02 on the 9th day of February, 2022. Moved by Rice, seconded by Tjarks, to award contingent upon SD Department of Transportation approval, as follows:

**FOSTER STREET BRIDGE
PROJECT #2021-02**

BX Civil & Construction, 24663 475th Ave., Dell Rapids, SD 57032

Total Bid	\$685,000.00
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Motion carried.

RESOLUTION:

Moved by Allen, seconded by McCardle, to approve Resolution #R2022-06, Bridge Reinspection Program with SDDOT and to Hire Brosz Engineering, as follows:

**RESOLUTION #R2022-06
BRIDGE REINSPECTION PROGRAM RESOLUTION**

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Mitchell is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Brosz Engineering, Inc. (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Motion carried and resolution declared duly adopted.

ORDINANCE:

Moved by Rice, seconded by Sabers, to place Ordinance #O2022-02, Rezoning of Block 12 except the South 395' of the North 490' of the West 231' of Morningview Addition in the Southeast ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District on first reading. Motion carried.

Moved by Tjarks, seconded by Rice, to place Ordinance #O2022-04, Amending the Election Wards of the City of Mitchell on first reading. Motion carried.

EXECUTIVE SESSION:

Moved by McCardle, seconded by Rice, to go into Executive Session as permitted by SDCL 1-25-2(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Motion carried.

Mayor Everson declared the board out of executive session at 7:20 p.m. and the City Council to reconvene in regular session at 7:21 p.m.

ADJOURN:

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.



Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.